



The EU as a “force for good”:

15 years of ENP and a few years of “crisis”; Where is the stable and democratic neighbourhood?

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Abstract

This thesis is an attempt to analyse whether the EU can be conceived as a “force for good” in the world, where through its actions in its surroundings, EU is very eager to take a role as a “Normative Power”, and to be conceived as a model for integration and democracy.

This thesis is looking at this narrative from two different perspectives. Firstly, through an analysis of the successfulness of the ENP, through looking at the official EU documents and the progression in key areas in between them, and contrasting them to critique by Human Rights NGOs. Secondly, interconnected with the ENP, this thesis will look at the EU's response to the recent refugee crisis on its southern border, and its current developments, where the EU's sea rescue operation “Operation Sophia” has been diminished, and the refugees rescued are taken back to Libya by the Libyan Coast Guard, contrary to UNHCR's position on returns to Libya. This issue will be looked at through the perspective of the refugees' democratic rights, and invokes questions regarding the legitimacy of closing one's borders, and whether the “demos” can be legitimately bounded or does the Democratic Theory insist for the demos to be unbounded.

This thesis concludes to find itself agreeing with the previous debates regarding the ENP, where the paradoxes of EU foreign policy have been researched 10-years back, little has changed. These two “cases” researched also contribute to the fact that the inconsistency of EU's action is eroding its claims both to “Normative Power” and to be a “Force for Good”.

Keywords: EU, Normative Power, Force for Good, European Neighbourhood Policy, Refugee Crisis

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1. Introduction

“The European Union was originally a peace project, and we continue to put peace at the core of our action.” (Mogherini, 2017) is how the high representative of the European Union (EU), Frederica Mogherini described the actions at the South-East Europe Cooperation Process summit in her blog post titled *“Our Union, a force for peace”* in 2017.

The EU indeed was indeed originally founded as a peace project, where also today at the core of EU’s action is peace building, although the scope of EU action both within its territorial boundaries in Europe and in the world around it today is much larger. This thesis is an attempt to explore this scope of EU’s action, not as a “force for peace” as said by Mogherini, but as a “force for good” in the international arena. The EU is one of the biggest actors in the world in human rights and conflict management, and it has embedded “fundamental values” such as human rights and democracy into the core of its legislation (Article 2 of the Treaty of the European Union, hereafter TEU, for full text see the appendix).

As an actor, the EU is spreading said norms into its surroundings by doing multiple things, such as integrating more countries into the union that modify their legislation to match the Copenhagen Criteria for accession, and through its foreign policy programmes, such as the European Neighbourhood Policy (ENP). Doing so, the EU is taking a role upon itself as acting as a “force for good”, spreading its good norms and values to its surroundings, and rewarding countries in different ways, should they feel inclined to commit reforms to move closer to working among these norms. The narrative of the EU as a “force for good” is something the EU is quite happy to take upon itself, portraying itself as a model for integration, democracy and human rights, which is a good thing for the EU’s reputation in the world, not just acting as a mere trade bloc.

The discussions contesting this narrative, whether the EU can be conceived as solely a force for good, rose to debate with the ENP back in 2004, blaming the EU for inconsistencies in its policy. The debate quietened down a bit, closer to 2010. Now with the newly formed review of the ENP in 2015, this thesis is an attempt to “resurface” the debate again, with more contemporary cases. Much the same criticism that was applied to the ENP can be applied to the newly reviewed ENP today, and on top of that the EU comes off a very challenging last 5 years with the financial crisis and the refugee crisis both happening in its proximity.

This thesis is an attempt to research this narrative by looking at two contemporary cases working as examples of the EU’s actorness, where on the one side the EU’s engagement and “successfulness” in

the ENP will be looked at through the perspective of the Normative Power Europe (NPE) theory by Ian Manners (2002), and on the other side the refugee situation on the EU's southern border in the Mediterranean Sea. Especially with Italy, will be looked at through the perspective of democratic rights of the refugees and migrants, which are pivotal to EU's actorness both internally and externally. Through these two cases this thesis attempts to answer the question "*Can it be said that the EU is acting sufficiently to be justified as a Normative Power and a Force for Good in the world?*". These two cases will be analyzed separately with the help of two operational questions where 1) *Can actorness of the EU be characterized as 'normative' when much of the surrounding countries, especially in Northern Africa have not been stabilized or democratized even though 15 years of ENP?* is used to analyze the EU's normative qualities through ENP. And 2) *Looking at the democratic rights of the refugees' and migrants' in the border of the EU, can it be said that the EU itself is acting upon its own norms it is spreading to the neighboring countries?* Is used as a framework for the analysis of the other case. These cases also draw discussions together with the Democratic Theory to analyze the legitimacy of EU's actions regarding its border, and discussions regarding the limitations of "demos" in the European perspective, laid out firstly in the theoretical discussions.

2. Previous Research

As this thesis is looking at the narrative of "the EU as a force for good" in the world, it is stepping into a widely-debated area, where this question has been widely discussed by scholars from different viewpoints. How this research aims to contribute to the area of study, is where these debates have mostly considered the ENP, and the EU as a Normative Power, and most of the arguments debate this controversial narrative that the EU is "happy to take" upon itself. These debates have taken place before the year 2010, and a point where this thesis will find its place in the debate, is that not much has changed after these discussions, although with slightly different examples.

The most critical assessment of the 'force for good' narrative of the EU can be seen in the article by Esther Barbé and Elisabeth Johansson-Nogués (2008), where they argue for the EU to be conceived as a "modest force for good". They argue for the ENP to be a European effort for "ethical foreign policy", where the EU aims for both helping its surrounding regions by financial aid, but also by looking for securitization of its borders (and the ENP partner countries' borders), while also spreading its norms and values into the area (Barbé & Johansson-Nogués, 2008, p. 81-88).

Where these basic ideals of how the ENP aims to work in the neighboring regions look to reinforce the argument that the EU is indeed engaging in "ethical action" in its neighborhood, providing assistance, without coercion to the partner countries; Barbé and Johansson-Nogués argue that the

other side of the policy is marked with ineffectiveness and lack of coordination inside the EU and towards the ENP countries. Thus, the EU cannot be assessed as a “fully fledged force for good” (Barbé & Johansson-Nogués, 2008, p. 95-96).

On similar lines of argumentation is Helene Sjursen (2006), where she argues that the EU's own self-image as a force for good is characterized as “blindness to its own interests”. The EU is playing through its own interests, rather than with genuine interest to act as a force for good in the international society as a “Normative Power” or a “Civilizing Power” (Sjursen, 2006, p. 240).

Another perspective to the discussion can be identified by Michelle Pace where she argues that where the EU is engaging in regular rhetorical action in order to reinforce its image as a force for good. As an example, she is referring to EU's position in the Middle East conflict as being a two-state solution between Israel and Palestine (Pace, 2007a, p. 1053), but she argues that the actions that the EU is engaging in, contrary to the rhetoric, are very limited. For example, not challenging Israel's actions in the area, even where some EU funded policies towards Palestine have been taken down by Israel's own policies (Pace, 2007a, p. 1056).

Among the same lines is Thomas Risse, where he argues that the creation of the rhetoric of 'force for good' for the EU, is crucial for EU's own identity-building within its own community. The exportation of common values is argued by Risse, an attempt to strengthen the EU's own normativity and sense of community built by these shared principles from the inside, resulting in “mismatches” in the actual foreign policy regarding achieving its goals. (Risse, 2012, p. 90-92)

Moving closer towards the ENP and the Southern partnership, Sibylle Scheipers and Daniela Sicurelli (2007) assess the EU's Normative Power and force for good claim through EU-Africa relations, where they argue for the EU's relationship with especially Sub-Saharan Africa to be an arena for the process of EU's identity building, through the force for good narrative. With the promotion of its norms, the EU tries to build an image of itself as a selfless actor, and in EU-Africa relations is trying to “empower” Sub-Saharan African countries through the ratification and implementation of both the International Criminal Court Statute and the Kyoto Protocol in Africa, in order to establish claims as a Normative Power. Scheipers and Sicurelli argue that these “normative commitments” make help for the EU to be constituted as a “Normative Power”, but that there might be contradictions regarding how the EU represents itself, and what it actually does (Scheipers & Sicurelli, 2007, p. 617-620).

Another article by Pace (2007b) is assessing the EU's role as a norm entrepreneur in the South, looking at it through analyzing EU's strategy from Euro-Mediterranean Partnership (EMP) to ENP with its southern partners where the EU wants to be seen as a “Normative Power”, and to gain political and economic interests. As examples of dilemmas in this “dual strategy”, Pace points out that where

on one hand the EU through ENP is using its "Normative Power" through the action plans for Mediterranean countries and using financial rewards and partnership as carrots to engage in policy reforms; on the other hand is also afraid of the outcome of Islamist reforms in the countries, and appears to focus on containing the change and appear to be complicit with the authoritarian regimes, instead of allowing change to happen by itself. (Pace, 2007b)

Overall the literature on ENP (especially the Union for Mediterranean) assesses the EU's agenda critically through the paradoxes within its policy. Much of the literature concentrates on similar issues such as the lack of coherence in the EU's agenda of promoting its norms (Barbé & Johansson-Nogués, 2008), the failure to convincingly vouch for the values that the EU is promoting as "universal", and where one of the biggest challenges of the ENP is to convince the authoritarian regimes of the EU's values, which might be an impossible task. (Adler & Crawford, 2004; Bicchi, 2006; Manners, 2010; Pace, 2009; Risse, 2012, p. 92)

Some of the same authors assess other paradoxes that the EU has on its quest for stabilizing the Mediterranean region. One of the points that is made by both Barbé and Johansson-Nogués, and Pace, is that where the EU promotes its values such as democracy, it contradicts itself by not recognizing the democratic tendencies happening in the region, the example being here Hamas being democratically voted to be in charge in Palestine. (Barbé & Johansson-Nogués, 2008; Pace, 2009) Pace also goes to further add to the critique by saying that the EU still contractedly supports Mubarak's regime in Egypt (being authoritarian), rather than recognizing the democratically voted Hamas government. (Pace, 2009)

Other contradictions in the ENP policy revolve around the EU's goals not matching with the goals of the countries involved in the ENP. Where for the EU, its aim is to create a neighborhood of stability and peace "to create security communities", whereas for the Mediterranean, this policy rather means just getting funds, at its best, and at its worst the policy is seen as rather a "neo-colonial plot" than as genuine help to the region. (Adler & Crawford, 2004; Pace, 2007b)

Where the EU through its policies towards the South faces many dilemmas; pondering whether the values that are being promoted are indeed universal, and where countries in the Mediterranean are willing to adapt to these norms or not and where there might be sceptical discourses arising from the colonial past of the South, this thesis will relate these discussions to the conclusions that can be made. After more than 15 years of "neighborhood policy" towards the South, and where almost none of these paradoxes have been solved yet, can it be truly argued that the EU is a "Normative Power", or through that, "a force for good"?

3. Theoretical Framework

For the purposes of this thesis, two theories will be used to analyse the two cases of what this thesis will argue of “mismatches” of the representation of the “EU as a force for good” narrative. Connecting a theory and a “case” together; the Normative Power Europe theory by Ian Manners will be used to analyse the successfulness/effectiveness of the European Neighbourhood Policy (ENP), and the norms and the norm diffusion set out below will be used as tools to detect similarities in the empirical material this thesis is using. And by finding similarities, along with basing the arguments on the previous literature of this well debated topic, this thesis hopes to find tendencies and similarities/polarities within the analysis.

For the second part of this analysis, this thesis will apply the considerations from Democratic Theory regarding the democratic rights, autonomy, citizenship, and border legitimacy to the empirical material set out in the latter section, to find consistencies/inconsistencies to analyze the narrative whether the EU is indeed living “up to its name” of safeguarding democracy and fundamental rights as set out in the Article 2 TEU.

3.1 Normative Power Europe

The concept Normative Power Europe (NPE) was introduced by Ian Manners in his article published in 2002, titled *Normative Power Europe: A Contradictions in terms* has sparked a debate on how the EU is acting in the international sphere, and has inspired numerous articles touching on the subject. Key authors with Manners himself contributing with numerous articles into the debate, reforming his own theory, include Thomas Diez with this article in 2005 as challenging the original theory of Manners, and Tuomas Forsberg in 2011 taking part into the Normative Power debate.

This thesis is not looking to contribute to the bigger debate on the theory of Normative Power Europe, rather to recognize the limitations of the theory, and to use it as a theoretical tool in order to examine the ENP and its successfulness as a possible mandate for the EU's Normative Power.

The origin of the debate is based on the original article by Manners, where he argues that the earlier conceptions of Europe's power in the international sphere do not provide a sufficient explanation on the EU's actorness in the world politics. (Manners, 2002)

Manners bases his argument on the earlier conception that the European Community (EC) represented as a “civilian power” with Duchene discussing the EC as “long on economic power and relatively short on armed force”. Twitchett & Maull define civilian power as having the economic power in the central role of achieving national goals and Bull criticizing this account for ineffectiveness and lack of EC's own military power. (Manners, 2002, p. 236-239)

According to Manners, there can be identified five core norms (peace, liberty, democracy, rule of law, human rights & fundamental freedoms) and four "minor" norms (social solidarity, anti-discrimination, sustainable development, good governance) as a basis for EU's normative actorness (Manners, 2002, p. 243), and they also serve as points of contrast to be looked at while analyzing EU's Normative claims in this thesis.

Manners also gives six different ways norms are diffused in EU politics, where two of them will be specifically relevant for this thesis; "Contagion" meaning that the diffusion happens unintentionally by the EU exporting their 'experiment in regional integration' to somewhere else, and "Procedural" diffusion where norms are diffused through institutional relationships such as co-operation agreements, memberships to international organizations or by EU enlargement. (Manners, 2002, p. 244-245) These means of norm diffusion with looking at the successfulness of the ENP serves as the main theoretical tool of this side of the thesis on examining the theory of whether the EU is acting through having Normative Power over the countries taking part in the Mediterranean partnership.

Further debate over the concept of Normative Power Europe identify core discussion points such as comparing the EU's Normative power with the combination of norm spreading and military force by the USA, but without constraints of international treaties. Debate also focuses on the distinctions of the Normative Power and Civilian Power, whether they should be treated as completely distinct phenomena or something intertwined. (Diez, 2005; Manners 2006a; Manners & Diez 2007)

One of the key points of the debate has been the direction the EU has taken its policies regarding the military means of the EU with the creation European Security and Defence Policy (ESDP), Common Foreign and Security Policy (CFSP) and the rapid reaction force. Where it has been argued that this direction is undermining the supposed Normative Power of the EU, and brings arguments that Normative or Civil power is inadequate on explaining the EU actorness based on this development. (Diez 2005; Manners 2006b) Another form of critique for the Normative Power Europe theory can be found in neo-realist school of thought, most prominently from Adrian Hyde-Price, arguing for a more diverse and critical account of power, not explicitly normative, found through the realist theories. It is arguing for the ESDP changing the distribution of power, creating a unipolar world and a multipolar Europe, which is characterized rather with a combination of hard and soft power, rather than being explicitly normative. (Hyde-Price, 2006)

Some debate has also taken place over the concepts of "normative" and "power" with contradictions regarding the multiple interpretations of the words, and the need for specification of the sense in which the concepts are used (Forsberg, 2011). Further discussion and development of the theory is

an ongoing debate on applying the theory to more actors in the politics and further clarification of the analytical framework and the methodological approach of the theory. (Manners, 2013)

3.2 Democratic theory

The Democratic Theory as a political theory has its roots in ancient Greece, and the concept of the “rule of the people” is something that has been debated throughout time by philosophers trying to find answers to questions about how should the society be constructed as, who should rule and what rights should the people that are constituted to be part of such society have in regards to their “rulers”, or should the people themselves be the rulers of the society.

This discussion of the Democratic Theory as used in this thesis won’t be addressing such fundamental questions of the democratic rule, but is rather used as creating a framework to discuss democratic rights that people have, or in particular, the democratic rights that the people would or should have that aren’t constituted as part of the “society” per se, the outsiders which in this case means the refugees and the “stateless” people with no safeguard of rights from any state.

3.2.1 Democratic rights

Framing the issue of democratic rights and the conditions for democracy generally, is a very broad task, but starting the framework from the most fundamental issue to liberal democratic point of view since the classical theories of John Stuart Mill and John Locke; the rights and liberties of the individual seems like the logical starting point for these discussions.

The framework of rights and liberties that this thesis relies on is laid out by Michael Saward (1994) where he specifies different preconditions of rights that need to be fulfilled in a society in order for it to be called a democracy. The different conditions go by classifications “Basic freedoms, Citizenship and participation, Administrative codes, Publicity and Social rights”, which specify general rights and obligations central to Democratic Theory. (Saward, 1994, p. 16-17) The classification mostly looked at by this thesis will be the first one which states the basic freedoms as minimal conditions to democratic rule, which overall in modern Western societies tend to be considered as universals. *“Each citizen has the right to freedom of: speech and expression, movement, association, equal treatment under the law, worship”* (Saward, 1994, p. 16).

Among similar lines is David Held in his book *Models of Democracy* (2006) where he outlines that the more “contemporary” thinkers from left and right spectrums of democracy somewhat agree on 1) *The creation of best circumstances for people to realize and express their nature and qualities* 2) *protection from arbitrary use of political authority and coercion* 3) *citizens involvement in politics* 4)

economic opportunity to be central tenets of a “free and equal world” (Held, 2006, p. 263), which can be contrasted with Saward’s basic freedoms to be concerned with similar issues, also all quite essential in modern day liberal democratic societies.

Taking the argument of central tenets of democracy and basic rights by Democratic Theory further with concern to the rights of the people with no rights; as said in the title of her article *The right to have rights* (2014), Sofia Näsström takes into consideration arguments put forward by Hannah Arendt by criticizing democracy because it deprives the ‘right to have rights’ from certain people, such as refugees and stateless people. (Näsström, 2014, p. 544) She argues against Arendt’s conception of the people with no rights having to fight and ‘take’ those rights, where it would play to the benefit of the people who already have those rights, rather than to the ones who don’t. Another claim she dismisses is the one by Saward earlier, for the rights of a man to be a universal principle, “guaranteed by humanity”, which also does not really work as a guarantee for rights to have rights. (Näsström, 2014, p. 549-551)

She goes on to define a stateless person as a human, as “one in a condition of being deprived of all common human responsibilities”, who would basically be in a better position should they commit a crime, because at least then they would be under a societal law, rather than being outside of it basically only prosecuted by the “law of nature”. (Näsström, 2014, p. 558-560)

This guides us to the general term of responsibility, where Näsström, through the words of Arendt, argues that the exclusion of people from political life works as a corruption of democracy, and is a burden of a responsibility to these people which should be shared by others as well, but there is nothing to safeguard these rights since there is no “higher law” to tell us so. Therefore, according to Näsström to deprive a person from such rights as a political person would violate the ‘first right of democracy’: the right to have rights. (Näsström, 2014, p. 560-561)

3.2.2 Autonomy / Coercion

The concept of personal autonomy is also one that is essential on addressing the rights of the refugees. Touching the other concepts mentioned in this chapter, such as the democratic rights mentioned before, where it has certain overlaps; but where the autonomy both of the individual and the state connects to the bigger picture in the further discussion about coercion and the legitimacy of borders. Held argues for the personal autonomy to be a concept giving grounds to legitimate power and democratic consent, where the conception of the protection of individual rights lay in the traditional liberal democratic position. He states the principle as: “*persons should enjoy equal rights and, accordingly, equal obligations in the specification of the political framework which generates and*

limits the opportunities available to them – "(Held, 2006, p. 264) Elaborating more on the principle of autonomy, Held bestows that where people should have 'equal autonomy' in a society; they should be able to pursue action individually without risk of unjust interference, and they should be free and equal in the determination of their lives, which means being able to take part in political conversations concerning their life. (Held, 2006, p. 264-265) This conception of autonomy, it should be noted, does not tie itself into the concept of citizenship, where Held regards the autonomy of a person as something concerned with the individual, assuming that the individual would mean everyone, although in this case the political society would be the one safeguarding these rights, as argued by Held in the chapter. (Held, 2006, p. 265-266).

Another contribution to the principle of autonomy can be found by Arash Abizadeh, who argues through Joseph Raz's arguments among the same lines as Held, where it can be understood that autonomous life is possible when 1) the person has the mental capacity to create and pursue individual action, 2) the person enjoys an adequate amount of valuable options, and 3) the person is independent and free from coercion and manipulation by other people (Abizadeh, 2008, p. 39-40)

He takes these arguments of personal autonomy further relating into being a subject for coercion, where the state apparatus either interferes with a coercive act where they directly deprive the person of options to do things they would have otherwise had, or by a coercive threat, where the state for example threatens a person with sanctions should they choose this specific option to do something. (Abizadeh, 2008, p. 40)

Should a state engage in coercive action against an individual, and by doing so, invade their autonomy, it requires justifications. There can be identified to be two types of justifications for coercion; where looking at the liberal theory, the use of political power is required to be justified through it being fair and just to everyone through the institutions and laws being fair and just, whereas in the Democratic Theory the former would require participation of the people being coerced in forming these practices thus establishing the legitimacy of the institutions and laws. (Abizadeh, 2008, p. 41; Song, 2012, p. 51)

Where looking at the concept of personal autonomy, and the issue of coercion, where it needs to be assessed by what grounds it is legitimate to engage in coercive action? It also needs to be assessed who are the people that are being coerced, and what are the limitations regarding that.

3.2.3 Demos / Citizenship

Looking at the democratic rights of individuals, one comes by the terms "citizen" in both the classical and contemporary literature, where in modern times to be a citizen means by broad terms to be a

member of a bounded political community, usually a nation-state, something you are either born into or migrate into from different community.

Putting this onto the European context, the question stands, who should the citizens or the "demos" consist of in the European scale? As argued before, with Näsström, the situation with refugees or stateless people is that there should be the "right to have rights", but the problem is that there is no one to safeguard those rights since there is no nation-state to do so for them. (Näsström, 2014)

Looking at the concept of European "demos", it is argued by scholars that the EU does not have a demos, and the lack of demos is partly contributing to the lack of democratic legitimacy of the Union in the eyes of the people, for example in the question of European integration. (Jolly, 2005, p. 12-13) Other scholars such as Innerarity, don't see this as a problem, and consider the concept of demos, as defined as a group of people who feel connected enough to each other to engage in democratic discourse and joint decision-making, as too focused on the individual nation-states, where a collective identity can rise from collaborative processes, which could happen in the EU. (Innerarity, 2014, p. 2-4, 6)

Looking at the issue of European demos, would we not come to conclusions whether the EU does or does not have a set demos that it is representing, it could be argued that simply through its structure and agreements with the member states, it is representing at least its own member states on the international level, and through the member states, also the people residing in them. The issue with this from the perspective of this thesis is, whether the demos should be conceived as something tightly bounded to represent only the "citizens" of the member states, or does it conceive other people such as refugees and migrants trying to become a part of the "EU demos"?

How this should be assessed invokes two different sides to the conversation. The more "traditional" view, deriving from more classical liberal way of thinking; where through thinkers like Locke and Robert Nozick, the "government" is legitimized through the people and the communities formed are done so by each own's free will to enter such an "agreement". As said by Näsström, the problems of the boundaries of the people don't exist in this regard, since the people who disagree with the formations of the society will self-exclude themselves to form a new society. (Näsström, 2007, p. 639)

This is something Näsström herself argues against, which would constitute more of the "cosmopolitan" view, where she calls for a challenge in this type of legitimacy, where the formation of "the people" is something that derives from history. And since "the people" is something that is set by the history, she argues that this forces theorists to draw a "Maginot line" on the concept of who constitutes as people. *"Who legitimately make up the people is not something that we may lawfully*

contest on this view" (Näsström, 2007, p 646) By giving history this power to set the boundaries, it becomes something that favors the status quo and the people in power without having to demand any legitimacy. (Näsström, 2007)

Going towards the discussion of whether refugees and migrants should be considered as someone that should be "allowed" into the considerations of the demos, going back to Näsström arguing through words of Hannah Arendt, is that it is the democratic "responsibility" of the people to share the burden of determining what is right and what is wrong. Putting the responsibility of the realization of the "right to have rights" alone into the hands of the stateless person, with no "higher law" than the state, is wrong and against democratic principles, because it derives the possibility of that person of the realization of one's rights. (Näsström, 2014, p. 558-561)

How this could be applied to the discussion of the "demos" is that, where it is also the responsibility of the individual to realize one's own rights, it is also the collective responsibility of the democratic government, "the people" to help one do so. And in regards to the stateless people this would mean realizing their right to belong to a political community and so have the "right to have rights", as argued by Näsström.

Seyla Benhabib (2004) approaches this discussion differently, where she argues for the core of the democratic sovereignty to be based on three things; 1) rule of the people, 2) unified demos, 3) a territory self-enclosed and controlled by the said demos. (Benhabib, 2004, p. 26) Where she argues for the unity of the demos not to be harmonious, but rather self-constituted through struggles or inclusion and exclusion, she argues for a democracy to require some closure, since democratic government needs to be accountable to specific people. Regarding refugees, she argues that the borders should be "porous", with the refugees having admittance rights, but the state possessing the authority and the right to control the transition from the admittance inside one's borders to a full member of the said society. (Benhabib, 2004, p. 29-30)

3.2.4 State autonomy

This turns the discussion to the concept of "state autonomy", which is tied to the discussion below on borders, whereby the conception of sovereignty (prevalent in for example International Relations discussions), is that the state has the "unilateral right" to control its borders on its set territory. Different authors of the Democratic Theory have different conceptions about state autonomy, but the most useful definitions for this thesis can be found by Held and Abizadeh, where Held discusses the conception of the sovereign authority of the nation state regarding the global system, and where Abizadeh argues for the state sovereignty view to be inconsistent with the Democratic Theory and its conception of popular sovereignty (Abizadeh, 2008, p. 38; Held, 2006).

Held argues for a shift in the structure of sovereignty of the modern state, where in principle it is meant that the state has the capacity to determine its own future and control its own affairs, but whereas being in the international society with world economy, global institutions and organizations, international law and military alliances its capacity to control these things are somewhat constrained. He also draws distinctions onto sovereignty – the rule over set territory, and state autonomy, where the state is free to act to achieve its goals without any transnational constraints. (Held, 2006, p. 294-295)

Abizadeh approaches these discussions from a different perspective, which leads to the discussions of borders and the legitimacy to have those borders, where he argues that in order to accept the Democratic Theory of political legitimation, one is committed to rejecting the state’s unilateral right to close their boundaries both regarding becoming a member of such state, or by territorially regulating the movement of people. He further specifies that the legitimate circumstances in order for the Democratic Theory to close the borders would be when the reasoning would have been already successfully and democratically justified to foreigners. This argument derives from the conception of Democratic Theory’s demos to be in principle unbounded. (Abizadeh, 2008, p. 38)

3.2.5 Borders and their legitimacy

Regarding the notion of state’s autonomy on controlling its own borders, it ties into the discussions whether keeping people outside of your border and completely closing down one’s border is legitimate in the eyes of the democratic principles. And whether it is a violation of one’s democratic rights and a matter of unnecessary coercion and an unjustified interference of one’s personal autonomy.

The end of this chapter looks at these themes from different perspectives, from Abizadeh’s notion of the unbounded demos, and in contrast with Sarah Song’s justifications for bounding the demos and therefore justifying border control. These theoretical notions will be applied to the considerations of the refugees’ democratic rights in the analysis section when looking at the rights of the people denied access to the EU on the Serbian land border by a border wall, and on the Italian naval border where a decision was made in 2018 that no more refugees will be allowed to dock into Italian harbors, but rather sent back to Libya. (Amnesty International UK, 2019; Human Rights Watch, 2018a)

Abizadeh argues in his article that with the conception of the “unbounded demos”, the self-determination principle where a state is determined to control its own borders turns into the self-determination of the “global demos”. He goes on to argue that in an instance of unbounded demos, should one argue for a right for a bounded polity, one’s already presupposing that the right for

differentiated and bounded societies are justified. Also, such polity justifying border control should be consistent with the arguments justifying the existence of them in the first place. By what he means is that the self-determination argument is inconsistent with the liberal and democratic arguments for borders in the first place (Abizadeh, 2008, p. 48-49)

Song on the other hand is arguing for the conception of the demos to be bounded by the state, where she is arguing for these boundaries, which already are in place through the membership to a state, through principles in democracy. She gives three arguments for the necessary bounding of the demos; firstly, she argues that the state itself is the primary actor for securing the rights and freedoms that are associated with democracy in the first place, where through legislative, executive and judicial functions and the possibility of coercive means they are able to safeguard these rights, which wouldn't happen in the "state of nature".

Secondly, she argues that where the democratic participation happens with trust and solidarity, where with a stable infrastructure of the state, the set territorial boundaries of a state, and a demos which is not in a constant flux, people place their trust into the political institutions, also committing to have a stake in their successful functioning. (Song, 2012, p. 58-59)

Also, thirdly, she argues that the democratic representatives must be accountable to specified demos, where through territorial representation, they know in advance who are they accountable to, which also contributes to the trust and solidarity, instead of should they be accountable for the whole humanity or constantly changing demos, a thought shared by Benhabib. (Benhabib, 2004, p. 28; Song, 2012, p. 58-59)

These considerations of the appropriate measures for a state to control their borders show two contrasted sides to the problem, which draws the conversation to the conceptions of the demos and citizenship, which in the area of immigration, refugees and "stateless people" is indeed a complicated issue. This thesis will take the standpoint of arguing for more coherence regarding the immigration policy from the EU's executive measures, where the idea of state sovereignty should be respected, but where the fact is that the member states of the Union do surrender some of their sovereignty to the EU for the membership benefits, there also needs to be coherent measures to ensure the realization of the basic political rights for these people.

To conclude this section with a quote from Hannah Arendt saying "*The danger is that a global, universally interrelated civilization may produce barbarians from its own midst by forcing millions of people into conditions which, despite all appearances, are in the conditions of savages.*" (Arendt, 1973, p. 302) where by specifying some of these basic democratic rights in our legislative basis

(Article 2 TEU), we cannot afford to treat people without regards to our own principles, would they be a part of our “demos” or not.

4. Method

The analysis of this thesis will be carried out by examining different documents from international organizations, and combining them with the existing scholarly literature and news articles in order to find a sufficient claim on examining these tendencies. While the methodology of this thesis is not carried out as putting the analytical framework through a certain research models “mold”, this thesis will make use of the approach of critical hermeneutics, where through the works of Jürgen Habermas and Paul Ricoeur they argue for the analysis of the texts to take place outside the text per se, where rather than focusing on the actual content or the historical context of the text analyzed, one should look for the context of the world around the text in order to relate itself and the analysis to this, against the text. Doing so will make you rather an “observer” of said texts, not being subject to their interpretations, but stepping into their world and seeing the relations in the background. (Delanty & Strydom ed., 2003; Phillips, 2011)

This methodological position seems to be the best approach to take in assessing these issues this thesis is focusing on, when the aim of this thesis is to indeed analyze the overarching narrative of the EU as a force for good. Not directly through the analysis of the text or the historical context of the reports, but in order to understand the texts of the EU in relation to this narrative of “force for good” and the realities within the world of the EU; by constructing contexts enabling a critical reading of these texts, and of this narrative.

The cases selected for this approach as mentioned earlier will follow the development and realization of the goals regarding the ENP, looking at the issue from the side of the EU and the NGOs, where relying on different reports from both sides together with the academic literature, will give grounds on answering the question “*Can actorness of the EU be characterized as ‘normative’ when much of the surrounding countries, especially in Northern Africa have not been stabilized or democratized even through 15 years of ENP?*”. Another path could have been a case study of one or two countries, but in order to connect the ENP into the “force for good” narrative, a case study probably would not serve this thesis as the best basis for the arguments.

As for the other side of the analysis, where looking at two distinct cases on different borders of the EU and the democratic rights of the refugees there, serves as an opportunity to gain another perspective to look at regarding the “force for good” narrative. Where this side of the analysis will

look to answer the question “*Looking at the democratic rights of the refugees’ and migrants’ in the border of the EU, can it be said that the EU itself is acting upon its own norms it’s spreading to the neighboring countries?*”, the interconnectivity of these issues as laid out by the Democratic Theory background with the fundamental principles of the EU serve as a good contrasting point to make when analysing these tendencies. Where this issue could be looked at from a human rights perspective, for the purposes of this thesis I find the focus on the democratic rights to give more insight to the case this thesis is looking at.

The human rights perspective is something very well debated, and would cross over into another field of study, where the Democratic Theory itself interconnects with these rights which are thought of “basic rights” of humans, whereas laid out in the theoretical discussion, it can be argued that “losing your right to politics is losing your right to be human”. Also, I find these concepts more relevant for the themes of this thesis, where democracy and the promotion of democracy is overall very much on the EU’s agenda. By looking at this issue from the perspective of democracy, it can be argued more sufficiently whether the EU indeed is a “force for good”, and that if the role the EU wants to take as an international actor is indeed justified by its actions.

5. Material

As for the material, this thesis will use a combination of scholarly sources, and reports and press releases provided by international organizations such as the EU and Amnesty International. The analysis will be structured thematically and chronologically addressing one ‘case’ of the problem presented at a time, while combining the analytical elements presented in each chapter in the end of each chapter.

This thesis consists of primarily two different elements of study; the 'successfulness' of the ENP in light of the progress made from the EU’s side on reaching its goals towards the Mediterranean, and the critical reflection of the situation of the refugees currently ‘stuck’ on the EU’s borders both in the South and in the Balkans, where an analysis of the fulfilment of the democratic rights of the refugees on the Italian naval border along with the current return policy to Libya will be looked at critically.

These two elements are combining into an overarching analysis of the well debated narrative the “EU as a force for good”, where the starting point will be the existent research, combining with the “EU’s own account of this statement”, where two blog posts by the EU Commissioner for International Cooperation and Development Neven Mimica in 2017 and 2016, one titled *A force for good in a changing world* will be analysed, together with a quote from him is used to paint the narrative of the EU’s perception of itself.

As for the material choices regarding these two “cases” this thesis is researching, the part of the thesis focusing on the ENP will be looking at two reports from the EU, “the Review of the ENP” in 2015, and “the Review Report of its implementation” in 2017. To gain another perspective to this issue, this thesis will also look at a report from the “EuroMed Rights”, which is a network for human rights organizations in the Mediterranean region. Their report, written in 2018, suggesting improvements to the 2015 ENP review from the human rights perspective, provides an alternative perspective to the “solely” EU sided discussion of the ENP. In the concluding part of this side of the analysis, points of contrast will be related to earlier scholarly literature on the subject.

Looking at these of sources critically, they might be subject to a narrow view of the assessment of the ENP, where the situation will be assessed from the perspectives of the EU institutions, and the human rights NGOs, where these texts from the NGOs are used to create these “critical contexts” as mentioned in the method section. These texts serve as a trustworthy “reinforcing” view of this issue. For the purposes of this thesis, a deeper analysis with ‘complete’ comparative case studies of countries will not be engaged in.

For the other case of this thesis, analyzing the fulfilment of the refugees’ rights in the EU’s borders, this thesis will draw its examples to a combination of official EU documents, reports from multiple human rights NGOs such as Amnesty International, Human Rights Watch and EuroMed Rights.

Here this thesis will look at the European Commission issued progress reports to the other institutional bodies of the EU on the implementation of the European Agenda on Migration (2019) in order to find comparative elements on what is on the pressing agenda of the EU currently regarding issues on migration.

Where this section of the analysis is based on the case of the closed naval border of Italy, and the EU decision to stop the sea rescuing, also to hand over the responsibility of the ‘field work’ onto the hands of the Libyan authorities. This thesis will look at both human rights NGOs and the EU’s reportage of the diminishment of “Operation Sophia”, which specializes in the sea rescue on the Mediterranean, looking at the framework and the timeline of this issue chronologically assessing both EU’s decision, and the heavy critique presented by the NGOs.

As for the reflection for the part of these sources, I feel that regarding the EU’s view the official documents represent the factual basis of the issue quite well, whereas regarding the NGO perspective they offer sound and valid criticism and should be constituted as trusted sources. Where Amnesty International and Human Rights Watch for example are a well-known NGO for human rights, and getting a first-hand perspective of the refugees’ problems on the borders of the EU prove to be quite difficult for the purposes of this thesis.

6. Analysis

This part of the thesis will be constructed in three parts. In the first part after this introduction this thesis will analyse the current situation regarding the “force for good” narrative within the EU, contrasting the findings from a blog post by a commissioner Neven Mimica posted in the official EU Commission webpage titled “*A force for good in a changing world*” (2017), to arguments from the previous literature regarding this narrative.

The “force for good” debate will provide the overarching analytical framework, where this thesis attempts to place itself, but the way it will do that is by looking at two different contemporary examples backed by theoretical literature, looking to paint the picture of the current situation of the EU’s foreign policy instruments using concepts tied closely with the “force for good” debate, such as the EU as a Normative Power. The cases this thesis will look at more closely are firstly, an analysis of the progress of ENP, where this thesis will look for contrast points in key areas close to the EU’s key principles together with the NPE theory, to look for tendencies such as progress or stagnation, contrasting these to arguments made about the ENP in the previous literature section.

As the second case, this thesis will look at the refugees’, and immigrants’ political rights on the EU’s borders; analyzing the decision to close ports in the Italian naval border from ships coming from Northern Africa, as well as the decision to “cease” the Operation Sophia and turning the responsibility of the refugees on the sea towards Libyan coast guards’ hands.

Both of these cases will be looked at both from the official EU’s side, with the help of official press releases and documents, and will be contrasted with NGOs criticism of these issues, where regarding the ENP, the opinion of EuroMed rights organization will be looked at. On the “refugees’ side”, this thesis will be looking at Amnesty International’s, and Human Rights Watch’s materials.

After assessing these issues from multiple angles, and contrasting the material to arguments made by the previous literature, this chapter will conclude by drawing the discussions together under the ‘force for good’ narrative, and will show the interconnectivity regarding these topics. In the conclusions, this thesis will be attempting to build a more “complete” judgement regarding the question “Can the EU be constituted to be a force for good in the world?”, and moreover, whether it can be said that what the EU does in its own surroundings gives the justification to talk about “Normative Power”, or in what way should we assess the EU foreign policy.

6.1 EU as a force for good

In the blog post published in the European Commission website in 2017, the EU Commissioner for International Cooperation and Development Neven Mimica talks about the history of European development policy dating back from the 1960s all the way to present times, while contrasting his own experiences and life events to these time periods. He emphasizes important milestones in the EU development policy, such as the “8 Millennium development goals”, where the EU had a large part in helping to halve child mortality, reduce hunger, increase education and help over a billion people away from extreme poverty. (Mimica, 2017) While talking about more current affairs, Mimica brings up the 2030 agenda for sustainable development in 2015, where Mimica says the EU needs to be ready to lead by example and take a leadership role in the implementation of these sustainable development goals. He also states that the EU is currently the largest development and humanitarian actor present in all fragile or conflict-affected countries. (Mimica, 2017) The blog post concludes with a look to the future where Mimica points out the ever-growing strength in cooperation and says that he’s “looking forward to the next successful 60 years of the EU in the World.” (Mimica, 2017) Together with the narrative created by the title of this blog post, and this quote by Mimica in another blog post a year earlier “*If Europe wants to continue to lead on the global stage, we must also lead by example starting at home*” (Mimica, 2016) the EU takes upon a responsibility and a set of expectations regarding their development policy goals, and its role as a humanitarian actor. This can also be connected to the ENP, which serves as an important development policy for the Mediterranean region. As argued by both Risse and Pace, this “grand” rhetoric of action regarding the work done in these areas, reinforcing the image of the EU as a “force for good”, is something that is a contested area, where it can be argued that there are certain mismatches on actually achieving these said goals in the development policies. (Pace, 2007a; Risse, 2012).

6.2 The “review” of the ENP

The next part of this analysis will look at the contemporary examples of such “mismatches” in the force for good narrative, where firstly the current state of the ENP will be looked at, which is a prime example of a regional “development policy”, as mentioned by Mimica in his blog post.

The ENP is a policy formed back in 2004, where the idea was to set up a framework to manage the relations of the EU and its 16 closest Eastern and southern neighbours, to get political association and economic integration within these areas. Since its initial launch, it has been reviewed in 2011,

following the Arab spring, and in 2015 by the request of the EU member states and the President of the Commission Jean-Claude Juncker. (European External Action Service, 2016)

The European External Action Service (EEAS) describes the current revised ENP as something through which the EU works in line with its Global Strategy for the EU's Foreign and Security Policy to ensure stabilisation, security and prosperity in its southern and Eastern neighbours. (European External Action Service, 2016)

The ENP is funded by the European Neighbourhood Instrument (ENI), which provides the partner countries with the support of over 15 billion Euros in 2014-2020, and together with the EU Global Strategy, its primary aim is the stabilisation of the EU's neighbourhood through "building resilience" in partners. (European External Action Service, 2016)

Stated by the EEAS, in the ENP there are four main elements central to the policy: 1) Good governance, democracy, rule of law and human rights; 2) economic development for stabilisation; 3) security and; 4) migration and mobility. (European External Action Service, 2016)

Looking at the official document for the "Review of the European Neighbourhood Policy" (2015), This thesis will apply its analysis into the document focusing on three sub-areas of the report: 1) the Stabilisation of the Neighbourhood, 2) Good governance, democracy, rule of law and human rights, 3) Migration and mobility. The first area is very interconnected with the things identified in the previous literature, and by looking at the progress in the area can be made into contrast points identified by them. The second point can be contrasted directly onto the norms identified to be central for the EU's actorness by Ian Manners in NPE theory where these areas identified in the review report serve as the normative "basis" for the theory (Manners, 2002, p. 243) The third point of migration and mobility will serve as a "starting point" and also a point of discussion moving onto the second part of analysis to the refugee and border discussions.

These areas will be analysed by drawing comparison to another document, the "Report of Implementation of the ENP Review" (2017), in order to see whether progress or a change in the approach can be identified. Also for another perspective, the EuroMed Rights' own analysis of the Implementation of the Review will be assessed critically. This thesis will go through this part of the analysis by comparing these reports simultaneously, by thematically assessing each sub-area in its own chapter.

6.1.1 Stabilisation of the neighbourhood

In the review Report of the ENP (2015), the EU recognizes the stabilisation of the neighbourhood in the next three to five years as the most urgent challenge. The policy aims to tackle stabilisation issues by looking at a multiplicity of issues such as poverty, inequality and opportunities for young people, where the aim is on making the partner countries better places to live, which would in turn tackle the mass movement of people. (European Commission, 2015, p. 3-4)

Overall in the ENP Review the approach taken with the partner countries is to offer tailor-made approaches to cooperation, and by doing this, also in the domain of security, the ENP will ensure to be fully compliant with international rights and international human rights law. Regarding this tailor-made approach to each country, the EU is continuing an incentive-based approach (“more for more”) to support reforms in countries where there is strong commitment to perform such reforms. In countries where there is not enough political will to commit these reforms, the EU will try to explore ways to make the case for these reforms by looking at civil, economic, and social actors. (European Commission, 2015, p. 5)

The goals set by the EU in the report are very broad and focus on the big picture narratives of EU action in the Neighbourhood area, where the timeline of three to five years is a very notable challenge, as mentioned in the report as well. The review looks to make strong commitment on assisting the partner countries on their reforms, but where the agenda is set on a “no promises” mentality, the effectiveness will probably be varied country by country especially in the Mediterranean.

In the Report on the Implementation of the Review of the ENP (2017), regarding the process of “stabilisation of the neighbourhood”, it was recognized in the 2015 report to be the most urgent challenge, where it can be seen that the EU is applying a very distinct approach to each country varying much in effect and range, where for example on one hand in Morocco, the EU has assisted on implementing a wide range of social and judicial reforms, whereas on the other hand, in Libya the EU is driving to achieve stability and law and order together with the international community, and tries to prevent a financial collapse. (European Commission, 2017, p. 4-7)

The 2017 report dives much deeper into the individual countries and the successfulness of the implementation of the ENP agenda can be analysed country by country. There can be noted to be progression in some countries (Morocco), and huge challenges in others (Libya, Syria), but it seems that regarding the stabilisation, where the three to five-year goal was “impossible” to meet anyways, by achieving more intense cooperation with Algeria, Lebanon, Jordan and Tunisia (European Commission, 2017, p. 4-7), it could be said that things are progressing, but slowly.

6.1.2 Good governance, democracy, rule of law and human rights

“The consultation confirmed the very strongly held view that the EU should uphold and promote universal values through the ENP. It equally confirmed that the methods used currently are regarded by some as ineffective and by others as obstacles to equal partnership.” (European Commission, 2015, p. 5) In the ENP review report, the EU assesses that the main goals for the ENP will be promoting an effective judicial system in the partner countries, that would create stability and ensure the rule of law, where this acts as a prerequisite for a society's path to democracy. Where an accountable government and a judicial system are prerequisites, a public administration reform by strengthening democratic institutions and increasing institutional transparency and accountability is deemed necessary. (European Commission, 2015, p. 6) The stance taken on human rights by the Commission in the report is quite “ambitious”, saying that the EU will *“promote and defend the universality and indivisibility of all human rights both home and in partnership with countries from all regions”* (European Commission, 2015, p. 6), and it is said that the EU will engage in an inclusive dialogue with all of its partners on human rights and democracy, also paying special attention on implementing the EU Gender Action Plan 2016-2020, which is aiming to support ENP partners on delivering on their commitment to gender equality. (European Commission, 2015, p. 6)

As mentioned also in the previous literature (Adler & Crawford, 2004; Bicchi, 2006; Manners, 2010; Pace, 2009; Risse, 2012, p. 92), a critique also noticed by the EU has been the ineffectiveness of the promotion of these values by the ENP in the partner countries, the EU's stance still is to regard these values as universals, where a key priority for the EU is still through the ENP to spread its norms and values to its surroundings and to “democratize” the authoritarian regimes, which could still be kept as a substantial challenge with its own difficulties. Where the EU promises to defend human rights “at home and with countries from all regions”, the report takes a step back into the overall vagueness of the goals of the ENP. While the EU Gender Action Plan 2016-2020 was mentioned, no other further instruments on promoting human rights or ensuring them were mentioned, other than ensuring that human rights are “in discussions” and “on the agenda” in the dialogue with the partner countries (European Commission, 2015, p. 6).

As for the report of implementation, in the first paragraphs of the relevant section there is a mention of the norms and values promoted by the EU through the ENP being featured in the discussions of Partnership Priorities and Association agendas with ENP partner countries. (European Commission, 2017, p. 11) This marks a clear shift from the ENP review, where the democracy and human rights promotion were said to be on the agenda but lacking to mention the clear instruments on how and when, only touching these subjects on a very superficial level in the report.

The implementation report mostly focuses on the public administration reforms, which were clearly mentioned to be central on the agenda, in order to establish stronger support for democracy and trust and transparency to governmental organizations (European Commission, 2015, p. 6). It seems that for example in Tunisia (from the Mediterranean countries), some major reforms have been made in these areas. On another note though the report recognizes the deficiencies in many countries both in South and East regarding these areas, which is limiting the political- and economic developments. (European Commission, 2017, p. 11-12)

The report also recognizes challenges in the sector of human rights in countries with armed conflicts such as Libya, Syria, eastern Ukraine with the annexation of Crimea by Russia, and anti-democratic trends threatening fundamental freedoms in some countries. (European Commission, 2017, p. 13)

Where the report recognizes these issues and challenges in the partnership countries, no real actions or solutions in the report are identified, where the discussion is left rather open with saying that the EU will "continue to closely monitor these trends". One specific "plan of action" is mentioned with more deeper engagement with Civil Society Organisations (CSOs), which aims to foster civil action in the ENP partner countries to promote democracy, freedom of expression and association in order to initiate development. (European Commission, 2017, p. 13-14)

Looking at the implementation report and contrasting it to the ENP review report, where two years have passed in between, not a lot of change can be expected, rather more developed and focused ideas on how to work towards these ambitious goals set out in the reviewed ENP. Where in some areas this certainly is the case, the progress in some areas regarding for example the process of democracy promotion was still left in a quite vague stage, except for institutional reforms in some partner countries. In these areas, it's also hard to judge what is progress and what is not, whether the EU indeed is successful in transforming these societies, whether it does have "Normative Power" over its partner countries. This question might be something that is difficult to answer in the scope of the whole policy, without a country-specific analysis on the progress, where the situation might look very different, should we take countries like Libya and Morocco for example as samples.

6.1.3 Migration and mobility

Regarding migration and mobility, the 2015 Review report sets out general goals regarding regular and irregular migration. The report points out the main challenges regarding the migration agenda, as where in the recent refugee crisis, the massive flows of irregular migration and forced displacement are affecting the stability of the Neighbourhood greatly, is something central to the EU's agenda for the ENP. The EU is engaging in creating more cooperation with its neighbours regarding work-based

immigration and visa liberalisation issues, and is looking to implement further efforts to promote mutually beneficial migration through multiple programmes. (European Commission, 2015, p. 15-16)

Regarding irregular migration, the EU has two different goals with its revised ENP, ensuring the protection for those in need, and working with the ENP countries to find the roots to the irregular migration and to tackle this issue somehow. On the first issue the report mentions protection of basic needs and human rights, especially of children, and for North Africa the Regional Development and Protection Programme (RDPP) will be operational from 2016 on, aiming to assist partner countries in these issues regarding capacity and assistance in protection and asylum. (European Commission, 2015, p. 17)

Regarding irregular migration, the EU is working to secure its own borders regarding returns of people who don't have the right to stay in the EU, trying to assist ENP countries on developing their own return policies, at the same time to address migrant smuggling, and to build integrated border management standards. This will be done in cooperation with the ENP partner countries and through the EU agencies such as FRONTEX (European Border and Coast Guard Agency) and EUROPOL (EU Agency for Law Enforcement Cooperation). (European Commission, 2015, p. 17)

Looking at the 2017 report of implementation, it is safe to say that in this area things have not progressed as planned, or that things would have gone in the direction the EU wanted by any means. In 2016 from 700,000 to 1 million migrants were stuck in Libya, where over 180,000 irregular migrants departed from there towards Italy with close to 5000 deaths during the crossings. How the EU tries to tackle this is by allocating 200 million Euros from the EU emergency trust fund for Africa, and tries to target mainly Libya and Libyan borders in order to resolve this issue. (European Commission, 2017, p. 22-23)

Where it can be said that the waves of irregular migrants in 2016 took everyone by surprise, the "migration crisis" has been on the agenda for multiple years, and where this was one of the central issues in the ENP review to assess, it cannot be said that things have progressed, rather worked backwards. The EU is taking action, as said by allocating 200 million Euros to resolve this issue somehow, but no concrete measures on ensuring the securitization of the Libyan border, and how the waves of migrants were planned to be stopped were mentioned.

Issues regarding some of the inconsistencies in the ENP review, has also been subject to criticism from the point of human rights, such as from the EuroMed Rights, which is an organisation aiming to strengthen cooperation between NGOs in the Euro-Mediterranean region with the focus on human rights. In the report, published in 2018, EuroMed Rights argue that the ENP review in 2015 has

actually been a step back regarding respect for human rights, international humanitarian law and promotion of democratic reforms, even though these should be central issues for the EU to assess with this policy. (EuroMed Rights, 2018a, p. 1)

The biggest points of criticism are directed towards the Partnership Priorities (PPs) signed with Algeria, Egypt, Jordan, Lebanon and Tunisia, where in these agreements there has been no mention of human rights clauses that were present in the original Association Agreements (AA) with these countries. Where in these documents references are made to human rights, they do not seem to mention for example the EU's Action Plan on Human Rights and Democracy, or the Article 2 TEU. (EuroMed Rights, 2018a, p. 2) The EuroMed Rights point out that the PPs where EU is focusing on "mutual ownership" with the ENP where the partner countries are taken more into account "country specific" with the goals and the agreements made with them, creates a risk for human rights to be marginalised in these countries, and might even have the risk of doing harm to these rights in for example programmes related to migration management and security. (EuroMed Rights, 2018a, p. 4-5)

The report also points out that where the EU leverage in these countries might be limited, they should find ways to promote fundamental human rights values, for example through the civil societies of these countries, and signal that by respecting these rights and values, the countries will be rewarded both politically and financially, and the lack of respect would have similar consequences regarding the partnership. (EuroMed Rights, 2018a)

As an example, they bring up Egypt, where the EU has renewed their commitments towards their government, even though they have continuously conducted measures "cracking down" civil society and human rights defenders. (EuroMed Rights, 2018a, p. 5)

This brings us to the paradoxes regarding these problems mentioned already back in 2008-2009 by Barbé & Johansson-Nogués and Pace, where the EU is contradicting itself while promoting democracy but not recognizing democratic tendencies such as Hamas (Barbé & Johansson-Nogués, 2008; Pace, 2009) and also in contradiction supporting Mubarak's regime in Egypt despite it having authoritarian tendencies (Pace, 2009), where similar tendencies can be identified through this report, it seems that little has changed in over 10 years. This invokes questions regarding the EU's Normative Power, where it is hard to determine whether the EU is actually making progress with the ENP, or whether it's throwing money into the 'wishing well', wishing for a democratic "circle of friends" As commented in the EuroMed Rights' report: *"it is hard to see how the EU implementation reports assess whether the central ENP objective of 'stabilisation' has been met.*

They are descriptive, and do not provide outcome analysis nor human rights impact assessments."
(EuroMed Rights, 2018b)

6.2 EU and the migration crisis in the Southern Mediterranean

This brings us to the other "case" looked at by this thesis, the situation of the refugees on the Italian naval border. Whereas the biggest migration waves that hit Europe in 2016 have been deflated (as recognized in the ENP progress report), the situation with the refugees in for example Libya is still a very challenging one, with Libya being "the main source" of irregular migration. (European Commission, 2017)

As mentioned in the reports, the EU sees this issue as a top priority to be resolved in order to stabilise the region, but as mentioned before, no concrete measures were mentioned in the reports other than the budget allocated to it. As the situation stands currently, it is very difficult to get an accurate grasp of the situation, but the way this thesis will attempt to analyse the situation is by looking at the Amnesty International's and Human Rights Watch's country specific report on Italy, combined with press releases over the situation, which is still very much alive and developing currently. The EU's side will be assessed by trying to find contrast points by looking at the European Agenda on Migration, and the progress report of its implementation (2019), especially regarding the EU's Southern border.

The report begins with a brief introduction, which states that where the past four years have been a big challenge to the EU, they have managed to reduce the amount of irregular arrivals to the lowest level that it has been in the past 5 years. "*The EU has offered protection and support to millions of people, saving lives at sea and improving conditions and livelihoods*" (European Commission, 2019) Offering numbers of the progress regarding the issue, in 2018 around 150 000 irregular arrivals have been detected on the EU's borders, which is a 25% decrease to numbers in 2017, and a 90% decrease of the peak of the crisis in 2015. Also, the EU has contributed to almost 730 000 rescues at sea, and settled more than 50 000 people into the EU who are in need of international protection. (European Commission, 2019, p. 1)

The report also recognizes that where the numbers of the "irregulars" have been decreased, there is still work to be done regarding this, where the migratory pressure from the Mediterranean will be likely to continue, and where addressing the root causes to these issues is a long-term project. Looking at how the situation is today, it is said that the sea route in the "Central Mediterranean" has seen a substantial drop in arrivals in 2018, with an 80% decrease compared to the situation of 2017, but

where the Libyan Coast Guard is still intercepting or rescuing a large number of people from the sea, around 15 000 in 2018. (European Commission, 2019, p. 1-3)

In contrast to this, the route in the West, through Morocco or the Atlantic Ocean has increased by 131% since 2017 where around 65 000 people arrived to Spain in 2018. Regarding asylum, in 2018, 634 700 applications for international protection were given in the EU, which is a decrease of 10% since 2017. (European Commission, 2019, p. 1-3)

The report goes on to specify action regarding these developments, where in the Western Mediterranean the EU is looking to cooperate more with Morocco, mainly to fund its border management, since the Western Mediterranean route to Spain is developing to become the main route for irregular crossings. Regarding the Central Mediterranean route, the focus will be on improving the conditions of the people stranded in Libya. The EU will be trying to work towards alternatives to detention, assistance for people to return home safely or to seek protection in Europe or elsewhere. The report estimates that 6 200 people are detained in government controlled centres. (European Commission, 2019, p. 5)

Another issue identified is the disembarkation of the people rescued at sea, where there have been disagreements within the member states of the appropriate measures regarding this. The report calls for temporary arrangements on disembarkations, to which a number of member states would be ready to participate through "solidarity measures" (European Commission, 2019, p. 5-6)

The report calls for action in order to manage migration by assessing 4 different issues. 1) Tackling the drivers of irregular migration: working with partners; which is calling to address the root causes of the migration by supporting improving the conditions in Sub-Saharan Africa and the EU Neighbourhood, and to counter smuggling networks. 2) Border management – saving lives and securing external borders; where EU aims to ensure effective control of its sea borders, and working with third country partners in order to rescue people at said sea borders. 3) The EU delivering protection and asylum; where the Commission is calling for reform of EU's asylum system, providing protection and decent conditions to migrants in need, as well as returning people who don't have the right to stay within the EU. In regards to, the Commission is also calling for a fair, EU-wide approach based on the commitment of member states processing the asylum applications that they are responsible of. 4) Legal migration and integration; where the focus should be on integrating the legal migrants, with the EU funded programmes regarding these issues. (European Commission, 2019, p. 9-17)

Another perspective to these issues is provided by Amnesty International, where this year's country specific reports are not yet available, so this thesis will be forced to look for contrast points regarding

the refugees' and migrants' rights arriving to Italy from the 2017/2018 "*The state of the world's human rights*" report, but also looking at developments through 2018 with Human Rights Watch's (HRW) reports of both Italy and the EU.

Amnesty International estimates that in 2017, 2800 refugees and migrants died at sea attempting to reach Italy from Libya, with numbers going down from 4 500 deaths in 2016. In February, Italy signed a "Memorandum of Understanding" with Libya in order to further reduce arrivals, which is a commitment to give support to Libyan authorities who are holding the governmental detention centres of immigrants. Amnesty International argue that torture and other ill-treatment are common in these centres, where Italy has also increased its support to the Libyan Coast Guard to boost their capacity to intercept migrants trying to cross the sea, taking them back to Libya. They argue that there is growing evidence of Libyan coastguard being violent and reckless during these, contributing to human rights violations. (Amnesty International, 2018, p. 211-213)

Similar report of 2018 by HRW says that receiving a new government in June, Italy started blocking the disembarkation of rescued people in Italian ports. HRW also point out their concerns regarding the delegated responsibility of sea rescues in the Mediterranean to the Libyan Coast Guard, where their capacity remains a concern, as well as the fate of the people that are returned to Libya. Another report by HRW focusing on the situation of the whole Europe argue these developments to be a main reason why the migration flows towards EU have been turning to the Western-Mediterranean route rather than trying to cross the sea from Libya (Human Rights Watch, 2018a; 2018b)

A worrying example of this is found in the report of Amnesty International, which sheds light of the actions of the Libyan Coast Guard on the sea. "*In November, a Libyan coastguard vessel interfered in an ongoing rescue operation in international waters. Several people drowned. The Libyan coastguard's vessel – one of those donated by Italy – was recorded on video departing at high speed, ignoring people in the water, and with a man still holding on to ropes the Libyan officials had thrown off the vessel.*" (Amnesty International, 2018, p. 212)

How these rescues in the Mediterranean are carried out, is an EU military operation called "Operation Sophia", carried out by the EU coast guard, in cooperation with the Libyan Coast Guard in order to counter human smuggling, saving people on the sea, and controlling the migration flows in the Mediterranean.

6.2.1 Recent developments

This operation saw a very significant change in March 2019, when it was decided by the EU that the operation will cease the deployment of its naval assets for “operational reasons”. (Council of the European Union, 2019) The operation will continue by deploying surveillance in air and by reinforcing support to Libyan Coast Guard and Navy. It is said in the Council’s press release, that the operation’s core mandate is to disrupt the “business model of migrant smugglers and human traffickers”, and to contribute to developing stability and security in Libya and security in the Central Mediterranean Sea region. (Council of the European Union, 2019)

This decision has been under instant, heavy criticism by the human rights NGOs, where Amnesty International and EuroMed Rights put out statements pointing out the fact that all ships are required to rescue any person at sea, whose life is at risk under the international maritime law, and that the responsibility of the rescue missions are pushed into the hands of the Libyans, even though the international reporting and witnesses indicate that the migrants and refugees are in unbearable conditions in Libya, facing rape, violence, torture and possibly even death in the detention centers. (Amnesty International UK, 2019; EuroMed Rights, 2019) It is also established in the updated guidelines on the position on returns to Libya from UN High Commissioner for Refugees (UNHCR), published in September 2018, that Libya is not a safe place to disembark people who are rescued from the sea. The UNHCR establishes that Libya cannot be regarded as a “safe third country”, where they state that all individuals transferring through Libya through the newly proposed “Gathering and Departure Facility”, an alternative to detention centers, would have to be evacuated from Libya due to “protection-related reasons” (UN High Commissioner for Refugees, 2018)

These two perspectives on this issue paint a very different picture of the things happening in Central Mediterranean Sea route from Libya to the EU. Where on the EU’s side the Report on the Migration Agenda is focused on statistical developments regarding the development of control in the refugee crisis. The focus is on containing further developments and depleting the flow of migration from Northern Africa is focusing on addressing the roots of these problems in the partner countries, by trying to develop the situations in the countries through development aid and financial aid for border management.

From the human rights NGOs side, the current development of the EU’s policy towards the Central Mediterranean route, especially with the closing of Operation Sophia’s naval assets, these developments mark for worrying implications regarding the refugees’ and migrants’ rights. It is stated by the EU in the migration agenda report that the EU values remain close to its migration policy, but one could argue for some inconsistencies in the EU’s rhetoric. *“The lesson is that united action and*

joint efforts from Member States and the EU, in close cooperation with partners beyond the EU, has delivered results and is the only way to achieve better management of migration and to ensure that EU values remain the cornerstone of our migration policy. This is what EU citizens expect from the European Union.” (European Commission, 2019, p. 18)

Looking at this issue from the perspective of Democratic Theory, the question stands that does the EU have the unilateral right to control its own borders; does the concept of “state autonomy” in this sense override personal autonomy? Where the EU does possess the right to control its own borders, and it is safeguarding the needs of its member states by doing so, it could be argued that the current sudden measures for a rather closed border from both land and sea, appear inconsistent with the Article 2 TEU, the main values on which the EU has been founded on, is the respect of the basic democratic and human rights. The EU “washing their hands” from the sea rescue of the migrants, contradicting the guidelines of UNHCR on the returns of these migrants to Libya, creates problems regarding the fundamental rights in the theoretical sense.

As argued by Saward and Held, people should have the right to basic freedoms, such as the freedom of movement, and the right to be able to determine their own lives and take part in political conversations that concern their lives. (Saward, 1994; Held, 2006) A point of reference could also be taken from Näsström, that the exclusion of people from political life is a corruption of democracy (Näsström, 2014) and that depriving the refugees from a safe place to apply for an asylum, would constitute as an unnecessary coercive action, where the basic rights of the individual are not safeguarded sufficiently.

Connecting this discussion back to the narrative of “the EU as a force for good”, where this part of the thesis is looking answering the question whether the EU is acting upon its own norms it’s spreading to the neighboring countries, it is hard to fully agree with this statement. Where the numbers do not lie in the EU reports, where the EU has done a lot of good things regarding the refugee crisis put into a quite impossible situation to solve adequately, now when the waves of migrations are “dying” down, it is definitely not the time to stop the effort. Where the EU can pat itself in the back for delivering assistance to many people in the last 5 years, the current situation on its borders, both in the South, and also on the land border of Hungary and Serbia is a problem. Where thousands of refugees are left behind a border wall denied an access to Hungary, it is also violating EU’s own asylum laws (Amnesty International, 2018; Beauchamp, 2018), therefore the claim for the ‘force for good’ is not a given. *“Even if search, assistance and rescue to vessels in distress are not explicitly part of the mission of Operation Sophia – as is also the case for Frontex – the EU was able to boast*

of contributing to saving almost 45,00 lives during the whole period when its ships were present in the Central Mediterranean.” (EuroMed Rights, 2019)

7. Conclusions

The main purpose of this thesis has been to take part and “open up” the discussion that was present 10 years ago regarding the EU as an international actor, where through then “newly formed” policy ENP it was looked at whether it could be said that the EU exporting its own norms and values into its surroundings acts as a “force for good” in the world. This has been a narrative together with the concept of the EU as a Normative Power, the EU has been happy to take as something that is describing its actions in the international arena.

Now with the recent Review of the ENP in 2015, and the challenges brought by the refugee crisis which began in 2014, this thesis contributes as an effort to bring a contemporary aspect to the ongoing, contested issue in the current environment. The main research question this thesis was looking to answer is to look through these two cases: 1) the review of the successfulness of the ENP through the lens of NPE theory; 2) the refugee situation on the EU's neighborhood, and the question of the realization of the refugees' democratic rights, whether it can be said that the EU is a “fully fledged force for good” in the world.

With regard to the successfulness of the ENP, it can be said that the EU is making progress in some areas in specific countries, regarding the democratization and the stabilization of the Mediterranean, but it could be argued also that the progress made remains quite vague overall, where similar criticism can be applied to the EU's “region building” efforts, as was the case back in 2008 as well, when this area was debated the last time. Issues like the coherence of the EU action in the area, the failure to recognize and reward democratic tendencies, the suspiciousness of the partner countries because of the colonial past and the difficulty of vouching democracy to authoritarian governments to create “security communities” erode the claim for the EU's normativity and the effectiveness of the ENP.

Looking at the refugee situation, it is understandable how overwhelming the situation in Europe has been for the past 4 years, with millions of people trying to flee war and migrate for better lives in a migration wave that has been the biggest since the World Wars, but the issue with this lays in how the EU fundamentally has dealt with the situation. The Dublin regulation, which sets the rule that the asylum seekers should apply in the first safe country upon entry into the EU has turned out to be “a flop”, with also nothing created by the EU to replace it. *“Managing migration needs a sustained, long-term and united effort from the EU, based on the principles of solidarity and fair sharing of responsibility.” (European Commission, 2019, p. 2)*

In looking at this issue from the perspective of the Democratic Theory, it is not clear whether these people should be conceived as part of the “demos” or not. Would the EU hold responsibility of the fates of these people, where it is seeking own political and economic interests in its own southern border, and masking these tendencies as acting as a “Normative Power” and a “force for good”; it can be argued to bring responsibilities regarding the region. And where these countries are conceived as “partner countries”, with which special agreements are made regarding their relative integration with the EU, it can be said that there are grounds to include them as a part of the “European demos” discussion as well.

Returning to the discussion of demos itself, tied to the borders of the EU, the question stands whether the “demos” in democratic terms should be conceived as unbounded, or is bounding the demos and refusing entry from people justified in democratic terms, based on the concept of state sovereignty? Going back to the debate on this, Sarah Song argues for the demos to be bounded by the state, and the “territorial state” to be the defining factor regarding these boundaries. She argues that the modern state is the best way of safeguarding the rights of the individual, where equality is a necessity for democracy. And in order for the state to successfully protect these rights, a stable and bounded demos is necessary. The other reasons she gives for bounding the demos is the citizens sustaining the trust in the government, where stable institutions share the same political culture; compared to what would be a constantly changing “global demos”. The third argument she makes for bounding the demos is that the representatives need to be accountable to specific people, in order to know “in whose interest” they are acting for. (Song, 2012, p. 59)

Where Song makes a solid case for justification for citizenship of the territorial state, in order for the representative model to work, it is indeed true that the representatives need to be accountable to certain people, but where these justifications are applied to the reasoning to have borders, what Song is leaving untouched in her analysis is the treatment of the “stateless” people, the refugees, who do not possess a membership to a state, and are by that excluded from political decision-making.

On the other side of the discussion is Arash Abizadeh, who is arguing for the issue of “bounded demos” to be problematic in the eyes of the Democratic Theory. He is arguing that democratic justification is owed to the people that the state subjects to coercion, and that the existence of borders are problematic, where the legitimacy that the state is drawing its justification of bounding the demos from, presupposes a prepolitically founded people. So, the Democratic Theory in this sense cannot define “who are the people”, but rather presupposes an answer to this. (Abizadeh, 2008, p. 44-48, 54)

Looking at the arguments of Abizadeh from a European perspective, I would argue for the conception of an ‘European demos’, to be in principle legitimate in the eyes of the Democratic Theory. Where

to have legitimacy, one would assume prepolitically founded “people”, which would in fact come true with the 28 states democratically agreeing to sign a new “social contract” (TEU), which binds the nation-state into the EU. Now whether this would mean a right for the EU to have a bounded demos and borders, I would argue for the ‘hypothetical’ European demos for not to be bounded per se, where the EU would have demos that is in the flux with more countries in accession negotiations constantly, and one country currently in the negotiations to leave the Union.

As for the legitimacy of the borders, Abizadeh agrees for some circumstances to justify the existence of borders, but for them to be porous and to be under joint control of citizens and foreigners, rather than unilaterally closed. (Abizadeh, 2008, p. 53) This could be applied in the EU’s context, where the burden of the border currently is shared with the “partnership countries”, basically foreigners. Where justifications could be laid out for the border to be “porous”, I find it hard to find judgements for it to be unilaterally closed as it is right now. As it goes for the conception of the demos, I would argue that it is hard to create justifications democratically that would support the possibility of bounding the demos to exclude the “stateless” people from it.

While understanding the issues that have come up with the refugee crisis, and understanding the frustrations of the member states, and the fears of the European people regarding the capacity of one’s country, it is normatively very questionable to withdraw the commitments that have been in place for close to 5 years now regarding taking people in, and closing the way to Europe from the people, leaving them in inadequate conditions subject to possible human rights violations. This is violating EU’s own basic principles laid out in Article 2 TEU, and where action is promised regarding “improving conditions” in places like Libya, where people are currently taken from the sea to wait to apply for asylum, it simply isn’t enough currently.

Where Barbé and Johansson-Nogués argued for the EU to be a “modest force for good”, the EU is indeed engaging in ethical action, but runs into problems with efficiency and inconsistency. (Barbé & Johansson-Nogués, 2008, p. 81-88) The narrative of inconsistency is accompanied with dangerous possibilities of slipping out of the spotlight of an “ethical actor”, where with the current direction of the refugee policy, it could be said that the EU retains its status as a “modest” Normative Power and a modest force for good, but is at a risk of contradicting itself with its own aspirations to be a model for democracy and integration.

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Appendix

Article 2 of the Treaty of the European Union

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.