

The construction of EU normative power

By Michelle Pace

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Introduction

The central aim of this article is to explore the constructed nature of the EU's so-called 'normative power' (Manners, 2002) and how this construction, in turn, disempowers the EU's political role as a global actor. Within academic debates, the EU's normative power is often taken as necessarily a good thing. In order to assess the limits of constructions of the EU's normative power, this article draws upon the Middle East conflict where the quest for a just and lasting solution has long been one of the EU's top foreign policy priorities (Solana, 2006). It is argued that by examining and understanding the constructed nature of the EU's normative power, analysts and policy makers may be able to acknowledge these limits and any ensuing flaws in EU efforts at resolving this enduring conflict.

Background to the Academic Debate

The image of the EU as a relatively benign actor has been commonplace among academic debates since Duchêne's piece on the then EC's civilian form of action (Duchêne, 1973). Although Johan Galtung suggested that the international profile of the EC should be one of "a nonmilitary superpower" (quoted in Lister, 1997, p. 20), his main assertion contrasted sharply to that of Duchêne, in that he commented on the European Community as a superpower in the making (Galtung, 1973). The early 1970s debate, articulated in the Cold War context, allowed for a definite conception of the 'West' determined by the US as one of the superpowers – and was key in terms of an image of the EU as a civilian power. The debate was followed by Bull's (1982) criticism and Hill's questioning of whether the EC is a civilian or a political power. The timing of Bull's critique, at the height of the Cold War, may explain why he inferred that European actorness was only possible once Europe managed to acquire military capabilities: Up until 1989, the EC was very much an enclave. Writing at the end of the Cold War, when the 'West' no longer faced a common enemy, Hill argued that a civilian 'model' does not use coercive instruments (1990). Later, Gourlay and Rémacle emphasized that the EU should advance a broader international profile through its 'civilian power' (1998, p. 90). Post-1989, the EC started to open up to a large number of neighbours: In the post-Cold War environment the debate on civilian power Europe asserted that democratic control and an ethical foreign policy should form the basis of the EC/EU's global reach (H. Smith, 2002; Stavridis, 2001). Manners' initial consideration of the EU's normative power was primarily economic (2002) while Whitman writes that '[T]he recourse to civilian forms of power by the EU has remained despite the changed environment of international relations in Europe with the demise of the cold war overlay and the conflicts in the former Yugoslavia' (2002, p. 24) and that 'EU military power is developing ... as a residual instrument' (2002, p. 25). Thus, Whitman's main point is that even if the EU acquires military means, the concept of civilian power EU is not necessarily invalidated. Larsen further argues that the discourse that the EU uses to describe itself is one of a

civilian power, even though it has now acquired military capabilities (2002). In his reconsideration of normative power, Manners suggests that ‘militarization of the EU need not necessarily lead to the diminution of the EU’s normative power’ (2006, p. 182).

What is striking about this debate is that the concept of civilian/normative power has not been problematised or clearly defined, allowing for the impression that this form of EC/EU power is necessarily a good thing. Smith’s advocacy on moving beyond the civilian power EU debate may be the only exception (K. Smith, 2005). In this present article, normative power EU (NPEU) refers to what the EU does in the international system (through its external relations) to pursue the spread of particular norms. It is argued that the (NPEU) debate is up for some serious challenge in that it has failed to note, so far, the *construction* of NPEU and how this construction has disempowered the EU’s political role as a global actor.

A good testing ground for this investigation is the EU’s policy on the conflict in the Middle East.¹ Why the Middle East? The Middle East is often perceived as a conflict-ridden space with repercussions on the EU and as a complex region which presents external actors with various challenges for conflict resolution – perhaps more than other areas. In view of the war between Israel and the Hezbollah in Lebanon of summer 2006 and the ongoing war in Iraq since 2003, to mention a few, the Middle East is also a reasonably contemporary theme to codify the conditions and effects of constructions of NPEU. The article will therefore draw upon the specific case study of the Israeli-Palestinian conflict. This case was selected for the following reasons: First, to analyse the repercussions of constructions of NPEU on the EU’s global role, the case should cover a conflict *spatially* distant from the imagined borders of the EU. In its attempts to construct its role as a key global actor in international affairs, the EU is assumed to have stronger interests in offering solutions to conflicts that are closer to ‘home’. Second, to analyse the processes of how NPEU is constructed the case should cover a degree of temporality, that is, it should be characterised by a considerable degree of continuity. Third, to assess the limits of NPEU constructions, the case should include a continuously violent conflict. Fourth, the number of cases is limited to one to allow for in-depth and effective analysis of NPEU constructions. On the basis of these criteria, the Middle East conflict, which involves the issue of territorial separation in Palestine, has remained essentially the same since the first discussions over partition between Jews and Arabs (now Israelis and Palestinians) as far back as the 1930s. Although the EC, now EU, has been increasingly

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involved in all attempts to mediate and reach a situation of conflict resolution in this arena, the substance and degree of this involvement is questionable given Europe's historical legacy in the region. Moreover, given that the EU should, at least from a moral point of view, have a major role to play in offering a solution - particularly as the problems in this case are much closer to the European experience, the Israeli-Palestinian case offers a challenging site for exploring limitations of constructions of NPEU.

In the Israeli-Palestinian context, the EU has been left struggling with the dilemma posed by the electoral success of the Palestinian group *Hamas* in the elections of January 25, 2006. It has attracted widespread criticism from within Palestine but also the wider Muslim world for advocating democracy and the positive impact this process would have on the Middle East Peace Process (MEPP) and then refusing to accept the results of the democratic process by rejecting contact with elected representatives. This case shows that the construction of EU normative power requires some serious reflection and soul-searching in the EU. The contention in this article is that understanding how EU normative power is constructed may help analysts and policy-makers acknowledge the limits of the EU's global reach based on such a construction. The first section outlines the elements of NPEU: the content of NPEU construction, the process of NPEU construction, the agents constructing NPEU, the environment in which this construction is framed, the mechanisms for the construction of NPEU and the goals or desired outcome of NPEU construction; the second section highlights some of the limitations on representations of NPEU. The article concludes by arguing that the construction of the normative power of the EU has certainly not been effective in the Israeli-Palestinian case. It also offers some suggestions for future research which may spark further academic discussions on the concept of the EU's normative power.

Elements of NPEU

The representation of the EU's normative power in cases of conflicts is construed around what EU actors consider as appropriate action (NPEU logic of appropriateness). In an attempt to unpack what this entails it will help to organise this construction of NPEU in terms of:

- a) content of NPEU construction
- b) process of NPEU construction
- c) agents constructing NPEU
- d) environment in which this construction is framed and made possible
- e) mechanisms for construction of NPEU
- f) goals or desired outcome of NPEU construction

a) Content

Following the end of the Cold War, liberal democracy was reiterated as the standard of legitimacy for the new Europe. The EU explicitly refers to the constitutive norms of the Western community in the Copenhagen criteria and defines the promotion and protection of liberal democracy, the democratic peace and multilateralist collaboration as its basic

purpose (Schimmelfennig *et al.*, 2006). Thus, the signifier “NPEU” is packed with meanings; constructions of NPEU can be understood as institutional articulations of the principles EU actors uphold which include rule of law, good governance, democracy, human rights, order and justice (Nicolaïdis and Howse, 2002; Manners, 2006; K. Smith, 2005). When converted to NPEU constructions in cases of conflicts, the substance of this construction translates itself into an ethos of impartiality, a common reference point for conflict parties which creates obligations from the part of the EU as well as conflict parties.

An example of the impartiality subscribed to NPEU can be observed in the Middle East case. According to one of his close aides, EU Special Representative Marc Otte has opted for behind-the-scene efforts through regular meetings with Israeli officials, middle-rank leadership actors (academics, think tank representatives, etc) and civil society groups to enhance the EU’s image in Israel, making the EU an acceptable broker to both parties to the conflict and establishing a relationship of trust. In the case of the Middle East, the EU’s impartiality is particularly important in achieving a favourable outcome for both sides, given the importance of a continuing relationship with the EU in other areas, especially Israel’s (as well as Palestine’s) economic relations with the EU.² What is questionable is the extent of the relationship between impartiality and the liberal values that underpin the EU’s approach. If the approach is one of common security (with preferred departures, values to be pushed for and not settled on beforehand, etc) then perhaps one could speak of impartiality. However, the liberal narrative in NPEU constructions locks in advance what it implies to be a ‘force for good’ – and the approach is in this sense far from impartial (Joenniemi, 2007, forthcoming).

b) Process

The EU is often represented by EU actors as an exclusive organization and constructions of its normative power are manifested through tangible or intangible rewards/punishments: association agreements which accord neighbours and partners close engagement with EU actors (political reward); international recognition for adoption of EU norms (symbolic reward); financial assistance, market access, technical expertise, technical aid (material reward); and public praises by EU actors for change in partners’ identity scripts (social reward). Analysts argue that the EU has enormous leverage over European states that have applied for membership (Grabbe, 2005; Vachudova, 2005). These applicants must meet stringent preconditions for joining (above all, adoption of the *acquis*). EU actors thus often use the process of accession to put pressure (albeit indirect) on applicants to resolve any pending issues including disputes with their neighbours. When conflict parties cannot become members (because they are not eligible), the EU is constructed as a normative power to enable EU actors to regulate behaviour within conflict societies and among their members. Moreover, the level of economic integration, peaceful relations and closer political ties the EU member states themselves have achieved serve as a model for others to emulate. The discourse of peaceful resolution as projected through NPEU constructions creates a number of EU financial aid and trade programmes. Thus, EU reconstruction and aid projects are construed by EU actors as vital for peace to stabilize and civil society to flourish in

² Interview, Council of the European Union (Brussels, February 2005).

devastated, conflict areas.³ The NPEU logic adopted here is that a more peaceful periphery means a more secure Europe.

In light of NPEU constructions, financial assistance is primarily related to the importance EU actors give to economic and social development in conflict areas. EU actors thus engage in constructions of the EU as a ‘force for good’ by arguing that if communities are socially deprived they seek conflict, if they are socially developed they will resort to peaceful coexistence.⁴ EU actors thus engage in getting the EU’s strategy right: When to offer carrots, when to impose sticks, when to use conditionality. The European Union, and European governments and organizations are deeply engaged in providing financial aid to the Palestinian Authority. What drives EU actors to provide aid to the Palestinians is a belief that social development, the creation of employment possibilities, the related stability and hope will establish a conducive environment for Palestinians to engage with their Israeli neighbours in peaceful negotiations towards a resolution in their conflict.⁵ EU actors thus attempt to do what is best (what ought to be done) by expressing the EU’s willingness to do what is right (irrespective of criticism from potential sources). The main discursive practice is in this way about the EU keeping the momentum towards conflict transformation.

The process of the construction of NPEU is an open ended process. Thus, what may appear as a failed instance of NPEU construction – such as the initial EU response to the election result in Palestine in January 2006 – does not in itself negate NPEU. Instead, NPEU constructions involve a forward looking process which is primarily directed at potentially leading to a transformation of a conflict (based on EU-level norms). Despite a boycott of the Hamas-led Palestinian government, the EU found a way to increase its total aid to the Palestinian people: a temporary funding mechanism which channels money directly to the people and projects, bypassing the government, and helping support thousands of needy families. The EU’s contribution to the Palestinians increased by 27 percent from 2005 to \$865 million, although the EU, United States and Israel have banned direct aid to the Palestinian government. The EU and its partner Quartet Middle East mediators (the US, Russia and the United Nations) set up this funding procedure (which is administered by the World Bank) in July 2006 to ease the hardship on ordinary Palestinians caused by the aid cutoff. The EU and its member states have contributed \$266 million to this temporary mechanism (El Deeb, 2006). I will return to this point below. The initial perception regarding the ‘failure’ of NPEU constructions in this case and the EU’s response thereafter may well feed back into how analysts view the EU as well as to how EU actors themselves view their role and the EU. This leads us to the next subsection on agents constructing NPEU.

c) Agents

³ Interview, European Commission, DG External Relations (Brussels, 20 January 2004).

⁴ Interview, Office of the Northern Ireland Executive (Brussels, 20 January 2004).

⁵ Interview, Council of the European Union (Brussels, January 2004).

The European Union has developed a *common* foreign policy but it is not a *single* foreign policy. There are, however, some fora where the EU *is* represented as a *whole*, for example, within the Middle East Quartet. In this context, the EU is guided by the (Quartet) Road Map, endorsed by United Nations Security Council Resolutions UNSCR 1515 as the basis for reaching a peaceful settlement in the Middle East in accordance with UNSCR 242 and 338 and 1397. In this instance, NPEU constructions are guided by international law which enables EU actors to reiterate international legal commitments when using rhetorical action vis-à-vis the conflict parties in this case. Obviously, many EU Member States have very complex individual ties to countries or entities involved in a conflict. This may be the case, for example, for historical reasons and/or due to issues of importance to the Member States (Germany with Israel). Consequently, Member States differ in the emphasis they choose to put on certain aspects of a particular conflict case.

The *European Council* and the *Council of the European Union* with its rotating Presidency have a crucial, indispensable role as political actors providing political impetus, leadership and guidance as well as serving as global decision-makers, including their management in the area of conflict policy. It has to be kept in mind though that each Presidency has its own priorities.⁶ For example, an arms' exporting EU member state may keep silent on a conflict case which involves a key importer of its arms. Economic interests usually dominate the EU's approach in such cases rather than human rights norms embedded in NPEU constructions (MacAskill, 2006). Such instances challenge constructions of NPEU and offer alternative images of the EU's identity: when constructions of NPEU are not at work, the EU's international legitimacy is called to question.

In terms of representations of NPEU, the Council determines the policy principles and general guidelines in the foreign policy field. The process of making external policy is often marked by conflict among divergent assessments of the situation, values, goals and preferences among strategies. Group pressures for conformity should not be underestimated (as well as pressures from outside on the EU to speak with a single voice and act with a single purpose). The EU's diplomatic standing has been improved since the appointment of Javier Solana as the first High Representative for Common Foreign and Security Policy (CFSP), highlighting the EU's determination to construct a more assertive NPEU image and united foreign policy.

In some cases, Solana is supported by a Special Representative (SR). The mandate given to such SRs by the Council defines their role very clearly. The role of the SR for the MEPP (EUSR) was created by the EU in 1996, when Ambassador Miguel Moratinos was appointed. Marc Otte succeeded him in this post on 14 July 2003. The EUSR's mandate includes the monitoring of actions by either side of the conflict that might prejudice the outcome of the permanent status negotiations (although the EU falls short of NPEU constructions when it comes to Israeli settlements, see below) and to facilitate cooperation on security issues (as in the Rafah crossing).

⁶ Interview, Council of the European Union (Brussels, February 2005).

Member State representative offices play an indirect role in lobbying EU institutions, according to the issues raised by the Middle East conflict. Moreover, the involvement of individual EU Member States on a one-to-one basis with a party or parties to the conflict and their embassies in the conflict countries/territories play an additional role in reiterating NPEU constructions: member states often construct the ideals of the European project as a guiding principle in their behaviour.

NPEU is usually associated in particular with the *European Commission*. In the case of the European Commission's role in policy-making towards conflicts, certain directorate generals are more involved than others: Through the Mediterranean Development Assistance (MEDA) programme, projects run by the Commission reiterate the power of NPEU in that they bring people together to collaborate on a mutually beneficial theme. These collaborations in turn are expected to bring about peaceful co-existence between neighbours. It is interesting to note the threat to halt aid to the Palestinian Authority issued by the EU after *Hamas* formed the Palestinian government following the elections of January 25, 2006. This threat was framed in terms of conditions for negotiations with Israel in the context of the Middle East conflict. Thus, despite *Hamas's* uncompromising hostility to occupation, the EU continues to encourage the Hamas government to observe past agreements signed between the Palestinians and Israel, eschew the use of violence (as a means of settling the conflict) and recognise the State of Israel (International Crisis Group, 2006). In other words, in the view of EU actors, Hamas must respect the principles established by the EU – as the minimum requirements if the political ideal of a resolution to this conflict, consistently championed by the EU, is to become a reality.

The Commission's delegations on the ground are in charge of implementing common policies through concrete projects and assistance programmes.⁷ Through its Commission delegations, the EU presents a unified external service. DG *Relex* is the unit responsible for managing relations between conflict parties in non-candidate countries that fall within the realm of external policy and provides backup and guidance for nine Commission Delegations in the Mediterranean region including in this conflict case: West Bank and Gaza Strip, Israel, Syria and Lebanon. The construction of NPEU logic here is one of association equating to peaceful relations.

Since 1995, the implementation of the Euro-Mediterranean Partnership (EMP) provides an additional framework of bilateral and multilateral relations with Israel, the Palestinian Territories and other Mediterranean partners.⁸ At a minimum, the EMP offers a forum for dialogue and negotiations between conflict parties and the EU, enabled through NPEU constructions (Pace, 2006).

Although the *European Parliament* (EP) suffers from an image of a powerless, money-wasting 'talking shop', it is the Union's most open, public and democratic institution

⁷ The question of whether these delegations and their representatives are effective is another matter that may lead to further questions about the Commission's authority and the need for the creation of a formal EU diplomatic service.

⁸ Including Morocco, Algeria, Tunisia, Egypt, Jordan, Lebanon and Syria. Libya has observer status. See Pace, 2006.

(Westlake, 1994; Corbett *et al.*, 1995; Peterson and Bomberg, 1999). The EP plays an important role in constructions of NPEU and related EU policy on conflicts. Members of the EP (MEPs) emerge as quite entrepreneurial in this regard. Moreover, MEPs of some member states are more active in some cases than others. The EP also closely participates in the Middle East conflict in the framework of its competences and as a body encouraging dialogue (a main pillar of NPEU construction, see below) between conflict parties and the spread of the EU's normative power/common values.⁹

An important observation emerges from this sub-section on the agents constructing the EU's normative power. The extent to which NPEU constructions come from EU agents or from academics operating independently outside the EU - which then could possibly influence the way EU agents see themselves – is not crystal clear. However, building on the author's previous and ongoing work, it can be argued that, on the one hand, EU actors see themselves and the EU as a whole as a 'force for good' in conflict situations and on a global level more generally (Pace, 2007, forthcoming). On the other hand, academic debates focus on 'normative power Europe' as a discourse through which EU actors construct themselves as 'model reference points' for other parties to emulate (Diez and Pace, 2007).

d) Environment

The EU as an international community encompasses the overall environment in which NPEU constructions are framed and made possible. This construction gives the EU international legitimacy and imposes domestic resonance of the norms it upholds (as an international community) in conflict areas.

Here, we need to keep in mind both the sources of NPEU as well as the potential obstacles to the opportunities this construction may bring about in conflict cases. For example, the fact that Hamas appears on the EU's list of terrorist organisations inevitably has consequences for NPEU constructions: the impossibility of regarding Hamas as a valid partner in the resolution of the Middle East conflict (until it accepts the EU's principles):

Apart from aspects relating to the MEPP, the coming to power in Palestine, in free, democratic elections, of a movement affiliated to the Muslim Brotherhood represents an entirely new development. The EU does not want on principle to see the Hamas government fail. What we want is for that government, besides respecting the Quartet's three principles, also to apply those of the rule of law, a state based on it and democratic transfer of power, and to maintain the pluralistic nature of Palestinian society. If it does so, Hamas can be regarded as a fully-fledged political entity (Council of the European Union, 2006).

This uncovers how the EU's discursive framework on its role in conflict cases is constructed on the basis of a set of processes which enable negotiations and which allow

⁹ Parliamentary debates on the Middle East conflict have been analysed from 1999 - 2004.

conflict resolution to come about as a derivative of the priorities it sets (in this case) in its association policy (Pace, 2006). The EU's discursive framework in such cases is in fact aimed at mobilizing, through these processes, key movers: political actors as well as civil society actors, to resonate with the EU's norm-abiding behaviour. In the Middle East context:

The EU will continue to support President Abbas and the peace programme on which he was elected by an overwhelming majority of Palestinian voters (Ibid).

Representations of NPEU are also facilitated through and guided by the norms of international law. In this context, EU actors have repeatedly condemned Israel's confiscation and/or razing of land and property for the purpose of establishing settlements to be populated by Israeli nationals. This they can do on the basis of the Fourth Geneva Convention, Article 49, paragraph 6.¹⁰ But no EU sanctions follow up violations of these laws because NPEU constructions do not tally with coercive EU action.

e) Mechanisms:

How do EU actors act upon their representations of the EU as a 'force for good'? How is NPEU constructed? The construction of the EU as a normative power enables EU actors to create a broad range of measures aiming at - on the one hand - eliminating socio-economic inequalities and - on the other hand - building up political and social institutions and capacities that will enable those involved in conflict areas to cope with (ethnic) plurality. These mechanisms are broadly categorized - for analytical purposes - below as dialogue and other diplomatic instruments but there is an evident interplay between these two in practice.

Dialogue

For EU actors, dialogue with conflict parties is viewed as one of the key pillars of NPEU constructions and thus a key diplomatic means of engaging constructively in conflict situations (Ropers, 2004). As one interviewee put it: "As long as they are kept talking, they cannot be shooting".¹¹ That is why for example when (the now comatose) Ariel Sharon chose not to recognise Yasser Arafat as a partner for peace, EU actors expressed concern for the Peace Process - yet they took no action when Yasser Arafat was isolated in his compound until his death. This may explain why the EU is often perceived as a weak external actor because its NPEU constructions constrain its own actions: inaction rather than coercion is the option in such a case. In the Israeli-Palestinian case, the actual tools used in practice depend on the stage of the conflict. This is where EU actors attempt dialogue initiatives through which they seek bridge-building opportunities for and between conflict parties. When the image of a conflict in EU policy-making is one of a protracted conflict, EU actors, particularly the Council, often put NPEU constructions to work through structuring dialogue activities between parties to a dispute as a series of

¹⁰ Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War. Adopted on 12 August 1949 by the Diplomatic Conference for the Establishment of International Conventions for the Protection of Victims of War, held in Geneva from 21 April to 12 August, 1949 (entered into force on 21 October 1950). UN: Office of the High Commissioner for Human Rights.

¹¹ Interview, Council of the European Union, (Brussels, 23 January 2004).

dialogue events – sometimes extending over a period of many weeks, months or even years. In cases where conflict parties are non-members of the EU - where the EU is unable to offer full EU membership to those countries engaged in a conflict as a key incentive for securing their commitment to resolve a dispute - EU actors draw upon the EU's vast and past experience in handling its relations with neighbouring states (Smith, 1996, 1998). For example, in June 2000, the European Council adopted a Common Strategy on the Mediterranean Region, to support the efforts of the parties to conclude and implement peace agreements and to consider with the help of the High Representative for CFSP, the SR for the Peace Process and the Commission what support the EMP can lend to stability in the Middle East (European Council, 2000). Hence a NPEU logic of democratic peace through multilateral and regional collaboration is constructed. Dialogic environments such as the EMP are thus meant to serve as interactive contexts for conflict parties to engage in talks and negotiations for a solution to the conflict: such fora involve the socialization of conflict parties' leaders/representatives, the creation of networks of personal relationships and the airing of frustrations as well as new ideas, as demonstrated by meetings on the sidelines of various EU meetings in the case of the Middle East.¹²

EU actors thus engage in creating the 'right' (NPEU) environments for conflict parties to meet, negotiate and exchange their honest views on the situation on the ground. As managers of the EU's external relations and as actors in the sphere of classical diplomacy, EU actors construct their roles as skilful negotiators driven by the EU's normative power in the transformation of conflicts. Thus, dialogue initiatives are particularly important for EU actors to represent the EU as a normative power which in turn is supposed to facilitate the transformation of violent ethno-political disputes, and they are often used to encourage conflict parties to address the psychosocial dimensions, grievances and relationship issues of a conflict. The dialogue process of EU policy-making towards conflicts at violent stages thus requires many levels of cooperation both within the EU and between the EU and various conflict parties' representatives. Consequently NPEU constructions drive EU actors to engage in high interaction density through frequent interactions (including rhetorical action) with conflict parties in conflict areas and at various political (elite) levels as well as at civil society (NGO) levels (Schimmelfennig *et al.*, 2006). Rhetorical action includes regular statements to reinforce the construction of the EU as a 'force for good', for example, references to the EU's position on the Middle East conflict resolution based on a two-State solution, a viable, democratic Palestinian state side by side with an independent Israeli state (Newman and Yacobi, forthcoming). In turn, the constructed NPEU ethos defines a standard of legitimacy (of preferences and policies) that EU member states have to take into account if they are to achieve their political goals: their high interaction density with conflict parties provides for informal, social mechanisms to encourage conflict parties to comply with EU norms. This high level of activity may, in the minds of EU actors, compensate for the absence of a one-voice EU and enables them to justify their actions on the basis of a common ethos, a common reference point emanating from constructions of NPEU.¹³

¹² Interview, Council of the European Union, (Brussels, February 2005).

¹³ Interview, European Parliament (Brussels, 19 January 2004).

But EU policy-making towards protracted conflicts also requires efforts by and policy instruments of the EU to address the *structural* causes and *power* political aspects of disputes.

Other diplomatic instruments

In addressing conflict situations, EU actors have a full range of EU foreign policy instruments at their disposal broadly categorized into

- a) bilateral contractual relations with conflict parties in the context of the first Community pillar: these include its own unique sources of normative power constructions and legitimacy in acting to organize the governance of wider Europe (Ginsberg, 2001; Schimmelfenning *et al.*, 2003; K. Smith, 2003).
- b) Moreover, EU actors can draw upon specific policy initiatives in key functional areas such as human rights, border security, communications, immigration, transportation, trade, energy, etc (Youngs, 2002; M. Smith *et al.*, 2006).

The key aim of such EU instruments is to help build a relationship of trust between the conflict parties. For example, following the Palestinian elections of Jan 2006 and the Israeli elections of Mar 2006, the EU emphasised the importance of sustained talks (towards a two-state solution) between Prime Minister Olmert and President Abbas (and is determined to heighten the latter's status), insisting that Israel must facilitate transport of humanitarian aid to the Palestinian population as well as movement in the occupied territories, so as to allow economic sustainability (Council of the European Union, 2006).

f) Goals

The overarching goals or desired outcome of NPEU constructions are put to practice through EU actors' statements emphasizing stability and security in and around the EU's borders (Council of the European Union, 2003). Such discursive practices also highlight what the EU stands for: its values, norms, ideas - the substance of EU policy. Through these pronouncements, the EU develops an image of the kind of EU citizens as well as outsiders in neighbouring countries want: in this way EU practices connect EU actors with conflict parties' wishes and model the EU as an institutional practice with agents attempting to address the fundamental issues of a conflict. Thus, the EU's discursive practices act as compelling ideas that it seeks to export to conflict areas – adherence to human rights, democracy, rule of law, good governance, social and economic development as the routes out of poverty, violence and conflict.

Through such practices, constructions of the EU's normative power are made possible within a larger discursive context. People working at EU institutions become socialized into how to enact NPEU. In particular, policy-making vis-à-vis conflict transformation develops along a discourse of creating a European identity in the form of EU norms to which conflict parties can subscribe to: This does not mean that parties to a conflict have to do without their national identities; but a context is created through European association processes within which multiple layers of identity can be forged (Diez *et al.*, forthcoming). In the Middle East case, the EU, through the EMP, has created a context in which Palestinians, Syrians, Lebanese and Israelis come together under a 'common'

(albeit constructed) Mediterranean identity. The EMP is in fact the only environment where Israeli and Arab neighbours sit together around the same table, despite the tragic ongoing events in the Middle East conflict. The process of conflict parties upholding EU norms is thus enshrined in the EU's *acquis*: for associated partners through the EMP *acquis*, and becomes the main focus around which identity is constructed. NPEU thus creates an informal 'habitude' which in turn generates a common context for conflict parties to cooperate.

Limits of NPEU

Having looked at the substance of NPEU constructions, its process, agents, environment, mechanisms and goals, it is now important to analyse the other side of NPEU constructions: their limits. These are broadly categorized into three: a) power asymmetries, b) gap between rhetoric and conflict situation on the ground and c) EU structures.

- Power asymmetries

Power imbalances are endemic between parties involved in a conflict as well as between the EU and one or both conflict parties. This asymmetry in power relations in turn affects processes and any desired outcomes that constructions of NPEU are aimed at. The power asymmetries between the Israeli and the Palestinian parties in the Middle East conflict as well as a lack of conflict parties' identification with the EU in this case are well acknowledged in most accounts on this conflict (Newman and Yacobi, forthcoming). The US's unequivocal support for Israel's security, the EU's financial assistance to Palestinians and the imbalanced capabilities of external actors create different power constellations which often hamper constructive conflict management possibilities through NPEU constructions.

NPEU constructions in this case put into effect a series of programmes aimed mainly at Palestinians whose society is overshadowed by poverty, social marginalisation and oppression: EU actors step in with humanitarian assistance driven by NPEU ideals of justice and social development, thus offering the Palestinians a way out of their domestic suffering. Another underlying principle which guides EU policy making in conflicts is the need to serve a (conflict) *preventive* function, between the Israelis and the Palestinians, by facilitating dialogue and aiming at building understanding, trust and respect between conflict parties so that conflict expression at the point of confrontation takes less violent forms.

In cases where conflicts escalate to violent levels, EU actors, guided by NPEU ideal constructions, sometimes choose not to act.¹⁴ The danger in such cases is that power asymmetries limit NPEU constructions and may lead to what Paul Rogers terms as 'lidism', measures aimed not to address the underlying issues but to keep the lid on (quoted in Richards, 2006). For instance, as high contracting parties to the Geneva conventions, the EU - as the main donor to the Palestinians - is obliged to ensure Israel's

¹⁴ Interview, European Commission, DG External Relations (Brussels, 22 January 2004).

compliance with international law. None of this has happened thus far. Instead, EU aid has rendered the occupation cost-free (Karmi, 2005, p. 26).

This does not mean that there are no critical voices urging for more EU action when violence escalates in conflict areas.¹⁵ However, in the Middle East conflict, where it is very difficult for the EU to balance the power situation, it seeks to support the less developed area, the ‘less democratic’, through activities like training (of police for example) and advice (on democratic elections), thus encouraging Palestinians to emulate NPEU representations and to be more effective players in the transformation of the conflict (McGreal, 2006). But such limited NPEU capabilities have their own consequences:

- Gap between rhetoric and conflict situation on the ground

Aside from regular rhetorical criticisms for example as regards Israel’s policies in Arab Jerusalem, the EU has not made any serious attempt to challenge Israel’s actions, fearing Israeli critical references to the EU as anti-Semitic, conjuring up negative images of the past of some EU member states (the Past being one of the EU’s worst Othering, its worst enemy, which some EU members are not prepared to confront). Not even in cases where Israeli policies have destructed Palestinian projects funded by the EU was any demand for compensation made. This may be explained through the construction of NPEU. Rather than engaging in negative conditionality, EU actors on the contrary, project the EU as a ‘force for good’ even in such difficult situations by accelerating Palestinian preparations for western-style “statehood”. EU funded projects for “democratization”, “reform”, “capacity building” and other NPEU buzz words are substantially increased. Thus, one consequence of NPEU limitations is the creation of a gap between the rhetoric of international law and the actual situation on the ground in conflict situations. In a way one can argue that the construction of the EU as a ‘force for good’ in this case becomes an exercise in cynicism (Karmi, 2005). Unofficially, EU actors endorse this analysis.¹⁶

For many political actors on the ground in the Middle East conflict, EU institutionalised norms do not reflect their own values and norms but those of the powerful elite within the EU who are safely distant from the day-to-day realities on the ground. It is plausible to assume that constructions of NPEU do not work in the Middle East: Political actors in Israel and Palestine do not take the cultural values and norms institutionalized in the EU to internalize them in their respective societies. Rather, they regard them as external constraints (mostly in the case of Israel) or resources for domestically motivated action (in the case of Palestine) and they thereby behave strategically towards NPEU constructions. The November 2006 French-Spanish-Italian outline for an Arab-Israeli peace plan was promptly rejected by Israel. While the three European-Mediterranean powers believe the initiative is justified by plain morality (as well as political interest), in Israeli eyes, the plan was announced without prior coordination with the Israeli government: the lack of consultations destroys trust and cooperation possibilities (Seale,

¹⁵ Interview, Council of the European Union, (Brussels, 23 January 2004).

¹⁶ Interview, Council of the European Union (Brussels, 20 January 2004).

2006). Constructions of NPEU in this case created a mismatch of expectations on the side of the EU and that of the Israelis.

On the Palestinian side, the results of the January 2006 election revealed that the ‘reality’ of democratisation in the Middle East is much more complex than what EU actors’ self-understandings imply and what official EU positions on democratisation imagine (Hinnebusch, 2006). As part of its mediation efforts in this conflict, the EU has been hammering on the importance of free and fair elections in Palestine as a strong basis for a future Palestinian state side-by-side with Israel. Although the EU sent its own mission to observe the January 2006 elections – which were declared as fair, free and transparent – the organisation reacted by freezing direct aid to the PA, (since the elected Hamas was put on the EU’s black list of outlawed terrorist organizations). In the eyes of the EU, Hamas challenges the notion of a democratic political party. (The movement had received much international condemnation for using suicide attacks to pursue its resistance strategy). The EU’s fundamental norms were thus violated. However, the effect of constructions of NPEU shed a higher salience and higher moral pressure on EU member states to intervene: to regain legitimacy (from their original reaction to the election results) they offered the Palestinian people a temporary funding mechanism to bypass the Hamas government - as this action was in line with NPEU constructions of development = peace. But in the process, the EU weakened the normative consistency of the meaning of free, fair and transparent elections as the basic conditions for its aid as well as its image as a ‘force for good’.

- EU structures

The EU operates on many levels and in many different sectors within and between conflict societies which adds to the complexity of its own structures and organisation. Moreover, some EU actors view certain conflict cases as “their” terrain that in turn creates tensions between and within the various EU institutions.

For example, the human rights clause in Euromed Association Agreements is a basis for political dialogue on human rights issues and provides legal means to the EU, in case of violations of the agreements, for taking ‘appropriate measures’ that is, sanctions or suspension of the agreement in case of violation of democratic principles or human rights. The problem is that this clause is open to different interpretations by different EU institutions. For instance, the EU Commission interprets the clause as a means for a ‘positive’ promotion of human rights. Thus, calls by the EP and civil society representatives for the suspension of Israel’s association agreement, due to violations of human rights (through a ‘negative’ approach) have not been heeded thus far (EMHRN 2006, 2007). Thus, representations of NPEU by EU actors create a sense of a self-fulfilling prophecy. In this case, the EU continues with its dialogue with Israel (despite violations in international laws) as otherwise it would undermine the very *raison d’être* on which it stands – what it is bound with (Diez, 2005). The framing of the EU as a ‘force for good’ makes it very difficult for EU member states to apply sanctions on Israel.

In a similar vein, Angela Merkel, the German Chancellor, has thus far been very reluctant to endorse the November 2006 Arab-Israeli peace plan initiated by Italy, France and Spain as such a move may appear as putting pressure on Israel.

Moreover, in view of the top priority that Israel enjoys in the ENP's normative, bilateral framework, it may be that the ENP could result in a step backward from the EMP (normative, regional framework) in terms of the EU's leverage in the MEPP. Thus, rather than adding 'value' over existing programmes, the ENP may harm what the EU has so painfully been working on in establishing closer relations with Israel and its Arab neighbours.

The EU lacks a centralized rule making and enforcement authority which conflict parties take advantage of. Thus, conflict parties can use the EU's ethos rhetorically to put pressure on the EU to pursue policies that seemingly are in line with NPEU but benefit one particular conflict party. Thus, when the EU was negotiating Israel's Action Plan in the context of the ENP, the Palestinian team negotiating the Action Plan for the Palestinian Authority were 'not allowed' to view the Israeli draft Action Plan.¹⁷ Consequently, the imposition of EU norms on conflict parties also conditions the power of NPEU. The effects of NPEU constructions thus ensure that promises are kept even in the face of continued scepticism by any member state governments and/or societies and in face of challenging circumstances.

The above analysis shows that the power of NPEU constructions is based on an assumption that through international socialization – a process driven by the logics of appropriateness and arguing – conflict parties can be induced to accept the internalization of international, in particular EU, norms. In this way, conflict parties are led to adopt the constitutive rules of the EU. The case of Israel/Palestine defies such assumptions underlying NPEU constructions.

Conclusion

This article focused on how NPEU is constructed. This was analysed by unpacking the NPEU signifier's content, processes, agents, environment, mechanisms and goals on which this representation holds. In doing so, it drew upon a core case study of the Middle East conflict in which the EU is involved. It further sought to address the limits of representations of NPEU in this case. It concluded by arguing that constructions of NPEU have, thus far, been ineffective in the Israeli-Palestinian case. Thus, we can speak of the power of the construction of NPEU as a matter of degree. While a successful construction of NPEU in conflict cases would secure a role for the EU globally and deliver ensuing gains in legitimacy for its liberal values and norms (Schimmelfennig *et al.*, 2006), challenges to NPEU constructions disempower any EU attempts at its global reach based on such constructions: as the Middle East conflict case shows.

¹⁷ Communications with the author, Jerusalem, January 2005.

Therefore, by way of suggesting the potential contribution of this article to advance debates about the EU's normative power, the ideas explored here will hopefully shed some light on further investigations about the precise nature of the 'normative' element in the EU's normative power. In his work, Manners has offered a distinction between civilian power and normative power. In this article, various "meanings" of normative power EU were unpacked: the EMP and ENP *acquis*; a way for the EU to conduct its 'business' via diplomacy, political dialogue, development policy, socialization; a 'force for good'; security (as the objective use of NPEU); there is also the interests versus values element of NPEU. Further research is therefore required to unpack and elaborate upon these meanings (of NPEU constructions in the practical, political field) further as well as on the discursive construction of normative power by independent scholars.

Rethinking EU normative power involves questioning the genuine extension of the democratic peace doctrine to conflict areas outside the EU's demarcated borders. It also requires asking why the construction of an external actor's power has often not worked in cases of conflict, like the Middle East, outside Europe. The challenge for analysts and policy-makers remains.

A related area for future research in this field concerns how the various agents and actors in the EU use normative power in their conflict resolution efforts – which norms and which criteria are used for whom and at what particular moments in time. Such research will help shed light on the question of why a lack of an EU single voice impinges upon the EU's efforts in conflict resolutions.

By invoking the idea of the *construction* of EU normative power, I have attempted in this article to argue that the power of this construction has its limits. Whilst seeking to accommodate its strategy of presenting itself as a normative subject without taking the required political moves, the EU comes across as a player which excels in evading a great deal of responsibility for its actions. If the EU is to project a credible image as a 'normative' power in international affairs, there is a constant need for questioning of what it entails to be a 'normative' power.

A severe testing case highlighted here is the Israeli-Palestinian conflict. The EU's reaction to the January 2006 results appeared, in Palestinian eyes, as ignoring the democratic expression of the Palestinian people and depriving many Palestinians of their livelihood: Although Palestinians appeared to take their first steps toward a process of democratization (in accordance with EU norms), the EU's reactions to the electoral win by *Hamas* stand in stark contrast to EU discursive practices regarding the importance of fair, free and transparent elections as crucial dimensions of the much needed 'democratization' momentum in Palestine – and of the importance of this for the resolution of the Middle East conflict. This leads us to question the EU's efforts in the resolution of this conflict which are not compatible with constructions of the EU as a 'normative' power.

At the same time, the EU is strengthening the feeling that there is a permanent double reasoning when it comes to its engagement with the Palestinian party to the conflict. So,

while normative principles emphasize democratization which requires both competitiveness and inclusion, the success of Islamist parties does not seem to feature on the EU's normative radar. This suggests that the EU's perception of what is 'normative' in this case does not allow a space for its encouragement to support Islamist groups in their interaction with their political contexts as a form of socialization through political engagement. This is also a far cry from the presumed basis for constructions of NPEU which emphasises the importance of dialogue with *all* conflict parties – a telling example of my featuring of the EU's normative power as a semantically “empty” notion. Perhaps the EU's 'period of reflection' may serve as an important period for EU actors to consider some self-criticism of their own claims of normativity especially in the EU's role (as a global actor particularly) in cases of conflict.

If the EU's claim of its normative power is based on moral principles, then we are seriously in need of questioning whose political community is served by such claims (Manners, forthcoming). Future research on normative power EU debates needs to constructively reflect on the crisis - not just of world politics today (as in Iraq) but - of international institutions, international law and human rights more crucially. If constructions of NPEU are to have any ethical and moral justifications then rhetoric has to add up to action.

The debate on the EU's normative power has developed through the years in the pages of this journal. This article's contribution hopes to open the space for furthering this dialogue.

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