

The European Union and Its Neighbours

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STEVEN BLOCKMANS & ADAM ŁAZOWSKI (eds.), *The European Union and its Neighbours. A Legal Appraisal of the EU's Policies of Stabilisation, Partnership and Integration* (The Hague, T.M.C. Asser Press/Cambridge University Press 2006) 653 p., ISBN 90-6704-201-3/ISBN 978-90-6704-201-7.

According to the preface of this impressive volume of essays, its objective is to give a legal appraisal of the European Union's relations with its neighbours. Although the main focus of the book is on legal relations, the contributors did not shy away from insights and perspectives from other disciplines. The authors wisely refrained from trying to provide new theoretical or conceptual constructs, but concentrated instead on an academic analysis, which is intended to be of use to academics as well as to practitioners. As a result the volume – with its handy, detailed table of contents, its complete list of abbreviations, its index and its extensive bibliography in the footnotes – is a most welcome contribution to a legal and policy-relevant assessment of the Union's external relations. It can be studied as a volume of individual but closely connected essays as well as used as a work of reference.

The book consists of two sections. In the first section, titled *General Aspects*, Steven Blockmans and Adam Łazowski question the identity and the relationships of the European Union and its neighbours; Andrea Ott and Ramses Wessels analyze the multilevel complexity in an expanding Union; and Kirstyn Inglis looks into the membership conditions applied to future and potential member states. In the first chapter of the first section, which is somewhat marred by the mistake that Charlemagne united the Holy Roman Empire (which is of course of a much later date), the authors argue plausibly that the 'discovery of Europe' is a very recent phenomenon and that its final frontier will be defined by geopolitical factors rather than by arguments concerning the identity of Europe. Although large-scale aggression against any member state seems highly improbable now, a multitude of security threats – terrorism, proliferation of weapons of mass destruction, the disruption of energy sources, to mention only a few – force the Union to promote a ring of well-governed neighbours. Part of the Union's response to this challenge

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has been the introduction of the European Neighbourhood Policy, in which fifteen Eastern and Mediterranean countries are included. As several groups of other neighbouring countries are excluded from this Policy, it becomes clear that the Union operates its foreign policy in this respect through differentiation and diversification. In some cases, it has proven necessary to back diplomacy by force. By and large, the authors argue cautiously, but nevertheless perhaps somewhat optimistically – sympathetic but not uncritical as they are concerning the European integration – that the policy of the Union towards its neighbours can be considered as both a tribute to the soft power of the Union and an improvement of the European security architecture.

After this clear and useful introduction to the field, Andrea Ott and Ramses Wessel tackle the complicated problems of the Union's external relations regime. As these problems are inextricably bound up with the relationship between the Union and its members, they intend to shed some light on the legal and institutional framework of the Union's external relations regime and on the divisions of powers between the Union and its member states. As a key question, they examine whether and to what extent the current member states still have powers to formulate and implement an external policy of their own. Analyzed in some detail are the external competences of the Union, whether attributed or implied, the conclusion of international agreements by the Union and their legal status, and the redefinition of the external relations in the expanding Union. It becomes perfectly clear that, even if the Constitutional Treaty had come into effect, the external relations domain would still be governed by a most complex legal regime, if only because of the continuing separation of the economic and foreign policy areas in terms of procedures and competences. After the rejection of the Constitutional Treaty, the efforts to revive it are so clumsy that one may doubt whether in the foreseeable future more transparency will be created. This is, however, a problem that the authors leave to the reader to ponder.

In chapter 3, Kirstyn Inglis explores membership conditions as applied to future and potential member states. She rightly remarks that although this is not stated in the Treaties, including the Constitutional Treaty, enlargement as a means of uniting the peoples of Europe must be seen as a core goal of the European Union in order to further peace, prosperity, stability and security on the European continent. It may not be very important in this context, but it is nevertheless a pity that she does not clarify the fundamental confusion in *eurospeak* concerning the notions of state and people. After all, it remains to be seen whether the uniting of states, which so far is the practical goal of the Union, really will lead to the uniting of peoples. And is *people* really a legally useful concept? A more serious flaw in this article can be considered the prolific use of the ugly term *conditionality* on its own and in constructions as *conditionality stick* or *conditionality tool*. Admit-

tedly, it is not always easy nor advisable to avoid technical terms like these; however, a somewhat more economical use would have made the article more accessible, the more so because of the subtle distinction that is made between 'pre-accession conditionality' and 'conditionality' that the Union has incorporated into its external relations with third countries. Notwithstanding my doubts about the necessity of this choice of words, the author makes clear that a flexible, rather complex differentiation exists between the conditions that are employed in the various stages of accession.

The 16 chapters of the second section of the book are devoted to country and regional analyses, respectively the EEA Countries (Iceland, Liechtenstein and Norway) and Switzerland by Adam Łazowski, four micro-states (Andorra, Monaco, San Marino and the Vatican City) by Fiona Murray, Bulgaria by Adam Łazowski and Svetla Yosifova, Romania by Mónica Józson, Turkey (including Northern Cyprus) by Edgar Lenski, the Western Balkans (Albania, Bosnia-Herzegovina, Croatia, Macedonia and Serbia and Montenegro (including Kosovo) by Steven Blockmans, Croatia by Siniša Rodin, the Mediterranean countries (Morocco, Algeria, Tunisia, Libya, Egypt, Jordan (sic!), Syria and Lebanon by Karolien Pieters, Israel and the Palestinian Authority by Wybe Th. Douma, the Russian Federation (including Kaliningrad) by Christophe Hillion, Ukraine by Eugeniusz Piontek, Moldova by Alla Skvortova and the southern Caucasus (Armenia, Azerbaijan and Georgia) by Anna Łabedzka. The inclusion of Romania and Bulgaria, no longer 'neighbours' but member states, testifies once more that a book on the EU, however up to date it may be, has a fair chance of lagging behind history by the time of publication. However, the inclusion is useful, indeed, because it makes clear how neighbourhood policy can lead to accession.

All the chapters of this second section have been composed along similar lines: a schematic overview of the most important legal documents; a brief historical outline of the relations between the Union and the countries discussed; a general and a more in-depth analysis of the main legal documents concerned; and some concluding remarks. Of course, what the authors call legal documents are to a great extent also political documents: the line between legal and political cannot easily be drawn. The authors have successfully tried to expose the linkages between the bilateral and multilateral relations of the Union with all of its geographical neighbours. In summarizing this section, Blockmans and Łazowski try to square what they call the 'Ring of Friends'.

It would go too far and not be very useful for this review to summarize the wealth of facts and literature that is produced and analyzed in these chapters. To give the reader an impression of the book, a quick overview of the article on the EEA countries should suffice. The chapter consists of three main parts and a con-

clusion. Firstly, the background, the creation and the membership of the EEA are sketched, secondly, the aims, institutional framework (including Council, the main Committees and Court) and the ways in which decisions are made pass in review and, thirdly, the relations outside the EEA framework are discussed. In the conclusion, the perspective of the EEA countries is fairly exposed, although the authors think, in their words, that the current *modus operandi* puts these countries in the position of 'prisoners in paradise', because their impact on EU decision-making is fairly limited while at the same time they remain under the obligation to swallow large portions of secondary legislation. The Union perspective is different, because in essence these countries belong to the same market. Therefore, it may be argued that the EEA has a potential to serve as a model for future relations with some of the Union's neighbours.

The final chapter by the editors, Blockmans and Łazowski, is certainly an apt summary and conclusion, but it is also an essay on its own. They quote the first paragraph of Article I-57 TCE, which may be repeated here:

The Union shall develop a special relationship with neighbouring countries aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation.

Although the Treaty establishing a Constitution may never enter into force, it reflects, as the authors rightly emphasize, to a certain extent current reality and also the political need to establish friendly relations with a diverse group of neighbouring states in which conditionality plays a central role. However, this is not the whole story. Where the authors do not want or fear to tread is the strong imperialistic undercurrent of the formulation. An area of prosperity and good neighbourliness is aimed at, but on the conditions, i.e., the values of the Union. I do not hesitate to call a conglomeration of states that pretends to be a union – and in the long run perhaps becomes a state aiming to prescribe its own, not to be disputed, values on its neighbours and possible future member states – an imperialistic political entity, not in any moralistic, but in a historical meaning of the word. And this is perhaps the heart of the matter of which this book is all about.

