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EUROPEAN PREFERENCES AND THEIR RECEPTION

By Professor Zaki Laidi (Centre d'études européennes . Sciences Po , Paris . October 2007) Not to be quoted without permission

An ever less European world

Since 1957, Europe has lived in the oblivion of the rest of the world. This was possible because its security was ensured by the United States while its economy was protected by the partial closure of its markets. Today, this Eurocentrism has been eroded by the opening of markets and the emergence of new, non-Western, powers. Therefore, Europe is now surrounded by an ever less familiar world with which it must come to terms.

To illustrate this new reality, if, in a globalized economy, what we call core labour standards are not respected, Europe, which enjoys very high labour standards, will suffer from a possible race to the bottom. If, within this same global economy, environmental standards are weaker than European ones, Europe will face an inevitable comparative disadvantage and therefore be forced to promote their harmonisation at the global level. Moreover, if European standards are not shared by others, European production may be relocated to low wage countries. The only alternative would be to set up a tax mechanism for products from areas having low environmental norms. Those simple examples make it easy to understand why, in a less and less European world, Europe needs to act in defence of its own social preferences. One of the hypotheses of the present book is that a good way to defend Europe's preferences in the world would be to expand the scope of European normativity in a world that is not

necessarily inclined to accept such a perspective. Indeed, the concept of European norms is ambiguous: does it express a sort of European virtue claiming universal validity or is it a weapon in the hands of Europe to promote its own interests? In order to answer this question, this collection of essays will try to investigate the norms Europe stands for and the way European norms are received by the other actors of the international system. Europe is also given meaning by non-Europeans. That dimension has not been investigated by the literature, and yet it needs to be explored seriously.

It should first be remembered that European policies have historically been shaped either to deal with homogeneous situations or with situations in which Europe benefited from highly asymmetrical power. For example, the enlargement policies conducted by Europe from 1957 to 1991 applied to states more or less similar to those of the founding group in terms of living standards and political system. In 1973, the three new member states had a per capita GDP that neared 80% of the average of the Six. In 2007, this figure fell to 15 % for the last twelve applicants (Moravcsik and Vachudova 2003: 46).

Beyond the borders of what was not yet called European Union, the situation was not so different. The main instrument of external policy in the hands of the European Community was its trade policy. This last one was limited to policies of dismantling tariff barriers with the United States or Japan, which were in any case societies with a comparable standard of living and sharing the same liberal vision of the world. Therefore trade negotiations were very different from the ones we are used to today because they undermined neither European public policies (especially the CAP) nor social or monetary policies. Broadly speaking, European preferences were sheltered both at the European and national level. Obviously, Europe's relationship with developing countries was very different. But those countries needed European aid more than Europe needed them. There was such an asymmetry in their relationship that they hardly influenced European choices. Moreover, preferential access to

European markets was compatible with a high degree agricultural protectionism. It is this configuration that is dramatically changing today.

The first change took place in the 'first circle', which regroups the present members of the EU. Since the fall of the Berlin wall, integration no longer involves countries sharing the same history since 1945, having similar standards of living and benefiting from firmly rooted institutions. Since 1989, integration pertains to countries that for fifty years have been isolated from the rest of the world, which had weak or chaotic democracies and very poor living conditions. This heterogeneity is ever increasing with the opening of accession talks with the Balkan countries.

In the 'second circle', which refers to western developed countries, the issues at stake have changed. Today, Europe and the United States are more or less equivalent economic powers. Between them, the problem is less to reduce trade protection than to harmonize their respective models of economic, financial and environmental governance in a globalized economy: accounting and financial rules, environmental norms, protection of personal data in the context of the fight against terrorism, etc.

But it is in the 'third circle', by which is meant the developing world, that heterogeneity is the most salient. The post-colonial space of the Africa, Caribbean, Pacific group of states (ACP), which Europe used as its backyard, is dislocated, both because of the erosion of their trade preferences in Europe and because Europe does not need this space for economic purposes as it once did (Bouet and Fontagné, 2005). Moreover, it is becoming more and more difficult to keep this area at bay through the traditional aid policy. The asymmetrical relation between Europe and the ACP has created imbalances that have direct consequences on European security, especially through migratory pressure. Therefore Europe tries to export its security norms through a set of carrots and sticks in order to avoid the import of insecurity (Wallace,

2001). That is why European cooperation and aid policies are becoming more and more concerned with security issues and political conditionality (European Commission, 2006).

Europe is then facing a combination of security threats from poorer countries and economic challenges due to the rising competitiveness of emerging markets. These latter, too, are making Europe more vulnerable, either because they are seeking access to Europe's protected agricultural markets (Brazil and Thailand) or because they remind Europe of its own economic dependence in certain strategic sectors, such as energy (Russia). That is why Europe needs to develop a new discourse, define a new strategy, devise new instruments and envisage new practices *vis-à-vis* all these new actors. Europe is therefore forced to rethink deeply its relationship with the rest of the world, not out of strategic ambition or a thirst for power but under the constraints of a globalized world. Introversion is no longer an option for Europe, unless it is prepared to accept its own decline.

European preference for norms

In order to understand the impact of these new challenges, it is important first to identify European preferences. They will then be analysed in light of how they are received by the actors according to whether they share, challenge or accept them by necessity. Reasoning in terms of preferences means first sharing a liberal vision of international relations, which implies that states' choices are not historical or cultural invariants, but are complex games of interests and identities played by individuals and groups to force public actors to take decisions according to their preferences (note). In Europe, this reality is favoured by the structure of European governance itself: multi-level governance where the member states, the European Commission and the European Parliament interact, not to forget, of course, all the social actors that try to influence the decisions of the different institutions.

Reasoning in terms of preferences also means understanding that each political community tries to unveil its preferences under constraint of other actors' preferences. This is exactly what is at stake with globalisation. The variety of ways in which European norms are received is linked to the degree of Europe's engagement in promoting them, itself linked to the coherence of European preferences and the challenges that Europe faces. This introduction will thus focus on three issues:

- the norms Europe stands for;
- the perception of normative Europe by non-Europeans;
- the limits of norms in a geopolitical context.

The reception of European norms

There is a strong homothetic relation between the way Europe is constructed and the way in which it sees the world. This is an obvious but fundamental starting point. It helps to understand why the preference for international norms is at the same time the product of a specific history and the ideal-type through which Europe represents the world to itself. In the European vision, the peculiarity of its model and its universal character necessarily go together, since one always sees the world through the lenses of one's own history. Over the years, the normative character of European construction has grown considerably simply because Europe has penetrated very deeply within each European nation-state (Quermonne, 2002). It has grown both quantitatively and qualitatively, making recourse to norms more and more constraining and affecting sensitive fields for the member states. But what is meant by norms?

Norms are standards aiming at codifying the behaviour of actors sharing common principles and this in order to generate collective disciplines and to forbid certain conducts in the different fields of public policies (Finnemore and Sikkink, 1998).

Europe spontaneously tends to extend to the rest of the world the governance through norms that it experiences within its own borders. Implicitly, Europe makes the assumption that global governance goes through an increase of norms and that such governance through norms is the most suitable political model for an interdependent world, since it constitutes a factor of equalization of power (Laïdi and Lamy). This is for example the gist of Pascal Lamy's speech made when he was European Commissioner, with regard to developing countries that wanted to be included in the WTO game (Lamy). Europe thus wants to exert its power through norms and at the same time it wants to make world powers acting accordingly (Laïdi, 2005). Yet, a normative power is not only a norm-making power. It is an actor that struggles to convert its standards into international rules that are acceptable for those who receive them (norm-takers), because they find a tangible and immediate reward (such as European Union membership or access to its markets), because they see norms as a way of adopting a discipline that cannot for whatever reason impose on themselves, or because, in adhering to those norms, norm-takers will also take part in their implementation.

Europe is structurally inclined to impose norms on the world system in order to counter two difficulties. The first is to prevent global norms from being less exacting than European ones so as not to place Europe at a comparative disadvantage. The second is its lack of power – in the sense of hard power –to impose norms on reluctant actors. Europe needs the support of the international system to advance its own interests. This last point is fundamental. Actually, when Europe discusses global issues (the environment, human rights, core labour standards, property rights) with the main world actors, it can hardly engage in the usual political bargaining. Europe has almost no tools to pressure the United States and convince them to ratify the Kyoto Protocol, except to attempt to sway world public opinion and American actors willing to bring the US out of its isolation on this issue. Europe can hardly reduce its pressure on China regarding human rights issues in exchange for China's commitments on

Taiwan. The European political structure does not permit such a trade-off, since the EU is not a state. For non-European actors, Europe is a power without any coercive force. But this estimation should be qualified. Europe has considerable economic and commercial leverage. It is through this that Europe managed to convince Moscow to sign the Kyoto Protocol in exchange for Russia's joining the WTO. But Europe's power does not go any further, except of course, when there is at stake the possibility of joining the EU (note). But Europe's power cannot extend to the fields of strategic or military affairs. It is also very limited when it comes to promoting democracy in countries that are not slated to join the EU in the near future. Europe cannot extract trade concessions from India in exchange for concessions on nuclear energy, for instance. Europe cannot behave as a super-power that would arbitrate among the various components of its strategy. It is forced to impose its norms on the world system on a fragmentary basis and to mollify power politics through norms. That is why Europe is much more effective on issues pertaining to global public goods, such as the environment, international justice and sustainable development, than on security or diplomatic issues.

How is this European preference for norms expressed in practical terms?

First of all, Europe expresses its preference for norms by strong support to the normative basis of global governance, which could be defined as the body of international texts and treaties that rules the international system. Europe is the global power that has signed the most of the 40 documents that constitute the basis of global governance: European Members states have signed 34 of those treaties and texts, compared to 11 for the US, 16 for China and 15 for India (Laïdi, 2004). The most emblematic among those texts is the Kyoto Protocol on climate change. Despite opposition from the Bush Administration, the European Union has managed to keep the two essential mechanisms of the Protocol on the world agenda: binding quantitative reduction targets coupled with a carbon **quotas market**. The European endeavour was reaffirmed at the G-8 summit at Heiligendam in 2007, where Germany convinced the

other countries to approve the principle of a 50%-reduction in **greenhouse gas emissions** by 2050, a commitment already made by the EU (European Council, 9 March 2007).

Second, the European preference for norms is expressed by its commitment to multilateral institutions within which it seeks to enhance normative standards in order to protect its own norms. This is clear in Europe's strategy at the WTO, where it attempts to defend the '*Singapore issues'*, core labour standards and the respect of environmental standards in trade relations.

The *Singapore issues* involve defining the rules of competition, investments, transparency in government procurement and the trade facilitation, a code name for corruption. Europe has managed to put those issues on the WTO agenda since 1996 (Leary, 1997). Nevertheless, due to lack of US support and the hostility of most developing countries, which perceive Europe's attitude either as political interference or as a secondary issue, Europe has had to curb its ambitions. At the 2004 WTO Conference in Cancun, which was brutally disrupted, the European Union for the first time discovered the political reality of the G-20 countries, which for different reasons disputed the Euro-American leadership of commercial negotiations (Narlikar and Tussie). Some political analysts consider that the difficulties Europe faces in imposing its regulatory, and therefore normative, agenda at the WTO explain its growing interest for bilateral commercial agreements. The lifting of the moratorium on signing new free-trade agreements – agreements that Pascal Lamy has always viewed with certain distrust – would indicate a European political ambition to rapidly conquer new Asian markets with the aim of boosting economic growth and creating new job opportunities. But this European interest for bilateral agreements may not necessarily fit the interests of its potential partners. Some experts have argued that, in the present conditions, a Euro-Indian free-trade agreement would not be favourable to India, except if it could obtain in exchange the opening of the

European labour market to its qualified workers. But this is something Europe is not ready for (Interview, Paris).

Another example is the environmental issue: Europe is clearly trying to transform the overall question of sustainable development into a instrument of international influence, even through the leverage of its trade policy. In 1996, Europe raised the question of the link between trade and the environment, relying on the Rio Declaration of 1992 on sustainable development. Europe's objective was to obtain a revision of WTO article XX so that it is more favourable to theenvironment. The European Union has tried hard to get a revision of the WTO norms in order to prevent a possible change in WTO rules over these issues, and because it felt encouraged by certain WTO panel decisions in the 1990s. At the launching of the Doha Round, in 2001, Europe extracted from its partners a victory over the opening of an examination of the relationship between MEA (multilateral trade agreement) and WTO rules. But the success was purely symbolic, since the Doha Declaration limits the examination to the link between the MEA, signed by WTO members, and WTO agreements, thereby excluding the examination of some crucial MEAs that have not been ratified by some WTO members, such as the Kyoto Protocol. It is however important to remark that Europe's preference for the environment is not purely abstract: although it reflects undeniable social preferences, it also expresses interests that lead the European Union to adopt a more ambivalent position on some occasions than its official stand may suggest. For instance, Europe has successfully claimed for the acknowledgement of the precaution principle in the Cartagena Protocol on Biosafety, especially in order to limit the consumption of GMOs. But when certain developing countries asked for expanded international controls on the subject, they come up against the European opposition eager to regulate the use of GMO in agriculture but not in pharmaceutical industry,

a distinction that seems extremely problematic (note), but which is driven by the need to protect specific European trade interests.

The third example concerns core labour standards. What is at stake for Europe is, as explained earlier, to avoid a social race to the bottom, to support WTO legitimacy through the capacity to deal with social issues and strengthen the social image of the European Union on the world scene. In 1996, at the WTO Conference of Singapore, the principle of respecting core labour standards was accepted on condition that those norms would not be used against comparative advantages of developing countries. In 2001, at the Doha Conference, the Europeans left isolated when they brought up this sensitive issue again. They met with opposition from developing countries such as India, which threatened to walk out if the issue was raised once again in the final declaration. The question of core labour standards is highly controversial for developing countries. They see in it the remnant of a neo-colonial ideology. Actually, considerable doubt subsists as to the effectiveness of core labour standards, even if European public opinion and trade unions attach great importance to them. Indeed, if the defence of labor standards is perfectly in line with a rationale of protecting human rights, it is never been proven that violating them has constituted a comparative advantage or sparked a 'race to the bottom'. Without trade unions, Chinese wages have quadrupled in 30 years, whereas with powerful trade unions, Brazilian wages have stagnated.

In any event, Europe did not achieve significant results on the multilateral level. Europe's call to create a joint organisation combining the ILO and WTO has not been followed by any concrete action. After the failure of Seattle conference of the WTO in 1999, the US shifted toward bilateral arrangements to impose core labour standards. As a result, developing countries stigmatize more strongly the Europeans than the Americans, since they are the ones

who appear to be more demanding on the achievement of multilateral norms on environment and social rights. We should also bear in mind that the strong European commitment on those issues relates to the fact that Europe continues to have an industrial base that is threatened by emerging countries. Europe's specialized industry is not flexible enough. Its industrial structure is characterized by static positions, the search for sources of income and the exploitation of existing areas of specialisation. This is what distinguishes Europe from the US, which is more flexible, especially in the sectors of technology and services.

As a consequence, Europe is obliged to revise its goals downward and fall back on a bilateral strategy, at least as regards core labour standards, the defence of which is now integrated into the broader framework of the fight for 'decent work'. Europe prides itself in having sanctioned Belarus and Myanmar for their non-respect of basic social clauses. But these are isolated and largely disqualified regimes that do not constitute a threat to European interests. Europe thus gives the impression of levying sanctions only on states that can do it no harm, and the same time when it is very indulgent with fairly unsavoury regimes in economically highly attractive countries, such as Algeria or Libya.

The perception of European soft power

As a tool of international regulation able to circumvent bilateral meetings between states, the preference for norms almost automatically leads to rejecting the rules of *Realpolitik*, based on a Schmittian interpretation of politics. According to Carl Schmitt, 'The specific political distinction to which political actions and motives can be reduced is that between friend and enemy. […] A world in which the possibility of war is utterly eliminated, a completely

pacified globe, would be a world without the distinction of friend and enemy and hence a world without politics'.[1] This is exactly the vision of the world that Europe refuses. In the Solana report, which purported to set out Europe's strategic doctrine following the US invasion of Iraq, the term of 'enemy' is totally absent. The same report talks about non-identified global threats to a particular state (terrorism, nuclear proliferation, regional conflicts, defective states and organised crimes). The defence of state's territory from the enemy is at the core of Schmitt's theory, which has always argued that the political order is first of all a spatial order, before being a normative one. Schmitt does not deny the relevance of norms, but he subordinates it to the defence of territoriality. He favours *topia*, the taking of the land, to *utopia*. On this point, Europe is undeniably Kantian and anti-Schmittian.

Kant, in his project for *Perpetual Peace* – which is meant to lead to a cosmopolitan order – gives priority to values over territoriality. For Kant, two elements are essential: the pacific nature of the republics and the civilising power of trade. The Solana report takes up these two elements almost word for word. The reports states that 'the quality of international society depends on the quality of governments: the best protection for our security is a world of well-governed democratic states', adding that 'trade and development policies can be powerful tools for promoting reforms'. Even more significant is the last report of the *European Defence Agency* on Europe and its strategic environment. What is striking in it is the importance given to public opinion and to its perception of every military operation ('the political outcome will be determined not just by the achievement of military objectives but by the manner in which operations are conducted or are perceived to be conducted'). It is possible to understand it as a reference to the Kantian concept of public sphere as having a critical and disciplinary function in order to build 'Perpetual Peace'. Nevertheless, what is even more striking in this document

[1] Carl Schmitt, *The Concept of the Political*, Chicago: University of Chicago Press, 1996, p. 26 and p. 35.

is the refusal to conceive of military intervention in terms of a zero-sum game between friend and enemy. The political leaders of the European Commission talk about partners, not allies. And even if they talk about 'friends', they never mention enemies but non-cooperative states. In a significant way, the EDA report states that: 'The objective is not "victory" as traditionally understood, but moderation, balance of interests and peaceful resolution of conflicts'. The European Union's military strategy remains based on peace-keeping with very restrictive rules of engagement, privileging the contact with civilian populations and reducing recourse to force as much as possible. From the point of view of the Europeans, military force is clearly not an instrument of hard power. It is mainly intended to be used as a tool to reconcile, to pacify and not to punish.

This refusal to pinpoint an enemy or to see oneself in ultimate relationship with him is naturally linked to the historical conditions of European construction. This is equally explained by the fact that the European Union is a structure of nation-states that have their own, sometimes more classical, military strategies; however, the fact that Europeans are not the final guarantors of their own security is even more important in this respect. Therefore, the assumptions one might make about Europe's military power or its conversion to *hard power* are meaningless if they do not integrate this basic postulate.

In the eyes of others, this fact is essential. However, its consequences are ambiguous. Because Europe is not a hard power, this makes it more tolerable, less dangerous and therefore more acceptable from the viewpoint of the rest of the world. There are not many demonstrations all over the world against Europe as such. An opinion survey conducted in 18 non-European countries shows that in nearly all of them the European Union is perceived in a positive light. But certain details of the survey warrant a closer look**.** In Latin America, where pro-European

sentiment is yet generally symmetrical to anti-American sentiment, there is one notable exception: Brazil, where European agricultural protectionism is obviously perceived as a hindrance to its power. In Asia, pro-European sentiment stands out, but what dominates in a country like India or the Philippines is indifference toward Europe, reflected in the high rate of no-answers. From indifference it is easy to slide toward a certain disdain, either because 'norms over force' hardly seems a credible stance, or because it is perceived as 'a second-rank player' the strategic choices being made by its protectors – in this case the United States – or, finally, because Europe is only seen through its member states, each having specific interests and practices far removed from the principles defended by Europe. The more one touches on questions of strategy and security, the more crucial this dimension would appear.

A country such as India, for instance, has considerable trouble picturing the EU as an international actor, to such an extent that European Commissioner Mandelson has publicly expressed concerned about it: 'Just as Europe should take India seriously, I want India to take Europe seriously […]. I read recently in a report that Indians do not think very much about the European Union. This is a shame if it is true'. This statement implicitly addresses a key issue: state sovereignty. India, like China, Russia and Brazil, without mentioning the United States, seem to identify power with its national expression. An Indian forecasting report drafted in 2005 imagines in 2035 a tripolar world made up of the United States, India and China. He arrives at this conclusion via a fairly simple methodology taking into account population, GDP and per capita GDP. According to Joschka Fischer, this is precisely the scenario the Americans are working from. What is interesting in the Indian report is to see the treatment reserved for Europe. The first is based on the abandon of half the sovereignty of European states to the benefit of the European Union and to the detriment of its member states. In this

case, Europe would become the fourth pillar of the world system**.** The second imagines a much more moderate abandon of member state sovereignty (one-fourth). In this case, the power of the European Union in 2035 would represent either 25% of the American power, as opposed to 50% in the first scenario. Notwithstanding any reservations one might have with regard to a quantitative approach to power, it is interesting to see that the Indians stick to an extremely classic vision of sovereignty and power, and with regard to Europe its entire dynamic is seen from the angle of a zero-sum game between member states and the Union.

The question of sovereignty in fact rebounds on all aspects of Euro-Indian relations in that the Indians cannot help but be wary of a European project that seeks to erode the sovereignty of its members – and thus its partners – whereas India is striving by all possible means to enhance it its power as a nation. For the Indians, for instance, the notion of 'shared sovereignty' is simply synonymous with 'intergovernmental cooperation'. This explains the patent misunderstanding about the shared European and Indian attachment to multilateralism. For the European Union, multilateralism constitutes a regulatory instrument aiming to advance 'the common good', whereas for the Indians, it primarily represents a resource for it to gain recognition as a full-fledged major power by the United States**.**

Normative preference and political asymmetry

For 15 years now, Europe has been facing the realities of a multifarious world that it could not simply ignore. Its normative ambition is thus now more than ever subject to the reality principle. This is because the more norms are applied to situations remote from the context in which they were conceived, the more they run the risk of non-compliance. Europe thus has three choices: it can either be proactively more demanding as regards respect for the norms it propagates, take liberties with the norms that it formally prescribes, or enter into a more or less muffled clash with its partners.

The first possibility would involve spelling out, clarifying or toughening norms that it exports whenever it meets situations in which the dissemination of norms can non longer be taken for granted.[2] This is the scenario that prevailed during enlargement towards the Central and Eastern European countries (CEEC) after the end of the Cold War. In 1993, at the Copenhagen Summit, the European Union agreed to CEEC membership in principle. But it attached the start of membership talks to an unprecedented formalization of the accession criteria for joining the European Union. These accession criteria are those well-known conditions that were to become the Copenhagen criteria, laid down as follows:

- *Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of the law, human rights and respect for and protection of minorities.*

- *Membership requires the existence of a functioning market economy to cope with competitive pressure and market forces within the Union.*

- *Membership presupposes the candidate ability to take on the obligations of membership including adherence to the aims of political economy and monetary Union*.[3]

But in addition to these three formal conditions, there is an additional, more informal condition which states that '*The Union capacity to absorb new members while maintaining the momentum of European integration is also an important consideration in the general interest of both the Union and the candidate countries'*.[4]

At the time, this criterion was not perceived as such and most conditionality studies do not recognize it as a criterion in and of itself. But with the opening of accession talks with Turkey, it was clearly 'reactivated', particularly by those member states hostile to Turkey's

[2] It is for instance revealing to note that the Netherlands, in discussions about a simplified Treaty, have requested that the Copenhagen criteria be incorporated into the Treaties.

[3] European Council in Copenhagen. Presidency conclusions 21-22 June 1993, available at: ue.eu.int/ueDocs/cms_Data/docs/pressdate/en/ec/72921.pdf

[4] Michel Emerson *et al.*, "Just what is the 'absorption capacity' of the European Union?" CEPS Policy Brief. September 2006. Available at: shop.ceps.be/BookDetail.php?item_id=1381 - 10k -

membership.[5] This latter criterion is interesting in the perspective examined here, because it shows to what extent a conditionality that is also a norm can give rise to extensive uses that are at odds with the European discourse claiming that norms are a codification of relations between equals. Accession talks with Turkey are no longer even a case of conditionality in which the norm-maker imposes its norm on the norm-taker. Rather, the European Union is in a rationale in which it alone estimates its capacity to welcome a new member state, a decision that is not open to dispute.

Europe has thus embarked on a totally different logic in that it leaves itself a discretionary margin of appreciation that is totally disconnected with the partner's performances. The criterion relative to its absorption capacity thus boils down to saying that, even assuming the applicant country fulfils all the accession criteria, membership could still be denied.

The first three Copenhagen criteria do not go that far. For even if many dispute the clarity and precision of these criteria, which are also too vague not to be open to interpretations of pure political contingency, they nevertheless fit within a contractual normative framework. If an applicant country fulfils its obligations, it is qualified to join the Union.

For all that, the relative clarity in which this conditionality is exercised should not make us lose sight of its profoundly asymmetrical nature. To become a member, a country must satisfy the Copenhagen criteria and adopt the 80,000 pages of the *acquis communautaire* in its entirety. This is a take-it-or-leave-it condition. What is commonly referred to as 'talks' is actually a process by which the European Union verifies that the applicants have indeed incorporated the *acquis communautaire* into their domestic legislation, chapter by chapter,

[5] *Ibid.*, p. 3.

page by page.[6] In practice, the reality has turned out to be more complex. In fact, the broader and more massive the conditionalities, the more they leave room for arbitration between the various priorities, thereby creating a degree of leeway for the applicants.[7] However, neither the rigor of European conditionality nor, on the other hand, the interstices left open to the local actors by such conditionality suffice to explain the success of European enlargement to Central and Eastern Europe. It has to do with the fact that right from the start the perspective of membership exerted a considerable power of attraction over societies in which the system they were leaving – communism – had not only failed, but what's more, restricted state sovereignty. So even before European conditionality was exercised, the elites had interiorized it, so to speak, as soon as they were assured locally of a consensus to join the European Union.[8] Thus, through electoral competition, the political forces in favour of membership won the game on the domestic checkerboard even before the opportunity to engage in accession talks was put to debate.

This was thus a far cry from the zero-sum game in which an external actor attempts to impose a norm on an actor that wants nothing to do with it. This still didn't make it a game between equals, because the conditionality was defined by the norm-maker. The context was instead one in which asymmetry was interiorized due to the tangible rewards involved in complying with it.[9]

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[6] Andrew Moravsick and Milada Anna Vachudova, "National Interests, State, Power and EU enlargement," *East-European Studies and Societies* 17, no.1, 2003, p. 7. available at: www.ces.fas.harvard.edu/publications/docs/pdfs/Moravcsik_Vachudova.pdf.

[7] James Hugues, Gwendolyn Sasse, Claire Gordon, *Europeanization and Regionalization in the EU's Enlargement to Central and Eastern Europe: The Myth of Conditionality*, New York: Palgrave Macmillan, 2004, 231 p.

[8] Geoffrey Pridham, "European Union accession dynamics and democratization in Central and Eastern Europe: Past and future perspectives," *Government and Opposition* 41 (3), 2006, p. 386.

[9] "The rewards of membership were so substantial that eventually all plausible candidates in the region come around to electing a pro-EU government and get to work on fulfilling the membership requirements." Milada Ana Vachudova, *The Leverage of International Institutions on Democratizing States: Eastern Europe and the European Union.* EUI Working Papers, available at: www.iue.it/RSCAS/WP-Texts01_33.pdf

Norms in the service of geopolitics

Reproducing this pattern becomes problematic when Europe can no longer commit to offering a reward as substantial as accession. Its entire neighbourhood policy, the famous European Neighbourhood Policy (ENP), is designed to solve this problem, which can be summarized thusly: Europe is no longer able to or no longer wants to offer membership as a perspective to its neighbours, while leading them to believe that this fundamental change will not make a big difference to them. But the distinction makes a big difference. It first makes a difference for Europe, which can no longer use the perspective of membership as a disciplinary mechanism first to discipline itself in both the bureaucratic and political monitoring of a strategy that has no specific aim. It also makes a big difference for its partners, for which the cost of compliance with European standards from both an economic and political standpoint is not apparently offset by decisive advantages. Now if membership policies have succeeded despite the initially asymmetrical nature of the relations between the Union and its candidates, it is because the trade-off in terms of costs and benefits was established from the start.[10]

From the standpoint of perceptions, we must first take into account states that refuse from the start to accept the ENP framework as an overall contractual framework for their relations with Europe. This is the case of Russia, which was initially part of the system and later withdrew from the framework due to Russian refusal. Then must be considered those who do not accept this framework but have no choice to for lack of anything better. This is the case of Ukraine, for which the only serious political perspective with Europe is

[10] "A state adopts EU rules if the benefits of EU rewards exceed the domestic adoption costs," Franck Schimellfennig and Ulrich Sedelmeier, "Governance by conditionality: EU transfer to the candidate countries of Central and Eastern Europe," *Journal of European Public Policy*, August 2004, p. 664.

membership, and which the sees the ENP as a mechanism to delay its accession.[11] Also must be taken into account the case of countries that have no problem formerly entering this framework, but don't seem for all that to have made up their mind to accept all the modalities, especially if they contain new obligations. This is the case, for instance, of a country like Algeria which, because it constitutes a precious source of energy supply for Europe, knows perfectly well that Europe will not risk imposing on it political conditionalities or economic reforms it does not want to implement. The only potential interest Algeria has in the ENP framework is the free circulation of people. But it knows that Europe is not prepared to grant this.[12] That leaves the others – countries for which there is no chance of joining the European Union in the next 10 or 15 years and for which the principle advantage is to attract European resources in attempt to build viable states. The remainder is a particular set of countries that have specific expectations with regard to Europe and for which the formal framework governing relations with Europe is of little importance or even signification. All this makes it legitimate to wonder whether ENP is not mainly a political-institutional system that holds meaning first and foremost for the Union itself.

Indeed, the ENP was fundamentally designed as a policy of non-membership, even if it was bureaucratically conceived by those who are responsible for enlargement.[13]

Initially entitled *Wider Europe* in 2003, it was pared down to the European Neighbourhood Policy the following year, precisely to underscore the fact that being a

[11] "*We do not accept any substitute for European policy like the one proposed by the concept of Europe Neighbourhood Policy*." Ukrainian ambassador's statement before the Parliamentary Cooperation Committee. February 15, 2007

[12] Cf. the Algerian ambassador's remarks to the EU. "The most important market liberty for Algeria, the free circulation of people, has been withdrawn from the EU's offer and cannot be found in the Action Plan" in The Greening of the European Neighbourhood Policy. Available at atassets.panda.org/downloads/enpandtheenvironment.pdf.

[13] Judith Kelley, "New wine in old wineskins: promoting political reforms through the New European Neighbourhood Policy," *Journal of Common Market Studies*, vol. 44, March 1, 2006, pp. 30.

European neighbour in no way implies being a member of Europe.[14] In this perspective, the major political fact resides in the discarding of any political right to joining European Union even for states whose Europeanity is not disputed.[15] Like any policy, it rests on explicits and implicits. What has been made explicit is that Europe has an interest in being surrounded by a 'ring of friends' that have the characteristic of being economically prosperous, politically stable and well governed.[16] What has been left unsaid is a desire to avoid unintentionally importing security risks into the Union from unstable or little-developed countries in the form of uncontrolled migration, Mafia-like conduct or terrorist action. This point is the most fundamental one, because deep down it is the only characteristic shared by countries as different as Moldavia, Lebanon and Tunisia. The ENP actually constitutes a very classic semi-periphery control policy that aims to set up a virtuous circle encompassing development, democracy and good governance so as not to jeopardize Europe's security and stability. It is the very example of a *milieu goal policy*.[17] Europe thus does geopolitics with norms.

Europe does not claim to be creating this circle. But it hopes to encourage it while believing that it has neither the power nor the will to impose its own norms.[18] The question should then be posed in the following terms: What can the partners find that is new or

[14] The March 13, 2003 document was entitled *Wider Europe: Neighbourhood: A New Framework for Relations with Our Eastern and Southern Neighbours*. A year later, *Wider Europe* vanished behind the *European Neighbourhood Policy* in the *Strategy Paper*. The *Strategy Paper* talks about offering a different perspective from membership, whereas the 2003 edition confines itself to saying this new policy "*would not in the mid term include a perspective of membership*," p. 5.

[15] "For European ENP partners, the ENP does not in any way prejudge the possible future development of their relationship with the EU," Strategy Paper. European Neighbourhood Policy. 2004. Available at: ec.**eu**ropa.**eu**/world/**enp**/pdf/com06_726_en.pdf art. cit., p. 13.

[16] "The premise of ENP is that the EU has a vital interest in seeing greater economic development and stability and better governance in its neighbourhood." EU Communication for the Commission to the Council and the European Parliament on strengthening the European Neighbourhood Policy. December 4, 2006. Available atec.europa.eu/world/enp/pdf/com06_726_en.pdf

[17] Arnold Wolfers contrasts *milieu goals* and *possession goals*. "Milieu goals are out not to defend or increase possessions they hold to the exclusion of others, but aim instead at shaping conditions beyond their national boundaries (...). It is one thing to be in good physical of financial condition within an orderly and prosperous community, but quite another thing to be privileged by the wealth of one's possessions in surroundings of misery, ill health, lack of public order and widespread resentment." *Discord and Collaboration. Essays on International Politics*. Available at www.mtholyoke.edu/acad/intrel/pol116/wolfers.htm.

[18] *European Neighbourhood Policy, Strategy Paper*, op. cit.

attractive enough to embark on the path offered by Europe through its ENP? The answer is probably 'not much', except if for some of them, the ENP is a necessary step on the road to accession.

On the economic and trade level for instance, the ENP offers '*deep trade and economic integration with the EU*' that one imagines might take the route of what is again called '*deep and comprehensive free trade agreements'*.[19] But what is really meant by '*deep and comprehensive free trade agreements*'? The Commission's answer is the following: '*a deep and comprehensive FTA should cover substantially all trade in goods and services between the EU and ENP partners including those products of particular importance for our partners and should include strong legally-binding provisions on trade and regulatory issues*'.[20] In exchange for greater access to its market, Europe demands that its partners comply with its constraints in terms of technical norms and standards, industrial policy, intellectual property, rules of origin, taxation, public procurement, etc.[21] In other words, Europe is striving to wrest bilateral recognition for norms that it is unable to impose on a global scale. 'Adopt our norms and in exchange, we'll open our markets'. But this apparently fair deal is actually deeply imbalanced and not always attractive. Imbalanced because the concessions made by the two parties are not equal in nature. When Europe, through a bilateral treaty, offers a country greater access to its market, it is apparently granting a favour with respect to other partners. But this preference is fragile. On one hand, because nothing prevents Europe from granting it to another country B in competition with country A. In addition, because nothing proves that in the event of a multilateral agreement, the preferences granted to A and B won't eventually diminish, or even disappear. What's more, the existence

[19] *Ibid.*, p. 4
[20] Author's emphasis. *Ibid.*, p. 4.
[21] *Ibid.*, p. 4

of a free-trade agreement does not prohibit maintaining limitations on sensitive agricultural or industrial products, not to mention the movement of people.[22]

On the other hand, Europe will have nothing to lose. On the contrary. For in exchange for granting tenuous and relative preferences, it will have wrested from its partners lasting concessions in the regulatory areas that interest it, as we have seen, to the utmost.[23] Indeed, the fact of believing that the ultimate objective of Europe is to '*share a common regulatory basis and similar degree of market access*' confirms the potential imbalance of such agreements. Moreover, there is no evidence to show that a free-trade agreement presents truly new opportunities in terms of access to the European market. Europe's partners are usually fettered in their export policy to Europe either by internal difficulties preventing them from increasing their exports, or by drastic EU regulatory obstacles that Europe forces them to accept precisely in the framework of free-trade agreements or preferential accords. Certainly, Europe's partners are not required to adopt the full spectrum of the *acquis communautaire*. But this freedom has a price: not being allowed to fully integrate the single market, thus making the idea of access to 'everything but the institutions' entirely theoretical. Incidentally, this offer is ambiguous. For although, for Europe, it means 'don't get discouraged, because finally you can have almost everything', this may well be interpreted by its partners as 'even if we do everything the way they do, they'll never accept us'. Misunderstandings notwithstanding, this approach poses a real political problem: 'everything but the institutions' means that these countries will never be able to take part in defining the European policies that they will have nevertheless adopted. They are thus bound to remain forever norm-takers. From that standpoint, the ENP constitutes a mechanism aimed at

[22] Stephen Woolcock, "European Union policy towards free trade agreements," EUPE, Working Brussels Papers- 3/2007. Available at: www.ecipe.org/pdf/EWP-3-2007.pdf

[23] Often European discourse on reciprocity is belied by European practices. For instance, certain agreements mention mutual recognition of rules and standards but in practice the European Union expects its partners to conform to European standards. Stephen Woolcock, art. cit. P. 8.

normalizing the asymmetry between Europe and its non-community partners. Actually, in many cases, already fairly extensive and usually underutilized access to the European market is much less valuable than some form of regional integration, for instance. The ENP is built on a foundation that exacerbates bilateralism. It naturally claims to foster development of regional integration. But in actual fact, it does not give itself the means to, especially when obstacles to this integration are highly political in nature. We know, for instance, that regional integration in the Maghreb is hindered by the Algeria-Morocca rivalry and that the European Union obviously does not have the means to settle it. In fact, the ENP has given rise to no new trade initiative moving toward '*deep integration*'. The Balkans are covered by the famous Stabilization and Association Agreement (SAA), the Mediterranean countries by the Euro-Med agreements. The only two free-trade agreements offered have been to countries that aren't covered by the ENP: South Korea and India. Talks with Ukraine in view of an 'enhanced agreement' are underway. But this is primarily a formula aimed to mollify the Ukrainians who seem disappointed by the lack of a membership calendar.

These difficulties are multiplied when shifting from the economic sphere to more sensitive areas such as those pertaining to good governance or human rights. In theory, the ENP is meant as a comprehensive policy in the sense that it intends to tie in the various dimensions of its cooperation with its neighbours. But in practice, this ambition is seriously belittled as soon as political questions are touched on.

For the same question arises once again: What benefits do authoritarian political regimes derive from complying with the rules of good governance and democracy if the incentives to change are weak? Incentives can be understood either as the possible sanctions the European Union would apply to recalcitrant countries, or on the contrary the rewards it would offer in exchange for compliance with these norms. In view of the results obtained so far, ENP achievements are modest.

To realize this, it is methodologically interesting to compare three European instruments: the 2004 *Strategy Paper*, the *Country Reports* and the *ENP Actions Plans*. The *Strategy Paper* defines a general framework of the ENP, the *Country Reports* its specific application, the *Action Plans* their implementation by both parties.[24] In these three documents, the common policy reference point is that of *shared values*. The 2004 *Strategy Paper* claims to link the level of ambition of relations with its neighbours 'to the extent to which those values are effectively shared'.[25] But this principle is ignored in practice since the ENP does not constitute a new legal instrument able to enforce commitments taken in a framework of partnership or association agreements. Moreover, the Commission seems to interpret article 2 (pertaining to respect for human rights) of these agreements in the Euro-Mediterranean framework in a very minimalist sense.[26] Lastly, the financial instruments Europe has available with respect to the Mediterranean countries, such as the MEDA program, make very little reference to respect for human rights.[27]

One first notes that no *Country Report* or *Action Plan* has been drafted for four countries integrated into the ENP. These countries are Belarus, Algeria, Libya and Syria. Although the absence of Belarus can be explained by this country's very slim political achievements, explicitly acknowledged by the EU, the other three cases are different. These are sensitive countries with which the EU and its member states have important political or economic relations but with respect to which it hesitates to take a confrontational position, particularly as regards democracy and human rights. The lack of an *Action Plan* with these

[24] But the essential point is that the *Country Reports* come out of the Commission alone, whereas the *Actions Plans* express an agreement between the Commission and the partner countries. Pinpointing the differences between the two documents is thus a means of measuring the gaps between European expectations and what the Union can really wrest from the countries involved in the ENP.
[25] *European Neighbourhood Policy. Strategy Paper,* 15 May 2004, p. 3.
[26] Michelle Pace, "The EU surrounded by a 'ring of friends': The Impact of the ENP on Europe's South." Available at www.bisa.ac.uk/2006/pps/pace.pdf.
[27] E. Emerson and G. Noutcheva, "From Barcelona Process to Neighbourhood Policy: Assessments and Open Issues," CEPS, Working Document (220), Brussels, 2005, p. 6. Available at: shop.ceps.be/BookDetail.php?item_id=1209 - 10k

countries thus reflects either the European preference for stability of these three regimes, where Islamism represents a threat, or the lack of a basis for agreement between the Union and these countries, or possibly both. Even in countries that have managed to reach an agreement with the Union about *Action Plans*, there is a total lack of EU discussion with local NGOs dealing with human rights issues.[28]

Structurally, the ENP seems extremely poorly equipped to come to the aid of civil society NGOs.[29] Although it may deny this, Europe actually practices a very classic double standard. In human rights matters, the EU is much more intrusive with European countries such as Moldavia or Ukraine, that are likely to join someday in the future, than with Arab countries.[30] Moreover, even when critiques are directed at the same Arab countries in the *Country Reports*, which engage the EU alone, they tend to disappear in the *Action Plans* drafted in conjunction with the local governments. The *Action Plan* with Egypt for instance states that the two parties pledge to *'strengthen the culture of respect for human rights and fundamental freedoms in Egypt and the EU*'. This is a very vague commitment, but it has a powerful political meaning, for the Egyptians in any case. The commitment to strengthen 'the culture of respect for human rights' is perfectly acceptable, for who could claim that it has no improvements to be made in this regard? It is all the more acceptable since it is followed by

[28] "*It is unfortunate that the actions plans agreed between the EU are negotiated behind closed doors without consultation of NGO's, especially those involved in the question of human rights*." Euro-Mediterranean Human Rights Network. Available at http://ec.europe.eu/world/enp/pdf/com06_726_en.pdf

[29] Cf. Kristi Raik, "Promoting Democracy through civil society," Brussels, CEPS Working Document # 237, February 2006. Available at: shop.ceps.be/downfree.php?item_id=1298

[30] Giselle Bosse, "Values in the EU's neighbourhood policy: political rhetoric or reflections of a coherent policy?," *European Political Economic Review* Summer 2007, p. 49. This hypothesis is confirmed by the fact that the *Actions Plans* for countries like Ukraine are, from the standpoint of political conditionality, very close to the Accession Partnerships signed with the applicant countries. Cf. Elena Baracani, "ENP political conditionality. A Comparison between Morroco and Ukraine," CEPS, 21-22 April 2006, mimeo, p. 12. The Commission has already admitted as much in a document put out in 2006 on the ENP, that indicates "*Moldova and Ukraine have already undertaken more substantial commitments in the human rights and governance field than have other ENP partners*," p. 2. Commission Staff Working Document. Accompanying the Communication from the Commission to the Council and the European Parliament on Strengthening the ENP. Overall assessment –December 4, 2006. Available at http://euromedrights.net/usr/00000026/00000027/00000029/00000844.pdf

the phrase ‘in Egypt and in the EU’, which for the Egyptians means that even the Europeans could improve their human rights record.

As we can see, the normative nature of the European power raises many more questions than one might have thought. And if these issues are worth examining in order to understand Europe in the world, such analysis, in order to make sense, must now make reference to questions of reception. The next step is an in-depth reflection on the theory of reception in international relations which, applied to Europe, would enable us to consider it as a living, complex and contradictory actor, and not as an idealized actor whose preference for norms is seen as a guarantee of its good faith and disinterestedness.