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The EU's notion of territoriality: the “Westphalian Memory” vs. the “New Empire” : consequences for the macro-regional dimension of the Adriatic Sea Region

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THE EU'S NOTION OF TERRITORIALITY: THE "WESTPHALIAN MEMORY" VS. THE "NEW EMPIRE". CONSEQUENCES FOR THE MACRO-REGIONAL DIMENSION OF THE ADRIATIC SEA REGION

Alessandro Vitale

ABSTRACT

The creation of the European Union in 1992 reflected an attempt to rethink some of basic modern political concepts as national sovereignty and citizenship. But in recent years the European spatial development policy discourse has taken an evident territorial character with the enforcement of the idea of territorial cohesion and territorial continuity. The spatial predominant EU's conception contributes to an evident emergence of a modern territorial building of the European space. Moreover, nowadays the instrument of hard and closed border and the sharp inside/outside dichotomy are accepted as the normality in Europe. Due to this notion of territoriality, the idea of the EU as a "non-Westphalian new empire" (according to the "neo-medieval paradigm")

is at least unrealistic. Its borders are getting more territorial, physical and visible, in deep contrast with an imperial historical structure. Hard border policies and practices on the borders mirror the existence of a *de facto* barrier and of a deep "Westphalian memory" in the way to use the territory as support of political unity. The EU's drive to re-territorialise Europe is not a mere academic question; it has real consequences for people and places. Supra-nationalism reveals itself as a metaphor of "re-territorialization", a paradox with strong political and economic consequences. In the macro-regional dimension of the Adriatic Sea region the EU's "re-territorialisation" can impede seriously the cooperation across the EU's external borders.

KEYWORDS

Europe, EU, Adriatic Sea, borders, territoriality, modern state, security

INTRODUCTION

Nowadays the prevailing discourse about the European spatial development is increasingly littered with references to territory, territoriality and territorial cohesion. However Europe has never been a clearly demarcated continent or a fixed bordered entity. The Mediterranean in the past was a bridge of civilizations and only recently it became a European periphery and a *de facto* border in the modern sense. Political scientists, particularly specialists in International Relations, have discussed in recent years about two contrasting territorial models of political unity referred to EU: the "non-Westphalian new Empire" (according to the theoretical "neo-medieval paradigm") and the tendency to build a new political unity with an evident "Westphalian territorial memory". Due to the pragmatic notion of territoriality existing in fact, in my

opinion the idea of the EU as a "non-Westphalian new empire" became at least unrealistic. At the same time the territorial reality of EU and the EU's notion of territoriality and of borders are a clear obstacle for the emerging identity of what is increasingly being termed "the Euro-Balkan dimension" in the Adriatic region. Many factors connected to geographic and cultural proximity make possible the intensification of relationships and macro-regional cooperation among Adriatic coastal (and non-coastal) regions and states for dealing with complicated problems and unrealized potentials in the region. However, despite the obvious desirability of improved cooperation in the Adriatic Sea and the EU's action at the macro-regional level, the EU's territorial dimension faces a number of policy dilemmas and contradictions.

The removal of internal borders within the EU and the opening of a common market were

accompanied by a continuous strengthening and by an increasing relevance of external borders. (Ibryamova, 2004). The creation of a common market with economic and social cohesion was followed by acts and policies to demarcate, border and protect the common European space (Geddes 2001, Zielonka 2006). In fact, also the EU's concept of political integration, based on a rigorous system of inclusion and exclusion, defined by full membership status and fortified external borders became an instrument of the old conception of territoriality. The Maastricht Treaty that entered into force in 1993 clearly established an increasing importance of the EU's territorial basis. Even if after five decades of non-stop theorizing about European integration, scholars are still concerned with the question of what exactly the EU is and what it may come resemble in the future (Sidaway, 2006: 4), Commission's officials clearly said that the dismantling of Europe's internal borders made it necessary to make sure that the controls at the external borders of their shared territory were reliable (Islam, 1994: 40).

The EU's system is characterized, much more than in the past, by a territorially fixed political community. The construction of the EU is in large part an attempt to create a coherent political, social and economic space. Bordering is, by nature, a multilevel process of re-territorialisation and it raises determinant questions regarding the EU and its territorial nature. Several recent developments in the European Union, such as the creation of the Schengen area¹, the Lisbon Treaty², and the Frontex agency, show that the territorial concept, in a modern geographical sense, is still important, influential and seems to evolve towards a polity with the "Westphalian" characteristics. The EU is now evolving towards a reproduction of the territorial model of modern state by presenting itself as being one single space and by bordering, disciplining and normalizing itself with practices similar to those of nation-states (Boedeltje and van Houtum, 2008: 362-363). Most of the member states wanted to move the

Community towards a closer economic and political union. Economic and social cohesion became one of the pillars of the Community structure (Fitzgerald and Michie, 1997: 20). But due to the concept of territoriality related to a clear inside/outside division, the European project seems to evolve more towards a replication of the modern state territorial structure than towards a form of empire, with its open spaces and heterogeneous structures without an internal and organic principle of unity.

Europe has an intrinsic historical openness and cannot be understood with a definite beginning or end; it has never been a clearly demarcated continent or a fixed bordered entity and it has always been characterized by shifting spatialities. The Mediterranean and the Adriatic once were a bridge of civilizations between Europe, Africa and Asia. The rich trading cities of the Adriatic, Ancona and Venice, were in close relation with the high civilization of the Eastern Mediterranean and were large Byzantine in culture. Only recently the Adriatic became a European periphery and a border. The EU's more frequent and widespread concept remains territorially-based: especially the spatial continuity is at the centre of the attempt to construct the European Union as a polity with modern state characteristics.

THE CONTEMPORARY EU'S NOTION OF TERRITORIALITY AND THE "WESTPHALIAN MEMORY"

The prevailing discourse about the European spatial development is increasingly littered with references to territory, territoriality and territorial cohesion. Already in the Constitution's provisions (*Treaty Establishing a Constitution for Europe*, 2005) the themes of territoriality and territorial cohesion recur again and again. The cohesion of its territory is explicitly posited as codified and institutionalised, something *to be reinforced*. (Burgess, 2009: 148).³ Nowadays the European Commission conceptualizes the EU as a demarcated area with a clear inside and outside, surrounded by a ring of friends (European Commission 2003).⁴ The contemporary dominant discourse and metaphors on the EU's political geographical nature are still clearly territorial in the

¹ The new focus on the controlling of the EU's external borders was also triggered by the Schengen Treaties. (Albrecht 2002: 1).

² The contemporary tendency towards an Europe with a Constitution, President, Minister of Foreign Affairs and above all a clearly demarcated territory with a sharp inside/outside dichotomy, borders as barriers, is going on. It represents a project of a very restricted and closed EU (cf. Boedeltje and van Houtum, 2008: 361).

³ Among the objectives formulated in Title 1 is the promotion of economic, social and *territorial cohesion* (Burgess, 2009: 148; *Treaty Establishing a Constitution for Europe*, 2005: 17).

⁴ This document refers to the European territory as a clearly demarcated space, and uses the definitions "Within and beyond the new borders of the Union" and the concept "Ring of friends".

modern sense. Despite the fact that at the beginning of the European Project (the Rome Treaty) the aim was to incorporate as many states and people as possible, than to create a restrictive union, the EU is based on a conception of contiguous territories, of territorial integrity and it needs a clear understanding of what belongs and what does not belong to the Union. The spatial predominant conception of the EU contributes to an evident emergence of a sharpened territorial building of the European space. The idea of both the territorial cohesion and territorial continuity shows how relevant the notion of territoriality in the “European geographic discourse” is and consequently how accepted the instrument of hard and closed border and the sharp inside/outside dichotomy are. In fact, the EU’s concept of political integration became an instrument of an old conception of territoriality. The Maastricht Treaty clearly established an increasing importance of the EU’s territorial basis.

The creation of a single space triggered a wish to demarcate and border the European political space and entity (Islam, 1994: 38). A new common external border became needed to protect the entire Union (Geddes, 2001; Harvey, 2000) and the external borders have been increasingly policed (Albrecht, 2002), representing a clear conception of hard territoriality. Concerns about the safety of the Union rose quickly in the 1990’s. It is difficult to deny that the EU is now a territorial structure with policing of its physical external borders, walls, hardware, and internal surveillance of the territory, strong immigration laws, and a protectionist economic policy, especially concerning agriculture. Membership of and belonging to the EU automatically creates exclusion, and it is necessary to remember that the right to control and deny admission of foreigners is often seen as crucial to a nation state’s sovereignty and territorial integrity (Leitner, 1995: 261). As wrote Colin Harvey, “supranationalism” requires a process of boundary drawing just as much as nationalism. (Harvey, 2000: 374).⁵ It is not surprising that the demarcation, bordering and securing of the common European space became the permanent conception of scholars, politicians and of the media. Bordering is driven mostly by fear of crime and the need to be

amongst “ourselves”, hence protecting welfare, security and identity (Van Houtum and Pijpers, 2007: 303). In fact, the EU aspires to become an international actor by extending its institutional power and superimposing its borders on the already existing state borders of European nation-states.

Nowadays the conformation of the EU’s borders⁶ is characterized by rigid border law enforcement, borders controls (Andreas 2003: 78) and obstacles to the cross-border mobility. What still separates many Adriatic Countries maintains the aspect of a “modern state border”. This EU’s boundaries pretend the territorial continuity and are “parasitical” and “subsequent” (it adapts itself to the historical subdivisions imposed by a long political occupation) and are “overimposed” (it doesn’t pay attention to the characteristics of cultural sights). Thus the EU’s territoriality is derived from that of its member states (Philipott, 2001: 17). The European Union is a project of re-territorialisation. EU’s territoriality is “hard” in the sense of institutions, borders and policies. The ‘exclusive’ and ‘expulsive’ character of the EU’s border, his impermeability, his function of rigid delimitation of space and of “perimetral” barrier, its superposing to existing state borders, cannot be defined neither as “post-modern”, nor as “imperial”. Even though some scholar claim EU’s external borders as “undefined external boundaries” (e.g. cf. Wallace, 1999: 519), these borders maintain a clear function of barrier. Pre-modern territories were characterized by variety, fluidity, non territoriality in the modern sense of word, or nonexclusive territoriality (Anderson, 1996: 141). The territorialisation of politics has been implied a long term process of the creation of an “internal” and “external” at state borders. Territoriality in the Middle Ages was characterized by an absence of clearly defined borders and sharp inside/outside distinctions (Anderson, 1995: 69). Furthermore, within an empire the relationships between territory and sovereignty are weak. The empire includes external relations without creating any sharp inside/outside dichotomy (Anderson, 2007: 19). Samuel Pufendorf in his work *De statu imperii germanici* (1667) argued that the Holy Roman Empire completely lacked a distinction between inside and outside. Indeed he wrote that his structure was “irregular” and a kind of *regimen monstruosum*. In fact, due on his “trans-territorial”

⁵ Harvey adds that a boundary between “us” and “them” and the construction of the mechanism to ensure inclusion cannot be wished away, because it is the consequence of the ambitious aims of the EU. (Harvey, 2000: 374).

⁶ About the permanence of an old border, see Newman D., Paasi A. (1998: 199) and Andreas P. (2003).

dimension (Ruggie, 1993) it was quite impossible to find a sharp division between “internal” and “international” dimensions. Hendryk Spruyt noted: «The medieval period lacked not only exclusivity but also territoriality. [...] Federalism, the Church and the Holy Roman Empire lacked territorial fixity and exclusivity. [...] The Empire did not define itself by control over a territory» (Spruyt, 1994: 35, 51). One of the defining elements of empires is the absence of hard borders. Before the nation-state structure prevailed a nonexclusive form of territoriality, with many forms of personalized and fragmented authorities within and across territorial formations, with inclusive bases of legitimation. The main change in the political structure of Europe was the creation and the spread of firm territorial boundary lines between political formations. States were built around the idea of territorial homogeneity and unity.

The contemporary EU's border seems neither the Roman *limes*, nor the medieval “*marche*” of frontier, generated by the complex tissue of historic Europe and created by the “trans-territoriality” that distinguished it.⁷ The “linear border” is a recent historic reality, characteristic of rigid territorial systems, and hasn't the function of ‘filter’ but that of ‘enclosure’ (Newman and Paasi, 1998: 197): boundaries and territoriality are contextual. From the Roman *limes* to the Habsburg *Grenze* all empires have known only peripheral zones where settler-soldiers served as ever embattled “buffers” for the imperial centre (Zielonka, 2002: 39).

The modern characteristics of EU's external border appear by the attempt to sharply separate between internal “law and order” of the internal space (*Innenraum*) and the outside dimension to which expel all the impossible to assimilate “disorder”. This is the typical logic of the modern state: the production of the “order” inside the borders and the expulsion of the “disorder” outside. Even if long-standing realist debate in International Relations has suggested an inherent weakness of the EU due to its lack of Westphalian stature, the EU's borders are evidently still characterized by a “Westphalian memory” in the way to use the territory as support of political unity (Badie, 1995; Reut, 2000) and correspond to the

modern idea of “political territorial exclusivity” (sovereignty).⁸

Furthermore, the EU's political geographical imagination and the visions on the EU's territoriality are dominated by an attempt to assure a “territorial continuity” for the Union. Generally in this conception it is impossible to admit exceptions, e.g. *enclaves* and the territory of EU must be continue, without any interruption. The same process of enlargement was thought as an acquisition of contiguous territories, excluding “anomalies”. This conception reveals at least an imitation of the political model of the modern territorial state, even though at “supra-national” level. Only taking into account the more recent forms of empires (Habsburg or Russian-Soviet)⁹ it is possible to define the EU as a “new empire” but certainly not inside a “neo-medieval” paradigm.

This territorial conception caused through the years an “involution” of the border and rendered the borders impermeable (and certainly not “fuzzy frontiers zone”), letting fall institutionalized Europe into the “territorial trap” (Agnew, 1994). This process reflected the same conception of the creation (already existent in the Cold War period) of a big self-sufficient, autarchic area, closed by a customary and boundary belt, which remembers the ideal of the ‘Fichtean’ *geschlossene Handelsstaat* (a political territorial, closed and mercantilist area).

Although the EU's territoriality is still less fixed and less exclusive than that of modern states (Mamadouh, 2001: 434), and progresses in a complex, multifaceted, and non-linear fashion, the “supra-national” character of the EU is not enough to make different that unification among states, founded in Maastricht, from other unifications that used modern borders as an instrument of building of state territory.

The EU is acknowledged to be a political hybrid which eludes conventional categories of national or international political organization but regarding the external dimension of European territorialisation, it is becoming an actor involved in spatial ordering within and outside its territory, and in bordering.

⁸ «The Westphalian model of international political life presumes a notion of hard borders » (Mostov, 2008: 20).

⁹ From the mid-sixteenth through the mid-eighteenth centuries, Russia and Austria were transformed into modernized empires with organizational characteristics of modern states but still multinational medieval autocracies in conception.

⁷ «The archetype of nonexclusive territorial rule is Medieval Europe» (Ruggie, 1993: 149).

Of fundamental importance is the fact that the EU continues to display its greatest institutional strength along the territorial lines of the member states. The EU's border seems a particular form of mark of territoriality used by governments to control resources and peoples, by making the bounded territory the primary focus of economic and political identification for citizens. The drawing of any given state or of "supra-national" border represents a simplification of complex political and geographical problems.

THE HARD BORDER POLICIES AND PRACTICES

Instead of developing the spontaneous process of rebirth of a porous border, as contact and trade zone to East and towards the Balkans, that appeared not only possible, but necessary on the early 90's (Layard, Blanchard, Dornbusch, Krugman, 1992), during the last 15 years it was tried to oppose a long, artificial process of tightening that produced the "involution" of the border, which at the beginning of this decade became military reinforcement (since 2004), made rigid and sealed by a system of visas, reinforced by the "Schengen curtain". The perceived "security deficit" has been increased the impermeability of the external border of the EU. Despite the fact that the Schengen Agreement's implementation (after 1990) has had different effects for different parts of the EU's external border, especially in the Overseas Countries and in the Countries that are not part of the EU, hard border thinking and policy are emblematic of the EU's conception of territoriality as an ultimate goal to achieve. This border is getting more territorial, physical and visible. The expansion of the EU has involved a redrawing of the boundaries and relationships between the EU and its neighbours. The hardening of borders, in the name of security, acts to reinforce the division between "insiders" and "outsiders". It corresponds to an old form of territorialisation of politics and to a building of an "internal" and "external" at EU's borders. The distinction between "EU-members" and "non-members" is nowadays sharp, relevant and important (Zielonka, 2006: 12). This border is characterized by rigid border law-enforcement, borders controls, and obstacles to the cross-border mobility.

Moreover, European economic protectionism, using the border, damages the prevalent agricultural economies of the regions

beyond the border, breaking the development, which instead is completely possible. Commerce with separated by European border Countries suffers from barrier effects and these economic activities cannot contribute to create economic wealth. Particularly developing Countries of small dimensions that have seen the reduction of their internal market, need to open outwards, otherwise they can fall into stagnation and decline (Pavliuk 1997; Batt and Wolczuk 2002), because the high cost of autarchy. The economic justification of these barriers doesn't hold: it's not clear why only "internal" openness of the Union urges until the frontiers of EU can be obtained advantages, while beyond these borders start disadvantages. The reality is that the border depends only on political justification, based on the political principle of 'exclusivity'. In fact, the EU's border maintains a destabilizing effect within states left outside the EU, by exacerbating centrifugal tensions and pressures and may cause difficulties in the relationship between the EU and its neighbours. Trying to expel "disorder", EU's border could stimulate it, as demonstrates e.g. the Ukrainian case.

CONSEQUENCES FOR THE MACRO-REGIONAL DIMENSION OF THE ADRIATIC SEA REGION

The Adriatic Sea Region remains highly fragmented. While the need for a European strategic vision for the Adriatic Sea appears obvious, the proposed strategy at European level nonetheless faces a series of challenges due on the widespread EU's territorial conception, and the lack of an external perspective. The macro-regional cooperation is deeply affected by the Westphalian management of the territory and of the related sea. Removing hindrances to the internal market in the Adriatic Sea Region remains difficult. The existing frameworks of cooperation in the Adriatic region are not working. The Adriatic Sea region seems to confirm the general picture in International Relations that is much easier to set up institutions than to get them working properly. Clearly, this problem has to do with the lack of political will and the existing reality of the Westphalian territorial conception. In an area, where the need for international cooperation may be the greatest, it remains the lack of perspective on how to work with the EU's external dimension in the Adriatic Sea in the years to come. It seems quite problematic to develop an EU strategy for the Adriatic when the most important fields of cooperation clearly hold an

external dimension. Many Adriatic countries are excluded from the Adriatic macro-regional dimension: the fact that they are not part of it jeopardizes many EU's efforts on a macro-regional level. There is a general lack of an external perspective and of a coherent approach to the non-UE Adriatic macro-regional level. While the European Neighbourhood Policy strives to provide the foundations for a new regional community, it also contributes to a politics of difference, creating distinctions between the EU, non-EU Europe and non-Europe. The *Adriatic-Ionian Initiative*, within the *Central European Initiative* (CEI) aims at encouraging closer collaboration in this region with the involvement of the Western Balkan coastal nations. The Adriatic-Ionian dimension is capable of increasing the possibility of contacts and collaboration with the Mediterranean region, strengthening relations between CEI and the European Commission, and participating in project aimed at achieving community priorities in South Central and South Eastern Europe, but in fact the EU's border in the Euro-Mediterranean area has become more salient. Border regions in the Adriatic area display many directions of inequality and asymmetry and they became economically and geographically peripheral. EU's borders negatively affect regional economies of the Adriatic area by splitting economic catchments areas and by increasing transaction costs.

There is no doubt that the Adriatic Sea area is in need of more advanced cooperation among the littoral states for dealing with severe problems and unrealized potentials in the region. But the existence of a border at the supra-national level and of a policy hierarchy that embraces distinction between the inside and the outside of the EU into the Adriatic macro-region may be detrimental in the long term.

CONCLUSIONS

The macro-regional dimension that could take place on the geographic feature of the Adriatic-Ionian macro-region necessitates, much more today than in the past, a new conception of EU's borders. But the macro-regional dimension can become an instrument only within new frameworks including non-EU partners. Many factors connected to geographical and cultural proximity make possible not only the intensification of multicultural relationships among Adriatic coastal regions but also a new perspective in free trade. Different scenarios for the future of the EU

are possible, but nowadays the building of the "institutional Europe" still largely contains an old conception of territoriality and boundaries. The EU's border still obstacles the implementation of a necessary number of coordinated actions and projects. This conception is related to the popular conviction that the EU/Europe has always been a fixed territory and that some European countries cannot belong to it. The Treaty of Lisbon also makes a step forward to the creation of a territorial polity at the European level. In sum, the contemporary EU's concept of territoriality contains characteristics of a neo-Westphalian model and there are no evidences that the EU is turning into a "neo-medieval" empire. It is self-contradictory and highly problematic arguing that EU is a polity that evolves towards a weak empire or a "maze Europe" with soft and flux external borders of "fuzzy" nature, as e.g. wrote Zielonka (Zielonka 2006: 6, 144) or to say that the inside/outside division is blurred because the EU's authority does not stop at its own external borders (cf. Böröcz 2001: 18-19). External borders and inside/outside dichotomy show the reality of the EU's predominant conception that is based on the Westphalian clear-cut borders as well defined lines.

Collaboration efforts across the EU's external border, a kind of peculiar mix of regional, national/bilateral, and pan-European/supranational cooperation initiatives cannot be generalized. In any case, the European Neighbourhood Policy (ENP), soft policy instruments as *Tacis* and *Interreg* are not enough to neutralize the "barrier's effect" of the renewed border. More "inclusionary" initiatives towards the EU neighbours have had a marginal impact (Debardeleben, 2005). Along the EU's border, controls and surveillance will not be loosened but, at least for now, intensified: it is a border without a good chance of disappearing. But *re-territorialising* politics seems inappropriate to a new concept of Europe as "empire". Reducing and resolving (or partly resolving) these contradictions generally require opening the gateways and reducing the "barrier functions" of the border (Anderson, O'Dowd 1999: 596). The tightening of the EU's border regime threatens to reinforce social inequalities in the borderlands and could lead to a widening of the development gap between the EU and its neighbours also in the Adriatic sphere.

Nowadays in the Adriatic macro-region is growing up the necessity of a deeper cooperation, including a visa-free-regime, a free-trade zone for

services and agricultural products, an increasing level of people-to-people contacts, as well as closer cooperation in transport infrastructure. The increasing transnational flows of capital, products, services, labour and information have generated a growing need for border-crossing mechanisms. The rising of pressures towards the development of continuous spontaneous cross-border contacts confirms the existence of a push toward the recovery of optimal dimensions of cooperation, above all on the economic plan.

Rethinking the external logic of the EU's Adriatic policy, including non-EU's members, became highly necessary. Softening borders encourages sustainable resolutions to socio-economic development. It could better protect and/or strength relationships and associative obligations through border or transnational networks. It offers a possible remedy to a politics of exclusion, facilitating global processes (Mostov, 2008: 3-5, 17). As wrote Anderson (Anderson, 1996), it is necessary at least a radically rethinking of political borders, of hard border assumptions and territoriality. Softening borders opens up alternatives for cross-border linkages and new spaces of cooperation. The transformation of the modern concept of sovereignty invite for rethinking the terms of political and territorial associations.

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