
Exploring the EU's security governmentality: The case of visa diplomacy in the Eastern Partnership

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Abstract

The aim of this paper is to examine the instrument of visa diplomacy, and the regimes of practices between the European Union (EU) and the states of the Eastern Partnership (EaP). The visa liberalisation process is an 'inclusive' form of the EU visa diplomacy which exposes a series of continuities and disconnects in the EU's security governmentality. Using the case studies of Visa Liberalisation Actions Plans (VLAPs) and border management cooperation, this paper argues that while the EU macro-approach is still largely controlling and disciplinary, the microcosm of techniques and programmes reveals some emergent practices which increasingly draw on the interplay of both the EU interests and partners' needs, and potentially lead towards more sustainable reforms.

Key Words: Visa Diplomacy, strategies, techniques, programmes and practices

Introduction

As Foucault notes (2007), the suppression of city walls in 16th century posed new 'technical' problems for organising and securing the town. Similarly, the changing constellations of the EU's eastern border opened new questions about managing cross-border mobility (of both goods and people) across the 'gates' that separate the EU from a wider Europe. 'In other words, it was a matter of organising circulation, eliminating its dangerous elements, making divisions between good and bad circulation, and maximising the good circulation by diminishing the bad' (Ibid 2007: 21).

The aim of this paper is to examine the instrument of visa diplomacy as an important lever of 'the gates', and the regimes of practices between the EU and the EaP states. Visa is a first point of a territory's border management, a key aspect of its sovereignty that separates and protects it from the world outside - a tool for inclusion or exclusion of the separate *Other*. However, as a diplomatic instrument, visa can also be used to exert influence over the third countries, namely by allowing (in the form of visa facilitation or full removal of visa obligations) or denying (for example, through visa bans) access to one's territory (Stringer 2004: 2).

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The EU's visa liberalisation process may be seen as an 'inclusive' and yet a managed form of visa diplomacy that, as this paper seeks to argue, exemplifies the continuities and disconnects in the EU's security governmentality. Using the case studies of Visa Liberalisation Actions Plans (VLAPs) and border management cooperation, this paper argues that while the EU's macro-level approach remains largely controlling and disciplinary (through the spread of pre-defined norms, and definition of 'abnormal'), the microcosm of techniques and programmes applied on the ground allows for a greater 'interplay of differential normalities' (Foucault 2007: 63), including the interests of both the EU and partners.

While cooperation in technical and thus, de-politicised (Edkins 1999) areas of cross-border mobility has been highlighted as important for fostering a more 'inclusive' approach to relations, this can only take place if greater ownership is fostered, which would account for partners' needs to avoid a one-way transfer of EU rules and regulation. Furthermore, if a relational approach to power is taken, the field of EU security (within which power relations take place) becomes unavoidably ambivalent: the internal becomes externalised, but the external also internalised (Bourdieu 1992).

Based on Foucault's post-structuralist work on the rationalities of government (governmentality) and Bourdieu's sociological study of practices (philosophy of action), the paper aims to study visa diplomacy as an external dimension of the EU's internal security governmentality, that can be studied through 'specific examples of "regimes of practices" that are persistently problematised and re-problematised' (Legg 2011: 128).

This paper uses the *dispositif* as a grid to analyse power relations (Foucault in Dreyfus & Rabinow 1983) within the field of EU internal security through the study of 'precise locations': strategies of governing (*episteme*), the programmes and techniques (*techne*) invested with a particular purpose, and the *practices* that emerge and extend the EU's security governmentality beyond its borders (Dean 2010, Deleuze in Armstrong 1992). Linking strategies and instruments to practices, this paper argues, may offer a more comprehensive understanding of continuities and disconnects within power relations, in application to the fields of EU internal security and external governmentality (Merheim-Eyre in Bossong & Carrapico 2015).

Field is defined as 'a configuration of objective relations between positions' (Bourdieu & Wacquant 1992: 94). It involves actors and structures, and the relations of power between them, determining what does or does not constitute a security threat (the process of 'securitisation'), management of that threat, and production of instruments to deal with the threat.

Following this defining introduction the paper proceeds in three sections. The first section presents the *dispositif* as an analytical grid, by exploring the key components of the regimes of practices (Dean 2010), including Bourdieu's logic of practice to analyse the extent to which strategies and techniques employed within the field turn into performative actions.

The second section situates visa diplomacy in a wider context of EU security governmentality which pursues two particular narratives. One is concerned with the interplay of 'politics' and 'the political': in particular, as will be shown, visa diplomacy represents a technocratic side of 'politics' (Edkins 1999). However, contrary to Edkins, by focusing on the micro-level rather than merely the macro, the technical space should not be simply seen as controlling and disciplinary. Instead, the focus on the microcosm of strategies and techniques reveals that a shift towards the new 'political' (the

establishment of a new social order) can also happen through a gradual process within the technocratic area of government.

. Even further, as one interviewee has noted, while the instruments ‘may be technical, they also require political choices’ (MS official 2).

The third section of the paper explores the difference between established ‘politics’ of ‘normation’ (adherence to an EU-set norm) on the macro-level, and the gradual shift towards ‘normalisation’ as interplay between differing norms (Foucault 2007) which better captures the practices emerging at a micro-level of EU visa diplomacy in the neighbourhood. While VLAPs are explored as disciplinary forms of methodology, border management cooperation is analysed as a managed but inclusive form of governmentality, highlighted through the example of actions undertaken by the EU Border Assistance Mission to Moldova and Ukraine (EUBAM) and Aeneas funded programmes in Ukraine between 2005 and 2007.

Finally, it is important to note that this paper does not argue against the need for a methodology or a set of conditions. As the conclusion highlights, the problem is not that of technocratic conditionality, but rather of deploying a prescriptive EU-centric approach. Without the EU accounting for the interests of others, it is argued, the sectoral reform process will not succeed. It requires a refocus towards the needs of third countries, thereby creating a space for the ‘interplay of normalities’, as in the case of EUBAM and Aeneas-funded programmes. Therefore, for such a paradigm shift to take place, and for a greater cohesion to occur between EU policies and instruments, a threefold approach is required, and must include:

- A focus on *differentiation instead of deviation*,
- *Empowerment rather than producing a ‘parent-child mentality’* and
- *A shift, both within the academic and policy-making fields, beyond EU institutions and instruments.*

The research is based on empirical research including fieldwork undertaken in Brussels and Chisinau during June-July 2015. It draws extensively on interviews with officials from the EU institutions, Member States (MS), Moldovan government, scholars and NGO experts.

Visa Diplomacy and the EU’s security governmentality

Governmentality and the problematisation of government

Similar to Foucault’s problematisation of government in North Western Europe from the 16th century, the European space was problematised following the end of the Second World War. After 1945, the western part of the continent became increasingly governmentalised² by way of economic integration (Walters & Haahr 2005), resulting in a growing field of EU internal security through the removal of internal borders on the flow of goods and people, the creation of common external borders and successive post-Cold War enlargements (Merheim-Eyre in Bossong & Carrapico 2015).

² According to Dean (2010) governmentalisation can be understood as the replacement of one economy of power with another, for example, the shift from the feudalism of the Middle Ages to liberal and neoliberal modes of governing

For Foucault, the study of governmentality is not simply about the conduct of government. Instead, governmentality deals with ‘how we think about governing, with different rationalities or, as it has been sometimes phrased, “mentalities of government”’ (Dean 2010: 24). Seeking to remove subjective notions of agency for our world views, the philosopher employed the *dispositif* as apparatuses/assemblages of security (such as diplomacy) that produce (and re-produce) modern societies, while seeking to show that governing is accomplished through multiple agents and structures (including third countries) (Legg 2011: 129). This includes how we think about the use of security *dispositifs* such as the police (understood in the broad sense of different law enforcement institutions) within the given borders of the state, but also the de-territorialised and external security dimensions such as diplomacy (including the consular dimension) and permanent armed forces which regulate external uncertainties (in-security), whether through diplomatic relations, or war.

The *dispositif* as analytics of government

Despite the original application of governmentality and the *dispositif* to liberal forms of government, this paper explores the *dispositif* as a useful analytical grid (Dean 2010) that, by taking into account a relational approach to power, seeks to explore its three major components (Deleuze in Armstrong 1992), or ‘line of force[s]’ by entangling the strategies and tactics through which governing is accomplished and practices emerge. *Dispositif*, therefore, can be understood as ‘ensemble formed by institutions, procedures, analyses and reflections, calculation, and tactics’ (Foucault 2007: 108).

Firstly, this approach will help us to untangle the forms of ‘knowledge’ (*episteme*; the ‘invisible and unspeakable’) applied by the EU in order to manage the fields of EU internal security. These are strategies or intentions of the regimes of practices, which are formulated in order to internalise norms and practices (an accepted ‘normal’) within the field (Bourdieu 1998). This, for examples, includes the use of visa diplomacy as a managed but inclusive form of migration (and, thereby, potential insecurity) management, through the transformation of the third countries’ border management and, by including the countries of the eastern neighbourhood in the field, to externalise the EU’s ‘normal’ beyond the EU borders.

Secondly, the analytics involves the exploration of the technical aspect of government (which Edkins situates in ‘the politics’) through the *techne* (the ‘visible and utterable’), including techniques or programmes through which ‘authority is constituted and rule accomplished’ (Dean 2010: 42). These can include border guard training courses however, as Dean notes, ‘it is necessary to be extremely careful to distinguish between strategy of regimes of practices and the programmes that attempt to invest them with particular purposes. The programmes are internal to the workings of a regime of practices and not their *raison d’être*’ (Ibid: 32). According to Lascoumes and Le Gales, it is important to note that these are not merely neutral devices. In fact, trainings or VLAP ‘progress reports’ constitute a condensed form of knowledge that, consequently, aim to produce specific effects, but whose outcome is never guaranteed (2007:1-2).

Thirdly, the analytics will also draw on specific case-studies and their discursive and non-discursive practices produced and re-produced as ‘socially meaningful patterns of action which, in being performed more or less competently, simultaneously embody, act out, and possibly reify background knowledge and discourse in and on the material world’ (Adler & Pouliot 2011: 4).

As Korosteleva *et al* (2013) argue, it is the EU policy outcome, analysed through the regimes of practices, rather than merely the EU's normative posturing, that should be given a special focus. The EaP countries may officially adopt a particular legal norm in question that legitimates their participation in the field, however, the understanding of the EU security governmentality lies in the extent to which the application of the various strategies and techniques turns into a process of 'doing', that is, becoming performative and also informative, connecting 'performances (actions) with their respective meanings, socially recognised as competent' (Ibid: 260). To that end, practices cannot be simply adopted (or studied) through an atomised one-way norm transfer mechanism (or assuming convergence simply through third countries' participation in the Integrated Border Management Panel), but through a complex set of relations that includes the dispositions of the different actors, as well as the opportunities and limitations placed on the field, such as the presence of Russia and other actors outside the field (Jackson in Edkins & Vaughan-Williams 2009: 102).

Finally, it is therefore worth noting that supposing a relational nature of power also includes the externalisation of methodological principles by moving 'outside the institution and replace it with the overall point of view of the technology of power' (Foucault 2007: 117). The focus of the analytics of government, therefore, is on the strategies, programmes, techniques and practices within the general economy of power of the EU's security governmentality, by freeing power relations from the focus on EU institutions, as in the case of the constructivist approaches of Normative Power Europe (Manners 2002) and external governance literature (Lavenex & Wichmann 2008). Instead, as Legg notes, there is a particular need to pay more attention to 'subaltern experience', including 'refusal, autonomy and resistance' (2011: 128).

To this end, it is important to highlight the key features of EU security governmentality, exemplified by visa diplomacy as technocratic ('politics'-driven in Edkins' sense), and yet, increasingly rather 'political' inferring contestation and inclusion on the micro-level. The study of the disconnects between the EU controlling strategies (methodologies), and its techniques (instruments and programmes) which allow for the production of more reciprocal practices based on the interplay of EU interests and partners' needs, may be particularly instructive for developing a better understanding of how to make EU governmentality more sustainable and effective.

Strategies, techniques and practices: A tale of disconnections?

'The politics' of prescriptive methodologies: Visa Liberalisation Action Plans (VLAPs)

In this context, visa diplomacy is situated in the technocratic and daily routines of what Edkins calls 'politics' (1992: 2). As Edkins notes, 'much of what we call "politics" is in a sense "depoliticised" or technologised: the room for real political change has been displaced by a technology of expertise or the rule of bureaucracy' (1999: xii). On the one hand, 'what gets to count as "politics" (in the narrow sense) is part of "the political" (in the broader sense). The process of visa facilitation (the simplification of visa procedures) or liberalisation (removal of visa obligations), in this case, is a political process, requiring political choices (MS official 2), while visa diplomacy (as an instrument of EU security governmentality) is essentially composed of technocratic strategies and techniques.

Therefore, 'whereas politics in the narrower sense revolves around day-to-day decision-making and ideological partisanship...' 'the political' refers to the frame of reference within these actions, events, and other phenomena acquire political status in the first place' (Dallmayr in Edkins 1999: 2). Thus, 'the political' is concerned with the establishment of a new social order or, more specifically, 'constitution of the social space, of the forms of society' through contestation (Lefort in Edkins 1999: 2).

In Edkins' understanding, therefore, 'politics' represents established bureaucratic routines that are resistant to change and, consequently, become disciplinary. As she explains, policy issues come to be 'even more firmly constrained within the already accepted criteria of a specific social form' (1999: 2), thus excluding any form of dialogue or political contestation altogether. Furthermore, 'when an issue becomes... "part of public policy, requiring government decision and resource allocations", it becomes... part of "politics" and hence... "depoliticised"' (Ibid). Consequently, issues such as visa facilitation agreements and visa liberalisation should be situated in the realm of 'politics', a process of strengthening and validating the EU's authority as a norm-setter. Consequently, visa facilitation or liberalisation are not only removed from the public sphere, but 'decisions about them are taken in technical terms, following the advice of experts (Merheim-Eyre in Bossong & Carrapico 2015). Pursuing the externalisation of security governmentality through established norms, as Edkins further notes, visa facilitation and liberalisation become depoliticising processes; it is, as she argues, 'technologisation par excellence' (Ibid: 10-11) meaning that the issues of 'security' (such as managing access to EU territory) are even further removed from the social space and reduced to following narrowly-defined (and often secret) procedures and technocratic mechanisms to conceal the issue from a public domain.

While arguing the benefits for 'people-to-people contact', the processes are reduced to conveyors of EU-produced 'expert' knowledge (the *episteme*), defining 'best' practices in the sphere of border management (among other policy areas), while offering convergence with EU conditions on greater mobility between the EU and its neighbours. Disciplinary technologisation (as Edkins calls it), therefore, 'replaces the need for political decisions: Actions can be determined on purely technical grounds' (Ibid: 4). As one interviewee noted, 'following a technical process you can make a good argument to defend your stance' (EU official 3).

Thus, as Foucault argues, 'every system of law is related to a system of norms' (2007: 56). Although the philosopher was interested in forms of control throughout his earlier research, it is only in the governmentality lectures (1977-78) that he began to distinguish between the pre-determined norm formation of the older disciplinary techniques of government ('normation'), and the establishment of the norm from different normal curves, associated with security governmentality ('normalisation').

In the relations with its eastern neighbours, the EU stresses the importance of people-to-people contact through cross-border mobility, and a visa-free regime as a long-term goal, giving EU methodologies the appearance of inclusive strategies. For example, with a visa-free regime concluded with Moldova in April 2014, nearly 500,000 Moldovans used to opportunity to travel to the Schengen area without a visa, or on a free visa for those not in the possession of a biometric passports (NGO expert 2). Currently, Georgia and Ukraine are also in the process of negotiating the final stages of their VLAPs, with the possibility of a visa-free regime for the citizens of those

countries. While these countries are generally viewed by the Union as ‘front-runners’ in the visa liberalisation process, Armenia is currently in the process of potentially signing a VLAP agreements by the end of 2015, while Azerbaijan is in the implementation stage of its visa facilitation and readmission agreements, and the possibility of signing such agreements with Belarus is still being negotiated. Seven years after the establishment of the Eastern Partnership initiative, it would appear, the goal of achieving greater cross-border mobility and more inclusive people-to-people contact with the countries of the eastern neighbourhood seems on the track to success.

At the same time, both elite interviews and academic literature widely assume the transformative impact of EU conditionality, including those associated with the VLAP process (Börzel & Langbein 2013; Lavenex & Wichmann 2009). It is primarily premised on a wide variety of policy instruments that the third countries must adopt or adhere to, before concluding any agreement with the EU. In the case of Moldova, for example, visa liberalisation process was not merely significant for increasing (and, above all, legalising) cross-border flows, but also by stimulating the government’s reform agenda. While this paper does not disagree with this analysis, it recognises serious limitations and, indeed, disconnects that are caused by the EU-driven methodology.

As Foucault explains, such disciplinary techniques of normation are based on the ‘primacy of the norm in relation to the normal’ (2007: 57). In this case, the curves go from an existing model (the ‘norm’) with expected results by creating a space for conformity, and seek to cancel out what is deemed as ‘abnormal’. ‘The normal’, therefore, becomes that ‘which can conform to this norm, and the abnormal that which is incapable of conforming to the norm’ (Ibid).

As one official notes, the fulfilment of conditions for both the visa facilitation agreements and VLAP is a ‘procedural process’ (EU official 2), technical, calculative and therefore, subject to the established ‘politics’ of normation. They include the assessment of relevant factors, including ‘gap analyses’. VLAP is divided into four blocks: Document security (including, introduction of biometric passports, implementation of ICAO standards and sharing data with EU Member States, irregular migration and readmission (introduction of laws on state border and also border guard service, national Integrated Border Management strategies etc.), public order and security (organised crime, corruption, terrorism etc.) and, finally, external relations and fundamental rights (human rights, anti-discrimination etc.).

A number of interviewed officials further admitted that the EU methodology is largely driven by Member States in its focus on migration as a result of the increase in irregular migration and asylum applications from the Western Balkans, following the visa liberalisation process in 2009 (FYROM, Montenegro and Serbia) and 2010 (Albania and Bosnia & Herzegovina)³ (EU official 6). While the benchmarks (the four blocks) have remained the same for both the Western Balkans and the eastern neighbourhood, there has been a significant increase in monitoring through impact assessments and progress reports (under-taken by Member State experts), as well as shifting much of the focus to managing irregular migration (MS official 2).

However, what is particularly interesting in uncovering the disciplinary techniques is analysing the ‘detailed’ strategies set in the VLAP that, in themselves, invest the techniques with a particular

³. According to the European Commission (2015), there were over 53,000 asylum application in 2013 alone

purpose. For example, as well as assessment and reports, Moldova's VLAP also refers to 'on-site evaluation', 'specific recommendations', and developing 'relevant conditions'. Such approach, therefore, should assist Moldova in achieving a high level of effectiveness corresponding to relevant European and international standards (European Commission 2010).

Nevertheless, analysing VLAPs signed with Georgia and Ukraine, it is easily noticeable that the strategies do not differ; the norm is presented, and the abnormal aligned with the normal. While, as an exception, Georgia's VLAP is even more detailed on block 3 (public order and security), the policy-specific bodies (such as anti-corruption agencies), strategies (including on IBM) and evaluations remain identical. Thus, despite the claims to differentiation, VLAPs reflect a methodology based more on deviation; they recognise the different levels of implementation across the blocks, but lack any possibility for needs of the partners. Consequently, set conceptual parameters are 'presented by the EU, and only tiny details are subject to negotiations' (MS official 2).

This, however, has two major consequences. Firstly, the primacy of the norm leads to a situation whereby aligning with the methodology becomes self-justifying, and based on EU preferences, rather than priorities in the neighbouring countries. In this case, block 4 on external relations and fundamental rights, shows such example. In light of generally strained relations with the Belarusian and Azeri leadership over human rights abuses, the EU has been increasingly calling for greater dialogue with the Belarussian civil society. Nevertheless, due to VLAP's conditionality on human rights, a visa-free regime in the near-future remains a distant (im)possibility. As one EU official put it, giving Belarus and Azerbaijan a visa-free regime would 'discredit the methodology' (EU official 6) despite the very fact that a visa-free regime would directly benefit the civil society (people-to-people contact). Given that with 881,404 applications Belarus is one of the busiest places for Schengen visa applications world-wide (European Commission 2014), it would significantly reduce burden upon Schengen states' consulates, who are increasingly forced to outsource the visa application process to private companies, process resented by third country nationals (Merheim-Eyre in Bossong & Carrapico 2015).

In the case of Moldova, a sticking point in VLAP conditionality was highlighted in the creation of a national anti-discrimination strategy towards the Roma. While the EU stressed the priority of such strategy being drafted and implemented by Chisinau, a Moldovan official noted that, in comparison to circa 500,000 ethnic Ukrainians, similar number of Russians and other ethnic groups that include Bulgarians and Turkic-speaking Gagauzian, the Roma population of Moldova (circa 12,000) represents one of the smallest ethnic groups in Moldova⁴. Thus, while the interviewee tried to stress the need to adopt such strategies for all ethnic minorities in Moldova, the interviewee questioned the prioritisation of the Roma strategy, which is seen more as a problem within the Union and in the Western Balkans. However, as the interviewee concluded, while highlighting other priority areas (especially at a time of a political crisis in the country), Moldova 'still wanted to show that it is following the process' (Moldovan official 2). Ironically, even Member State officials highlighted the connection between a more inclusive people-to-people contact and strategies on gay rights on the Roma. As one MS official admitted: 'I tell our partners: if you want visa liberalisation, just follow the

⁴. Because Moldovan officials do not have access to the breakaway territory of Transnistria, Moldova's last complete birth record is from the year 1991. Consequently, despite the 2004 census, Moldova's exact population cannot be fully verified

guidelines, adopt whatever is necessary, and ignore whether it is important for you or not' (MS official 6)

Therefore, while Moldova was willing to comply (and as was highlighted in the discussion of the uniformity of benchmarks), the issue of the EU-set conceptual parameters in its methodology does highlight that a needs-based approach is lacking in the VLAP. Thus, while the Union makes claim for a 'tailor-made approach', it is in fact engaged in a prescriptive pursuit of its own standards and agenda at the price of local priorities, especially considering that only one assessment mission by Member State experts in 2011 visited Transnistria, despite the significant importance of the breakaway region across all four blocks of VLAP. As Dreyfus and Rabinow note, not only is the normal defined and highlighted as necessary through the EU's claim to technical expertise, but it also defines 'practices which fall outside their system as deviant behaviour' in need of normation (1983: 198).

The second consequence of normation through prescriptive methodologies is the lack of ownership of the reform process within the neighbouring countries to which it seeks to externalise its security governmentality. By defining the normal, and controlling the process of reform, the EU also limits the possibility of conduct (or counter-conduct) for the eastern neighbours. According to one official, the problem of empowerment and lack of constructive resistance (in contrast to bureaucratic gate-keeping) from the third countries (for example, in Moldova) has a serious impact on the future of sustainable reforms in the eastern neighbourhood. Consequently, as the official noted, we have a situation where there is 'too much control by the EU', and a lack of 'demand and resistance by people', engaged in 'continuing with the Soviet culture of feeling continuously at risk if they speak out' (EU official 8).

For example, a Member State official complained that the Ukrainian government under President Poroshenko has 'politicised' VLAP by making it one of his key aims in high-level negotiations, thus bypassing the 'experts' negotiating table (MS official 2). According to an EU official, despite the potential fears over the impact of the war in Donbas and lack of control over the eastern border, the problem with such 'politicisation' rather lays in that Ukraine's 'implementation [of VLAP-related reforms] has been very much "copy and paste" in the legislative process, and not reflected in practice' (Ibid). Another Member State official duly admitted that this was partially due to the Union's continuing insistence (including the EU delegation in Kyiv) on EU-set 'best' practices and 'standards' and, thereby, controlling the means through which strategies of reform can take produce new practices without taking into account existing Ukrainian practices in areas such as border management (MS official 3).

Further, a Moldovan official lamented that, despite Moldova's success in the implementation of VLAP, lack of local ownership and too much EU control endangers the possibility of sustainable reforms across the four blocks, especially at a time of deepening political and economic instability (Moldovan official 2). Therefore, rather than seeking to create a space where the abnormal (the dispositions of the *Other*) can function alongside EU norms, EU norms are given a primacy, limiting the space for the emergence of practices to mere conformity. As one EU official summarised this: 'because they are our neighbours, and so must be closer to our rules' (EU official 3). Consequently disciplinary techniques of normation not only disregard the social space of the field, but limit it to mere normative convergence that defines the EU-eastern neighbours' relations more in opposition

and asymmetry rather than a 'recognition of their respective normalities, for their reciprocal alignment'.

Thus, sectoral reforms have proved to be more important than normative posturing (Delcour 2013: 354). However while Delcour notes that sectoral reforms under VLAPs allow for greater ownership and cross-cutting reforms than the vague normative conditions of the ENP Action Plans or Association Agreements, this paper shows that VLAPs are in fact too prescriptive and hinder the opportunity for reform on a case-by-case basis.

Bringing 'the political' back in: Contestation in the technocratic sphere of border management

While the study of EU methodology (exemplified by VLAP) reveals disciplinary and controlling EU rationalities that, as demonstrated above, limit the possibility for sustainable reforms, a closer analysis of missions and projects funded by the EU in third country reveals a more differentiated approach, whereby the disciplinary *normation* of EU methodologies is replaced by *normalisation* – that is, the interplay of the normal and the abnormal.

A particularly important case study is the EUBAM mission in Moldova and Ukraine. Launched in 2005, EUBAM works with the government agencies (such as the Border Police, or Customs Service) of the two countries, in particular, by providing support on 'procedural aspects' of border crossings, such as cutting waiting times (Moldovan official 2). In Moldova, EUBAM has also been instrumental in assisting with the comprehensive reform of the Moldovan Border Police, including, assisting with the draft of the Law on State Border and the Law on Border Police. Moreover, as one official noted, EUBAM was engaged in supporting the Moldovan Border Police to end conscription by 2011, and move from a military to a civilian service. To this end, the tasks of the Border Police shifted to include competencies of civil police, such as minor criminal cases, issuance of visas on border crossings (previously a task of the Foreign Ministry) and under-taking responsibility for aeronautical security, a former competence of the Police (Moldovan official 3).

Rather than losing 'control' through the shift from the established 'politics', EUBAM reveals not only a greater emphasis on the experience of the 'Other', but also on the creation of an optimal space through which the EU can extend its 'knowledge and power into wider and wider domains' and lasting reforms be attained (Dreyfus & Rabinow 1983: 198). Thus, while the EU is still able to manage the process of reform, it is increasingly based on 'inclusive' techniques of normalisation, rather than prescriptive and exclusionary normation.

As Edkins argues, 'politics' is 'a search for order, discipline, and regulation' through expert technocratic knowledge over emerging practices (1999: 1). At the same time, for Foucault, security governmentality, which he traces to the economic thought of the French Physiocrats, works in a different manner. As he argued, security governmentality emerged at a time when the problematisation of the state was solved through the suppression of fixed borders that was noted in the earlier part of the paper, resulting in a new form of control that allowed circulation through 'sifting the good and the bad, ensuring that things are always in movement, but in such a way that

the inherent dangers of this circulation are cancelled out' (2007: 65) or, as Deleuze puts it more elaborately:

'The lines in the apparatus [of security governmentality] do not encircle or surround systems that are each homogenous in themselves, the object, the subject, language etc., but follow directions trace processes that are always out of balance, that sometimes move closer together, sometimes farther away' (in Armstrong 1991: 338)

Further, while assistance in areas such as border management helped Moldova to build the necessary administrative capabilities to successfully conclude VLAP and secure the state borders, EUBAM's roles have also evolved from the role of an implementer to that of a facilitator. To that end, according to one EU official, EUBAM has also started 'doing less, but doing it better', pointing to local needs, including, tobacco smuggling, intellectual property rights, but also increased analytical reporting, such as the recently published Odessa/Illichivsk Sea Port Studies, and similar report on Chisinau Airport (EU official 8).

Such strategies have also translated into the emergence of new practices (Korosteleva et al 2013) that has facilitated inter-agency cooperation between the Ukrainian and Moldovan border and customs officials, and that goes beyond the promotion of EU standards, and provides a more comprehensive approach to securing the eastern neighbours' borders. For example, while Frontex bizarrely has only given a limited focus to customs (and, therefore, largely reduced the concept of IBM to the control of people flows), control of goods is given an equal status by EUBAM.

In the case of strengthening cross-border cooperation, EUBAM pioneered two new types of Joint Border Crossing Points (JBCPs) on the Moldova-Ukrainian border. Strategies for enhanced cooperation have been tackled through joint checks between the two border guard services, and thus performing them in one location instead of two, for example, the 'delocalised' JBCP in Rossoshany, or the 'staggered' approach in Giurgiulesti-Reni where the crossing is two-sided, but exit controls are jointly performed on the host side.

Instead of relying on a pre-determined norm, EUBAM's techniques of normalisation function through 'plotting of the normal and the abnormal, of different curves of normality'. Rather than the stifling of Moldovan, Ukrainian and even Transnistrian authorities' needs ('the abnormal'), we witness 'interplay of differential normalities (Foucault 2007: 63). Normalisation, hereby, starts with the normal, and seeking to bring the abnormal in line with it. There is 'progressive self-cancellation', rather than an immediate exclusion or elimination of the abnormal by working towards equilibrium of forces (Ibid: 67). The norm becomes precisely the distribution between this interplay of differential normalities. Thus, rather than deducing the normal from the norm as in the case of disciplinary normation, the norm is deduced from the normal, engaged in the role of a facilitator between the various actors, recognising the complexities of the Moldova-Ukraine border and its Transnistria segment, and seeking optimal solutions.

While Moldovan-Ukrainian cooperation since 2014 has also grown out of fear of engendering a possible Russian corridor Mariupol - Odessa - Tiraspol - Izmail (MS official 5), EUBAM's focus on the interplay of normalities has delivered some concrete results in cross-border cooperation. According to one interviewee, there are more questions about cooperation between the Moldovan Border Police and the Bureau for Migration & Asylum (BMA) than those about cross-border issues (EU

official 8). As Hernandez I Segrera concludes, 'EUBAM's activity has been more far-reaching than that of FRONTEX in the particular cases of Ukraine and Moldova' (2014: 177).

EUBAM's presence further highlights the importance of more 'creative' ways of thinking about border management that goes beyond established EU norms and practices, and takes into account local needs. In this sense, EUBAM 'plays an important stabilisation role' with regards to Transnistria, recognised by both Tiraspol and Chisinau (MS official 5). In this case, with lack of administrative control over the breakaway region (including its border segment with Ukraine), Chisinau has been seeking to develop control over the dividing line on the Nistru without creating a de-facto border, and without the presence of the Border Police (NGO expert 2). Therefore, six internal posts have been created under the BMA to document the flows of people to and from Transnistria, including foreigners (who must register with the BMA within 72 hours of entering Transnistria), while also facilitating an increasing number of Transnistrians applying for Moldovan documents⁵ (Moldovan official 3).

At the same time, 'counter-conduct' or contestation are essential to normalisation; whereas normation eliminates the abnormal (and, thus, any possibility for contestation), normalisation allows for resistance to take place through the search for an equilibrium and, thus, cohabitation. Thus, EUBAM has been careful to restrain the Moldovan government from antagonising the Tiraspol authorities, and vice versa. While EUBAM assisted the Moldovan customs and excise authorities in implementing an excise mark by which, in order to trade legally on the territory of Moldova (including Transnistria), all traders must be registered with Chisinau instead of Tiraspol, one EU official made it clear that the on-going implementation of DCFTA can only succeed if Chisinau understands that some authority must be delegated to Tiraspol (who currently charges its own customs duty on top), and other competencies (including the duty) from Tiraspol to Chisinau (EU official 8). On a similar line, while Moldova has entered into discussion with Ukraine over a potential JBCP on the Transnistrian border segment, EUBAM has been vocal to highlight that such steps would not be practical but, instead, destructive for confidence-building (Moldovan official 3).

Therefore, with its technical but resourceful approach, EUBAM has attracted praise for its success which, ironically, has been less down to alignment with prescriptive EU methodologies, than to creating an optimal space for taking into accounts both EU interests and partner countries' needs. However, recognising those needs and applying strategies and instruments that facilitate the interplay of normalities (such as diverse culture of border policing), are essential to conducting a more differentiated approach that turns implementation of legal frameworks into daily practices.

Crucially, however, EUBAM shows that, contrary to Edkins, shift from 'the politics' of disciplinary techniques to more inclusive forms of regulation can also take place within the technocratic field. However, as also Foucault (2007) highlights in his governmentality lectures, such shift towards a new 'political' can also happen gradually and through small technical instruments, rather than big ruptures, such as famines or other means through existing order breaks down (Edkins; 1999).

⁵. According to one Moldovan official, circa 75,000 Transnistrians have now applied for Moldovan passports (Moldovan official 2)

In a different example of shift towards normalisation, a Member State official noted how, despite the problems faced by Ukraine in implementation, education of border guards and human resources have undergone important transformation (MS official 3). In this context, EU Aeneas-funded programmes have proved to be of major impact. While the expectations of reform were high after the 2004 Orange Revolution, numerous Aeneas projects were concluded with excellent audit results (European Commission 2006).

For example, a 2006-2008 project on strengthening capacities and cooperation in the identification of forged and falsified documents was a particular success specifically because it recognised the need to take into account the state of the Ukrainian Border Guard Service. Consequently, rather than merely relying on existing Frontex courses, Russian training courses and 'best practices' were also studied and adopted due to having greater similarities (and capacities) with the Ukrainian context. Such willingness to 'experiment' with differential normalities, according to one interviewee, made the post-2004 period the most successful due to the far-reaching reforms under-taken by Ukraine, as well as due to the EU Delegation's strong support for more differentiated practice.

However, as was duly noted, staff rotation within the Delegation led to a shift away from such optimal space, and return to the emphasis on convergence with EU norms and practices (MS official 3). Thus, with existing application of prescriptive methodologies, the outcome of the shift towards normalisation is never guaranteed and can lead towards the reversal of strategies and techniques. Disciplinary techniques, therefore, do not simply disappear and, as Deleuze concludes,

'Apparatuses are...composed of lines of visibility, utterances, lines of force, lines of subjectivation, lines of cracking, breaking, and ruptures that all intertwine and mix together where some augment the others or elicit through variations and even mutations of the assemblage' (Deleuze in Armstrong 1991: 342)

Conclusion: Towards a paradigm shift?

Taking the opportunity to participate in the review of the ENP 2015, the Moldovan Ministry of Foreign Affairs sent its own contribution highlighting 'the need for a more practical and pragmatic approach, with sectoral tools to help synchronise with EU practices', by pursuing a 'bottom-up approach' (MD official 2). Therefore, according to one local expert, in areas of border management, 'Moldova would not succeed without the EU's technical assistance'. At the same time, however, 'ownership remains the key word', which stresses the need for more local responsibility without reducing the relations to a parent-child mentality led by the EU (NGO expert 3).

It is important to note that this paper did not seek to argue against the need for a new methodology or a set of conditions in the pursuit of sectoral reforms in the eastern neighbourhood. Rather, it sought to highlight that the problem is not that of conditionality *per se*, but rather of employing a prescriptive methodology that is both EU interest and implementation-driven. In fact, as Foucault (2007) argues, disciplinary techniques of governing never fully disappear because security governmentality does not have a pre-determined result in sight. It works through continuities, as much as discontinuities and, therefore, disciplinary control is increasingly exercised through new supervisory constellations, such as 'the political' of managed 'inclusion' rather than exclusion.

However, without the EU changing its ‘politics’, it is argued that the process (including conditionality) should involve more input from the third countries to create space for the ‘interplay of normalities’, as in the case of EUBAM and Aeneas-funded programmes. For this new paradigmatic shift to occur in the EU methodology, and for greater cohesion between the EU’s strategies and techniques of government, the following three conditions are required, as exemplified by the case-study analysis in this article.

First, there should be an increased focus on ***differentiation instead of deviation***. By this we mean a shift from the uniformity of conduct and not through deviation from the EU-set standards but, rather, by acknowledging the needs (perceptions and interests) of both the EU and others, including capacities, aspirations and commitments. For example, as one Moldovan official noted, the situation with Transnistria is sensitive due to Moldova’s need to balance between the need to control the state border and yet preventing the creating of a de-facto border line between Moldova-proper and the left bank of the Nistru river. Thus, as the official concluded, ‘tools, capacities and institutions need to be creative’ without succumbing to a narrow understanding of how a border or a line of control should be maintained (MD official 2).

Second, there should be a greater focus on ***empowerment rather than fostering a ‘parent-child mentality’*** (EU official 8). With disconnects between EU conditionality and programmes, there is an increasing concern that intended reforms are becoming shallow and merely ‘copy and paste’ (MS official 3). Therefore, as in the case of EUBAM projects, increasingly more ownership and responsibility should be given to third country bodies and agencies, especially at advanced stages of projects where EU implementators should act more as facilitators and points of guidance than drivers of projects.

Third, this paper advocates for a ***shift, both within the academic and policy-making fields, away from the focus on EU institutions and instruments***. In comparison to the literature on external governance, such de-territorialisation of thought is essential in the analysis of the EU relations with the eastern neighbours. More attention needs to be paid to the needs and experience of the ‘Other’. As one EU official admitted, ‘EU set parameters make little sense because they are relevant only for the EU’ (EU official 8), ignoring the capacities and priorities of the third countries that turn strategies and programmes into performative actions.

The challenge, therefore, should not be to seek new strategies or instruments, but to produce more creative projects whereby EU security governmentality is propagated not through convergence with the EU norms but, rather, is extended through differentiated normalities that “rectify” the previous gaps, draw tangents, surround the paths from one line to another, operate a to-and-fro move from seeing to speaking and vice versa, acting like arrows that constantly mix words and things without ceasing to carry out their battles’ (Deleuze in Armstrong 1992: 340)

Notes

Acknowledgements

This paper has been realised with the financial support of the School of Politics & International Relations (University of Kent) and the Universities' Association for Contemporary European Studies (UACES).

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