

**Practices of Imperial Identity:**  
**Patterns and paradoxes in EU trade and energy policies towards the**  
**Maghreb region**

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*Abstract*

Despite the radical shifts that continue to characterise both Maghreb and Europe, the rhetoric surrounding the EU's 'Neighbourhood' policies have proven largely resilient to change. This chapter grapples with this policy persistence through the perspective of 'imperial identity practices', and argues that short of *being* an Empire in the traditional sense, an implicit imperial identity motivates EU policies. This can be illustrated by scrutinizing the Union's approach to Maghreb countries across two key policy areas, Energy and Trade. Conceptualising these policies as *constitutive practices* provides analyses of the implicit power, rationality, and discourses that practices reify. Imperial identity practices capture this well: in a changing world, where what lays outside the boundaries of empire pose both opportunities and threats, there is significant ontological security in sticking to the same practice of expanding its reach through rule 'convergence'.

Keywords: EU, Maghreb, empire, identity, trade, energy

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The burgeoning field of Euro-Mediterranean studies has focused on the reaction of the European Union to the Arab Uprisings, and the democratisation processes that are hoped to follow from them (e.g. Balfour, 2012; Dennison, 2013; Tömmel, 2013). Attention has specifically focused on the so-called renewed European Neighbourhood Policy (ENP), and whether there is a shift towards more conditionality and ‘more for more’ approaches to the transitioning region, or whether there is “nothing new at all” (Schumacher, 2011: 4). This chapter contributes to this literature by noting that despite the radical shifts that have taken place in the region, the rhetoric surrounding EU’s policies have actually changed very little. Subsequently, what we observe are durable, constitutive discursive structures, which persist regardless of even the most dramatic human suffering at the EU’s doorstep: indeed, the Syrian and Libyan war, the humanitarian catastrophes they produce, drowning people in the Mediterranean, violent crackdown of opposition in Egypt and Turkey, and international disengagement with the Israeli-Palestinian conflict make up a region that looks dramatically different from the ‘Southern Neighbourhood’ of five years ago. Nevertheless, the EU’s focus on normative, rule-based change as the pinnacle of its ‘Neighbourhood’ policy continues unabated. This chapter grapples with this persistence through the perspective of ‘imperial identity practices’.

It argues that, short of *being* an Empire in the traditional sense, an implicit imperial identity motivates EU policies, and this can best be seen by scrutinising the Union’s approach to Maghreb countries across two key policy areas: energy and trade. These two fields indicate that EU policies in the framework of the regional Euro-Mediterranean Partnership (EMP) and the bilateral ENP are based on extending the body of law governing the European Community (the

*acquis communautaire*), often at the expense of other options that would better facilitate trade and energy flows between the two shores of the Mediterranean. These policies are codifications of the EU's *modus operandi*, which is based on a continuous extension of EU norms, rules, practices and interests – and is pursued even vis-à-vis states with no membership prospects.

This chapter connects with debates on the unprecedented processes of rule transfer taking place between the EU and third parties. This has been described in terms of ‘Europeanization’, i.e. the process of constructing, diffusing and implementing formal and informal norms, which are first defined within the EU and then incorporated in domestic discourse, identity and political structures (Radaelli, 2003). The literature on ‘external governance’, i.e. the transfer of EU rules and policies to third countries, often at a level below the threshold of membership (Lavenex, 2004; Lavenex and Schimmelfennig, 2009), observes that the EU is in fact engaged in Europeanization processes as a part of its foreign policy. This body of research has illustrated the way in which the EU exports its laws and regulations to the Neighbourhood, but also how these countries contest and negotiate aspects of European norms, both through formal negotiations and adaptation, and above all through varying application of formally adopted norms (Freyburg et al., 2009; Gänzle, 2009; Youngs, 2009a). Here, theories of Europeanization are applied to the ENP framework, and studied with the aim of evaluating the effect of EU influence on formal rule adoption. But the literature has two primary limits: firstly, it often fails to look at the *effects* of transposed EU norms in the local context, and secondly it often overlooks the *motivations* behind seeking Europeanization outside the realm of formal representation. The optic of ‘imperial identity practices’ addresses these limitations, and provides a framework for analysing underlying power relations in the context of durable policies.

The perspective builds on the literature on EU as Empire, inasmuch as it captures the

political nature of Europeanization processes. Zielonka (2006) describes the EU as a neo-medieval Empire, characterised by its fuzzy borders and networked governance model, but also by its cultivation of peripheral borderlands into which the empire gradually extends. It is engaged in the construction of a ‘ring of friends’ around its centre, which creates marches or fluid buffer zones along the frontier of its empire (Browning and Joenniemi, 2008; Del Sarto and Schumacher, 2005). Subsequently, the ENP might be seen as an attempt to transform the external EU borders from areas of demarcation and division to areas of exchange and interaction (Comelli et al., 2007), while the general approach to the regions adjacent to Europe can be described as creating interconnected ‘borderlands’ that serve as buffer zones to the EU (Del Sarto, 2009).

Yet, while the ‘EU as Empire’ debate is fruitful in understanding the political nature of regulatory expansion, it does not connect specific practices in EU-Neighbourhood relations with constitutive ideas of the Union, i.e. the identity properties germane to the nature of the EU. It tends to focus on the question of whether the EU actually is an empire or not, and provides prefixes that would justify various labels (neo-medieval, post-modern, regulatory, non-imperial and in denial). In contrast, when this chapter explores the approach taken by the EU to establish a Euro-Mediterranean Energy Community, and Deep and Comprehensive Free Trade Agreements (DCFTAs) with selected Maghreb states as *practices*, it invites an analysis of the implicit power, rationality, and discourses that specific and habitual practices reify. The assumption is that EU’s activities vis-à-vis its Southern Neighbourhood are *practices* that demonstrate both the ambitions and the identity of the Union, and not only *action*: while action is behaviour with meaning, and is a specific behaviour located in time, a practice is, according to Adler and Pouliot, “socially meaningful patterns of action which, in being performed more or less competently, simultaneously embody, act out, and possibly reify background knowledge and

discourse in and on the material world” (Adler and Pouliot, 2011a: 6). The chapter seeks not only to describe the processes of external governance taking place in bilateral relationships, but also to explain what motivates this relationship. Inspired by Hansen (2011), ‘practices of imperial identity’ exposes the underlying ‘background knowledge’ that justify specific practices in EU foreign policy making towards the Maghreb region, while preventing the possibility of other types of practices. This approach is novel in that it combines a study of practices with explanations grounded in constitutive frameworks. It thereby focuses its attention on showing that many of the activities that comprise the EU-Neighbourhood relationship are driven by a default adherence to regulatory expansion – even where the chances of success are rather chimeric.

The chapter first discusses recent work that studies the EU as a form of empire, and offers a framework for understanding ‘practices of an imperial identity’. The practices observed should be understood as instances of discourses and institutions governing EU external relations, which the chapter claims have ‘imperial’ inclinations, i.e. a core expanding its sphere of influence into its periphery through asymmetric relationships. The subsequent sections illustrate this argument by two case studies of the practice of promoting an Energy Community, on the one hand, and DCFTAs on the other.

### **Conceptualising EU Foreign Policy as Practices of Imperial Identity**

The framework of ‘practices of imperial identity’ depicts the EU as an ‘informal empire’, whereby the mode of expansion results from economic forces and normative values. This stands

in contrast to ‘formal empire’, which connotes the annexation of overseas/external territory (cf. Gallagher and Robinson, 1953; see also Gravier, 2009 and Zielonka, 2006). These practices are external manifestations of the EU’s mode of governing ‘inwards’; whereas the early European project was intent on governing that which laid within its borders, including however overseas (colonial) territories, the Union has gradually developed the willingness, capacity and above all *the habits* of influencing the peripheries beyond its borders, leading to a common feature of empires: the EU simultaneously *is* an empire and *has* an empire (Gravier, 2014). Rather than describing the EU as an empire *per se*, this chapter connects specific EU foreign policy practices to a broader understanding of the construction of a certain EU identity. In turn, constitutive discourses permit some practices, and prevent others, thus locking in a consistent ‘actorness’ of the Union – where the EU promotes imperial discourses and accompanying practices, capacity for autonomous action is enhanced (see Niemann and Bretherton 2013 for a recent discussion on EU ‘actorness’).

Building on this notion of the EU as an informal empire, which engages in imperial governance beyond its borders, three commonly agreed general practices of empires are useful to survey in order to understand the specific practices of everyday EU Neighbourhood politics (cf. Gravier, 2011): First, the *asymmetry of relations* between the core and the periphery, whereby the EU and the sovereign states in the Southern Neighbourhood are not engaged in an equal ‘partnership’, but are characterised by a strong and imposing core and a weaker ‘partner country’. This is a truth with modifications: both thick (in principle) and thin (in practice) contestation can be discerned across the ENP countries (see Del Sarto and Tholens, forthcoming). Yet, as a system, it is designed to impose non-negotiable ‘core’ principles in a designated ‘periphery’, thereby establishing asymmetric relations at a formal level. The second

element is *expansion of spheres of influence*, whether by territorial expansion through enlargement, or through regulatory and network-based expansion as seen in the EMP and ENP frameworks. Again, contestatory practices abound, but that does not change the fact that the system is designed to reproduce expansion in a unidirectional modality. Finally, imperial governance is characterised by the core being connected to its peripheries in a *'hub and spoke' system*, i.e. dealing with the individual country directly and bilaterally, largely preventing a region to region type negotiation situation which would strengthen peripheries vis-à-vis the core. Whereas there are clear European interests in dealing with MENA states on a bilateral level, it is also partly a necessity, given the divided nature of the MENA region. It is not entirely clear whether it is the MENA region itself or the nature of EU initiatives that may explain the lack of regional cohesion: EU initiatives such as the Barcelona process (1995), and the Union for the Mediterranean (2008) have sought to provide the region with regional umbrella platforms, yet have had little traction, and remains marginal to actual interaction practices in the EU-MENA relationship. The three elements identifying imperial practices are constitutive elements of a EU foreign policy identity, this article argues, and serve as overarching general practices against which specific EU policy action vis-à-vis the Southern Neighbourhood should be understood.

Conceptualising the EU as an informal empire that engages in imperial governance practices beyond its borders solve some of the challenges in disassociating empires from imperialism, on the one hand, and hegemony, on the other. Others have written extensively on these differences from various perspectives (Hardt and Negri, 2001; Münkler, 2007), but in this chapter it is pertinent to clarify how these concepts differ in the case of Europe-Maghreb relations: first, imperialism connotes a type of aggressive imposition of order in domestic societies that we do not easily see the EU *overtly* engaging in, contrary to the US presence on the

ground in many hotspots. Second, hegemony intends supremacy within a group of formally equal actors (Münkler, 2007), and despite Diez' argument that hegemony ought to substitute the Normative Power Europe label (2013), it is apparent that the EU is not in a hegemonic relationship towards many of the rich, energy-producing countries of the Southern Mediterranean, and does not possess the material capabilities to impose any imperial order in those countries.

And yet the EU is *still* seen to craft its policies towards the MENA region on the basis of rule export, non-equal negotiation patterns, and insistence on an “all but institutions” approach. This amounts to a puzzling foreign policy practice. As this chapter argues, it is shaped by an imperial identity, which is proving durable and persistent exactly because it is based on constitutive beliefs rather than optimised solutions to a given foreign policy challenge. A non-imperial identity would aim solely at the increase of its functional interests, and henceforth be less concerned with exporting internal rules – much similar to value-free foreign policy as promoted by neorealist perspectives in International Relations. But the EU, despite profound changes both to the Maghreb region and to the EU itself, continues to make rule export the pinnacle of its foreign policy, indicating the significance of understanding foreign policy as more than ‘utility maximising’ behaviour.

Key to the practice of foreign policy based on rule convergence is the ‘background knowledge’ of the EU as an imperial actor, which gradually extends into its periphery in a modality of rule expansion. The successful ‘conquest’ of Central and Eastern Europe provided the rationality behind the rule convergence approach, and the specific EU trade and energy policies we now see in place – or out of place – embody, enact and reify the implicit knowledge that rule convergence is intrinsic to the EU’s being in the world. EU Delegations in Maghreb



countries, as well as Maghreb actors, engage with these policy discourses by implicit reference to what they already know, i.e. that this is the ‘identity’ of the EU, and hence cannot be changed to any significant extent.

A practice-based approach assumes that specific practices are patterned and habitual; socially recognised as competent; and weave together the discursive and material worlds (Adler and Pouliot, 2011a). The world is presented in specific ways through practices, and gives way to manifestations of how things are. Practices seeking to establish an Energy Community and DCFTAs are crucial in connecting the broader discourses of Euro-Mediterranean integration with the material world, a process which is primarily discursive, while supported by fragments of (EU-financed) institutions. Euro-Mediterranean integration emerged in the context of the 1990s optimism, and has produced an impressive number of formal agreements and cooperation activities.<sup>2</sup> Certainly, the two shores of the Mediterranean have moved closer across diverse policy fields. But in many of these fields – certainly in Energy and also to some extent in Trade – the actual integration is rather minimal. The EU might be a more significant actor than before in this region, but the breakdown of physical and economic borders is still a very slow process. This observation highlights why practices manifesting the discourse of integration are so important: without a persistent pressure towards the establishment of an EU model of integration in the Southern Neighbourhood, the discursive world of an integrated Euro-Mediterranean area characterised by “prosperity, stability and security” (European Commission, 2011a: 14) will evaporate. Trade and Energy are very different sectors, as the EU has sole competence in negotiating trade agreements, while energy cooperation runs at a primarily bilateral and private level. We should then expect that the EU would formulate different policies in the Energy

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<sup>2</sup> See BORDERLANDS project website for data and maps on EU-MENA integration from 1995 until today, available here: <http://borderlands-project.eu/home.aspx/>

domain, but as we shall see, it does not. Rule convergence continues to constitute the prime discourse, arguably because the EU is seen as competent for this purpose – by its own cadre in Brussels, by the EU member states, and by the Maghreb countries. Rule-based foreign policy is socially recognised as ‘the EU way’.

Within the discipline of International Relations, a focus on practices “transcends the dichotomy between political practices, as representations of the material balance of resources, and ideas” (Adler and Pouliot, 2011b: 3). Identity, moreover, is the intersubjective understanding of who an actor is, and upon which social structure of norms and ideas actors base their preference and formulate their interests: identities constrain actors’ behaviour, but also constitute their world-views and preferences (Sjursen, 2002; Wendt, 1999). Identity conceptualised as *constitutive practices* is thus able to explain long-term trends in policy making; the range of options available to EU policy makers; and the way specific practices contribute to reify a given identity – or a set of identities. This echoes Mitzen’s work on how habits and routines anchor identity in a way that makes actors attached to and invested in those routines, due to the need for ontological security and the interest in ensuring the stability of their identity as a particular kind of actor (Mitzen, 2006: 271–272). The EU has an interest in furthering its identity, but is also bound by it in inexplicit ways. This is not limited to the debate on the EU as a Civilian or Normative Power (Manners, 2002), which is focused on depicting the EU’s *sui generis* characteristics as different from those of other, traditional, interest-seeking actors.<sup>3</sup> *Practices of an imperial identity*, instead, refer to a modality of foreign policy that enacts and reifies aspects associated with the EU’s identity as an expanding actor on the world’s stage. Constructed over years of horizontal and vertical extension, enlargement and, eventually, Neighbourhood

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<sup>3</sup> For convincing critiques see Hyde-Price (2006) and Pace (2007), as well as Del Sarto (2013)

Europeanization, the habit of expansion constitutes a patterned and competent performance that must be held as evidence of a shared understanding of what the EU is.

The next section traces the practices of creating a DCFTAs and Energy Community with the Southern Mediterranean ‘partner countries’ in more detail.

### **Deep and Comprehensive Free Trade Agreements**

Formalised trade cooperation with MENA countries goes back to the Global Mediterranean Policy (1973-1992), which covered trade preferences and financial protocols through bilateral agreements. In the early 1990s, a renewed Mediterranean policy extended to also cover issues of human rights, environment and democracy promotion (El-Agraa, 2011: 407). In 1995, the Barcelona process ignited new forms of cooperation, and the Euro-Mediterranean Partnership sought, among other goals, to establish free trade between the EU and the partner countries, and between the partners themselves. The ambition was to create a Euro-Mediterranean FTA by 2010 (Euro-Mediterranean Conference, 1995). However, intra-regional MENA trade in general remains one of the lowest in the world (Rouis and Tabor, 2013). After WTO negotiations stalled in the mid-2000s, the EU began redirecting its approach to Neighbouring countries by launching bilateral FTAs, spelled out in the 2006 *Global Europe: Competing in the World* communication (European Commission, 2006). Avoiding the difficult multilateral negotiations characterising WTO rounds, the EU saw bilateral FTAs as a way of including regulatory and ‘tough’ issues in their negotiations with third countries, and as such, FTAs are a subway for the EU to implement its deep trade agenda (Liargovas, 2013: 2).

The Deep and Comprehensive Free Trade Agreement (DCFTA) is a specific type of Free Trade Agreement (FTA) that was first launched in 2007, but which has seen a revival in the MENA region after the 2011 Arab Uprisings. In the EEAS and European Commission's communication *A New Response to a Changing Neighbourhood: A Review of the Neighbourhood Policy*, of 25 May 2011, the DCFTA is presented as “a free trade agreement covering a wide array of trade-related issues (“comprehensive”) and aiming at eliminating ‘behind the border’ obstacles to trade through processes of regulatory approximation, thus partially opening/extending the EU internal market to the other party” (EEAS and European Commission, 2011: 14). Moreover, “beyond the mere elimination of import duties, these agreements should foster, in a progressive manner, closer integration between the economies of our Southern Mediterranean partners and the EU single market and would include actions such as regulatory convergence” (EEAS and European Commission, 2011: 9). DCFTAs are thus the latest attempts at liberalising markets and exporting the *acquis communautaire*. Negotiations have been opened with Morocco (2013) and Tunisia (2016). Yet they have proven difficult. For instance, negotiations with Morocco were suspended by Rabat in 2016 after the European Court of Justice invalidated a farm trade agreement between the EU and Morocco which it claimed unlawfully included the disputed Western Sahara territory.

DCFTA negotiations take place in the framework of the ENP, which is based on a principle of differentiation (rather than the strict application of the Copenhagen criteria), as was the case in the enlargement process with Eastern Europe. Indeed, differentiation has been highlighted as a fundamental principle of the ENP (Schimmelfennig, 2009: 17), and observed as the working modality of the EU towards the Southern Mediterranean (Barbé and Herranz-Surrallés, 2012; Escribano, 2010). Differentiation indicates a ‘hub and spoke’ approach, in which

third countries are connected to the EU but not with one another. DCFTAs represent a possibility of scaling up the level of trade integration, albeit in an ‘all but institutions’ formula. It is a way of “moving from a process of negative integration (i.e., gradual dismantling of trade barriers) towards a process of positive integration (i.e., regulatory convergence in areas that have an impact on trade, in particular sanitary and phytosanitary rules, customs and border procedures, competition and public procurement)” (Montalbano and Nenci, 2012: 3). In offering the DCFTAs to ENP countries, the EU practice of exporting its own rules – even to countries without membership prospects – continues unabated.

DCFTAs are a relatively new feature of EU external trade policy, and analyses are largely based on future economic projections and evaluations of intentions rather than actual agreements. In other words, we do not know what effects they might produce, but a number of critiques as to the purpose of such trade agreements have emerged. Some see a ‘capabilities-expectation gap’ between ENP demands and rewards, and argue that the misfit between the demands of complying with the *acquis* without the prospects of membership renders the DCFTAs dependent on its ability to create increased trade flows. It is thus interesting to note that the same study finds that while the EU is currently the biggest trading partner for ENP countries, it is gradually losing markets to BRIC countries, both in import and export terms (Artelaris et al., 2013: 28).

In addition, even if most of Maghreb export goes to Europe, they are not considered major trading partners of the EU. This picture gives some indication that there is more at stake here than merely seeking to facilitate trade when endowing the DCFTAs with a strong rule convergence component. Other analysts see DCFTAs as a carrot and stick approach that reproduces the core-periphery spatial pattern of development, and further emphasises the ‘hub-

and-spoke' system of the ENP. The system, according to this view, thus reproduces the uneven trade patterns between the two regions, and connects the core to the periphery not through regional arrangements and not by creating income convergence, but through a type of integration that is primarily intended to bring neighbours gradually closer to the Single Market (Kallioras, 2013). Others again point to the fact that the idea of deep and comprehensive FTAs was launched already in 2007, and as such is a repackaged concept. This is especially true in light of the agenda of negotiating liberalisation of trade in services, as well as initiating negotiations in the areas of investment, government procurement, and competition policy is particularly stressful for transition countries (Mohamadieh, 2012).

Taken together, the EU's latest trade overture in the Southern Neighbourhood is arguably not driven exclusively by economic interest. The EU does not have major trade interest in the region, and studies point to the increased relevance of the BRIC countries over European countries in future trade projections. There might be a deeper belief that restructuring Maghreb markets will be beneficial for European producers, but negotiators are not explicitly engaging with this idea.<sup>4</sup> In the absence of membership prospects, and bearing the lack of any real trade benefits in mind, one might ask: Why would there be a major focus on 'Neighbourhood Europeanization' in the DCFTAs?

DCFTA intends a process of positive integration based on regulatory convergence, as opposed to negative integration, which classic FTAs address through the dismantling of trade barriers. But convergence remains a fuzzy concept in EU policy: whereas a literal understanding of convergence indicates a process of gradually changing so as to become similar or develop something in common, convergence in EU external trade relations means that third parties adopt the relevant set of rules codified in the *acquis communautaire* of the European Union. Indeed,

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<sup>4</sup> Interview with senior official in DG Trade and negotiator of DCFTA with Morocco, Brussels April 2013

*integration*, in the area of trade, means aligning the legislation with the *acquis*, which means that products are treated as internal products. This would imply Agreements on Conformity Assessment and Acceptance (ACCA), which would align legislation but also harmonise the conformity process, for example in laboratories. Integration is thus more than ‘equivalents’, which is applied in case of the EU-US free trade agreement (the now stalled Trans-Atlantic Trade and Investment Partnership, TTIP), where it is clear that agreements will be based on comparable equal standards in the two countries, but will not be seeking regulatory convergence.

Clearly, the EU will not adopt US legislation, and the US will not adopt EU legislation. Instead, they will come to an agreement over which rules to consider as equivalent in the two countries’ legislation. And this is the difference between a DCFTA and an FTA: while an FTA, and also the latest versions of the FTAs, such as with Korea and the ones under negotiation with Japan and the US, seeks to be based on *equivalence* in standards and regulations, DCFTA means trade integration based on the Community *acquis*.<sup>5</sup> In other words, the DCFTAs seek to align regulations of the Maghreb countries with EU regulations, not converge legislation in the literal sense, or find negotiated equivalents. Maghreb states generally see the EU’s insistence on rule convergence, and the apparatus of aid and training that comes with it, simultaneously as neo-colonialism and as providing opportunities: we know for example that in notoriously protectionist Algeria (Serres, 2016) and Egypt (Roccu, 2015) elites successfully exploited systems of EU regulatory reform and ‘capacity building’ to their advantage, while the official discourse of ‘interference’ remained. Maghreb elites are co-opted by EU foreign policy while official domestic discourse might be more inclined to emphasise their strength and independence.

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<sup>5</sup> Interview with senior official in DG Trade and negotiator of DCFTA with Morocco, Brussels April 2013

“One could say that it is not deep trade per se that the EU has been seeking in its (European) neighbourhood; it has rather been seeking its own expansion, in the form of the export of the EU *acquis communautaire*, with access to its Single Market as the key attraction point for its partners” (Dreyer, 2012: 22). And indeed, seeking its own expansion appears to be the *modus operandi* of EU trade policy in its ‘periphery’: the priorities are clearly different from bilateral negotiations with major trade partners such as the US, and the way in which the EU approaches the neighbourhood with a predefined set of rules and a liberal trade agenda that may or may not be beneficial to the conditions in the given country, appears to be primarily aimed at expansion for the sake of expansion. In leading negotiations towards a DCFTA with Morocco, for example, it is clear that the EU intends not only, or even primarily, to produce an outcome (an agreement), but to send signals to the Neighbourhood as to what it means to be a favoured partner of Brussels. This practice is coupled with what is often called a ‘carrot and stick approach’, using positive incentives and negative conditionality to induce ‘change’. It is also an instance of enlargement logics that continue to characterise external Neighbourhood relations, and which so perfectly captures the essence of the Union’s imperial governance modality. The DCFTAs, moreover, invoke the pattern of enlargement, in which candidate countries adopt EU rules in sectorial policy areas, in return for gradual inclusion in the Community. Reproducing this practice gives a regularised or habitual meaning to the imperial paradigm, deepening the Union’s ontological security.

DCFTAs can be described as a ‘practice of imperial identity’: the EU engages in Europeanization towards external parties not primarily because it sees it as in its immediate interest, but because it is a constitutive feature reifying its identity as an actor that expands and governs outward. The practice of extending its own rules and braking down economic borders



through non-negotiable adherence to the *acquis* is part and parcel of EU being in the world, and connects its preferences and beliefs with the discourses of a joint partnership based on liberal conceptions of peace and prosperity.

### **A EU-South Mediterranean Energy Community**

Energy reappeared on the agenda of EU policy makers during the early 2000s, after decades in the shadow of European affairs. Increased consumption and decreased production of energy on the European continent has created a situation whereby Europe's energy independence dropped from 66% in 2000 to 56% in 2010, and continues to drop (Abdallah et al., 2013). Awareness of the vulnerability of European energy markets increased after the 2006 Gasprom crisis, in which gas was withheld from Russia to Europe via Ukraine, and subsequent EU communications addressed the need for Europeanization of energy policy as well as for a rapid completion of the internal market in energy across Europe (Youngs, 2009b). The Lisbon Treaty of 2009 included for the first time a chapter on energy, and thus transferred competencies in the field of energy from the Member States to the European Community, evident in the establishment of a Directorate General for Energy – DG ENER (Braun, 2011). While member states still retain sovereignty over the security of supply and the composition of their energy mix, managing the nascent internal market in energy, as well as the somewhat vague principle of energy solidarity, is now under the competencies of the EU.

In parallel to completing the internal market in energy, the EU's external energy relations have accelerated over the last decade. Recognising the international dimension of the energy

market, as well as the need for a coherent approach to energy import, the EU has increasingly taken charge of external energy affairs, and issued in 2011 the Communication *EU Energy Policy: Engaging with Partners beyond Our Borders*, in which the EU's interest in "secure, sustainable and competitive" energy was spelled out (European Commission, 2011b). The European approach to the Southern Mediterranean in the field of energy is often associated with a need for Energy Security (Andoura, 2013), with liberalisation through unbundling of the ownership structures in domestic markets (Eikeland, 2011), and a focus on the creation of renewable energy (Mason, 2009). This goal is to be sought in parallel with private sector infrastructure projects, such as gas and oil pipelines and electricity interconnectors.

In their Joint Communication on *A Partnership for Democracy and Shared Prosperity* of 8 March 2011, the European Commission and the High Representative for Foreign Affairs and Security Policy announced their commitment to "establish[ing] a EU-South Mediterranean Energy Community" (European Commission, 2011a: 9). Recognising the strategic relevance of supplies from and transit through the Mediterranean region, and referring to the possibility of extending the Energy Community Treaty currently in place with Eastern and South-Eastern neighbours, the document states that "this community should cover relevant parts of the EU's energy legislation with a view to promoting a real and reliable convergence of South Mediterranean partners' energy policies with EU policy" (European Commission, 2011a: 10). Also in the December 2013 Union for the Mediterranean (UfM) Ministerial Meeting on Energy, which was supposed to confirm support to Euro-Med energy initiatives, a topic on the agenda was "Political Discussion on a Mediterranean Energy Community" (Union for the Mediterranean, 2013), confirming the continued existence of the idea in high level policy circles. After the unexpected failure of this 2013 UfM Ministerial Meeting on Energy to commit to the

Mediterranean Solar Plan, new and conspicuously similar initiatives emerged as UfM Energy *Platforms*: on Electricity Markets, on Renewable Energy and Energy Efficiency, and Gas. Observers of EU external energy policy have noted that this approach is rooted in rule-based governance reform, and that the new energy partnerships with third countries represent a familiar EU-style approach of contractual agreements to attain adherence to rule-based behaviour on market, regulations, transport and safety (Youngs, 2009b: 44). It has also been noted that the convergence approach serves to hedge markets and geopolitics in an attempt to secure energy supplies from the Southern Mediterranean (Escribano, 2010). Moreover, while the EU does not speak with one voice in the field of energy, *it does speak with one rule*, and does attempt to engage in rule export, both through top-down convergence and bottom-up learning processes (Carafa, 2013).

The policy of approaching energy integration as rule convergence has proven resilient, even if there is very little indication of a real integration of the energy systems across the Mediterranean: while there is a frenzy of activity in Euro-Mediterranean energy area compared to 10 years ago, there is little evidence that the Northern and Southern rim of the Mediterranean are actually harmonising rules and regionally integrating energy markets.<sup>6</sup> Moreover, both the EMP and ENP frameworks have so far both largely failed to institutionalise Euro-Mediterranean energy integration (Darbouche, 2011). It is therefore somewhat surprising that the European Commission and the High Representative in the Communication of 8 March 2011 on *Democracy and Shared Prosperity* announced their commitment to “establish a EU-South Mediterranean Energy Community”, which “should cover relevant parts of the EU’s energy legislation with a view to promoting a real and reliable convergence of South Mediterranean partners’ energy

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<sup>6</sup> Confirmed through author interviews with DG Energy officials, Brussels 2013. As one official in the International Relations and Enlargement Unit working on the MENA region said: “We are still at point zero”.

policies with EU policy” (European Commission, 2011a: 9–10). The European Commission thus spelled out its policy ambition for the EU’s energy cooperation with the Southern Mediterranean based on the construction of an ‘Energy Community’. According to this and similar statements, an Energy Community should be based on regulatory convergence with the EU *acquis communautaire*, much in the same vein as the existing institution carrying the same name - the Energy Community (EnC) with South-East Europe.

The EnC is a highly institutionalised and ‘top-down’ instrument aimed predominantly at pre-accession countries or countries with such ambitions. The Contracting Parties of the Treaty governing the EnC sign up to “the creation of a pre-accession mechanism with the implementation of the Community *acquis* in this field; the establishment of an effective regulatory framework; and the creation of an internal energy market between the countries in the region” (Council of the European Union and Contracting Parties, 2006). The fact that the same name is now applied to future energy cooperation in the Southern Mediterranean is hardly coincidental, and a source of tension already prior to any tangible deliverable.<sup>7</sup> It is initially puzzling why the Commission insists on repackaging this enlargement concept in a region with very different types of relationships vis-à-vis the EU, especially when considering the lukewarm position of key stakeholders in the Maghreb region as well as among many private sector actors. It is well known that Algeria, as a net exporter of oil and gas to Europe, is deeply opposed to integration according to an EU style model based on market principles and rule convergence. Also in Euro-Med energy events, Algeria let that be made clear.<sup>8</sup> Morocco and Tunisia, as net importers, are perhaps more inclined to discursively adhere to EU language on energy integration, yet also their energy markets are based on protectionism, subsidies, and state

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<sup>7</sup> Author interviews with private sector stakeholders to Euro-Mediterranean energy processes in Rome, Venice and Florence, 2013.

<sup>8</sup> Author participatory observation, Venice June 2013.

ownership over energy production and transmission processes – directly at odds with EU rules. Libya, moreover, is engulfed in an internal war that prevents any realistic participation in Euro-Med energy events. With the persistent policy of energy integration based on an EU style energy community, the Commission appears to superimpose a political integration model onto a highly sensitive issue area in a politically fragmented region that might even hurt the incremental technical integration process that has slowly emerged over the past years, notably through the establishment of the Association of Mediterranean Energy Regulators (MEDREG). So why does the EU keep on promoting rule-based integration, knowing it is not only unrealistic, but actually potentially detrimental to existing patterns of energy integration?

The Energy Community might be a carefully selected, rational policy choice developed as a response to the challenge at hand, as seen for example in some of the bilateral strategic energy partnerships (currently in place with Egypt and Algeria), following different tracks of timing and priority of the processes. But bringing in the political level, i.e. formal state representation at the highest level, to an issue area like energy, and in a region as politically divided as the MENA region, might very well risk blocking emerging bottom-up cooperation initiatives and raise the stakes of cooperation to unacceptable levels. The competition between European institutions in the field of energy might also have shaped the Commission's insistence on the policy. Youngs finds that the so-called 'European approach' of extending internal market networks is far from being a rationalised philosophy of energy security, but is rather the area in which the Commission enjoys energy-related competence and thus a policy space to manifest its agency (Youngs, 2009b: 40). In the case of the EU-South Mediterranean Energy Community individuals in the field clearly have the impression that this is an attempt by the Commission to

‘repackage’ an old concept, and thus regain some of the control over the cooperation processes.<sup>9</sup>

A perspective that views the Energy Community as an automated policy making response, based on the EU’s previous experiences with enlargement in Eastern Europe, or its own experiences with developing the internal energy market, is however even more convincing. Indeed, it seems that despite the obvious lack of membership prospects, much of the repertoire of action towards the Southern Mediterranean is informed by similar logics to those that were applied to enlargement in the East (Del Sarto and Schumacher 2005; Kelley 2006). The fact that the entire approach to the Southern Neighbourhood is mired in enlargement logics and repackaged concepts is indicative of the EU attempting to construct its relationship as one of centre versus periphery. This helps explain why the European Commission seems to be independently pushing for an approach to energy integration – with very little enthusiasm from its partners and stakeholders.

Automated policy responses, moreover, are patterned practices that manifest certain constitutive features of the actors engaged in them. The EU’s distinct approach to external energy policy in the Southern Neighbourhood is an example of the ‘practice of identity’, inasmuch as it is, perhaps primarily, aimed at enacting the ‘expanding community’ modality that defines the Union’s existence. Protagonists of the Energy Community repeatedly stress that it would not be based on the *acquis*, and that common rules will be agreed upon between the parties. Yet, there is inevitably an impression that the *acquis* is the basis for any EU-led energy integration in the region, and that it is indeed more important to export its rules than to foster real energy exchange (Tholens 2014).

The practice of structuring energy relations according to a rules-based form of integration links the material and discursive worlds in ways that ensure ontological security for the EU as an

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<sup>9</sup> Author observations in Euro-Mediterranean energy events in Venice, Florence and Rome during 2013.

expansive project. The material world of energy integration is often showed on maps during Euro-Mediterranean energy events: the interconnectedness of the Mediterranean, with its subterranean electricity cables and gas and oil pipelines and liquefied natural gas terminals are usually displayed during the opening speech of an event. As an example, at one event in Florence, Italy, in May 2013, a speaker from a European consortium presented the map of the Roman Empire, saying: “if they could do it, so can we”. The discursive world of an enlarged zone of integration, where European rules will prevail, is manifested in Euro-Mediterranean energy policies, events, and statements, which follows a set of unwritten and mutually agreed codes, i.e. ‘micro-practices’. A diversity of European actors and Maghreb state actors engage with these codes, which structure interaction between them but also make them part of a ritual process that is regularised and seen as competent. The EU’s financing of Euro-Mediterranean energy events, as well as UfM Platforms, MEDREG and a host of other initiatives over the last 10-15 years, is a way of steering energy relations in a direction that is consistent with its imperial identity. Most European and North African actors know very well that an Energy Community based on European rules is entirely unrealistic. Yet, by establishing repeated practices of interaction that supports the expanding rule modality, the practices assume a key role in determining how power is defined in the Euro-Mediterranean relationship.

### **Conclusion: EU imperial identity practice in the Maghreb**

This chapter has analysed two specific overtures in the Southern Mediterranean through a focus on imperial practices that express and reify an EU identity based on expansion and extension.

Trade and Energy are dissimilar EU policy areas, but the policies of seeking an EU-South Mediterranean Energy Community and the launching of negotiations for DCFTAs have something fundamental in common: they are both aimed at exporting the *acquis communautaire*, and connecting North African countries to the EU core in a network of rules. Regardless of their bilateral or regional character, such unilateral ‘integration’ aims at rule convergence, which manifests the idea of an imperial Union that connects to its periphery through regulatory expansion.

While observers of Euro-Mediterranean relations recognise that EU policy is essentially about a projection of the external governance of the EU (Cardwell, 2011: 237), this chapter has presented the optic of ‘imperial identity practices’ in order to refocus the attention on those habitual practices that the Union deploys in its relationship with the Neighbourhood. This is first of all a critique of the External Governance literature’s lack of attention to the political motivation behind the phenomenon of rule extension, and subsequently an attempt to take the EU as Empire literature to a constitutive level which re-politicises a legalist, technical and assumed unpolitical approach. The chapter has moved beyond a demonstration of whether the EU is or has an empire, and argues that that the EU repeatedly engages in practices that are consistent with imperial governance, i.e. they seek extension and expansion of EU rules and norms, even where this is the less optimal path to enhanced cooperation. Subsequently, EU Neighbourhood policies must be seen as made up of practices driven by, predominantly, a non-explicit identity of an expanding power, which links with its ‘periphery’ through hub-and-spoke systems based on exporting the Union’s internal rules in a wholesale manner. These policies, and the host of micro-practices accompanying them, reify the discourses and background knowledge that pertain to the EU’s properties as an informal empire, in denial of its power projection but for



all intents and purposes fundamentally imperial in its dealing with Maghreb countries located in designed 'Neighbourhoods', or 'borderlands'. It is remarkable how little has changed in the EU's foreign policy towards this region, even as conditions both North and South of the Mediterranean have changed dramatically. Imperial identity practices capture this well: in a changing world, where what lays outside the boundaries of empire pose both opportunities and threats (a "ring of friends" or a "ring of fire"?), and where fragmentation threatens the cohesion of the Union, there is significant ontological security in sticking to the same practice of expanding its reach through rule imposition.

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