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**THE EU MIGRATION REGIME AND  
ITS EXTERNALIZATION IN THE POLICY  
TOWARD RUSSIA**

**Oleg Korneev**

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# The EU Migration Regime and Its Externalization in the Policy towards Russia

Oleg Korneev<sup>1</sup>

## Introduction

This paper seeks to capture and to explicate the links existing between the evolving EU migration regime and the EU foreign policy in the case of the EU-Russia relations. Already at the time of the creation of the European Union by the Maastricht Treaty the member-states acknowledged the necessity to deal with immigration policy goals at the European level. With the entry into force of the Amsterdam Treaty in 1999 this policy-area has been substantially communitarized. Regarding illegal immigration as one of the most serious problems facing the EU, the EU policy-makers have sought to implement measures to fight this phenomenon in the framework of a common strategy.

Moreover, in this vein of communitarization also a gradual policy change can be observed. A shift from seeing immigration control as the only means to tackle the problem to the management of migration flows based either on the EU's unilateral actions towards the "sending" countries or on the cooperation with them has become one of the most significant trends in the development of the EU immigration regime. In other words, a tendency toward externalization of the migration policy has been taken place.

This externalization has figured prominently in the context of the two waves of the EU Eastern/South-Eastern enlargement. The enlargement has been conceptualized not only as one of the most successful projects of the EU foreign policy (Keukeleire 2007, *forthcoming*) but also as "*one of its most effective tools of spreading the geographical limits of this [EU] 'security community'*" (Kirisci 2005: 363). However, if one bears in mind that the last rounds of enlargement have not only brought many European states together but have also moved the EU to a region which can hardly be labelled as "stable" in terms of the "soft security", then the question of further policy developments in this area becomes a prominent one. Already during the pre-enlargement preparations the long standing migration-related concerns came to figure prominently on the EU's political agenda. Eventually cooperation with Russia, as well as with other new Eastern neighbours, has been identified as one of the key elements in the problem-solving (Potemkina 2002b; Vinokurov 2004).

In this regard it is clear that the question of how migration management and its external dimension have become one of the key issues for the EU in general, and for its relations with Russia in particular, is apparently overlapping with the discussions about the EU's foreign policy and its international identity. Therefore, I have embedded the analysis of the migration-related issues in the frame of a broader scholarly debate on what kind of international identity the EU is developing and what sort of power the EU wields.

The general assumption of this work is that the internal dynamics within the EU allow to

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characterize it as a security community. At the same time, one may claim that in its external relations/foreign policy the EU might be torn between two primary considerations – security (both its external and internal aspects) and norms promotion. Dealing with this duality I introduce an important analytical distinction in the concept of “security community” – a differentiation between an “open” security community and a “closed” one. Therefore, the main theoretical question addressed in this paper is formulated as follows: *What type of security community does the EU represent and how does this relate to another conceptualization of the EU – namely the “Normative Power Europe”?*

While it has been claimed that *“the EU’s ability to incorporate new zones into its ‘security community’ has been attributed to its ‘soft power’”* (Kirisci 2005: 363), it is not without doubts which kind of “security community” the EU is developing by “walling [itself] off” (Fucks 2006) from the “insecure” outer environment with its mass migrations, terrorist attacks and all the related threats “from the outside”. This paradoxical relationship of the normative power dynamic with a security community dynamic characterising the same ontological entity (the EU) might explain the EU’s ambiguous behaviour in its relations with Russia in the sphere of migration management – the focal point of this paper.

Applying such theoretical framework to the case of the EU common immigration policy, I argue that while it is of primary importance for the EU to foster solutions to its migration-related problems, the rationale behind the externalization of its nascent immigration regime might be much more complex. Some authors have already emphasized that it is not only the EU foreign policy is used to tackle its immigration concerns, but also the immigration policy itself might have been used to serve particular foreign policy goals (see e.g. Gammeltoft-Hansen 2006). One might even claim that acting in the vein of structural foreign policy (Keukeleire 2002) the EU is pushing forward its normative concerns in relations with the third countries. The empirical question is, then, to what extent these normative concerns constitute a part of the EU external political action and whether they become an instrument of negative conditionality in the dialogue on more interest-oriented issues, such as migration management (on the question of effectiveness of the conditionality see Schimmelfennig, Engert and Knobel 2003).

This paper is in the first place a theoretical endeavour. It starts by setting out a framework for the investigation of the relationship between the concepts of “security community” and “normative power”. Therein I build on the critically approached concept of “Normative Power Europe” coined by Manners (2002, 2004), which is either contested or developed by other scholars of international relations working in the constructivist paradigm, referring also to the older conceptualization of the EU as a “civilian power” and various interpretations of it (e.g. Bicchi 2006; Sjursen 2006; Smith 2004). In a similar vein I approach the concept of “security community” put forward by Deutsch (1957) and resurrected by the team led by Adler and Barnett (1998). Finally, the paper applies the suggested theoretical model to a short analysis of the EU’s approach in creating of one of the four “common spaces” with Russia – namely “a common space of freedom, security and justice”.<sup>2</sup>

While the concept of “Normative Power Europe” is usually conceived in purely theoretical discussions or applied to different military or militarized problems, this paper looks at

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<sup>2</sup> This includes the analysis of the interviews conducted by the author with officials from the Council of the EU (DG JHA of the Council General Secretariat and Permanent Representations of the member-states) and the European Commission (DG JLS) as well as with Members of the European Parliament (Foreign Affairs Committee, Committee on Civil Liberties, Justice and Home Affairs, Delegation to the EU-Russia Interparliamentary Committee) during the period from March 22 till May 25, 2007. The study also relies on the observations made during the EP Committees’ meetings over the same period.

completely different manifestations of Normative Power Europe in the context of the EU-Russia relations. It is argued here that not only does such focus help to grasp the dynamics inherent in the considered case but it also helps to demonstrate that the “phenomenon” of Normative Power Europe extends much further than just the “conflict prevention” role bestowed on it by a silent consent of many scholars.

## **Part 1: Security Community and Normative Power – Pieces of the Same Puzzle?**

### *Labels of the EU's Power*

Unfortunately, the debate on what kind of international identity the EU is developing and what sort of power the EU wields is almost always framed in terms of “either...or”. Some claim that the EU is a civilian power, referring mostly to the non-military or, more specifically, economic nature of the EU external actorness (Whitman 2002). Some others argue that it is a normative power, pointing to the values-oriented character of the EU external policies (Manners 2002, 2004; Bicchi 2006). Other labels that have been used to categorize the EU's power are “civilizing”, “militarizing” or “military” (Smith 2004; Sjursen 2006).

Indeed, it is the EU “power” in relation to other international actors which attract most scholarly attention. Being a “power” or exercising a “power” (whatever determinant of such a power might be) implies that an external dimension of the EU “phenomenon” is *per se* the most important. What is much less put on the research agenda is a picture combining both the EU's internal features and their projection to the field of international relations.

In this paper I suggest a more elaborate approach to the analysis of the EU's international role by introducing the security community concept in the discussion. I argue that if the EU is primarily conceptualized as a security community (this being not only its major internal characteristic but also a significant external one), then the question “what sort of power the EU wields?” can be approached from quite a different perspective compared to those which frame the debate nowadays. More precisely, I look at the specificity of the relationships existing between the conceptualizations of the EU as a security community and as a normative power.

Many of those scholars who deal with the concept of “normative power” assert that the underlying features of a normative power are not the means used but *the goals* pursued: the core goal being the promotion of “universal norms” with the rationale of changing the international environment (Bicchi 2006; Sjursen 2006). But I rather agree with Manners who actually coined the very concept of Normative Power Europe and defined it as “*the ability to shape conceptions of ‘normal’ in international relations*” (2002: 239). The word “ability” in the definition clearly indicates that what is important for Manners is the fact that the EU possesses *the means* which are actually intrinsic to it as a “norms container” and which it can use in order to change the rules of the big international game.

In other words, being a normative power provides an international actor with a particular sort of means. They are different from both traditional military and diplomatic means because, as asserted by constructivist scholars, they are based on the legitimacy of an actor's normative nature and of its normative claims as perceived by the others (see Manners 2002, 2004; Sjursen 2006) but, as rationalist scholars argue, are backed up by significant economic tools (Hyde-Pryce 2006). The rationalistic conceptualization of a normative power as *the means* for pursuing foreign policy goals is central to this paper.

Looking at the EU Mediterranean policies Bicchi (2006) argues that interest-based rationalist accounts cannot explain norms' diffusion (216-218). She asserts that Normative Power Europe exports its own norms unreflexively and thus the pursuing of interests does not play any significant role in this process (Bicchi 2006: 211). In contrast to Bicchi, I argue that the promotion of norms by the EU is to a greater extent an instance of a rationalistic strategic behaviour or "strategic calculation" (Youngs 2004: 415) where the interests play the primary role.

Hence, while it has been claimed that norms and their promotion are pertinent to the very nature of the EU (Manners 2002: 252), tracing the actual interests behind the scene of the EU political actions would mean that it is necessary to ask not what the EU *should* do but *what, how* and *why* the EU actually *does*. How could this set of questions be related to the conceptualization of the EU as a security community? Before attempting to deal with this puzzle I am going to discuss the concept of security community in more detail and to propose a significant analytical distinction therein.

### *The Security Community Concept*

Not surprisingly, from the time when Karl Deutsch (1957) fleshed out the concept of security community various scholars have chosen and given divergent, and even somewhat opposite definitions of it. Even a glance at some of them gives an idea that there is no single definition which might satisfy all of those dealing with different aspects of security, conflicts and international relations in general. Thus, for example, Vayrynen suggests, as he himself puts it, "a rather conventional" definition of a security community which is "*a collective arrangement in which its members have reasons to trust that the use of military and economic coercion in their mutual relations is unlikely*" (2000:166).

Although the "conventionality" of this definition might be disputable, its relative restrictiveness is apparent. Vayrynen limits the definition by "mutual relations" of the members of a community, thus excluding external threat factors as insignificant. Moreover, he obviously considers "coercion" (although not only military) as the most important characteristic of "insecurity", thus also excluding other (more subtle) threats to the security of a community, arguing that "*the adoption of the broad definition of security would unduly raise the threshold of the security community*" (Vayrynen 2000: 162).

Adler and Barnett (1998) restrict the concept in a similar manner. They define a pluralistic security community as "*a transnational region comprised of sovereign states whose people maintain dependable expectations of peaceful change*" (Adler and Barnett, 1998: 30). Again, on the one hand, a crucial element here, in one way or another, is the relations between people *within* a community with no attention paid to the external dynamics which this community might be exposed to. On the other hand, because Adler and Barnett are not very clear on what they mean by "peaceful" one may interpret their definition in relation to another significant issue – the nature of threats - in a rather loose manner. Besides, they themselves emphasize that "*whereas once security meant military security, now states are identifying "new" security issues that revolve around economic, environmental, and social welfare concerns*" (1998: 4).

Coming closer to the focus of this paper – the EU – it is important to point to a very significant comment given by Waever (1998) in his analysis of Western Europe as a security community. Among other nuanced explanations Waever insists that "*what is called in the literature a 'security community' is really a non-war community, and therefore if we accept a concept of*

*security wider than non-war case there can be (non-military) **security problems and security dynamics in a 'security community'***" (1998: 71, bold is added by me).

What could be concluded from this is that *the absence of war*, although a major element pertinent to a security community, does not necessarily mean that security problematique as such ceases to exist in a particular community. Therefore, I emphasize that in a re-conceptualized definition of "security communities" peace and security are to be understood not only as underlying characteristics of a non-war community, but as much larger concepts encompassing external and internal security through its major aspects – human security, societal security and state security.

This is the first point of departure in dealing with the EU as a security community. The second one is provided by Heisler (1992), who, in contrast to the definitions emphasizing only internal aspects of a security community, brings in an equally important *external* dimension. More precisely, to all above mentioned features he adds an essential condition of its sustainability – its relation to the outside world. Having in mind the EC and its relations with "the East", Heisler, maybe even unintentionally, upgrades the concept of a security community by arguing that "*mutual trust and integrative transactions with neighbours can, over time, expand it*" (1992: 616).

Indeed, once there is a security community, the question "what next?" can arise very naturally. Should it be vital for a security community to contain the dynamics which it achieved, within itself? Or should it be rather inclined to spread this dynamics in its environment? From a normative perspective the second option seems to be quite logical. Interestingly enough, even if approached from a rationalist paradigm it also seems to be the case, because, as Heisler asserts: "*security community, the EC and the diffuse normative framework of Western democracy can affect and are affected in turn by developments in the East*" (Ibid).

In this way I argue that for an adequate analysis of the EU a more inclusive definition of a security community is required. Any security community might be assumed to be tied together by interests and values common to its members. Moreover, their interests first and foremost lie in preserving their values of which security (as the determinant for the existence and development) is the core one. But it is necessary to move from a "security community" restrictively understood as equal to a "non-war community" to a "security community" where all the aspects of security (human, societal and state) *both of internal and external nature* are interrelated and thus not only so-called "hard" but also "soft" security risks are considered significant. Thus, for instance, all the risks associated with illegal migration, organized crime, terrorism, human and drug trafficking play prominently in the respective discussions.

I assert that the internal dynamics within the EU allow to characterize it as a security community and, thus, I adhere to the opinion that it is one (Waever 1998). Hence, for the rest of this paper I leave aside all the discussions on **whether or not** the EU is a security community. Instead, I try to reflect on the question of **what kind** of security community it is. What could be of primary importance here is to inquire **if** and **how** the EU can manage to continue to be a security community in relation to its external environment.

Departing from this point I would suggest that an important analytical distinction should be made between two "ideal types" of security communities: an *open* security community and a *closed* security community. This distinction is a rather simple and even rough one and thus does not claim to forge full-fledged concepts. Nevertheless, it can be an important analytical tool, especially considering the complicated dynamics characterizing the EU. I define a closed security community as a security community in itself, sharply limited by its

external borders and demonstrating a rather defensive style of relations with its environment. An open security community, in contrast, is one that is inherently open and aims at actual expansion of its security space. In other words, it is arguably vital for an open security community to construct the same sort of relations as it preserves within itself, with its “milieu”.

Any closed security community, however stable it might be with the problems left behind the fence and internal stability reached, cannot guarantee (or only in a short-term perspective) the sustainable security of the whole community from the outside world, because no community exists in a vacuum but, much to the opposite, in continuous interaction with its environment – neighbouring countries in particular. The opposite would be the case for an open security community which aims at reproducing the model existing within it to foster the emergence of a broader security community not merely outside its own borders, but more importantly on the merging of its borders with the (previously) outside world – this is how a real expansion of a security community may look like.

Of course, the distinction between an open and a closed security community is a Weberian ideal typical one in a sense that neither is likely to be empirically observed in its pure form. Rather, any security community is likely to display a combination of characteristics of both types. Nevertheless, it is a useful differentiation for a more adequate analysis of the relationship between the concepts of security community and normative power. Both concepts - security community and normative power - are embedded in the paradigm of constructivists’ reflections on international relations and thus by default do not seem to be in any contradiction with each other. The situation is however more complicated when one bears in mind the distinction between open and closed security communities. Here I suggest a simple model which might illustrate patterns of this relationship:

	<b>EU as a Normative Power</b>
<b>EU as an open Security Community</b>	no contradiction
<b>EU as a closed Security Community</b>	a contradiction

A security community by definition is about safeguarding interests (security and stability in a broad sense) through promoting values and diffusing norms. The problem thus is not that the concept of the security community is by default contradictory to the concept and practice of normative power, but the problems could lie in the qualitative characteristics of such a community. While an open security community would imply dissemination of its values through a positive-oriented interaction with the outside world by using “soft power” (Nye 1991), a closed one could be compared to the imageries (although disputable) of “fortress Europe” (Geddes 2000) and “panopticum Europe” (Bigo 2001). Arguably, for a closed security community it is not even security but *securitization* that becomes the priority, even the goal in itself and that, already by definition, would be in contradiction with the concept of normative power.

In a typical situation when an issue-tackling is at stake together with the values promotion and norms diffusion for the reasons of changing the international environment, the EU as an open security community might rely on its normative power, because then its normative discourse will be coherent with its normatively framed actions. Thus, if the EU is an open security community and it acts as a normative power, than we can say that the very norms and values which would be considered as core are those inherent in the open security community and the EU would try to promote them eventually “exporting” the model of the relationship existing within itself. Moreover, an open security community might enjoy the status of a normative power, insofar as the latter is considered as *a means* for such a

community not only to emerge but also to sustain security within itself through the promotion of security in its proximity.

However if the EU is a closed security community, then it can be the case that it uses all variety of means at its disposal in order to get to the ends which could be considered illegitimate from a perspective of a normative power. Instead of inducing enduring positive changes in its environment it might simply pursue short-term self-interests even at the expense of the others. The ideas of some EU leaders to condition development aid on the willingness of the third countries to cooperate in migration management (see e. g. Samers 2004; Statewatch Observatory on EU Immigration and Asylum 2006) might be a good illustration here. And whereas one might argue that the usage of normative power can be the most effective way for a sustainable expansion of a security community to take place, it cannot be legitimized for an entity pushing forward the formula “our size fits all” (Bicchi 2006) while fencing itself from those “all”.

The contradiction that arises here is that the EU as a closed security community cannot claim being or acting as a normative power. This contradiction between a closed security community and a normative power is, first and foremost, a normative one. At least it is normative to a greater extent, because, to put it simply, it must be hypocritical to claim the promotion of particular norms (open society, human rights), even to demand from other actors that those norms are respected and at the same time to build a “fence” around “more secure Europe”. In other words, the EU cannot be simultaneously a closed security community and act as a normative power, simply because the two dimensions of its “actorness” (Vogler 2002) would then be driven by opposite trends – the former by a trend to a seclusion from the outside world, and the later by a trend to a continuous interaction with the world, even though trying to change the rules of this interaction.

Nonetheless, there is also a non-normative, but rather a pragmatic contradiction. The EU keeping up with double standards – in its foreign policy prioritizing interests for itself and values for the other international actors – risks losing trust of its counterparts – an element emphasized by constructivists as a major condition for sustainable security.<sup>3</sup> In other words, the EU might simply lack the necessary legitimacy for imposing particular norms if it is not playing by the same rules itself. Besides, for a closed security community norms promotion in general, and promotion of the norms that are able to reproduce dynamics intrinsic to the EU itself in its relations with the outside world in particular, might cease to be a priority. Instead, what might become one is the preservation of norms, guaranteeing that they will be kept up within the community which secludes itself from most of the external influences and, hence, already even the possibility of acting as normative power seems to be rather vague.

Summing up, if a security community is considered to be the strategic end and a normative power a means to reach it, then no contradiction between the two concepts seems to exist at least at the theoretical level. But there is a problem if this contradiction remains in practice. In other words, if a normatively coloured discourse does not match with *realpolitik* motivated international moves. A substantial empirical research is needed to answer the principal question: in what direction is the EU heading? The subsequent part of this paper will attempt to address this question.

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<sup>3</sup> More on the concept of trust in international relations see, for example, Vayrynen, R. (2000) “Stable Peace Through Security Communities? Steps Towards Theory-Building”, in Kacowicz A., Bar-Siman-Tov Y., Elgstrom O., Jerneck M. *Stable Peace Among Nations*. Lanham.

## Part 2: The External Dimension of the EU Immigration Regime and the EU-Russia Common Space of Freedom, Security and Justice

“External dimensions” of some of the EU internal policies (see Bicchi 2006; Lavenex 2004) and their broader contextualization as instances of the EU structural policy (Keukeleire 2002), represent an excellent case for the analysis of the EU not only as a security community but also as an entity with a normative power dimension. For instance, Heisler’s analysis suggesting the idea of the expansion of a security community (1992: 616) foreshadowed the development of the sphere of Justice and Home Affairs within the EU. It has eventually started evolving into an “area of justice, freedom and security” where one of the major goals is the solution of multiple essentially securitized migration-related problems (on the securitization of migration, see Bigo 2002; Huysmans 2000). Indeed, bearing in mind that since a relatively recent time the migration problematique has been by and large conceived by state and many non-state actors as one of the primary security concerns, one cannot be surprised that it gains primary attention of the EU. Several theoretical points must be made here.

Recently, a significant number of scholars have paid attention to the intersection of the international migration problematique, international relations and foreign policy. This is rather surprising, because conventionally the traditional view prevails that immigration policy is being formed and conducted not with respect to any particular state or a group of states but with respect to individuals – i.e. the emigrants from these countries (see, for example, Castles and Miller, 1993; Hughes, 2002). Alternatively, it has been argued that a differentiated application of immigration policy measures towards migrants from various countries can be explained by specific economic, political and social reasons as well as by the peculiar character of the historic and cultural ties between many of the sending and host countries, that is by already existing interstate relations (Massey et al, 1998: 41).

Nowadays, more and more researchers deepen their analyses and argue that there are other important issues worthy of detailed consideration. First, migration can influence as well as serve the purposes of foreign policy and, second, migration policies and practices can have an inevitable effect on the whole complex of international relations between different actors (see, for example, Mitchell, 1989; Hollifield, 1992). When it comes to the EU, the link between the field of its JHA and its external relations is well established in the literature (see Boswell 2002; Geddes 2004; Lavenex 2001, 2006). It has been argued that European foreign policy is often used for asylum and immigration purposes, in particular to constrain asylum-seeker and irregular immigrant flows (Samers 2004). It has been also indicated, thought to a lesser extent, that immigration-related bargaining practiced by the EU can be used as a leverage to serve its foreign policy ends (see Gammeltoft-Nansen 2006). This paper deals with both of these arguments.

Normative migration policy theory tells us that immigration policy should inevitably be comprised of several components: preventive policy, admission policy, immigration control and integration policy (Monar 1997). Preventive policy implies cooperation of a receiving country with sending countries, as well as with international governmental and non-governmental organizations. The principal purpose of this policy is to influence potential immigration flows long before they can reach the borders of the receiving state. How is it put into practice? Badie and Withol de Wenden rightly claim that “*it is impossible to negotiate*

*with the [migration] flows which result from the aggregation of personal choices or, in any case, from micro-strategies” (1994: 13).*

Nevertheless, there are attempts on the part of the states (grounded in recently popularized by the research literature so-called “root causes approach”) to “negotiate” with the countries - sources of migrants. By “negotiation” one can mean a broad range of “negative” and “positive” influences on these sending states with the purpose of diminishing major causes of migration and thus narrowing down migration flows of a particular origin (see Tsapenko 2002). This approach is becoming the basis for intensively developing multiple strategies of migration management, substituting the mostly ineffective immigration control and ranging from unilateral state actions to inter-state cooperation. Because such cooperation requires an engagement of governmental actors from both “sending” and “receiving” sides, migration management gradually stops being an exclusively internal policy area and overlaps with the whole set of state external policies.

How is this trend manifested in the EU case? Already in the Treaty of Maastricht the EU member-states admitted the necessity to deal with immigration policy goals on the Community level. This acquired real legal basis when the Amsterdam Treaty entered into force. Regarding illegal immigration as the most serious problem in this sphere, the EU policy-makers in the framework of the new strategy have been seeking measures to be implemented to fight this phenomenon. For several years tough immigration control had been regarded as the only means in this fight. Eventually, such approach has shown its inefficiency. Moreover, the restrictive immigration policy has proved to provoke tensions in the relations between receiving and sending countries, especially when these are neighbouring states (see Badie 1994; Grabbe 2002; Heisler 1992; Jileva 2002). As a result a gradual shift from the immigration control to the management of migration flows (implying cooperation of ‘sending’ and ‘receiving’ states) has become one of the most significant trends in the development of a common EU immigration policy.

Among the manifestations of this externalization of the EU common immigration regime there are an increase in the mainstreaming of the immigration problematique (particularly in the EU’s external relations), the launch of the Neighbourhood Policy, and the specific conditionality in the EU Development policies. Relations with Russia and other CIS countries are not an exception here. Countries of CIS (especially those which are presently in the focus of European Neighbourhood Policy – Ukraine, Moldova, and Belarus – as well as self-withdrawn from this policy-circle Russia) are among the sending or transit states and sources of irregular migration (Heisler, 1992; Massey et al, 1998; Okolski, 2004). They have tried to reach preferable conditions of migration regimes in their relations with the EU. The last rounds of EU enlargement (in 2004 and in 2007) and the fact that the European Union has acquired large borders with four CIS countries have rendered the migration problems in the region even more pressing.

This is the context in which the EU is trying to develop one of its major “projects” – “an area of justice, freedom and security” (Tampere Conclusions 1999). The intensified evolution of the “area” - its intra-EU development – happens simultaneously with its expansion (though in an abridged form) through, for example, specific Mediterranean policies (Bicchi 2006; Pastore 2002), through enlargement negotiations (Grabbe 2002; Jileva 2002) and through specific mechanisms such as “common spaces” between the EU and Russia (Potemkina 2006). As for the latter case, the very architecture of the relations characterizing all the four common spaces looks like a matrix where interests are tied up with values, where problem-solution is attached to problem prevention, where pragmatics play together with ideas. Two important questions arise here: What is the role of EU-Russia Common Space on Freedom, Security and Justice (FSJ) in the general context of

EU-Russia relations? What is the place of migration management cooperation in the frame of EU-Russia common space on FSJ?

Theoretically, all of the EU-Russia “common spaces” launched at the EU-Russia Summit of May 2003 in Saint-Petersburg (Saint-Petersburg EU-Russia Summit Joint Statement 2003) can be considered as frames for potential regimes encompassing various spheres of the EU-Russia relations (Alexandrova-Arbatova 2006: 18). Indeed, it is enough to look even cursorily at the structure of the four “common spaces” to see how the EU’s and Russia’s interests and, prevailingly, the EU’s values are intertwined and how this tandem is used in all the fields of cooperation (Road Maps 2005). As stated by one of the members of the COEST working group of the Council of Ministers, “*it is clear that values are more important for the EU than for Russia, but interests are important for the both parties...the whole ideology of the four common spaces is based on the assumption that they include issues that are more important for the EU than for Russia and vice versa*”<sup>4</sup>.

Indeed, for example, the Road Map for the Common Economic Space (CES) indicates that “*the overall objective of the CES is the creation of an open and integrated market between the EU and Russia...based on the principles of non-discrimination, transparency and good governance*” (Road Maps 2005: P.1).<sup>5</sup> It goes on enumerating multiple areas of envisaged cooperation such as investment, financial services, enterprise policy, cross-border cooperation, energy and so forth thus defining the subjects of common interests. However, the document pays a particular attention to the need “*to promote respect of the environment and commitments to international environmental agreements...in order to foster sustainable development*” (Road Maps 2005: P. 26). The last passage is, without doubt, a contribution of the EU conventionally advocating the environmentalist concerns in the negotiations with the countries that significantly influence the global environment.

Nevertheless, some of the fields, in which the cooperation is to be enhanced, are apparently more interest-driven than values-oriented. This definitely applies to the common economic space and to the common space of external security. Whereas such spheres as education and research or “freedom, security and justice” demonstrate if not a balance, then at least an attempt of an interests-values synthesis (Road Maps 2005) thus having a potential to lead to the emergence of a security community between the EU and Russia.

While the interaction in other fields such as (the most discussed and “sacred”) cooperation in the energy sector might be or seem to be more dynamic and arguably, more important from an economic point of view, it is exactly in such “hidden” issue-areas as migration management where the EU can be more successful in acting as a normative power. In other words, the EU structural foreign policy towards Russia finds its way easier through, *inter alia*, the cooperation in such fields as research and education or justice and home affairs, than through more economically defined and thus more pressing agendas as energy supply security. There, as the External Relations Commissioner put it, “*the equation is simple: we need Russia’s energy, and Russia needs the enormous energy market Europe provides. Stability, predictability and reciprocity are in both our interest*” (Ferrero-Waldner 2006).

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<sup>4</sup> From a confidential interview with one of the EU member-states’ representative, conducted on 21 May 2007.

<sup>5</sup> More on the concept and the substance of the Common Economic Space see Vinokurov, E. (2004) *The Making of the Concept of the EU-Russia Common Economic Space* (Working Paper), InBev-Baillet Latour Working Paper Series, KUL.

Indeed, it is in the field of justice and home affairs and, specifically, in its external dimension that the nature of the EU as a normative power is manifested with greater assertiveness than in any other policy field. While it is of primary importance for the Union to foster solutions to its migration-related problems, and cooperation with Russia is one of the key elements in this process, the EU seems to push its normative concerns to an extent that they might become an instrument of negative conditionality (for detailed discussions and analyses of conditionality issues see Lavenex and Ucarer 2004; Lavenex 2006). The respective political discourse is framed by human rights, the fight against human trafficking, organized crime which endorses illegal immigration and other human-oriented concerns that provide the EU with necessary legitimacy in its external actions.

However, the empirical analysis demonstrates that the offensive discursive patterns are much more characteristic for the MEPs than for the representatives of the Commission or of the Council who use more cooperative wording. Negative and somewhat pessimistic statements of a kind “*Russian actions are rude*”, “*Russia is not willing to deal on equal terms*”, “*Russian foreign policy is aggressive*”, “*Russia is flexing its muscles*”, “*EU-Russia relations are deteriorating*”, “*Russia should be condemned*” or even “*Russian migrants pose a security risk because some of them will be working for the FSB*” are quite characteristic for many of the MEPs.<sup>6</sup>

Whereas the Council and the Commission officials quite often use phrases such as “*there is no option of not cooperating with Russia*”, “*Russia is a superpower of global importance*”, “*Russia has always been important for the member-states*”, “*we hope very much to do our best in the relations*”, “*Russia looks now a much more organized country than before and it helps to guarantee that our deals will be implemented*”, “*EU-Russia dialogue and cooperation are very broad*” with a clear positive connotation therein.<sup>7</sup> This definitely indicates the existence of the strong divergences (“ideological” versus “pragmatic”) in the approaches employed by the EU institutions in the relations with Russia.

Nonetheless, even an exaggerated political rhetoric might risk ruining the dialogue on more interest-oriented migration-related problems as far as they might provoke negative and even defensive reactions among both the Russian governmental officials and the political elite. The above mentioned questions of trust (Vayrynen 2000) as well as problems of “unequal partnership” in normative terms (Potemkina 2002b) come into play here. As it is emphasized by Potemkina, “*the formation of a common internal security space would meet the **interests** of Russia and the EU. However, many experts doubted whether success in this sensitive area would be feasible given the discrepancy between the parties’ ideas of common **values** and human rights...*” (2006: 39, text in bold is mine).

Mainly for this reason it is without doubt that the changes in this field might be less visible and more time- and resources-consuming. However, given that “hard-core” policy issues such as energy cooperation are much less open for bargaining and for the EU manoeuvres (because both immediate and long-term *interests* are in play here), “soft” policy issues may well become those channels through which the EU can promote its norms. It is in these domains that the EU may act in a normative way more than in other fields demanding pragmatic solutions, and consequently, this could effectively contribute to the stability of the EU as a security community.

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<sup>6</sup> Based on observations made during the meeting of the Delegation to the EU-Russia Interparliamentary Committee (22 March 2007), the joint meeting of the Committee on Foreign Affairs and the Security and Defense Committee together with the representatives of the national parliaments (7 May 2007) as well as on the material from the individual interviews with the MEPs.

<sup>7</sup> From the confidential conversations with the Commission officials (DG JLS), the Council General Secretariat (DG JHA) officials and the representatives of the member-states.

The very formulation of the idea of the area of Justice, Freedom and Security within the EU points to the fact that it is vital for the EU to connect values (freedom), interests (security) and norms (justice) in one patchwork. However, before the European Neighbourhood Policy and the Common Spaces with Russia had been launched, the fear was expressed that “*the construction of the “European area of freedom, security and justice” presupposes that Russia and the other neighbouring states are excluded from [this area]*” (Potemkina 2002a: 6). It is thus logical from this paper’s theoretical perspective that the EU has undertaken to develop a similar frame for the establishment of a respective “common space” with one of its neighbours.

As pointed out by one of the Council officials, “*the Common Space [of Freedom, Security and Justice] did not dramatically change the situation but it strengthened the cooperation...it is a far-reaching concept to say that we have a Common Space*”.<sup>8</sup> Indeed, as even the preliminary analysis of the concept and the substance of the Common Space on Freedom, Security and Justice demonstrates, here one has to deal with a mosaic combination of interests (definitely existing on both the EU and Russian sides) and values (almost exclusively promoted by the EU) potentially reinforcing the extrapolation of the security community dynamics to the EU-Russia relations.

Both Russia and the EU put emphasis on the creation of a “common internal security space”, thus promoting a security component as the most essential one. Russia is interested in the security aspects of this cooperation, in reinforcement of police contacts, in the fight against organized crime, and, in the gradual change of the visa regime – from the present-day situation, through visa facilitation agreement, which is to be implemented from 1 June 2007 (see Agreement 2006b), to a visa-free regime<sup>9</sup>. This would bring not only obvious socio-economic advantages, but would also have high political symbolism both for Russian internal politics and for the whole context of Russia-EU relations. Considering the long-term importance of “justice” issues for the EU, Russia can also use this field as something which, in case of success, would promote cooperation in other areas as well. However, even though neither party would officially admit prioritizing one of the aspects of the FSJ cooperation, it exists in practice and the aspect of “justice” is much less developed.<sup>10</sup>

One may observe that these are first and foremost the migration issues that, by virtue of their urgency, have become the most dynamic field in the framework of the EU-Russia Common Space on FSJ. One can conceive the logics behind the EU actions in this field in the following way. For the EU illegal migration, cross border organized crime and all associated activities constitute real security concerns emanating from its “proximity” (Casier 2004). Hence, as some authors argue, the EU literary needs a “buffer zone” (Potemkina 2002a: 2) to keep these problems as far as it is only possible from its somewhat harmonious internal space.

The EU used to have such a “buffer zone” in the East – quite “naturally” provided by the countries of Central and Eastern Europe. But the geopolitical reality has changed and this zone has not only ceased to exist but has become a constitutive part of the EU itself, which is now bordering with a rather problematic region in terms of all the “soft” security risks

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<sup>8</sup> From the interview with Wouter van de Rijt (Principal Administrator, DG JHA, Council of the European Union), conducted on 16 May 2007.

<sup>9</sup> For one of the hot political discussions on this issue see “Otmena viz: utopiya ili realnost”, *Evropa*, No.4, 2003, pp.10-12.

<sup>10</sup> From the interview with Wouter van de Rijt (Principal Administrator, DG JHA, Council of the European Union), conducted on 16 May 2007.

mentioned above.<sup>11</sup> As a reaction to this, the EU while delimiting its own “area of justice, freedom and security” might be trying to create another buffer zone to consistently safeguard its own status of a “security community” in relation to the “outside world”.

Manifestations of this dynamic are quite obvious, for example, in the EU actions in the framework of the “European Union Border Assistance Mission to Moldova and Ukraine” (EUBAM Background Note 2007), which is “*a huge money and fully an EU project although the UN implements it as a contractual party*”, or the EU involvement in the matters of policing of the Ukrainian-Russian border.<sup>12</sup> Both of these activities are indeed the practical realization of the quite ambiguous ideas of “remote control” (Zolberg 2003). In this regard, it is not surprising that one suspects that this might undermine the position of the EU as a normative power if some of the EU external actions go much further than mere promoting of values and give a clear sign of specific hegemon intentions when “*the soft power turns hard*” (Matlary 2006).

And indeed, as argued by Grabbe (2002), there is at least one negative externality of the emerging common immigration policies of the EU, as well as policies implemented in a similar vein by the candidate-countries in CEE. It is “*their contradiction with the EU’s external security goals for Eastern Europe*” (Grabbe, 2002: 91). She develops her argument by indicating that while in its external security policies the EU has been trying to stabilize its direct neighbourhood, the externalization of its internal security concerns might be destructive for this stability, because “*the overall security of Europe depends on preventing the isolation of politically unstable, poorer countries on the edges of an enlarged Union*” (Grabbe 2002: 102). On the other hand, it might be claimed that the very attempts to expand the “area” even through a straightforward interests-based issue-tackling in the migration field might be an indication that the EU is trying to sustain the dynamics of an open security community, which as has been argued before, does not come in a contradiction with its (self)identification as a normative power.

Apparently, as it comes to the EU-Russia relations, one might argue that the function of the Common Space on Freedom, Security and Justice is twofold (if not multifold) – it is designed in order to promote pragmatic solutions of (in particular) EU immigration problems through externalization of common policies, but it is also framed in a way to facilitate the development of the EU Justice, Freedom and Security Area through its “expansion”. And if one equates the “area” with the EU security community space then it would imply that the expansion of the “area” signifies the expansion of the security community. What this actually means is that one can observe here a trend where promotion of a “security community” dynamic goes hand in hand with the promotion of wider (more or less “universally” acknowledged) norms and values.

Hence, it might seem that, successfully or not, the EU is trying to incorporate Russia in the realm of its expanding security community through the use of conditionality, when values and norms are tied up to practical cooperation measures and even seem to be imposed. Nevertheless, as an opposite trend one can emphasize the divergences existing between the EU discourse and its political action, when the latter is unfortunately often more indicative of a closed security community dynamics, than of an open one.

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<sup>11</sup> The importance of the Eastward enlargement as a factor in the externalization of the EU immigration regime has been emphasized by an official from the Finnish Permanent Representation to the EU in a conversation on 25 May 2007.

<sup>12</sup> From the confidential interview with an official from the DG JLS (The European Commission), conducted on 19 April 2007.

A good illustration of this dichotomy is the long process of the EU-Russia negotiations on the Readmission Agreement and its recent results.<sup>13</sup> Whereas the EU in a very normative manner has been always emphasizing the urgent need to “*facilitate human contacts and travel between the EU and Russia*” (Road Maps 2005), the security concerns have finally overweighted and the Union has *de facto* blocked Russian visa-free initiatives, instead pushing forward quite an ambiguous visa-facilitation agreement. In this light, without trying to question here its capacity to induce normative changes, I would argue that for the EU exercising a normative power is by and large an important means to solve multiple tasks of both its foreign and internal policies, to reach “milieu goals” and, what is probably more significant, an ultimate means to promote its long-term interests encapsulated in the idea of a security community.

## Conclusion

This paper has dealt with two major interrelated issues – the conceptualization of the EU as an international actor and the way its different facets manifest themselves in its specific external policies with a particular attention to the case of the EU-Russia relations in the sphere of migration management. A basic assumption has been that the EU in its external relations/foreign policy might be torn between two primary considerations – security (both its external and internal aspects) and norms promotion. To approach this situation an important analytical distinction between an *open* and a *closed* security communities has been introduced, which allowed contrasting the latter with the concept of *normative power* in relation to the EU. An application of this analytical model to the externalization of the EU migration regime in its policy towards Russia has given grounds for the following reflections.

A double (self-)identification as a security community and a normative power seems to be the basis for many of the EU external actions. The EU is definitely using its external bilateral relations to promote solutions to its immigration problems. However, in particular cases such externalization goes further than that. If one approaches EU immigration priorities only as the goals and their externalization only as the means, then at least one very important aspect of the EU policies is simply neglected. These are so-called the EU “milieu goals” when an externalization of immigration policies can also serve other ends – namely purposes of the EU foreign policy. As in the case of the EU-Russia relations, the cooperation in migration management represents one of those fields where the EU, although with quite a disputable success, tries to implement its structural policy priorities through a reflexive usage of its normative power.

This might lead to the conclusion that two constructivist concepts – normative power and security community – can be very well approached from a rationalist perspective. Promotion of norms (as the major characteristic of a normative power) can be explained by the expected benefits in terms of economic and, eventually, security interests. That leads, in turn, to such a definition of the concept of security community, which is based on the security interests understood not in a “traditional” narrow sense (as only prevention of military threats) but in a more comprehensive way, encompassing all the aspects of security

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<sup>13</sup> The EU-Russia Readmission and Visa-Facilitation Agreements were signed in 2006 and subsequently ratified by the EP and the Russian Parliament. They will come into force on 1 June 2007.

(human, societal and state). The rationale for future research could be to further investigate empirical characteristics pertinent to the “external dimensions” of various EU “internal policies” in order to identify a type of security community the EU is developing and the ways it relates to the actively promoted idea of the Normative Power Europe.



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