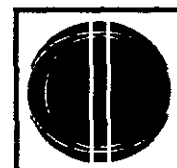




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IPALMO

**Seminar :**  
**« The Challenges of European Neighbourhood Policy »**

**Italian Ministry of Foreign Affairs**  
**Rome, 26-27 November 2004**

Italian Ministry of Foreign Affairs

Polish Ministry of Foreign Affairs

Representation of the EU in Italy

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INTERNAZIONALI - ROMA

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## THE CHALLENGES OF EUROPEAN NEIGHBOURHOOD POLICY

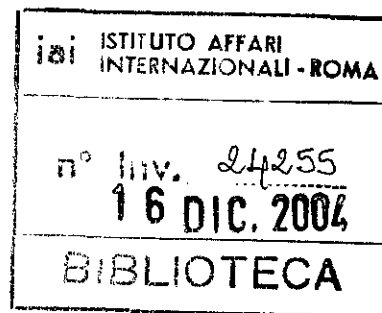
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The Polish Institute of International Affairs (PISM)

Istituto per le relazioni tra l'Italia e l'America latina, il Medio e l'Estremo Oriente (IPALMO)

Rome, 26-27/XI/2004

- a. Programme
- b. List of participants
- 1. Geopolitical implications of the European neighbourhood policy / Roberto Aliboni (11 p.) (vedi IAI0420)
- 2. European neighbourhood policy: security aspects / Dov Lynch (9 p.)
- 6. UBAH → 3. European neighbourhood policy and regional cooperation / Piero Pennetta (13 p.)
- 4. From EMP to ENP: what's at stake with the European neighbourhood policy towards the Southern Mediterranean? / Raffaella A. Del Sarto and Tobias Schumacher (22 p.)
- 5. European neighbourhood policy: a substitute for EU membership or a consolation prize? / Alberto Chilosì (4 p.) (vedi IAI0419)
- 6. L'integration et la coopération de l'Union européenne avec ses voisins de l'Est. Le développement économique, le commerce et l'infrastructure / Katarzyna Sochacka (6 p.)
- 7. Accidental neighbours or real partners? : European neighbourhood policy and its instruments / Rosa Balfour and Alessandro Rotta (13 p.) (vedi IAI0418)
- 8. The European neighbourhood policy: responding to the EU's post-enlargement challenges? / Nathalie Tocci (21 p.)
- ✓ 9. The European neighbourhood policy (ENP): objectives and means / Giovanni Tria (34 p.)
- 10. La politica europea di vicinato [contiene <sup>questo libro</sup> The Challenges of the European Neighbourhood Policy / Michele Comelli (pubbl. In The International Spectator, vol. 39., no. 3 (July-September 2004); La politica estera di vicinato fra l'allargamento e la politica estera e di sicurezza comune / <sup>document</sup> Riccardo Alcaro; Dossier informativo sulla politica di vicinato dell'Unione europea / a cura di Riccardo Alcaro] (14, 20, 10 p.)





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THE POLISH INSTITUTE  
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*Conference*

*The Challenges of European Neighbourhood Policy*

Rome, Ministry of Foreign Affairs, Piazzale Farnesina,  
26 -27 November 2004

*Italian Ministry of Foreign Affairs*  
*Polish Ministry of Foreign Affairs*  
*Representation in Italy of the European Commission*

**In co-operation with**  
Compagnia di San Paolo  
Centro Studi di Politica Internazionale  
Friedrich Ebert Stiftung  
Unipol Assicurazioni

## *Programme*

**Thursday, 25 November 2004**

**21:00**

***Welcome Dinner***

Hotel Donna Laura Palace, Lungotevere delle Armi 21, Roma  
Tel.0039 06 32600083

**Friday, 26 November 2004**

*Sala Conferenze Internazionali (1st floor)*

**9:30**

***Registration of participants and welcome coffee***

**9:50**

***Greetings***

Giancarlo Leo, Italian Ambassador, Warsaw  
Michal Radlicki, Polish Ambassador, Rome

**10:00**

***Presentation of the seminar***

Gianni Bonvicini, Director of IAI, Rome  
Slawomir Debski, Head of the Research Office, PISM, Warsaw  
Carlo Guelfi, Vice President of IPALMO, Rome

**10:30**

***Introduction to the round table:***

Ferdinando Nelli Feroci, Director General of European Integration, Italian  
Ministry of Foreign Affairs, Rome  
Pawel Swieboda, Director of EU Department, Polish Ministry of Foreign  
Affairs, Rome

**11:00**

***Round table***

**Chair:**

Pier Virgilio Dastoli, Representative of European Commission, Rome

**Panelists:**

Slawomir Debski, Head of the Research Office, PISM, Warsaw  
Nicolae Chirtoaca, Euro-Atlantic Center, European Institute for Political  
Studies, Chisinau  
Gianni De Michelis, President of IPALMO, Rome  
Hamdy Nada, Egyptian Council for Foreign Affairs, Cairo  
Alfred Van Staden, Director of Clingendael, The Hague  
Stefano Silvestri, President of IAI, Rome

Working languages: English, French, Italian (simultaneous translation)

**13:15**

***Buffet Lunch (Sala Mappamondi, 1st floor)***

15:00-18:30      **Working Groups**

I Working Group:      ***Cultural, geopolitical and security aspects of ENP***  
(Sala Conferenze Internazionali)

**Chair:**                    Maciej Krzysztofowicz, PISM  
**Rapporteur:**          Anders Mellbourn, Swedish Institute of International Affairs, Stockholm  
**Paper givers:**        Roberto Aliboni, IAI, Rome  
                              Dov Lynch, ISS, Paris  
                              Piero Pennetta, University of Salerno, IPALMO, Rome  
**Respondents:**        Oraib Al-Rantawi, Al Quds Centre for Political Studies, Amman  
                              Nadia Arbatova, Institute of World Economics and International Relations,  
                              Moscow  
                              Raffaella Del Sarto, EUI, Florence  
                              Smail Hamdani, Association Algérienne des relations internationales, Alger

II Working Group:      ***Integrating and connecting the EU with its neighbours. Priorities of  
co-operation in economic development, trade and infrastructure***  
(Sala Gaja, 2<sup>nd</sup> floor)

**Chair:**                    Silverio Ianniello, IPALMO, Rome  
**Rapporteur:**          Avi Primor, Ambassador, Herzlya Interdisciplinary Center  
**Paper givers:**        Alberto Chilosì, University of Pisa  
                              Tobias Schumacher, EUI, Florence  
                              Katarzyna Sochacka, PISM, Warsaw  
**Respondents:**        Arcadie Barbarosie, Institute for Public Policy, Chisinau  
                              Larabi Jaïdi, President of the Fondation Abderrahim Bouabid, Rabat  
                              Laura Pasquero, OSCE, Brussels

III Working Group:    ***A comparison of goals and means of the ENP. The European  
Neighbourhood and Partnership Instrument (ENPI)***  
(Sala DGIE, 4<sup>th</sup> floor)

**Chair:**                    Ettore Greco, IAI, Rome  
**Rapporteur:**          Ferruccio Pastore, CESPI, Rome  
**Paper givers:**        Rosa Balfour, CESPI, Rome  
                              Nathalie Tocci, EUI, Florence  
                              Giovanni Tria, CEIS University of Rome "Tor Vergata", IPALMO  
**Respondents:**        Ahmed Driss, University of Tunis  
                              Ziad Baroud, Association libanaise pour le controle des elections, Beirut  
                              Lukasz Kulesa, PISM, Warsaw  
                              Vladimir Ulakhovich, Center for International Studies of the Byelorussian  
                              University, Minsk  
                              Rutger Wissels, European Commission, Brussels  
                              Mohammed Yaghi, Palestinian Center for Mass Communication  
                              Geoffrey Pridham, University of Bristol

Working languages: French and English (without translation)

20:30                    **Dinner**  
Hotel Fleming, Piazza Monteleone di Spoleto 20, Roma  
Tel.0039 06 3337264

**Saturday, 27 November 2004**

*Sala Conferenze Internazionali*

**10:00      *Plenary Session. Results of the working groups and final comments on Enlarged Union and its Neighbours***

**Chair:** Rutger Wissels, European Commission, Brussels

**Rapporteurs of the three working groups:**

Anders Mellbourn, Swedish Institute of International Affairs, Stockholm

Ferruccio Pastore, CESPI, Rome

Avi Primor, Herzelya Interdisciplinary Center

**Discussants**

Jas Gawronski, European Parliament

Sergiy Komisarenko, Ukrainian Institute for Peace and Democracy, Kiev

Sofia Moreira de Sousa, Secretariat General of EU Council, Brussels

Pasqualina Napoletano, European Parliament

Peter Rondorf, German Ministry of Foreign Affairs, Berlin

**12:30      *End of the seminar***

Working languages: English and French. (without translation)

**12:45 –13:45      *Cocktail (Sala Mappamondi)***

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Conference  
**The Challenges of The European Neighbourhood Policy**  
 Rome, Ministry of Foreign Affairs, Piazzale Farnesina,  
 26 -27 November 2004

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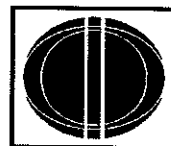
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***GEOPOLITICAL IMPLICATIONS OF THE EUROPEAN  
NEIGHBOURHOOD POLICY***

*by*

*Roberto Aliboni*

*International Affairs Institute, Rome*

**Draft copy – not to be quoted**

Paper presented at the conference on

***The Challenges of European Neighbourhood Policy***

**Rome, Ministry of Foreign Affairs, Piazzale Farnesina,  
26 -27 November 2004**

# GEOPOLITICAL IMPLICATIONS OF THE EUROPEAN NEIGHBOURHOOD POLICY

*Roberto Aliboni<sup>1</sup>*

## Introductory remarks

The ENP is the new external and foreign policy the EU is working out with a view to strengthening its security with respect to the arc of neighbouring countries resulting from its recent enlargement<sup>2</sup>. While the enlargement is a proximate cause of the ENP, the roots of this policy are defined by the "European Security Strategy", which points out "Even in an era of globalisation, geography is still important. It is in the European interest that countries on our borders are well-governed."<sup>3</sup>

No country adjoining the EU territory can be regarded as a military threat, as of today. However, there are domestic and inter-state conflicts there, which can spill over in the Union. Furthermore, more often than not these countries play a crucial role from the point of view of the various components of what we use to call soft security: trafficking, organised crime, terrorism, environment etc. This is why the EU is interested in that they are well governed and included in a firm international co-operative framework.

The EU presents the ENP as a considerable expansion of the inclusion opportunities the Union is already providing to the countries concerned. The new policy would give the neighbouring countries decidedly privileged relations with the EU with respect to non-neighbouring countries. In the ENP framework, neighbours will be given the chance to further integrating economically in the huge and deep sea of the EU market so as to achieve in the long-term four fundamental "freedoms" concerning the movement of persons, goods, services, and capitals. Technically, they would be allowed to join a status very similar to the European Economic Area (EEA). Thus, the ENP brings about a strong positive conditionality in the form of inclusion.

As in previous EU initiatives of regional and inter-regional co-operation, economic integration is linked to the achievement of political and economic reforms within a communitarian framework supposed to be based on shared values, such as democracy and respect for human rights. A greater integration in a huge co-prosperity area is the inducement to reforms offered to neighbouring countries, which are thus expected to bring about domestic structural stability, international economic integration and inter-state peaceful relations. The ENP updates and upgrades in regions adjoining Europe the conflict prevention endeavour already embedded in the overall EU policy agenda.

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<sup>1</sup> Vice President of the International Affairs Institute-IAI, Rome, and Head of the Institute's Mediterranean and Middle East Programme.

<sup>2</sup> On the ENP, see Erwan Lannon, Peter van Elsuwege, "The EU's emerging neighbourhood policy", in Peter G. Xuereb (ed.), *Euro-Med Integration and the Ring of Friends*, European Documentation and Research Centre, University of Malta, Malta, pp. 21-84. The following are the most important documents from the EU on the ENP: Communication from the Commission, *European Neighbourhood Policy Strategy Paper*, Brussels 12 May 2004, COM (2004) 373 final; see previous documents: Commission of the European Communities, Communication from the Commission to the Council and the European Parliament, *Wider Europe - Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours*, Brussels 11 March 2003, COM (2003) 104 final; Commission of the European Communities, Communication from the Commission, *Paving the way for a New Neighbourhood Instrument*, Brussels, 1 July 2003, COM(2003) 393 final; see also European Parliament, *Report on "Wider Europe-Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours"*, Committee on Foreign Affairs, Human Rights, Common Security and Defence Policy, Rapporteur: Pasqualina Napolitano, 5 November 2003 (Final A5-0378/2003).

<sup>3</sup> *A Secure Europe in a Better World. European Security Strategy*, Brussels, 12 December 2003; the document is available in the web site of the EU Secretary General/High Representative for the CFSP.

The ENP can be considered from varying points of view. It can be regarded as a new development in the CFSP: what would the ENP impact be on the CFSP and how would the CFSP shape it? Another point of view is whether the ENP fits with EU external aims and finalities: would ENP, as an instrument, be more adequate and effective than previous policies in order to achieve European objectives in its external relations? This paper focuses on ENP from a geopolitical point of view, instead: which are the geopolitical implications of ENP implementation expected to be? In some cases, however, geopolitical arguments require the ENP to be considered as a policy instrument and a CFSP component as well.

The EU policy towards its neighbourhood brings about not only regional but also global geopolitical implications. The paper considers both of them, starting from the regional setting and going, then, into the global one. What is new with the ENP from a geopolitical point of view is that the two distinctive regions encompassed by the initiative, that is the Eastern European and Mediterranean areas, are brought under the same policy framework. While looking at these areas as a single geopolitical arc may definitely make sense in a broader perspective, the EU should not overlook that this arc comprises very different political, cultural and socio-economic realities, not only on a country-by-country but also on a regional and sub-regional basis. This means that implications may be global, regional as well as sub-regional, where sub-regions may be either within the arc of neighbours or astride this very arc.

In the decisions of the 17th June 2004 EU Council in Brussels the list of the countries the ENP would consider as neighbours comprises: Russia, Belarus, Ukraine, Moldova, Georgia, Azerbaijan, Armenia, Syria, Israel, Jordan, Palestine, Egypt, Tunisia, Algeria, Morocco. To this list Libya and Mauritania may happen to be added. Subsequently to the Council's decision, Russia has appeared unwilling to be included in the ENP because the latter entails a conditionality, which it cannot accept. Russia's relations with the EU will continue to be friendly and co-operative, yet rely on another rationale. Nonetheless Russia is a neighbour, so that the EU, as a matter of fact, will have to carry out two neighbourhood policies and set them in tune with one another.

The paper discusses, first, a set of geopolitical implications stemming from the implementation of the ENP in the regional and global framework. Then, it points out a number of conclusions.

### **Regional implications**

The implementation of the ENP brings about three tiers of geopolitical implications: (a) more direct EU involvement in regional and local crises; (b) possible extensions of EU involvement; (c) fault-lines in the neighbourhood's framework - as defined by the EU - i.e. continuities astride the neighbourhood's border and discontinuities within its border.

*Involvement in crises* - The first kind of implications stems from the particularly strong and deep ties the ENP aims at establishing with neighbours. In fact, this policy aims at seriously increasing the level of economic integration as well as upgrading the level of intergovernmental co-operation with regard to soft security issues, not to talk about the long-term finality of sharing fundamental political values with neighbours, such as democracy, respect for human rights, minorities' protection and the rule of law.

As pointed out, the status offered by the EU to ENP countries will be very similar to that of the countries presently parties to the EEA, a status that excludes political integration but provides for full economic integration and a "decision-shaping" role in economic policies. This is what the President of the Commission, Mr. Prodi, was meaning by employing the expression "sharing everything but institutions". This high level and quality of international integration makes both domestic and international crises eventually affecting neighbours especially relevant and significant to the EU. For, such crises, challenges, or risks can either prevent planned integration within the

ENP from being attained or, because of the high level of integration meanwhile achieved, impinge more directly on EU security. The geopolitical nexus stems less from geography (proximity) than politics (the level of integration offered by the EU with a view to enhancing its security). EU involvement stems from the very political significance given by the EU to neighbourhood.

While what could be the impact on EU from domestic crises in neighbouring countries is rather obvious, the impact from international tensions between ENP countries, other countries and, in particular, their neighbours may be less so. This impact, however, could be significant as well. First of all, the domestic and international dimensions of crises eventually affecting EU neighbours may be easily intertwined. Second, impacts stemming from EU neighbours and their neighbours would be related to and in tune with the high level of integration the ENP is supposed to create. For instance, the Western Sahara crisis had very little impact on Morocco and Algeria's relations with the EU in the framework of Euro-Mediterranean Partnership. The impact could be more significant, in contrast, in the more intense integrative framework of the ENP. In a sense, the EU policy towards the ring of neighbours entails a ring of countries - adjoining EU neighbours - which may generate events the EU would be unable to ignore. This further outer ring may bring to bear an indirect geopolitical impact to be added to the impact stemming from the inner ring of neighbours.

Broadly speaking, the ENP framework will involve the EU in (a) regional crises, as the Arab-Israeli or the Western-Sahara disputes and the Israeli-Palestinian conflict; (b) domestic crises (coups d'état, as in 1992 Algeria, etc.); (c) domestic crises or conflicts linked to secessionist or irredentist developments, eventually related to the outer ring of neighbours - as in the case of Transnistria (Moldova), Abkhazia and South Ossetia (Georgia), Nagorno-Karabak (Armenia and Azerbaijan)<sup>4</sup>, the Kurds (Syria). The EU - or its members - are already involved in most such crises, sometime very deeply as in the case of the Israeli-Palestinian conflict. In a number of cases, such involvement may increase just because ENP would make crises closer to the EU. In any case, with old as fresh acquaintances alike, the quantum and quality of the EU involvement will result generally upgraded. Integration will provide structural stability in the long run. Meanwhile, it will bring instabilities closer to the EU.

Thus, the most ordinary geopolitical effect of the ENP will be an expanded political involvement of the EU, which would face a trade-off between acting effectively to defuse crises and solve conflicts in the political co-sphere it wants to control and stabilise for the sake of its own security, or assisting to the weakening of such co-sphere and the enfeebling of its very security. Consequently, in order to succeed, the EU would have to reinforce seriously its CFSP as well as ESDP. The Commission holds up that the ENP will provide a great contribution to "further advancing and supporting the EU's foreign policy objectives"<sup>5</sup>. However, this would become possible only if, in turn, the CFSP will be strengthened. While the long-term effect of successfully integrating the neighbourhood would help prevent conflicts structurally, in the short-middle term EU conflict prevention and management capabilities have to be seriously strengthened and multiplied. This challenge and its relevance do not seem to be clearly realised in the EU. If an effective political and military dimension will not complement the economic dimension of the ENP, the new geopolitical initiative of the EU could backfire. It could diminish rather than increase EU security.

Turkey - At the time this paper is being written, it is very likely that the EU will start negotiating with Turkey in 2005 for this country to acquire full membership in the Union. It is anticipated that negotiations will be rather long. Thus, for a long while, Turkey's status will be similar to that of a

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<sup>4</sup> See Dov Lynch (ed.), *The South Caucasus: A Challenge for the EU*, ISS/WEU, Chaillot Paper No. 65, December 2003; The European Parliament has discussed a report on South Caucasus by Hon. Per Garthorn in February 2004.

<sup>5</sup> Communication from the Commission, *European Neighbourhood Policy Strategy Paper*, cit., p. 8.



neighbour. Were negotiations to fail<sup>6</sup>, Turkey would remain a neighbour (or this would cause a nationalistic reaction and, like Moscow, Ankara would reject the “unequal” status provided - “octroyé” - by the ENP). In this transient or definitive status of neighbour, Turkey would put to the EU the same challenges we have discussed in the previous section: the deepening of an already high degree of economic integration will have to combine with EU strong political efforts to enable Turkey to keep the pace of reform domestically and respond to international conflicts co-operatively.

In the case Turkey becomes a EU member, most analysts point out that, as a result, Iran and Iraq would fall into EU neighbours’ category<sup>7</sup>. For true, there is no necessary automatism in the ENP. It would be up to the EU to include Iraq and/or Iran in the ENP. At the end of the day, this inclusion could be just omitted. It is true that, the EU being an entity more tied to values than to politics, it tends to prop up its identity by preferring systemic approaches. This preference would push for inclusion. However, this is truer of the Commission and maybe the Parliament than the Council, which would certainly moderate any systemic temptation of the sort. The question would be tabled, however, and the response would not be easy.

If the EU were to take Iran’s and Iraq’s neighbourhood status into consideration, there is no doubt that it would face a qualitative change in its geopolitical stance. It would have to be very careful in trespassing this very “oriental” threshold. The question is not only relating to the complexities and hardships of these two countries. Most of all, it seems relating to the fact that the inclusion of Iran and Iraq would turn EU proximity from a regional into a global policy framework. Would the EU be prepared to such a jump? Here again, the CFSP cohesion of the EU does not seem sufficient. Running a regional neighbourhood will be a hard task, yet the EU can try and even succeed in reinforcing its CFSP by putting it at test in a regional dimension. Running a globalising neighbourhood could be very difficult and may get hurting.

This is not to exclude the application of the neighbourhood concept to countries as far away as Iran and Iraq. Yet, the CFSP must contemplate at least four conditions for such enlargement to become feasible. First, there should be a common EU security approach to the Gulf region and the broader Middle Eastern area (going well beyond the present sluggish trade agreement with the GCC). Second, in the framework of a common EU security policy towards the Gulf region, a structured co-operation with the United States would be badly needed. Third, the EU as such must be more influent on the UN Security Council decision-making than the present or future individual EU members in the Council. Fourth, the present EU focus on the Mediterranean must be superseded by means of a more articulated policy towards a somehow enlarged Middle Eastern and North African area. If the EU were unable to achieve these conditions, it would be better to stop at Turkey and leave aside any idea of enlarging ENP to Iran and Iraq.

Israel - The third tier of the ENP implications regards cases of geopolitical discontinuities within the planned ring of neighbours or, vice versa, continuities between neighbours and countries outside the ring. Discontinuity regards Israel, Libya and Azerbaijan-Armenia relations; continuity the Arab countries.

Pending the solution of the conflicts between Israel, Syria, Lebanon, and the Palestinians, the ring of EU neighbourhood includes an Israeli-Arab discontinuity. This discontinuity is a security risk in itself. Furthermore, it hinders or even denies EU governance there by means of its neighbourhood

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<sup>6</sup> The consequences of Turkey’s non-accession are discussed in detail by Tobias Schumacher, “Dance In - Walk Out: Turkey, EU Membership and the Future of the Barcelona Process”, in A. Evin, N. Tocci (eds.), *Towards Accession Negotiations: Turkey’s Domestic and Foreign Policy Challenges Ahead*, Florence, RSCAS Press, 2004, forthcoming.

<sup>7</sup> See Tobias Schumacher, *cit.*; F. Stephen Larrabee, Ian O. Lesser, *Turkish Foreign Policy in an Age of Uncertainty*, Rand, Santa Monica (CA), 2003, chapter 6.

policies. For this reason, eliminating or attenuating such discontinuity remains a major issue in the EU neighbourhood policy.

In the 1990s, the EU thought the Barcelona process (the EMP) could combine with the Middle East peace process to help overcome the Arab-Israeli discontinuity. The EMP in itself was not supposed to lead to peace. Its task was, however, to facilitate the peace process by anticipating a situation of structured co-operation and integration in the region. The failure of the peace process has left Israelis and Arabs in the same EMP house., yet decidedly separated in a very rigid "hub and spokes" pattern of relations. There are relations between Israel and Brussels as well as between the Arab countries and Brussels, but no relations between Israel and the Arab countries. Furthermore, the EMP mechanisms of political co-operation are not really working (although this is a question going beyond the Arab-Israeli discontinuity).

While the EMP, as an option aimed at integrating Israel and Arabs, has gone, the more pragmatic ENP<sup>8</sup> may now emerge as a helpful compromise solution. In fact, the EMP will survive as a regional articulation of the ENP but the application of the latter - by emphasising "differentiation" - will sideline collective relations and, in contrast, reinforce bilateral relations between the EU and neighbours. With its bilateral and differentiated focus in a looser collective policy framework than that offered by the EMP, the ENP will allow to reinforce Israel relations with the EU. At the same time, relations between Israel and the Mediterranean Arab countries comprised in the EMP/ENP would be trivialised without being necessarily interrupted or broken.

A couple of years ago, when the ENP was not there as yet, Alfred Tovias<sup>9</sup> pointed out the option of an affiliation of Israel to the European Economic Area. This option is now emerging in the form of the ENP. As already underscored, the ENP is similar to the EEA. Israel could either seek to become member of the EEA proper or develop its relations within the ENP side by side with the Mediterranean Arab countries. In any case, the processes would be highly differentiated and would not interfere with one another. As just pointed out, this would allow for a loose cohabitation within the ENP and the EMP.

Would this be a satisfactory solution? Only partially. No doubt, the Arab-Israeli discontinuity in the EU neighbourhood would be made more flexible and sustainable. Yet, one should not overlook that it would not disappear. This leaves the EU and the ENP with problems. For, it is true that in principle the Arab countries and Israel would have the same status and opportunities within the ENP. However, there is no doubt that, while Arab countries are not ready to catch ENP opportunities very soon, Israel is. This difference will not be offset by any collective or multilateral context and thus will single out EU-Israel relationship in Arab eyes and confirm in their minds a negative geopolitical vision in which Israel is but an intruding appendix of the Western world, and Arab-European and -Western relations are inherently governed by a fault-line.

On the other hand, after the events which unfolded the 2000 Camp David failure, no alternative can be in sight. Even if in next months or years there will emerge a way out of the ongoing violent conflict, there is no possibility to imagine any arrangement that could bring about the conditions for some forms of integration between Israel and its Arab neighbours in the short-middle term. For a long while, from the point of view of the EU there will be no best solution than the second best the ENP is going to provide. The discontinuity will stay, yet the ENP umbrella might allow for wise balancing acts between differentiation and cohabitation, so as to avoid conflictive geopolitical vision to prevail and governance to become impossible.

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<sup>8</sup> Elisabeth Johansson-Nogués, "A 'Ring of Friends'? The Implications of the European Neighbourhood Policy for the Mediterranean", *Mediterranean Politics*, Vol. 9, No. 2, Summer 2004, pp. 240-247.

<sup>9</sup> Alfred Tovias, *Mapping Israel's Policy Options Regarding Its Future Institutionalised Relations with the European Union*, CEPS Working Paper No. 3, Brussels, January 2003; also: Raffaella Del Sarto, Alfred Tovias, "Caught between Europe and the Orient: Israel and the EMP", *The International Spectator*, Vol. 36, No. 4, 2001, pp. 61-75.

Beside the notion of a deeper EU-Israel economic integration within the wider circle of the ENP, several authors, like Tovias, and opinion groups in Israel, Europe and the Diaspora are promoting the idea of an Israeli membership in the EU. While EU mainstream thinking regarding the peaceful settlement of the Arab-Israeli conflict is predicated on considering Israel as a Middle Eastern country and fostering its integration with its Middle Eastern neighbours, the thinking of those who promote Israel membership in the EU is predicated on the belief that the inclusion of Israel in the EU will oblige the parties to the Israeli-Palestinian conflict to abide by the Copenhagen principles and, by the same token, be obliged to a peaceful settlement - according to the logic that more or less has worked in Central-Eastern Europe. Furthermore, it is also predicated on the vision of Israel as a society substantially based on Western and European values albeit non-European *per se*, like Turkey.

Can the EU enlargement to eastern Europe be compared to the suggested enlargement to the Near East? Can Turkey-EU relations be compared to Israel-EU relations? We don't even try to respond to these questions. All it is worth noting here is that, irrespective of other considerations, Israel inclusion in the EU, especially if coming after Turkey inclusion, would definitively confirm the perception of a EU-Arab fault-line the EU has so far very wisely opposed and kept aloof. If the perception of such fault-line were consolidated, this would be another step towards making true an otherwise non-existent "clash of civilisations".

Libya – Libya can be seen as a case of discontinuity within the EMP and the ENP essentially because Mediterranean Arabs and Europeans alike perceive its absence as a weakness in the fabric of shared security relations across the Mediterranean. For this reason, Libya was given the status of observer in the EMP and the door is open to its accession. But Libya, while appreciating and holding its status of observer, did not accept to become member of the EMP for varying motives. Whether it would accept to take part into the ENP is not known so far. It is very likely that the EU will be unwilling to extend the ENP to Libya unless it accepts to enter the EMP. Otherwise, its accession could create problems for ENP political credibility as well as for relations within the EMP.

One should not overlook, in fact, that Libya's refusal to enter the EMP is also reflecting a discontinuity in inter-Arab relations. Libya has explained its refusal to enter the EMP, for the time being, with two principal motives: (a) because it perceives itself primarily as an African - rather than an Arab - country and wishes to develop, first of all, relations with Africa south of Sahara; and (b) because it does not accept the shared EMP perspective on the need to contribute to a settlement between Israel and the Palestinians. Both motives reflect Qaddafi's strong disappointment towards what he perceives as Arab regimes' incompetence, if not betrayal, in dealing with Arab causes.

There is no doubt that including Libya in a wider collective framework of co-operation, as the EMP, makes sense. Furthermore, the country is making substantive steps to reject its dubious past and adopt an international co-operative stance, instead. Nevertheless, the reasons why it does not accept its inclusion in the EMP and the absence of any talking whatsoever about reforming its grossly authoritarian regime<sup>10</sup> ask for caution and gradualism.

Libya's discontinuity, as that of Israel, is not compromising the implementation of the ENP and its geopolitics. It is also less problematic, at least until it is managed by the EU and its Arab partners in a co-operative way, that is until the door Towards Tripoli remains open. The case, however, requires a special wise management and no hurry at all.

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<sup>10</sup> Isabelle Werenfels, "How to Deal with the 'New Qaddafi'?", *SWP Comment*, No. 29, Stiftung Wissenschaft und Politik – German Institute for International and Security Affairs, Berlin, October 2004; Michele Dunne, "Libya: Security is Not Enough", *Policy Brief*, No. 32, Carnegie Endowment for International Peace, Washington D.C., October 2004. Both contributions point out the irony of the West risking to trade security (WMD and terrorism) against the regime's stability.

Armenia-Azerbaijan - These two countries, as well known, are opposed by varying conflict, the most important being the territorial conflict on Nagorno-Karabak. Here we don't need to go back to the substance of these conflicts. All we have to note is that the EU should take advantage of the strong interest of both countries in the significant inclusion offered by the ENP to make the inclusion conditional to a kind of pact of stability between Baku and Erevan. Contrary to the relative impotence of the EU in the Israeli-Arab conflict, Europe appears better positioned here to exercise pressures towards a settlement. Otherwise, Azeri-Azerbaijani conflicts may constitute a serious discontinuity in the application of the ENP and hinder its achievement.

The Arab countries - The drift within the ENP/EMP towards separate EU relations with Israel, on one hand, and the Mediterranean Arab countries, on the other, is already there. The EU "European Security Strategy" says *en passant* "A broader engagement with the Arab World should also be considered". Bichara Khader<sup>11</sup> has recently advocated a special link between the EU and the Arab world, which would be obviously shaped by the new strategic and geopolitical situation in the Mediterranean and beyond, not necessarily by the model of the defunct Euro-Arab Dialogue.

In this Euro-Arab perspective, the relevant geopolitical issue is the continuity between the Mediterranean and the Middle East - or the broader Middle East - across the boundary the ENP would draw out. Should the EU maintain a Euro-Med relationship or should it expand such relationship towards the Gulf and perhaps even beyond? The response by Neugart and Schumacher<sup>12</sup> is that the EU should stop remaining entrenched in the Mediterranean and go towards a Euro-Mediterranean and Middle East Partnership (EMEP).

The European official response is more cautious, instead (even from the countries taking part in the Iraq Coalition). Many Europeans have felt the transatlantic cleavages triggered by the U.S. Greater Middle East Initiative as an American threat to the Euro-Mediterranean Partnership. This feeling has generated a staunch defence of the EMP that, at the end of the day, has killed the chances of a healthy debate on what the EU should do in the Gulf. The 17-18 June 2004 European Council in Brussels has endorsed a "EU Strategic Partnership with the Mediterranean and the Middle East"<sup>13</sup> explaining that the patchwork of very differentiated policies the EU is conducting towards MENA areas and countries (EMP, the agreement with the GCC, Yemen, Iran) could certainly be improved but, as it stands, constitutes more or less the right EU response towards the broader Middle East region. At the roots of this very conservative attitude (indeed, a response to the United States rather than the broader Middle East issue) there is France. As always in the EU, the members with a global projection (and, maybe, those willing to go global) are wary of any expansion in the EU Middle Eastern projection because this would entail a stronger CFSP and, hence, some surrender of their global power to the Union.

As a matter of fact, starting a march towards the EMEP at the moment the ENP is emerging and the EMP is in a transition may be premature. Most Mediterranean Arab countries, first of all the Maghreb countries, would not be happy with the idea of sharing their EU relations with the Gulf Arab nations and Iran. It is not a chance that the idea of a distinct EU Maghrebi policy with respect to more oriental EU relations is being aired again. Furthermore, an early approach to some kind of new comprehensive EU-Arab relationship may have a negative impact on a smooth transition of EU-Israeli and Israeli-Arab relations towards remaining quietly separated in the EMP house until it emerges some new peaceful kind of perspective relationship.

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<sup>11</sup> Bichara Khader, "Partenariat Euro-Méditerranéen ou Partenariat Euro-Arabe. Perceptions et Propositions", *Diálogo Mediterráneo*, No. 34, Septiembre 2004, pp. 10-13.

<sup>12</sup> F. Neugart, T. Schumacher, "Thinking about the EU's Future Neighbourhood Policy in the Middle East: From the Barcelona Process to a Euro-Middle East Partnership", in C.-P. Hanelt, G. Luciani, F. Neugart (eds.), *Regime Change in Iraq*, Florence, RSCAS Press, 2004, pp. 169-92.

<sup>13</sup> For document see *Euro-Med Report*, No 78, 23 June 2004.

At the same time, however, the orientation towards an expansion of EU policies towards the Gulf and the broader Middle East includes a significant truth and shows a direction the EU should be concerned about and be eager to explore. The geopolitics of the Mediterranean is a narrow and somehow artificial framework that is not reflecting strategic realities. An opening towards the Gulf and the broader Middle East may help the EU develop its “actorness” or help such “actorness grow up, when and if it started developing.

All in all, the EU should look at the Gulf and try to integrate an “oriental” policy larger than the Mediterranean. This expansion should be done gradually and wisely. It could be carried out either as an expansion of the EMP or the ENP. The case of the ENP expansion towards the Gulf has been already discussed with regards to the possible consequences of the EU enlargement to Turkey. The case of an expansion under the EMP umbrella is similar: (a) a more cohesive CFSP would be needed, especially with regard to the United Nations, and (b) a more cohesive transatlantic policy would be necessary as well. Broadly speaking, any expansion of the EU “oriental” policy towards the Gulf, whether via Turkey, the ENP or the EMP, means a globalisation of such policy and, consequently, requires a congruous transatlantic policy.

Beside EMP continuity towards the Gulf and the Middle East, a second relevant question is whether the EMP would preserve a degree of cohesion or whether fragmentation would prevail as a consequence of “differentiation”. When discussing ENP impact on Israel, this paper has pointed out the tendency towards a weakening of the EMP which would allow for a separate EU-Israel and EU-Arabs relations and a loose Israeli-Arab cohabitation. EMP weakening stems essentially from ENP differentiation. One can expect differentiation in relations between the EU and the individual EMP Arab countries to be also high, both on economic and political ground, thus bringing about further EMP fragmentation. However, there could emerge forms of “reinforced” co-operation<sup>14</sup> as well. At the end of the day, such kind of co-operation is already there, for instance, with the Agadir Pact. Within the new context, “reinforced” co-operation could be fostered by the emergence of some forms of sub-regionalism, as in the case of the Maghreb, or the emergence of EU-Arab or inter-Arab clustering targeting, for instance, some joint peace support operations or conflict prevention actions.

This possibilities of a special EU-Arab cohesion in the Arab branch of the EMP could be strengthened by the eventual expansion of the EMP into an EMEP, albeit the dynamic of inter-Arab relations may put some question marks on such evolution.

### **Beyond the regional sphere**

The ENP will have implications beyond the regional sphere as well, that is beyond the inner and outer rings of neighbours. These implications are of a more or less global flavour. This paper comments on three kinds such “global” implications: (a) the impact of ENP on EU relations with the Arab world; (b) the impact on relations between the EU and the Russian Federation; (c) the impact on transatlantic relations.

*The Arab world* – The Mediterranean Arab countries involved in the EMP have accepted the ENP for a number of good reasons. First, thanks to “differentiation” the ENP provides flexibility to the collective framework of the EMP, where they for many reasons did not feel always at ease. Second, the ENP introduces co-ownership in their relations with the EU. Co-ownership means more commitment once a joint decision is made, yet less so when it comes to making common decisions: in fact, the principle of ownership makes the partners fully free to adopt or reject

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<sup>14</sup> Here the expression “reinforced co-operation” is in the same sense it is used in the EU context, i.e. a co-operation not necessarily involving all the members, thus allowing for opting outs. See Tobias Schumacher, “Riding on the Wind of Change: The Future of the Euro-Mediterranean Partnership”, *The International Spectator* (Rome), No. 2, 2004, pp. 89-102

commitments. That said, the Mediterranean Arab countries should understand that, while the ENP eases their commitment in the EMP, by the same token it tends to loose their political relationship with the EU. For this reason, more or less consciously, the Arab partners perceive the ENP as a manifestation of the Mediterranean marginality stemming from the EU enlargement.

Because of the loosening of the linkages between Arabs and Israelis entailed by EMP rules of the game, the ENP is also going to be perceived by Arabs as a path to normalisation between the EU and Israel. This might contribute to reinforce Arab perceptions of marginality with respect to the Euro-Western circle.

In this perspective, the idea of developing a Euro-Arab partnership may be seen as a helpful solution. However, the expansion of the EU special relationship with the whole of the Arab world is certainly not convenient to the Maghreb countries, nor is it as obviously acceptable to Egypt and the Arab countries in the Near East. No doubt, as pointed out by Neugart and Schumacher, this Euro-Arab circle would not be a uniform entity but would assume the shape of a set of concentric circles. Still, Mediterranean Arabs would accept any EU attempts at enlarging the EMP eastwards only very reluctantly, as they would perceive this development as the end of a special and convenient relationship with the EU. Furthermore, their policies towards Europe would be constrained by inter-Arab factors.

Whether a Euro-Arab partnership will develop or not, it remains that the ENP, as a dimension of the EU enlargement, triggers feelings of marginality and exclusion with respect to Europe. This sense of exclusion, insecurity and frustration would increase in case Turkey would become member of the EU (not to talk about Israel). Unless adequate confidence-building measures towards the Arabs are taken, the ENP and its implications may be the beginning of some geopolitical divergence or political estrangement between the EU and the Arabs.

*The Russian Federation* – The Russian Federation, as pointed out in the introductory remarks to this paper, has not accepted to carry out its relations with the EU in the ENP framework. No doubt, the ENP, with its negative and positive mechanisms of conditionality and inclusion, is a framework in which the EU is not only working as a “hub” but as a political “hegemon” as well. Thus, EU interest in promoting democracy and welfare in the Russian Federation will have to be achieved by other, more traditional intergovernmental and international means. These means are not lacking. They have to be strengthened and made more effective.

As already pointed out, the ENP will bring about a degree of EU political responsibility in managing, preventing and solving crises within the ring of neighbours and at the boundaries of that same ring. In this perspective the two “near abroad” policies - of Russia and the EU - may happen to clash. For, in the eastern part of the EU neighbouring arc of countries, the Russian Federation is heavily involved in most crises, from Transdnjestria to Northern Caucasus. By the same token, Russian relations with Belarus and Ukraine may not always be in tune with EU interests and finalities.

In other words, EU’s initiative of implementing a neighbourhood policy involves the Union in a number of crises involving Russia as well. This makes eventual EU-Russia cleavages more likely and closer. The EU must take this likely result of the ENP policy in careful consideration. The instruments for good relations and co-operation the EU and Russia have developed outside the ENP framework must be further developed and strengthened so as to prevent contests and contribute to tackle and solve crises before the latter become factors of conflict between the two actors.

One cannot say whether including Russia in the ENP would have facilitated relations and helped defuse the crises we have just mentioned. The question is not that Russia stands outside the ENP, rather that the EU is now on the borders of Russia in a series of contentious flash points which may

give way to disputes. For this reason, EU-Russia bilateral relations and international co-operation need to be strengthened with a view to preventing conflicts and other contests.

One significant aspect in preventing the ENP to become a factor of conflict between EU and Russia may be the future of the regional economic co-operation around the Black Sea<sup>15</sup>. Contrary to what happened so far, the EU should help strengthen the BSEC organisation (as planned indeed by the Commission's strategy paper on the ENP). The strengthening of the BSEC requires an ENP mechanism to encourage endeavours of regional co-operation not only within the very framework of the ENP but also astride its borders (that is the BSEC case).

By the way, it can be noted that the same question concerns the Black Sea as well the Arab world, although current pan-Arab regional projects of economic integration astride the ENP borders vs. project inside the ENP borders (the pan-Arab free trade area vs. the Agadir Pact) seem less actual and effective than the BSEC (that, in turn, is admittedly not as effective).

Co-operation in the BSEC would also promote co-operation between Russia and Turkey. Co-operation between these two countries is an important factor in the framework of EU-Russia co-operation as well. The eventual entry of Turkey in the EU may give way to negative geopolitical visions in Russia. Fostering co-operation between Turkey and Russia in the framework of the wider relations between Russia and the EU would help avoid such negative geopolitical visions to emerge.

All in all, a stronger EU-Russia co-operation looks like a fundamental factor for the ENP to succeed, in particular on the eastern side of the EU neighbourhood arc.

United States and transatlantic relations - The ENP is not a factor significantly interfering with transatlantic relations. However, as already noted, it may come across transatlantic relations because of the upgraded EU involvement in crisis management and conflicts the ENP can be expected to bring about. This regards in particular the Arab-Israeli conflict, although differences cannot be excluded in other crises on both the Eastern European and Middle Eastern branches of the ENP arc of countries.

As already mentioned, the need of a co-operative transatlantic framework would become especially relevant if the ENP expanded from the Mediterranean to the Gulf. The inclusion of Turkey in the EU and its consequences on the ring of EU neighbourhood may also entangle the United States. Somebody in the United States is now looking at the eventual Turkey inclusion in the EU as a process of "Europeanisation" which may set in motion strategic and political differences in Turkey-USA relations<sup>16</sup>.

This perspective, however, is not strictly related to the ENP. However, it is worth noting that Turkey's inclusion in the EU is, from a global point of view, the most significant geopolitical factor in current EU evolution. As by Arabs, a Turkey-inclusive EU may be perceived by Russia and the United States as less friendly or co-operative; more of a traditional power than a civil power. However, the geopolitical significance of a Turkey-inclusive EU has also to be assessed in terms of the impact of Turkey on EU cohesion and political identity. As Turkey's membership is likely to weaken such identity, the global geopolitical impact of a Turkey-inclusive EU on Russia, the United States, and the Arab world would result very reduced and less systemic than occasional.

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<sup>15</sup> Mustafa Aydin, *Europe's Next Shore: The Black Sea Region after EU Enlargement*, ISS/WEU, Occasional paper No. 53, June 2004.

<sup>16</sup> Ian Bremmer, "Would Turkey split the EU and U.S.?", *International Herald Tribune*, October 22, 2004 points out "Longer term, Turkey's inclusion in the EU causes real trouble for the United States, because it makes a permanent rift between Europe and the United States, along the lines seen recently over Iraq (where Turkey's position was already closer to Paris an Berlin than to Washington), much more likely. The addition of Turkey's armed forces makes a common European defense more feasible - which makes NATO less necessary". The official American view strongly supports the inclusion of Turkey in the EU (ultimately, within the framework of the Greater Middle East Initiative).

It remains true, however, that EU involvement in crises presently as distant as Kurdistan and the Upper Gulf would be increased by Turkey's membership and this development would anyway impinge in transatlantic relations (as well as EU-Russia and EU-Arabs relations).

### **Concluding remarks**

The paper has taken into consideration a number of geopolitical scenarios relating to the implementation of the ENP by the EU.

The basic scenario is the one established by the ENP policy, as worked out and approved by the EU institutions and accepted by candidate partners. If one takes into consideration that Russia does not accept to be party to the ENP and that the EU considers Belarus a potential party but wants to put off its inclusion waiting for improvements in the present extremely authoritarian regime, the basic scenario contemplates, for the time being, a neighbourhood comprising Ukraine and Moldova, Georgia, Armenia and Azerbaijan; Syria, Jordan, Egypt, Tunisia, Algeria, Morocco, and The Palestinian National Authority, Israel. This scenario is affected by three discontinuities, each one requiring *ad hoc* responses by the ENP: Israel-Arabs, Libya-EMP, Armenia-Azerbaijan. Furthermore, because of the Israeli-Arab conflicts and disputes, this scenario is also affected by the quality of transatlantic co-operation.

The second scenario contemplates the mutual adjustments between Russian near abroad and EU neighbourhood. This scenario includes risks of cleavages and even conflict between EU and the Russian Federation as well as opportunities for EU-United States co-operation either to foster EU-Russia co-operation or oppose Russia (NATO and the OCSE should play a role here).

The third scenario regards the southern branch of the ENP, i.e. the EMP and its possible continuity towards the Gulf and the broader Middle East. In this scenario the ENP has, first of all, the task to manage the cohabitation of Israel and the Arab partners. The overwhelming Arab segment of the EMP may also (a) acquire an autonomous dynamic and (b) be expanded towards the Gulf, thus resulting in a new kind of Euro-Arab partnership.

The fourth scenario would be shaped by the enlargement of the EU to include Turkey. This scenario would require more EU attention to Russian and Arab reactions, likely to be negative, and to some extent even to the United States. This scenario would make the EMP expansion towards an EMEP more likely.

The fifth scenario refers to the United States. As pointed out in the paper, any expansion of the EU "oriental" policy towards the Gulf, whether via Turkey, the ENP or the EMP, means a globalisation of such policy and, consequently, requires a congruous transatlantic policy.

Beside these scenario, the most important finding of the paper is that the quantum and quality of the EU involvement in the crises affecting the ENP partners will result generally upgraded. Integration will provide structural stability in the long run. Meanwhile, it will bring instabilities closer to the EU.

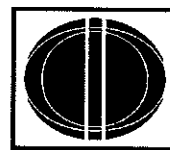
For this reason, in conclusion, the most ordinary geopolitical effect of the ENP will be an expanded political involvement of the EU, which would face a trade-off between acting effectively to defuse crises and solve conflicts in the political co-sphere it wants to control and stabilise for the sake of its own security, or assisting to the weakening of such co-sphere and the enfeebling of its very security. Consequently, in order to succeed, the EU would have to reinforce seriously its CFSP as well as ESDP.



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***THE EUROPEAN NEIGHBOURHOOD POLICY:  
SECURITY ASPECTS***

*by*  
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Paper presented at the conference on

***The Challenges of European Neighbourhood Policy***

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# The European Neighbourhood Policy: Security Aspects

Dov Lynch

## *Introduction*

This discussion of the security aspects of the European Neighbourhood Policy (ENP) is divided into four parts. The first part address the question of what is at stake with the ENP. What are the particular challenges at the security level? The second and third parts examine security aspects of ENP at two levels: states included with the first wave of Action Plans, such as Moldova, and states in the neighbourhood that are not (yet) part of ENP, such as Russia, Belarus, and the South Caucasus. The security challenges are different in each case. Finally, the paper considers ideas for strengthening ENP at the security level. The discussion here draws on the newly independent states; the Mediterranean partners give rise to quite different challenges.

## *What is at Stake?*

The EU has undergone and remains in the process of a revolution. The most important transformation of the geography and politics in Europe since the end of the Cold War has occurred successfully – enlargement to twenty-five member states. Enlargement is tied to a second major transformation associated with the prospect of ratification and coming-into-force of the draft Treaty on a European Constitution. While changing the way the EU works internally, these twin processes augur profound changes in the way the EU interacts with the world and its neighbours.

There are several dimensions to consider:

### *1) New Member States:*

The EU has new member states, which have different interests than the older members. These states bring new urgency to old questions, and indeed new questions.

### *2) New Borders New Policies:*

The EU has new borders, on Belarus, Ukraine, and Russia, and eventually on Moldova and the South Caucasus. These carry a new urgency to thinking about policies to be adopted in response to potential and actual threats.

### *3) New Foreign Policy:*

Partly in response, the EU started to think about new policies to states on its borders. For much of the 1990s, EU 'foreign policy' revolved around the question of membership/non-membership: if membership was on the cards, the EU had a policy to a state; if it was not, then the EU had little foreign policy as such. This is changing. With the ENP, we are witnessing the birth of the EU as a fuller foreign policy actor, able to act beyond the dichotomy of accession/non-accession, drawing on a range of tools to promote its interests.

### *4) New Security Policy:*

For all the clarion calls of the death of CFSP over Iraq, the EU was born as a security actor last year, with operations in the Balkans and Africa. The Iraqi crisis also stimulated thinking on a European Security Strategy (ESS), approved in December 2003. A central point of the Strategy is the need to have a belt of well-governed countries on the EU periphery.

ENP reflects these developments and is an integral part of the birth of the EU as foreign policy actor, able to think and act beyond the straitjacket of accession/non-accession to a state on its borders.

And there is real need to do so. If we take the Eastern neighbours, the EU faces an awkward trio in Belarus, Ukraine, and Moldova: one is an authoritarian state with which the EU has few ties, Ukraine's declared European vocation seems to lose steam by the day, and Moldova is painfully divided by conflict. EU policy approaches, developed in the 1990s, while not to blame, did little to prevent such dead-ends from arising. In all of these states, a decade of 'transition' resulted in the impoverishment of society, dis-industrialisation, and the rise of oligarchic power structures overlapping opaquely with the public sphere. The logic driving politics and economics is anathema to the EU model.

Given this context, the stakes of ENP are vital for the EU, its stability and prosperity, and for the old and new neighbours, which seek to share in the benefits of European integration. Since the publication of the Commission Communication in March 2003, the ENP has sought to answer *the* question facing the new EU. The reply provided to this question will determine the EU's birth and growth as a real strategic actor (or not): How can the EU support the transformation of states on its borders into zones of stability and prosperity without offering the incentive of membership? Can the EU transform a country/countries while keeping it at arm's length?

Answering this question requires that the EU invent itself as a full foreign policy actor. Offering further enlargement is simply not feasible for the foreseeable future, but the EU cannot afford to ignore its neighbours; it must engage with them to create a wider Europe of security and prosperity. The security challenges facing the EU in relation to new and old neighbours are five-fold:

*1) The Challenge of Inter-dependence:*

The EU recognises its security inter-dependence with the neighbours; it cannot build a fence and turn away. On the contrary, as stated in the ESS, EU security starts abroad and requires a forward strategy. The ENP is a vital part of this forward security strategy.

*2) The Challenge of Complexity:*

The scope of security challenges ranges from JHA questions of organised crime and international terrorism to CFSP issues of WMD non-proliferation and conflict settlement to wider questions of corruption and sustainable development. Such wide challenges arising in the neighbourhood require cross-pillar coordination in EU policy. These challenges also call on the EU to develop new policy areas – such as involvement in security sector reform – to promote stability in neighbours.

*3) The Challenge of Openness/Closure:*

Facing these challenges, the EU must upgrade the monitoring and security of its external borders through stricter control of the flow of goods and people – in effect, ensuring an effective closure of external borders. At the same time, the EU must remain engaged with neighbours and foster ties across borders for a wide range of exchanges. Balancing closure and openness is a challenge facing ENP.

*4) The Challenge of Recalcitrant Neighbours:*

First, not all neighbours are interested in deeper ties with the EU; the EU must seek new ways of engaging with the societies in countries such as Belarus, because complete suspension of ties has shown little effectiveness. Second, the EU faces great powers, such as Russia, with their own special interests in the shared neighbourhood that are not necessarily accommodating to the EU.

*5) The Challenge of Action and Will:*

In dealing with security challenges abroad, the EU often finds itself trapped in a policy limbo between action and non-action, where it emits declaration after declaration on dangerous developments in neighbouring countries but member states do not have the will to push for concerted action at the EU level. Repeated demarches without action undermine EU credibility. EU policy in Belarus lies in such a limbo.

These challenges are made all the more difficult by the constraints which lay over any potential answer from the EU. Within the EU, there can be no further talk of enlargement to the neighbours – this lack of clarity about the finalite of ENP weakens the EU's ability to stimulate reform in neighbours, as the end game remains unclear and, therefore, less attractive than otherwise. Also, the EU's ability to launch ambitious programmes is limited given its preoccupation with pressing internal questions. More widely, the financial resources available for the ENP are constrained. Constraints in the neighbouring states are also multiple. For one, the logic driving politics and economics is largely contrary to the EU model; no longer in 'transition,' these states have 'arrived,' and in a place quite far from the EU in terms of standards, practices, and values. Moreover, these are weak states, with limited ability to absorb external support and undertake reform. They are also divided states, physically in the case of Moldova, and also in terms of foreign orientation in Belarus and Ukraine. This ambiguity limits elite willingness to undertake EU-directed reform.

The question becomes: will the ENP Action Plans be enough to overcome these constraints? Does the ENP work well with the constraints facing the EU *and* those posed by the neighbouring states? Certainly, ENP takes into account EU. However, does it respond adequately to the constraints at play in the neighbouring states? To be blunt, not enough. For the ENP to be effective, it must respond to *both* EU and the neighbour state constraints.

***Within ENP: Conflict Settlement in Moldova***

Moldova presents a case by which to assess the security aspects of ENP and the EU's response to these thus far. At the widest level, the challenges posed by Moldova for the EU are four-fold:

- 1) Moldova has been unable to develop a united front of identity and future orientation. Moldova has found itself caught between the former Soviet Union, Eastern Europe and the Balkans.
- 2) After some excellent progress, Moldova has made little progress relative to accession countries in terms of transformation on EU lines. While Moldova has declared its aspiration to accede to the EU, little has been done beyond rhetoric.
- 3) Moldova is a divided country, with a separatist self-declared state – the self-proclaimed Pridnestrovian Moldovan Republic (PMR, or Transnistria). The unresolved conflict is a brake on serious reform.
- 4) Russia weighs heavily over Moldova – with peacekeeping forces along the Dnestr River, a military base on the left bank, allies in local politics and an extensive economic presence. Russia's interests complicate the EU's ability to engage in Moldova.

In practical terms, Moldova poses a number of precise security challenges, which will become more salient with Romanian accession. These problems range from illegal migration from Moldova itself or transiting through Moldova, organised criminal structures exploiting Moldovan weakness, especially from Transnistria, manifested in the trafficking of illicit goods and humans, to the presence of dangerous arms and military equipment stocks in Transnistria, which have been sold illegally and pose a local threat. Separatist Transnistria exacerbates these challenges.

In response, the EU has started to develop a profile, in a process parallel to the development of the ENP. On the political side, EU policy has taken six main lines:

- 1) From December 2002, the EU has taken a more active position in the talks between Chisinau and Tiraspol through demarches and public positions.
- 2) In February 2003 and August 2004, the EU, acting with the US, imposed travel restrictions on seventeen and then ten separatist leaders.
- 3) The EU has sought to diffuse specific points of tension between Chisinau and Tiraspol through high level visits (August 2004 by Robert Cooper) and continual telephone diplomacy (by High Representative Javier Solana).
- 4) The EU has led trilateral talks with Ukraine and Moldova on finalising the customs and border regime of the Moldovan-Ukrainian border (the last meeting was on October 15, 2004) and pledged to provide support the construction and training of a modern border service.
- 5) The EU has pledged its willingness to participate in possible OSCE-mandated missions to monitor the Transnistrian section of border with Ukraine and to consolidate the peace after an eventual settlement agreement.
- 6) The EU has encouraged Russia to fulfil its Istanbul obligations to withdraw its Operational Group and withdraw/destroy the stocks of the former 14<sup>th</sup> Army in Transnistria.

The more active EU role has supported President Voronin at key moments in his dealings with Transnistria and Russia and Ukraine. Sharper political engagement has helped to persuade Moldova of the seriousness of the ENP offer and made the negotiations on the Action Plan more fluid and businesslike (although not without problems). Despite notable positive points, three limits have been reached that require the EU to accelerate its political engagement:

### *1) A Special Representative?*

The settlement talks are blocked until after the elections in Spring 2005. In advance, the EU should consider how it might become more directly involved in the negotiations in mid-2005 (especially given the worrying trends in the OSCE). In particular, the Council could consider appointing a Special Representative.

### *2) International Border Monitors*

The Transnistrian section of the border must be closed to illegal and non-sanctioned traffic. Continuing talks with Moldova and Ukraine are vital but the possibility of international monitors deployed should also be considered.

### *3) Security Sector Reform*

Moldova remains weak in institutional capacity, with high levels of corruption, low tax extraction and a collapsing social structure. The EU should consider strengthening the institutional capacity through support to security sector reform – judicial and legal reform, law enforcement reform (training and equipment), and customs and border guard reform (training and equipment). A healthy security sector would help create a more stable neighbour.

## ***Outside ENP: Russia, Belarus, and the South Caucasus***

Russia, Belarus and the South Caucasus highlight different security challenges facing the EU that are not covered within ENP and that may affect its successful implementation. Russia has rejected partnership within ENP, preferring the development of four common spaces. This does not mean that the four common spaces will not be able to draw on monies available under the ENP instrument, simply that the EU-Russia framework is 'special.' With suspended contractual agreement with Belarus, ENP has been offered access to ENP to Minsk on the condition of significant political change. The South Caucasus states of Armenia, Azerbaijan and Georgia were included in ENP in June 2004 and will feature only in a second wave of negotiations on Action Plans.

### ***a) The Russia-EU Strategic Partnership***

Since 1999, the Russia-EU strategic dialogue has become frequent and intensive. First, Russia and the EU have coordinated positions on wider foreign policy issues. Both have exchanged views on concepts of conflict prevention and crisis management. Moreover, since September 11<sup>th</sup>, coordination on counterterrorism has started. In addition, Moscow and Brussels have long discussed the question of military-technical cooperation in areas of perceived comparative advantage. Finally, questions of nuclear safety and disarmament have become important areas of cooperation.

However, the dialogue has remained largely declaratory for several reasons. Most fundamentally, the two sides have clashing visions of ESDP. For Moscow, naturally, ESDP should advance Russian interests by providing a model of European security that ensures Moscow an equal voice on all security questions. For the EU, ESDP is not necessarily a motor to drive the creation of a common European security space, but rather, an instrument of EU foreign policy. Future EU operations have a similarly limited scope and objectives: their aim is not necessarily to accommodate the interests of all parts of Europe; it is to manage crises.

As a result, the modalities for Russian involvement in ESDP operations (set by the EU in Seville 2002) fall short of Russian demands. Moscow seeks equality with member states at every level of decision-making. For the EU, non-EU states may participate in an ESDP operation if they desire to do so, and if the EU considers their participation necessary. The conditions for Russian involvement are less accommodating than those for NATO operations.

Moreover, the EU's willingness to not seek the sanction of the UN for all ESDP operations worries Russia, which wants to avoid a repetition of the Kosovo precedent. Moscow is also concerned by the geographical scope of EU operations. Russia's concern here is that ESDP may follow the path of the OSCE, one that comes to narrow its focus on Russia.

Factors specific to Russia and the EU have also hampered the security dialogue. Russian policy is heavily presidential, which provides an important top-level impulse that is not always pursued at lower levels. In Brussels, the dispersal of decision-making power among different institutions affects the EU's ability to interact strategically with Moscow.

At the most basic level, Russia and the EU are different actors. The political dialogue brings together a state that is strongly defensive about its sovereignty and territoriality with an association where sovereignty is pooled and territoriality diluted. Europe is as much a union of interests as a community of shared values. Moscow often sees the blending of values and interests in EU policy and rhetoric as interference in Russian affairs. EU statements about Russian policy in the Chechen conflict have only provoked irritation, as have European declarations about the need for the fair application of the rule of law during the Yukos affair.

How can a common external security space be crafted between the EU and Russia? Certainly, the premises on which Russia and the EU founded their policy of benign neglect towards each other since 1999 no longer exist. These premises were that Russia and the EU were not really close geographically, that both were busy with their own house cleaning, that ESDP barely existed beyond paper and that NATO was Europe's principal security provider. All are changing. Russia matters for EU security at two levels: Because developments inside Russia can impact – positively and negatively – on the EU (the Chechen conflict and questions of nuclear safety and disarmament, organised crime), and because Russian policy can affect EU success in implementing ENP in the new shared neighbourhood of Belarus, Ukraine and Moldova, where Moscow is reluctant to welcome an increasing EU role.

In crafting of a common external security space, two points could be considered:

*1) Developing a Joint Conceptual Framework for Peace Support*

The EU and Russia should work on elaborating a joint legal and conceptual framework that will allow for joint peace support operations in the future. This is a critical gap in the strategic partnership. A joint framework would help to craft a common security space by assuaging Russian concerns and satisfying EU interests.

*2) Working Jointly on the Neighbourhood*



The Russia-EU dialogue should focus ever more on the countries of the new neighbourhood to make the most of the potential of ENP, and increase the region's stability and development.

### ***b) The Belarus Dilemma***

Belarus was offered access to ENP, including high level political, and ministerial and senior contacts, travel facilitation for Belarusian citizens and more people-to-people contacts should the parliamentary elections of Autumn 2005 prove free and fair and Minsk make significant movement towards democratisation. The parliamentary elections and the referendum were not free or fair, confirming Belarus' fate as Europe's last authoritarian state.

The challenge Belarus poses to the EU is four-fold:

#### *1) Contrary and Uninterested*

The logic of politics and economics in Belarus is contrary to EU standards, values and practices. And Minsk could not care less. This raises the dilemma of what the EU can/should do when faced with such a neighbour.

#### *2) Worrying Present and Future*

Belarus raises a number of security challenges to the EU, its neighbours and member states in soft security terms. It cannot be ruled out that in the future Belarus may become a more direct challenge, through upheaval or collapse.

#### *3) The Russian Axis*

Despite difficulties, Moscow maintains close ties with Minsk and the legal structures exist for a future union. This prospect complicates EU policy and thinking and raises the likelihood of real problem in the future should the union be implemented – what will be the EU response?

#### *4) Stalled EU Policy*

EU policy remains one of suspended ties with Belarus until significant policy changes occur in Minsk. Given the results of the recent elections, the EU has little choice but to review this line.

The EU finds itself caught in the *démarche trap*, which lies the grey zone between action and non-action where declaration after declaration is emitted criticising developments in Belarus with no impact. In early 2005, it is necessary to launch a full assessment of EU policy and to consider new ways to approach this neighbour – either through further isolation, greater containment or engagement.

### ***c) The South Caucasus***

The decision to include the three South Caucasus states in ENP reflected a well-established desire to develop a stronger presence in this region. The EU has disbursed close to one billion euros in assistance since 1992 (as have member states). Yet, the EU has little to show in terms of progress. Moreover, the EU and member states are long aware that the PCAs will not be fully applied and there will be no regional stability

without the settlement of the region's conflicts. EU thinking has been affected by two factors.

- 1) The South Caucasus is crowded, with the presence of the UN, OSCE, and other major powers. This complicates thinking about a reinforced EU role by leaving little room to claim.
- 2) Second is the complexity of the region's problems. International organisations and European states have sought for a decade to assuage these problems. What value may the EU add?

Since 2003, a number of factors have pushed the EU to develop a greater role. With the development of ENP, and the European Security Strategy, the South Caucasus has moved from being a backwater of EU policy towards the front end. The appointment of Heikki Talvitie as Special Representative in July 2003 reflected increased. Moreover, 2003 marked a turning point with leadership elections in the three states, each offering scope for rethinking relations. In particular, the 'Rose Revolution' in Georgia brought a young and reforming generation to power, insistently *demandeur* for a greater EU role. While less in Armenia and Azerbaijan, the scope for a EU role has widened quite dramatically.

The constraints on EU policy remain salient. These are constraints linked with developments in the region – worrying signs in Armenian and Azerbaijani politics, deep weakness of the Georgian state, the entrenched nature of the conflicts dividing the region, and the activities of other organisations and regional powers – and constraint within the EU – the need to digest enlargement, a preoccupation with security developments in other regions, and the still nascent tools for foreign policy.

Nonetheless, the opportunities for a reinforced role have never been so clear. In taking the ENP forward, the EU could consider the following points:

*1) Principles for Intensified Engagement*

- Equality of treatment of the three states but differentiation according to progress;
- Engage not only with capitals but also regional actors and, on a limited basis, with the separatist entities;

*2) Mechanisms for Engagement*

- Explore possible 'Black Sea Dimension';
- Strengthen the means at the disposal of the EU Special Representative;

*3) Policy Proposals*

- Launch 'Costs of War Studies' to clarify the costs of the current status quo and link to a region-wide dissemination programme;
- Launch a EUROMESCO-style network of European and South Caucasian research institutes to develop regional Euro-expertise and to link strategic communities.

### ***Taking ENP Forward – The Case for Security Sector Reform***

The EU must follow through on the recognition of its interdependence with its neighbours. The EU faces a tough task to support their transformation without resorting

to its most successful tool of conditionality. Certainly, EU political and security engagement is the clearest possible signal of commitment.

Apart from the specific suggestions raised above, the EU could consider using the ENP framework to support security sector reform in neighbours. A healthy, efficient and modern security sector is a vital and primary attribute of stability. The Commission's Communication on Conflict Prevention of April 2001 recognised its: 'The security sector has not traditionally been a focus of Community cooperation. However, in many countries achieving structural stability may require a fundamental overhaul of the state security sector (i.e. the police, the armed forces and democratic control of the security forces as a whole).' The Communication concludes that: 'Within the limit of its competencies, the Commission intends to play an increasingly active role in the security sector area.' At the declaratory level, therefore, the EU has recognised the role of healthy security sector governance in conflict prevention, and for ensuring the structural stability of states.

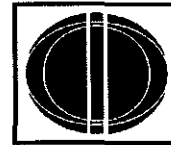
In practice, however, the EU has yet to engage actively and coherently in promoting security sector governance. The Union has thus far only on an episodic basis provided some support, mainly financial assistance, to security sector related concerns. Examples of limited EU involvement may be found in Georgia and Moldova.

The European Security Concept pledges the creation of a ring of well-governed countries on the Union's borders. Healthy security sector governance is key to achieving this objective. The EU should make security sector governance a major plank of its promotion of security and stability on its borders. ENP is the logical framework for moving forward in this vital policy area.

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***EUROPEAN NEIGHBOURHOOD POLICY  
AND REGIONAL COOPERATION***

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Paper presented at the conference on

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# THE CHALLENGES OF THE EUROPEAN NEIGHBOURHOOD POLICY

## ROME, MINISTRY OF FOREIGN AFFAIRS, NOV. 26-27, 2004

PIERO PENNETTA, EUROPEAN NEIGHBOURHOOD POLICY AND REGIONAL COOPERATION

### *1. Regional and subregional cooperation in the framework of the European Neighbourhood Policy*

It is well known that the European Neighbourhood Policy (ENP), as a tool for privileged cooperation between the European Union and its neighbouring States in the context of the so-called *Wider Europe*, finds its most significant expression in the *Council Conclusions* of 6/14/2004.<sup>1</sup> This policy aims at creating an area of political stability and economic development through stable and transparent regulations in the pan-European and Mediterranean region.<sup>2</sup>

One of the tools for the fulfillment of the ENP is regional cooperation between the participating countries; in fact, the cited *Conclusions* indicate, though very briefly, that the plans of action between the EU and the single ENP countries “*should also contribute, where possible, to regional cooperation.*”<sup>3</sup> A more detailed note is found in the previous *Commission Communication* of 5/12/2004, which makes reference to regional cooperation between ENP member States both in the general section and in the part specifying the various initiatives.<sup>4</sup> These positions, despite their brevity, represent a partial evolution compared to the two previous *Communications* of the Commission from 7/1/2003 and 3/11/2003, which said nothing on this point, just as there were no references to it in the *Council Conclusions* of 2003.<sup>5</sup> This development seems to have been provoked by the European Parliament, which, in its November 2003 Report, explicitly referenced forms of regional cooperation existing between both Eastern European countries and Mediterranean countries as among the ENP’s tools for action.<sup>6</sup>

Indeed, the ENP defines an articulated approach, which is both collective and individual at the same time; collective regarding all of the States involved, and individual regarding the single States. Furthermore, almost as if to define an intermediate level of cooperation between the EU and the regional organizations of which the ENP countries are a part, it is specified that the plans of action, *wherever possible, should also contribute to regional cooperation.* Nonetheless, we are dealing with a substantially limited emphasis on the question, even though the *EU approach* definition refers to, among other things the “*Promotion of intraregional, subregional and cross-*

<sup>1</sup> The European Neighbourhood Policy implies the definition of *Europe's Borders* and the identification of which States can and can not obtain the *status* of members in the future, according to the *everything except the institutions* formula. This choice objectively deprives the Union of an effective tool for pressuring the *excluded* states to accept *European norms and standards*. On the issue of *Europe's Borders*, in the context of the varied literature on the subject, cfr. LEVY J., *L'Europa. Una geografia*, Milano, 1999; BARNAVI E. et GOOSSENS P. (eds.), *Les frontières de l'Europe*, Bruxelles, 2001; DE GIOVANNI B., *L'ambigua potenza dell'Europa*, Napoli, 2002 and, more recently, POSELSKY V., *The Frontiers of Europe and the Wider Europe Strategy*, in *Eurojournal.org*, July 2004.

<sup>2</sup> It seems clear that the ENP represents an early application of art.I-56, c.1 of the Treaty that establishes a European Constitution, that indicates the following: “The Union develops privileged relations with neighboring States in order to create an area of prosperity and a good neighbourhood based on the Union’s values and characterized by close and peaceful relations based on cooperation.” On this theme, cfr. CREMONA M., *The European Neighbourhood Policy: Legal and Institutional Issues*, Workshop 10/4-5/2004, Stanford University, Promoting Democracy and Rule of Law: American and European Strategies and Instruments.

<sup>3</sup> Cfr. *European Neighbourhood Policy. Council Conclusions*, 10292/04, Brussels, 14 June 2004, sub 5.

<sup>4</sup> *Communication de la Commission Politique européenne de voisinage Document d'orientation*, Bruxelles, le 12.5.2004 COM (2004) 373 final, pp.22-25 where not specified, for the Eastern European and Mediterranean areas, the possible areas for cooperation and useful tools.

<sup>5</sup> *Council Conclusions on wider Europe – New Neighbourhood*, 10447/03, Brussels, 12 June 2003 where, sub 4, it is noted that “The new neighbourhood policies should not override the existing framework for EU relations with... , as developed in the context of the relevant agreements, common strategies.... Implementation of the existing agreements remains a priority”.

<sup>6</sup> *Relazione su “Europa ampliata – Prossimità: un nuovo contesto per le relazioni con i nostri vicini orientali e meridionali A5-0378/2003 finale*, 5.11.2003, (relatore Napoletano), in numerous places.

*border co-operation.*"<sup>7</sup> Currently, it is easy to see that this regional cooperation is not a priority in the context of the European Neighbourhood Policy, but rather is seen as a medium-term perspective. Further confirmation of the only relative importance attributed to regional cooperation among ENP countries can be found in the indications the Council sent to the Commission regarding future activities, among which there is no mention of the problem under discussion here.

Therefore, it is in this medium-term context that the outlines of a future policy for regional cooperation must be defined; in our view though, this policy takes on some importance, because it will play a defining role in determining the EU's basic strategic choices regarding the neighboring countries which are part of the ENP, and above all, as we will see, towards Eastern European countries.

Preliminarily, it seems appropriate to remember just which States are involved in the ENP. For Eastern Europe, the countries are Russia, Ukraine, Belarus and Moldova, as well as the Trans-Caucasian countries of Armenia, Azerbaijan and Georgia (these are all ex-Soviet Republics, and with the exception of Belarus, are members of the Council of Europe).<sup>8</sup> For the Mediterranean countries, the ENP involves Algeria, Egypt, Israel, Jordan, Lebanon, Libya,<sup>9</sup> Morocco, Syria, Tunisia and the Palestinian Authority (all of whom, with the obvious exception of Israel, are members of the Arab League). These are States, as we shall see, in which regional cooperation has not yet been significantly developed.

## **2. Organizations of ENP countries eligible for cooperation with the European Union in Eastern Europe (OCEMN and GUUAM) and the Mediterranean (UMA)**

In order to fully develop the theme we are dealing with today, it will be useful to identify, first of all, the main organizations in which ENP countries participate, and with which the EU can realistically establish cooperation in the framework of the ENP.

This preliminary definition seems absolutely necessary, as there appears to be little clarity on this point. In fact, the Commission Communication of 5/12/2003<sup>10</sup> lists the regional initiatives that "*...ont un rôle important à jouer, au même titre que les Eurorégions et la coopération transfrontalière au niveau local.*" For Eastern Europe, this includes the Council of Europe, the Baltic Sea Council, the Central European Initiative, the Black Sea Economic Cooperation and the Stability Pact, while there is no reference to the Mediterranean area. On the other hand, the European Parliament Report mentions the Arab Maghreb Union.

Actually, the initiatives I cited are extremely varied, but above all, they involve the participation of a net majority of European countries not included in the ENP. Thus, the Council of Europe includes all European States (including those in the Trans-Caucasia region), but excludes Belarus. Only three ENP States are part of the Central European Initiative (Belarus, Moldova and Ukraine), while the majority are EU member States (6) or candidate States (3) or European States not part of the ENP (3). The marginal nature of the ENP countries is even more evident for the Stability Pact, in which extra-European members participate. Lastly, regarding the Baltic Sea

<sup>7</sup> *Council Conclusions on wider Europe – New Neighbourhood*, 10447/03, *op.cit.*, sub 6, letter m. Further ideas can be inferred from the references (again, sub 6) to "... *Preferential trading relations... in accordance with WTO principles*" as well as to cooperation in the structural field (transportation, energy and telecommunications) which assumes regional integration.

<sup>8</sup> The participation in the ENP of the Trans-Caucasia countries of Armenia, Azerbaijan and Georgia, hoped for by the Commission, was approved in the Council Conclusions of 2004. Moreover, those States have signed single *Partnership and Co-operation Agreements* which have been in effect since 7/1/1999.

<sup>9</sup> The EU position towards Libya was defined in point 14 of the Council Conclusions of 2004, although recently there have been other significant developments.

<sup>10</sup> The Commission Communication of 5/12/2003, *op.cit.*, p.23. On the Eastern European organizations, cfr. COTTEY A. (ed.), *Subregional Cooperation in the New Europe, building Security, Prosperity and Solidarity from the Barents to the Black Sea*, London, 1999 and also BREMMER I. a. BAILES A., *Subregionalism in the Newly Independent States*, in *International Affairs* (London), 1998, n.1, p.131 and CRISTESCU J., *Coopérations en Europe du Sud-Est*, in *Courrier des pays de l'Est*, 2003, n.1039, p.17.

Council (to be precise, the *Council of Baltic Sea States*), the only State which is potentially an ENP State is Russia, which has established an autonomous *strategic partnership* relationship with the EU.<sup>11</sup>

Based on the clear *numerical* minority of the ENP countries, it seems that the initiatives indicated by the Commission, with the lone exception of the Black Sea Cooperation, can not be included in the ENP, in the sense of establishing relationships of cooperation and complementarity. Even though, evidently, there is no reason to exclude the possibility that cooperation between ENP and EU states can continue and develop fruitfully in the context of those organizations.

The present analysis will take a different approach, and first of all, will seek to identify the organizations with a majority (or at least a very significant presence) of ENP States with which the EU can establish bilateral relations. Based on this analysis, we will attempt to understand the relations that currently exist and the potential for future cooperation between the EU and these organizations in the framework of the ENP.

Regarding Eastern Europe and the former Soviet Republics, the principal organization is the *Community of Independent States* (CIS) founded in 1991.<sup>12</sup> Within this flexible structure for cooperation, other minor forms of cooperation have arisen, such as, among others,<sup>13</sup> the *Eurasian Economic Community* and the *GUUAM* (acronym formed by the initials of the participating States: Georgia, Ukraine, Uzbekistan, Armenia and Moldova), while *third* States (non former-USSR states) also participate in the *Black Sea Economic Cooperation Organization* (OCEMN).

In terms of the participant countries, 12 former Soviet Republics have joined the CIS: these are the seven Eastern European ENP States and five non-ENP States (the Central Asian Republics). 5 States are part of the *Eurasian Economic Community*,<sup>14</sup> of which 2 are ENP States (Russia, Belarus) and 3 are non-ENP States (Kazakhstan, Kyrgyzstan and Tajikistan). As for the OCEMN, founded with the Istanbul Declaration of 6/25/1992 which established the *Black Sea Economic Cooperation*<sup>15</sup> (BSEC), and formalized with the Yalta treaty of 6/5/1998,<sup>16</sup> there are now 12 member States (plus one).<sup>17</sup> This includes one State from the European Community (Greece), two for which membership in the Union will come soon (Bulgaria e Romania), one State which is already a

<sup>11</sup> Some diplomatic documents and scientific studies also cite regional initiatives such as the *Barents co-operation*, in which Russia is the only potential ENP State participating, and the so-called *Northern Dimension* in which both Russia and Belarus participate. Both of these cases represent forms of cooperation that can certainly function profitably, but that, at the moment, do not seem to fit into the bilateral cooperation relationship with the EU.

<sup>12</sup> The CIS was founded by the *Agreement of the Establishment of the Commonwealth of Independent States, done at Minsk on December 8, 1991*, followed by the Protocol of 12/21/1991. Cooperation was later increased through the signing of the *Charter of the Commonwealth of Independent States, done at Minsk on January 22, 1993*.

<sup>13</sup> Among the organizations whose member States are prevalently not ENP, we mention the *Shanghai Cooperation Organization* (St Petersburg, 6/7/2002) and the *Central Asian Cooperation Organization* that, founded in Alma Ata on 2/28/2002, without the participation of Russia, has recently (June 2004) seen that State join. Cfr. LATAWSKY P.C., *The limits of Diversity in Post-Soviet Space: CIS and GUUAM*, (Security in the Black Sea Region: Perspectives and Priorities, Conflict Studies Research Centre), March 2001

<sup>14</sup> *Treaty Establishing the Eurasian Economic Community executed in Astana 10th day of October 2000*.

<sup>15</sup> *Summit Declaration on Black Sea Economic Cooperation*, (herein the *Istanbul Declaration*) and *Bosphorus Statement, Istanbul 25 June 1992*. On the first phase of cooperation, cfr. HARTWIG I., *The Black Sea Economic Cooperation Process*, in *Eipascopes*, 1997, n.1, p.3.

<sup>16</sup> *Charter of the Organization of the Black Sea Economic Cooperation, Yalta, 5 June 1998* (herein the *BSEC Charter*). On this question, cfr. CANTIUC N., *Les dernières évolutions au sein de l'Organisation de la coopération économique de la mer noire*, s.d. (<http://www.robert-schumann.org/synth3.htm>); KYRIMIS S., *La coopération économique de la Mer Noire (CEMN): d'un forum multinational à une organisation internationale. Examen juridique de cette transition*, in *RHDI*, 2000, n.1, p.111; VALINAKIS Y., *The Black Sea Region: Challenges and Opportunities for Europe*, Chaillot Paper 36, July 1999 and RAM M.H., *Black Sea Economic Cooperation towards European Integration*, Presented at the Black Sea Regional Policy Symposium, March 29/April 1, 2002, Leesburg, VA. For an economic analysis, cfr. SAYAN S., *The Black Sea Economic Cooperation Project: A Substitute for or A Complement to Globalisation Efforts in the Middle East and the Balkans?*, Working Paper No.9806, Cairo, Egypt: Economic Research Forum, 1998.

<sup>17</sup> The political, economic, ethnic, religious, military and demographic lack of homogeneity of the BSEC member States involves, according to the theory, many problems in reaching the goals of cooperation; cfr. ARAL B., *The Black Sea Economic Cooperation after Ten Years: What Went Wrong?*, in *Alternatives*, 2002, v.1, n.4.



candidate for membership (Turkey),<sup>18</sup> six ENP States (Moldova, Russia, Ukraine, Armenia, Azerbaijan, Georgia), and two non-ENP Balkan States (Albania and Serbia-Montenegro).<sup>19</sup> Finally, regarding the thirteenth State, there is Macedonia, where an internal ratification procedure is underway for the OCEMN treaty; Macedonia is not a ENP state, but it recently presented a request for membership in the EU.<sup>20</sup> As for the GUUAM, a *weak* organization established in 1997 yet only somewhat formalized in 2001 with the founding Declaration called the *Yalta GUUAM Charter*,<sup>21</sup> there are five members States, of whom four are ENP countries (Ukraine, Moldova, Georgia and Armenia). Uzbekistan, which currently does not participate in the common activities of the GUUAM,<sup>22</sup> is not part of the European Neighbourhood Policy.

Moreover, in evaluating the activity of the various organizations in Eastern Europe, there are well known difficulties in their functioning.<sup>23</sup> In particular, the CIS has *great difficulty* in reaching its institutional objectives, and it can be said that it *organizes* relations between its members States only in very general terms. In the framework of the CIS, in fact, rules have been developed that are different for different areas, in which each agreement is subject to *acceptance* by the single States. The most significant result which this has produced, besides the possibilities regarding strategic agreements, is the *Eurasian Economic Community*, formerly the CIS Customs Union, which has only five member States. Furthermore, regarding the power relations between the member States, Russia has veto power regarding the decisions made by the Ministerial body known as the *Integration Committee*.<sup>24</sup> In addition, there are clear elements of contradiction and duplication in the *Single Economic Space* initiative, which is also applied inconsistently, established between Russia, Belarus, Kazakhstan and Ukraine.<sup>25</sup>

In conclusion, based on considerations of mere numbers and possibility,<sup>26</sup> the organizations in Eastern Europe that are potentially interested in the ENP should be the OCEMN and the GUUAM.

<sup>18</sup> The coming membership of Bulgaria, Romania, and later Turkey, in the EU, allows for the opportunity to establish a systematic common policy towards the Black Sea basin, which will become the *border* of the EU. On this issue cfr. AYDIN M., *Europe's next shore: the Black Sea Region after the EU enlargement*, European Union Institute for Security Studies, Occasional Paper n.53, June 2004.

<sup>19</sup> On the occasion of the *Tenth Meeting of the Council of Ministers of Foreign Affairs, Baku, 30 April 2004*, (resolutions) sub 1 Serbia-Montenegro was admitted.

<sup>20</sup> *Tenth Meeting of the Council of Ministers of Foreign Affairs, Baku, 30 April 2004*, (resolutions) sub 2. Macedonia's request for membership in the EU does not seem to have been *particularly welcome* and, officially, the current requests for membership are limited to those of Turkey, Bulgaria, Romania and Croatia.

<sup>21</sup> *Yalta GUUAM Charter, June 7 2001, Yalta, Ukraine*. Despite being called a *Charter*, the cooperation between the GUUAM states functions at a political-diplomatic level, although there is a tendency towards institutionalization with the potential for a complex institutional apparatus.

<sup>22</sup> Uzbekistan joined the GUUAM in 1999, but has not actively participated in its activities since 2002. That State's position seems to be very close to Russia's, as it joined the founding treaty of the *Shanghai Cooperation Organization* with China, Kazakhstan, Kyrgyzstan, Tajikistan and Russia.

<sup>23</sup> On the real vitality of the organizations founded in the former Soviet Union, cfr. the position expressed by a Georgian diplomat, who stated: "After the dissolution of the Soviet Union, a number of regional organizations have been created within this space (CIS, Customs Union, Russia-Belarus Union, Eurasian Economic Union Treaty, etc.). But most of them have been established either artificially or under pressure. That's why almost all such organizations today are defunct, and from this perspective not viable. One of the exceptions, or even the only exceptions, in GUUAM"; cfr. *Remarks by the Ambassador Tedo Japaridze At the GUUAM workshop The Stanford University November 17-18, 2000*.

<sup>24</sup> Art.13, c.2 of the *Economic Community Treaty* states that in the *Integration Committee*, Russia will have 40% of the votes, the two medium-sized States (Kazakhstan and Belarus) 20% each, and 10% for the two smaller States (Kyrgyzstan e Tajikistan). A two-thirds majority is needed for approval of decisions, while Russia has veto power. Vice versa, Art.13, c.1 states that the *Interstate Council*, formed by the Heads of State and Government, shall decide according to *consensus*.

<sup>25</sup> Cfr. *Réunion des Chefs d'Etat bielorusse, kazakh, russe et ukrainien sur l'EEU. Déclaration des Présidents et accord (Yalta, 19 septembre 2003)*, in *Documents d'Actualité Internationale*, 2003, n.23, p.83.

<sup>26</sup> It should be considered that the EU's relations with Russia are part of a specific *strategic partnership*, while regarding Belarus, the current internal political situation does not allow for participation in the ENP.

The OCEMN is the most mature association, which operated, at the beginning, through a *weak* organization - not based on a pact - and reinforced by a Secretariat<sup>27</sup> and by subsidiary institutions such as the *Black Sea Trade and Development Bank -BSTDB*.<sup>28</sup> Now, since the founding treaty has taken effect, a complex institutional apparatus with an intergovernmental character is to be developed,<sup>29</sup> as well as an interparliamentary dimension (*Parliamentary Assembly of the BSEC - PABSEC*)<sup>30</sup> and bodies that represent the business world (*BSEC Business Council*) and the academic world (*International Center for Black Sea Studies -ICBSS*), besides the Secretariat I already mentioned.

The *Principles and Objectives*<sup>31</sup> and the powers regarding security and stability,<sup>32</sup> as well as those regarding general and sectorial economic cooperation,<sup>33</sup> appear to be substantially coherent with what is called for in the ENP; and, apart from the not quite impressive results obtained so far, the regular meetings held in the context of the OCEMN contribute to the stability and security of an area characterized by significant internal and international tensions.<sup>34</sup>

As for the GUUAM, this is a political-diplomatic organization not based on a pact, in which member States tend to strengthen political and economic cooperation both internally and internationally. The GUUAM and its member States seem to move internationally, *very cautiously* attempting to escape from the influence of Russia, with the support of the United States.<sup>35</sup> The GUUAM also cites, first of all, the documents of the United Nations Charter and the Paris Charter and is devoted to the principles of democracy, respect of fundamental human rights and freedoms, rule of law and market economy and basic principles of international law such as sovereignty, independence and territorial integrity etc.<sup>36</sup> Both the political-strategic<sup>37</sup> and technical-functional<sup>38</sup>

<sup>27</sup> The *BSEC Permanent Secretariat -BSEC PERMIS-*, founded on 3/10/1994 in Istanbul, is now regulated by art.16 of the *BSEC Charter* and by a series of other secondary documents.

<sup>28</sup> *Agreement Establishing the Black Sea Trade and Development Bank, Tbilisi, June, 30, 1994*. The BSTDB activities, which are headquartered in Salonika, began in June of 1999.

<sup>29</sup> The intergovernmental cooperation is carried out, in addition to at the level of Heads of State and Government, Foreign Affairs and other competent Ministers, also through meetings of the *Committee of Senior Officials*, fifteen *Working groups* and a variety of groups and subgroups.

<sup>30</sup> Interparliamentary cooperation was initiated by the *Speakers* of the national Parliaments with the *Declaration on the establishment of the Parliamentary Assembly of the Black Sea Economic Cooperation, Istanbul, 2/26/1993* and was formalized in art.20 of the *BSEC Charter*.

<sup>31</sup> In the premises of the *BSEC Charter*, reference is made to the United Nations Charter, the Helsinki Final Act, the Paris Charter, generally accepted legal principles and norms, and also, among other things, (art.3), "*a spirit of friendship and good neighborliness and enhanced mutual respect and confidence, dialogue and cooperation among the Member States.*"

<sup>32</sup> In the *BSEC Charter* reference is made to *confidence building measures*, meaning the creation of an area of peace, stability and prosperity, through the promotion of friendly and good-neighbourly relations among the participating nations. Economic cooperation both in terms of trade and specific economic sectors (transportation, communications, energy, environment) is also foreseen.

The pursuit of political stability in the area is even more important now, as an *arc of instability* has emerged, from Palestine, Iraq, the Caucasus and Central Asia. On this subject RAM M.H., *op.cit.*, p.3 correctly observes that "*The EU and United States hoped that by encouraging subregional cooperation they might strengthen regional stability and security. In particular, candidate countries were required to sign friendship treaties with their neighbours and resolve any outstanding border disputes and cross-border minority right issues.*"

<sup>33</sup> Cfr. art.4 of the *BSEC Charter: Areas of cooperation*.

<sup>34</sup> On the same subject RAM M.H., *op.cit.*, p.14 note how, from a political standpoint, the BSEC serves as a regular forum for the discussion of both multilateral and bilateral problems whose solutions do not involve the EU. On the BSEC, as a tool for *confidence-building*, cfr. MICU N., *Black Sea Economic Co-operation (BSEC) as a Confidence-building Measure*, in *Perceptions*, 1996 Dec.-1997 Feb., v.I, n.4.

<sup>35</sup> The GUUAM States and the United States sign *Joint Statements* and have elaborated a common *Framework Program*; in the field, cfr. MAC FARLANE S. N., *The United States and regionalism in Central Asia*, in *International Affairs (London)*, 2004, n.2, sp. is., p.447.

<sup>36</sup> In the initial considerations of the *Yalta GUUAM Charter*, we find: "*Guided by the provisions of the United Nations Charter, the Helsinki Final Act, the Paris Charter for New Europe and the Charter for European Security of the Organization for Security and Cooperation in Europe, .... Being devoted to the principles of democracy, respect of fundamental human rights and freedoms, rule of law and market economy, acknowledging that regional cooperation is*

powers seem to be fully coherent with the ENP, such that, in our view, both the GUUAM and the OCEMN are fully compatible for future cooperation with the EU on a regional level.

We now move on to an evaluation of the organizations of Mediterranean countries. I have already mentioned the potential for cooperation with the Arab League; however, the abundance of participants and the political relevance of Euro-Arab relations<sup>39</sup> leads us to exclude the possibility of Arab League participation in the ENP in the short term. A lower level of participation can be found in two organizations of which the ENP states in the Mediterranean are a part: these are the UMA and the so-called CEN-SAD.

The UMA, founded in 1989,<sup>40</sup> includes four ENP countries (Morocco, Algeria, Tunisia and Libya) and one non-ENP country, Mauritania, whose position is not clear.<sup>41</sup> The UMA was active in the initial years after it was founded, yet internal contrasts, especially between Algeria and Morocco, affected its development; its main body, the Heads of State and Government Summit, has not met since 1994.<sup>42</sup> Currently, in a paradox, the relations established between certain UMA and EU countries in the context of the Barcelona Euro-Mediterranean policy seem to be more developed than those among UMA members themselves.<sup>43</sup>

The *Communauté des Etats Sahélo-Sahariens* (commonly called CEN-SAD)<sup>44</sup> was founded in 1998 on the initiative of Libya with the original participation of six States.<sup>45</sup> Currently, there are eighteen member States, including four ENP countries (Libya, Egypt, Morocco and Tunisia), along

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*a part of globalization process, and may contribute to consolidation of sovereignty, independence and territorial integrity of the GUUAM Member States, promote peaceful settlement of conflicts and improve well-being of their peoples".*

<sup>37</sup> The Yalta GUUAM Charter identifies the goals of cooperation as "promoting social and economic development; strengthening and expanding trade and economic links; development and effective use in the interest of GUUAM states of the transport and communication arteries with its corresponding infrastructure situated in their territories; strengthening of the regional security in all sphere of activity; developing relations in the field of science and culture and in the humanitarian sphere; interacting in the framework of international organizations; combating international terrorism, organised crime and drug trafficking". The Directions of cooperation of the GUUAM are specified in point n.3 of the Yalta GUUAM Charter.

<sup>38</sup> The substantial activity is carried out with the signing of common declarations in terms of both internal and international policy, and with the establishment of a series of agreements, among which we find important agreements on trade matters (*Agreement on the Establishment of Free Trade Area among the GUUAM Participating States*, July 20, 2002, Yalta, Ukraine) and the fight against terrorism (*Agreement on the Cooperation among the GUUAM Member States in the Fields of Combat Against Terrorism*, July 20, 2002, Yalta, Ukraine).

<sup>39</sup> On relations with the Arab world, cfr. the Commission document on *Strengthening the EU's Partnership with the Arab World*, Brussels, 4 December 2003 D(2003) 10318 and also *EU Strategic Partnership with the Mediterranean and the Middle East*, approved by the European Council of Brussels on 6/17-18/2004 (*Euromed Report*, 23.6.2004, n.78).

<sup>40</sup> *Traité de création de l'Union du Maghreb Arabe*, Marrakech, 17.12.1989.

<sup>41</sup> The UMA should coincide with the *Regional Economic Community* competent for North Africa, as provided for by art.4 of the founding Treaty of the *African Economic Community* from 6/3/1991. From the standpoint of the participants, the absence of Egypt is significant, as in the past, this country had taken on the role of observer, and had, on the other hand, joined the COMESA, active in Eastern and Southern Africa, and the CEN-SAD.

<sup>42</sup> The last UMA Summit was held in Tunisia on April 2-3, 1994. A summit was called in Algiers in 2002, but put off *sine die* due to other disagreements.

<sup>43</sup> Tunisia has the closest relations with the EU, and hopes (as Morocco does) to take on an intermediate *status* between being an associate and being a member; cfr. statements by Prime Minister M. Ghannouchi during the working session with President R. Prodi on 4/1/2003 (<http://www.infotunisie.com/2003/04/010403-1.html>).

On the necessity of the UMA reaching a common political position with respect to EU enlargement in 2004, cfr. the statement of the UMA General Secretary BOULARES H., *L'élargissement et les nouveaux équilibres méditerranéens*, *Vième Forum International de Réalités*, Tunis, 26-27 septembre 2003, (allocutions/001.htm).

<sup>44</sup> The *Communauté des Etats Sahélo-Sahariens* is commonly called CEN-SAD (in reference to the Arab terms Sahara and Sahel) to avoid confusion with the other regional African organization, the *Common Market of Eastern and Southern Africa* -COMESA-, founded by the treaty of Kampala on 11/5/1993.

<sup>45</sup> *Traité sur la création de la Communauté des Etats Sahélo-Sahariens*, signé à Tripoli le 4.2.1998. The founding treaty was signed by Libya, Sudan, Chad, Mali, Niger and Burkina Faso. On this organization cfr. KERDOUN A., *Régionalisme et intégration en Afrique. Vers un nouveau groupement des pays sahélo-sahariens*, in *RJPIC*, 1998, n.1, p.48 and MATTES H., *Die Sahel- und Sahara-Staatengemeinschaft (SinSad): Instrument der wirtschaftlichen Entwicklung, Konfliktvermittlung und regionalen Interessensicherung*, Deutsches Übersee-Institut, November 2001.

with fourteen other non-ENP States, (all from the Sahel region and beyond).<sup>46</sup> This enlargement of the number of participants, causing the sub-Saharan States to be in the majority, leads us to exclude the possibility of participation in the ENP; thus, for the Mediterranean area, the ENP may need to only refer to the experience of the UMA.

An interesting change in the field of cooperation between Arab ENP countries is represented by the recent *Agadir agreement* of 2/25/2004 that, in the perspective of a wider Euro-Mediterranean free trade zone, establishes a free trade zone between four Arab States (Egypt, Jordan, Morocco and Tunisia). However, due to its early phase of cooperation, the relatively limited powers, the non-continuous geographic nature of the member States, as well as the limited institutional structure, we are led to put off any evaluation of the possibility of including this initiative in the context of the ENP.<sup>47</sup>

### ***3. Current relations between the European Union and the organization of Eastern European (OCEMN, GUUAM) and Mediterranean (UMA) member states of the European Neighbourhood Policy***

As we limit our analysis to the Eastern European cases of the OCEMN and the GUUAM and, for the Mediterranean countries, the UMA, it is necessary to evaluate current relations with the European Union. To this end, we will first proceed to analyze how these organizations present themselves to the European Union, and then examine the European *response*, which appears differentiated, but overall, quite *lukewarm*.

Of the two Eastern-European organizations, the one which shows the most interest in European integration is the OCEMN.<sup>48</sup> This is evident first of all due to the participation of Greece,<sup>49</sup> four other candidate States, and European and Trans-Caucasia States that *define themselves as potential candidates for EU membership*.<sup>50</sup> The only OCEMN State currently not interested in *membership* is, understandably, Russia, which has established a privileged *partnership* relationship with the EU that is tendentially based on equality between the two; the so-called *strategic partnership*, that, de facto, encompasses Russia's participation in the ENP.<sup>51</sup>

<sup>46</sup> Besides the six original States and the Mediterranean countries of Tunisia, Egypt and Morocco, numerous African States have joined the CEN-SAD (Benin, Central African Republic, Djibouti, Eritrea, Gabon, Nigeria, Senegal, Somalia and Togo), which are outside the original area of competence. Furthermore, we note the absence of two countries in the Sahara area, Algeria and Mauritania.

<sup>47</sup> The participation of Mediterranean Arab States in a variety of competing associations may indicate a merely formal commitment to these groups, as the real prospects for development of these organizations appear quite weak. As an example, we recall that Morocco and Tunisia are simultaneously members of the UMA, the *Agadir agreement* and CEN-SAD; likewise, Egypt is a member of the *Agadir agreement*, CEN-SAD, and also COMESA.

<sup>48</sup> For a clear, but dated, analysis of the perspectives for BSEC-UE cooperation, cfr. OZER E., *The Black Sea Economic Co-operation and the EU*, in *Romanian Journal of International Affairs*, 1997, n.3, p.108 and, more recently, the writings of VALINAKIS Y., *op.cit.* e AYDIN M., *op.cit.*

<sup>49</sup> Greece, due to its double participation, has several times been called upon to represent the *needs* of the OCEMN within the EU. Nevertheless, until now, as emphasized by AYDIN M., *op.cit.*, p.29, Greece has not, for various reasons, carried out this task.

<sup>50</sup> "Les objectifs à atteindre sont pragmatiques et progressifs. Ils ne sont pas exclusifs, l'aide des organisations internationales, et en particulier celle de l'Union Européenne, est particulièrement nécessaire dans la perspective d'une intégration à l'Europe. L'OCEMN se veut une organisation complémentaire à l'Union Européenne, qui pourrait constituer une étape préparatoire pour l'intégration à part entière des Etats membres dans l'Union" thus says CANTIUC N., *op.cit.*, p.5. The BSEC States, with the lone exception of Russia, consider the organization not as an end in itself, but as a means for getting closer to the *West*, meaning, first of all, the EU, but also NATO and the OSCE. Moreover, all of the OCEMN States have signed individual agreements with the EU, with various names and varying contents, and in 2003 Council made reference to the need to respect these agreements. On the possible development of EU-OCEMN cooperation, in particular in the framework of the ENP, cfr. AYDIN M., *op. cit.*

<sup>51</sup> FOSBERG T., *The EU-Russia Security Partnership: Why the Opportunity was Missed*, in *European Foreign Affairs Review*, 2004, p.247.

Constant references to the potential for cooperation between the OCEMN and EU are found in the Concluding Declarations of the Heads of State and Government Summits,<sup>52</sup> while the Council of Ministers of Foreign Affairs approved the *Resolution on BSEC-EU Cooperation in 1999*.<sup>53</sup> Subsequently, the *interest for Europe* has been reaffirmed on numerous occasions,<sup>54</sup> in particular, at the *Fifth meeting* in October 2001, the Ministers mentioned OCEMN-UE relations<sup>55</sup> and the *BSTDB* initiative relative to the *Black Sea – EU Conference (Thessaloniki, 9/10/2001)*, while during the *Sixth meeting* in 2002 they mentioned the *high level consultations* held in Brussels in March 2001.<sup>56</sup> In the *Eighth meeting* in April 2003<sup>57</sup> the Council called for qualitative improvements in cooperation, with a strengthening of relations between institutions, while, on substantial questions, the OCEMN considers cooperation with the EU in the context of an *emerging new European Architecture*, and is attempting to define the operative tools for this cooperation.<sup>58</sup> Finally, in June 2004, the Ministers of Foreign Affairs reaffirmed that “*We consider the BSEC region as an integral part of Europe*”<sup>59</sup> and praised “*the unique experience of the European Union*” and the interdependence between the two regions.<sup>60</sup>

As for the other OCEMN institutions, the Vice-Secretary General is responsible for relations with the EU, while the PABSEC has established a direct relationship with the European Parliament<sup>61</sup> approving the *BSEC Economic Agenda for the Future Towards a More Consolidated, Effective and Viable BSEC Partnership*.<sup>62</sup>

Essentially, the OCEMN has explicitly stated its intention to come *closer* to the EU, but until now, the institutional tool connecting the two organizations has been lacking, and on substantial issues, the collective proposals, alongside the individual approaches expressed by each single BSEC State, seem rather vague.<sup>63</sup>

In the GUUAM, there is a more prudent attitude towards the EU, found in particular in the older documents where there are only occasional references to cooperation with pan-European

<sup>52</sup> Cfr., in particular, *Yalta Summit Declaration, 5 June 1998*, sub 8 where we find a reference to the conclusions of the Foreign Affairs Ministers of the Union.

<sup>53</sup> *(First) Meeting of the Council of Ministers of Foreign Affairs, Thessaloniki, 27 October 1999, I Resolutions A-BSEC-EU Cooperation (or Platform of co-operation BSEC-EU)*.

<sup>54</sup> The position of the Foreign Ministers of the OCEMN has not always been consistent; thus, BSEC-UE cooperation was emphasized in the *Second Meeting of the Council of Ministers of Foreign Affairs, Chisinau, 27 April 2000*, sub 8-11, the *Third Meeting of the Council of Ministers of Foreign Affairs, Bucharest, 20 October 2000*, sub 5-8 where, in particular, hope is expressed for the establishment of direct relations between the Presidencies of the two organizations, and PERMIS is authorized to maintain relations with the Commission, and again on the occasion of the *Seventh meeting of the Council of Ministers of Foreign Affairs, Tirana 25 October 2002*, sub 9-11. On other occasions, the question has not been addressed, such as in the *Fourth meeting* in Moscow in April 2001 and, more recently, the *Ninth meeting* in Baku in October 2003 and the *Tenth meeting* in Baku in April 2004.

<sup>55</sup> *Report of the fifth meeting of the Council of Ministers of Foreign Affairs, Antalya, 26 October 2001*, sub 21-28 with a series of initiatives also from PERMIS.

<sup>56</sup> *Report of the sixth meeting of the Council of Ministers of Foreign Affairs, Kyev, 25 April 2002 and Sixth Meeting of the Council of Ministers of Foreign Affairs, Kyev, 25 April 2002*, sub 9. Surprisingly, there are no European Community documents regarding this consultation.

<sup>57</sup> *Report of the eighth meeting of the Council of Ministers of Foreign Affairs, Yerevan, 18 April 2003*.

<sup>58</sup> *Eighth meeting of the Council of Ministers of Foreign Affairs, Yerevan, 18 April 2003*, sub 8-12.

<sup>59</sup> *Statement of the Council of Ministers of Foreign Affairs of the BSEC Member States on the BSEC contribution to security and stability, Istanbul, BSEC Headquarters, 25 June 2004*, sub 11.

<sup>60</sup> The Statement cited identifies the BSEC's vision in an exemplary manner, and proceeds to say “*Therefore we reaffirm our commitment to the principles of the proposed Platform of the EU-BSEC cooperation. We emphasize the significance of the unique experience of the European Union. The interdependence between the EU and the BSEC region, stemming from increasing political, economic and cultural ties realistically expected to reach a higher level. A clear and visible European perspective could be a strong incentive for the Member States to forge a lasting cooperative environment in the region, in accordance with the principles of international law.*”

<sup>61</sup> In March of 2002 the *Speaker* of the PABSEC, Mrs. N. Burjanadze, visited the European Parliament.

<sup>62</sup> *Report The Black Sea Region within the Context of the Enlargement of the European Union, Doc.: GA22/LC/REP/03 The Twenty Second Plenary Session of the General Assembly. Legal and Political Affairs Committee, adopted in Bucharest on December 9 2003.*

<sup>63</sup> Cfr., along the same lines, AYDIN M., *op.cit.*, p.30.

organizations<sup>64</sup> and specific Euro-Asian transport (TRACECA) and energy issues. On the other hand, the reference to cooperation in the context of the OSCE, and especially, to *the high level of cooperation with USA*<sup>65</sup> was (and is) traditionally present. Only recently, as we will see soon, have the first occasional forms of cooperation between the GUUAM and the EU been established.

Regarding the Mediterranean area, the UMA approach towards the European Union seems to be quite prudent, since the organization's founding treaty specifies that the preferred organisms for international cooperation are to be found in the context of the United Nations with respect to development aid, and understandably, in Arab and Islamic organizations. Nevertheless, in practice, immediately after the birth of the UMA (as we shall now see), relations with the European Union and other global and regional organizations were established.<sup>66</sup>

The EU response was differentiated, but as we have said, it was fairly lukewarm overall; despite the fact that at the beginning of the 1990s there was undoubtedly a *favorable* attitude towards the UMA, in particular through the so-called *5+5 Dialogue*.<sup>67</sup> However, faced with internal difficulties over cooperation and the emergence of the Libyan problem, the EU preferred to seek bilateral relations with single States in the context of the Euro-Mediterranean policy (the *Barcelona Process*)<sup>68</sup> and its various tools for action, particularly at the technical-functional level.<sup>69</sup> Recently, in a changed political environment, the *5+5 Dialogue* was reactivated at the highest level,<sup>70</sup> while a potentially significant contribution to the creation of a Euro-Mediterranean free trade zone is represented by the *Agadir agreement*, which has already been mentioned.<sup>71</sup>

As for the GUUAM, only after the signing of the *GUUAM Yalta Charter* in 2002, did the EU's position seem, at least at times, to be more attentive. The participation of the Commission's

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<sup>64</sup> In the *New York Memorandum* of 9/6/2000 we read "Noting the importance of integration process and of collaboration between their (GUUAM) States in cooperation with the European structures, including the European Union, the Council of Europe, as well as in the framework of the Euro-Atlantic Partnership Council and NATO's Partnership for Peace programme."

<sup>65</sup> Cfr. *Final Communiqué of Guuam Summit, Yalta, 7/3-4/2003*. The Summit that was to be held in Georgia in June 2004 was postponed due to doubts about the location expressed by Moldova.

<sup>66</sup> The *Traité de création de l'Union du Maghreb Arabe* only provides for a limited competence in terms of international relations that, nevertheless, developed rapidly. The UMA has thus carried out certain diplomatic activities and made agreements with global international organizations (OMC, ONUDI, CNUCED, CEA, CIND) and regional organizations (CILSS, UDEAC, CEDEAO).

<sup>67</sup> The EU's contribution to the strengthening of the UMA was achieved, in particular through the so-called *5+5 Dialogue*, with the Rome meeting in 1990 and the Algiers meeting in 1991 among the five UMA countries and five European countries (Italy, France, Spain, Portugal and Malta). On this subject, cfr. RISI C., *Note sul Maghreb arabo*, in *Oriente Moderno*, 1993, n.1-6, pp.27-31; HOULISTON R., *L'UMA – état et perspectives*, in *Etudes Internationales (Tunis)*, 1999, n.2, p.31 and ATTIA A., *Les relations euro-maghrébines*, in *Etudes Internationales (Tunis)*, 2002, n.3, p.26.

<sup>68</sup> For the most recent contributions to the development of Euro-Mediterranean policy almost ten years after the Barcelona Conference, cfr. *Euro-Mediterranean Mid-Term Meeting of Ministers of Foreign Affairs (Dublin, 5-6 May 2004) Presidency conclusions*.

<sup>69</sup> An important tool for Euro-Mediterranean cooperation is the MEDA Program, regulated by the *EC Regulation n.1488/96 of the Council, of 7/23/1996, on financial and technical measures to accompany (MEDA) the reform of economic and social structures in the framework of the Euro-Mediterranean partnership*, in GU, n. L 189 of 7/30/1996 as modified by the *EC Regulation CE n.780/98 of 4/7/1998*, in GU, L 113 of 4/15/1998 and by the *EC Regulation n.2698/2000 of 11/27/2000*, in GU, n. L 311 from 12/12/2000. This program calls for support for regional, subregional and cross-border cooperation, including through the creation and development of regional cooperation structures among Mediterranean countries, and between those countries, the EU and its member States.

<sup>70</sup> The relationship, suspended for almost ten years, resumed with the Ministerial meetings in Lisbon in 2001, Tripoli in 2002, St. Maxime in 2003, and above all, the Heads of State and Government Summit held in Tunis in 2003; cfr. *Déclaration de Tunis au premier Sommet des Chefs d'Etat et de Gouvernement des pays du bassin occidental de la Méditerranée Dialogue 5+5 (Tunis, les 5 et 6 décembre 2003)*.

<sup>71</sup> European Commissioner CH. PATTEN, *On the Occasion of the Signature of the Agadir Agreement, Agadir, Morocco, 25 february 2004* emphasized the agreement's importance for the creation of a Euro-Mediterranean free trade zone (<http://www.Eurunion.org/News/speeches/2004/040225cp.htm>). It is also important to remember, as a tangible sign of European support, that a program of support for the *Agadir Agreement* and the Secretariat that is being formed, including 4 million Euros in aid, is provided for in the context of MEDA.

representative at the Summit where the cited *Charter* was signed appears significant in this sense, although it may have been more formal than substantial.<sup>72</sup> Subsequently, there was some European participation in certain GUUAM activities, such as in a *working group* on the creation of the *GUUAM Free Trade Area*, which saw the participation of a representative of the Commission.<sup>73</sup> At a higher level, a delegation of the Commission (together with delegations from the United States and other global and regional organizations) was present, as a *guest*, at the *Third Meeting of the Council of Ministers for Foreign Affairs* in 2003.<sup>74</sup> Finally, more recently, representatives of the Commission participated in the 2004 *Meeting of the Committee of National Coordinators*, where for the first time, there was discussion of the *establishment of GUUAM-US-EU cooperation*.<sup>75</sup> Therefore, there is a very cautious change in the EU's interest towards the GUUAM, even though, in our view, more attention would be advisable, since the absence of a systematic EU policy towards this organization leaves room for a *negative* influence from Russia and a *positive* one from the United States. If Europe intends to be a leading player in international relations, especially in an *area which is so close geographically* and is part of the ENP area, it would be a mistake to leave political and economic *space* to other *powerful* players, almost deliberately.<sup>76</sup>

The same approach of tendential *disinterest*, although to a lesser degree, exists towards the OCEMN, which the EU seems to have underestimated (sometimes in an *almost schizophrenic* manner). Regarding inter-institutional relations, the Union's Presidency issued a brief *Statement* on the occasion of the signing of the founding treaty.<sup>77</sup> Furthermore, another expression of a wavering approach is represented by the EU's participation in the half-year meetings of the Foreign Ministers,<sup>78</sup> which are characterized by the alternation, without any apparent criteria of logic or time, of participation of representatives of the Commission as *official guests*,<sup>79</sup> and glaring absences.<sup>80</sup> One particular event, the *Sixth meeting* in Kiev in 2002, saw the simultaneous presence of both the Council and the Commission as *official guests*.<sup>81</sup>

From a substantial standpoint, considering the OCEMN's repeated votes in favor of strengthening cooperation, the response from the EU seems to have been merely formal until now, and almost inattentive. In November 1997, the Commission approved a Communication which was positive towards the initiative from a strategic political standpoint, and defined certain common

<sup>72</sup> At the GUUAM Summit in Yalta on 7/20/2002 representatives of ten States participated as *guests*, including Greece, the only EU member there, and the *Ambassador of the European Commission N. Justin*; ([http://www.guuam.org.ua/cgi-bin/valprint\\_guam.sh?1p02.html](http://www.guuam.org.ua/cgi-bin/valprint_guam.sh?1p02.html)). This presence represents the first sign, although it is merely a formal one, of EU attention towards GUUAM.

<sup>73</sup> At the *GUUAM Free Trade Area Working Group* held in Kiev on 11/4/2002 EU representatives participated and confirmed the Commission's willingness "...to provide assistance and know-how to GUUAM countries through its bilateral TACIS programmes;" ([http://europa.eu.it/comm/external\\_relations/osce/stment/eea211102.htm](http://europa.eu.it/comm/external_relations/osce/stment/eea211102.htm)).

<sup>74</sup> *Third Meeting of the Council of Ministers for Foreign Affairs of GUUAM in Tbilisi*, (<http://www.guuam.org/release/11129may03.htm>).

<sup>75</sup> *Meeting of the Committee of National Coordinators (CNC) of GUUAM*, ([http://www.guuam.org.ua/cgi-bin/valnewsprint\\_guam.sh?1pos1recent.shtml](http://www.guuam.org.ua/cgi-bin/valnewsprint_guam.sh?1pos1recent.shtml)).

<sup>76</sup> If there is not a *deliberate* intention to enter into competition with the United States and Russia, European influence could be used *surreptitiously* in support of single technical-functional projects, as well as in the fight against terrorism and organized crime. On the basis of the *Decision of the Heads of GUUAM Participating States on the Status of Observers of GUUAM Activities, Yalta, 7/20/2002*, the EU could request observer status.

<sup>77</sup> *Presidency Statement on behalf of the European Union on the Black Sea Economic Cooperation Summit, published in Kiev, Brussels and London on 4 June (1998)*.

<sup>78</sup> Certain EU States, including Italy, have observer status, which involves systematic participation in the various Meetings.

<sup>79</sup> *Report of the (first) meeting of the Council of Ministers of Foreign Affairs, Thessaloniki, 27 October 1999; Report of the second meeting of the Council of Ministers of Foreign Affairs, Chisinau, 27 April 2000; Report of the fourth meeting of the Council of Ministers of Foreign Affairs, Moscow, 27 April 2001; Report of the eighth meeting of the Council of Ministers of Foreign Affairs, Yerevan, 18 April 2003; Report of the ninth meeting of the Council of Ministers of Foreign Affairs, Baku, 31 October 2003.*

<sup>80</sup> In the *Third Meeting* in Bucharest, no EU representatives were present; the same was true in the *Fifth meeting* in Antalya in October 2001, the *Seventh meeting* in Tirana in October 2002 and the *Tenth meeting* in Baku in April 2004.

<sup>81</sup> *Report of the Sixth Meeting ... op.cit.*, sub 5.



interests. Nevertheless, the Communication showed a certain amount of caution regarding both the *classic* tools for cooperation (TACIS, MEDA, INTERREG) and the interlocutors considered as prevalently the single States.<sup>82</sup> The Council of Ministers of Foreign Affairs, in December 1997, simply *noted with satisfaction* the aforementioned Communication.<sup>83</sup> Subsequent relations between the EU and OCEMN have continued to be irregular and not particularly significant, so much so that in 2001 the Greek member of the Commission noted that the Council had not taken a clear position. This blocks the Commission from operating in a coherent manner<sup>84</sup> towards the OCEMN, while supporting single technical-functional initiatives.<sup>85</sup>

Recently, there seems to be increased *political* attention from the EU, including due to the coming membership of Bulgaria and Romania (and presumably Turkey, at some point in the future), such that the Black Sea will become the *border* of the European Union.<sup>86</sup> This geographical change for the EU entails, in our view, the necessity to *elevate* that area in the hierarchy of EU priorities. The relative growth of interest can also be seen in the ENP documents, where, although not much attention is paid to the subject, the OCEMN is always named as one of the regional subjects with whom reciprocal relations of cooperation should be established. It would thus be a good idea to return to the indications of the Commission from 1997, which have been substantially ignored until now, and recognize that this cooperation truly needs to be developed.

#### ***4. Potential for cooperation between the European Union and regional organizations in the context of the ENP***

The analysis of the limited relations currently existing between the EU and the organizations of ENP countries with whom relationships of cooperation appear possible, has allowed us to note that within the EU there is a cautious growth of interest for OCEMN and GUUAM<sup>87</sup> even though, until now, there has been no definition of an overall coherent strategic approach. On this subject, we should realistically say that the development of more fruitful relations depends above all on how much those organizations are able to concretely develop.

In defining a policy for the EU in this field, the first thing to be done, in the short term, is to establish clear institutional relations with these organizations.<sup>88</sup> In this manner, it would be possible to carefully observe the development of the initiatives, especially of a technical-functional character, which are underway in the various forms of cooperation considered eligible.

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<sup>82</sup> Commission Communication of 11/14/1997: *Regional cooperation in the Black Sea; State of play, perspectives for EU action encouraging further development*, COM (97) 597, Brussels, Commission of the EC.

<sup>83</sup> Cfr. European Council of Luxembourg in December 1997, sub 67 ([http://ue.eu.int/ueDocs/cms\\_Data/docs/press\\_data/it/ec/00400.I7.htm](http://ue.eu.int/ueDocs/cms_Data/docs/press_data/it/ec/00400.I7.htm)).

<sup>84</sup> At the *Black Sea Economic Cooperation – European Union* conference, organized by the BSTDB in Salonika in September 2001, Commissioner A. Diamantopoulou stated that the Commission "... has no orders from the European Council for an economic cooperation with the Black Sea"; cfr. Also RAM M.H., *op.cit.*, p.15.

<sup>85</sup> Based on the Commission Communication and the 1997 Foreign Affairs Ministry Conclusions, the EU can offer assistance for BSEC projects through financial assistance programs (Phare e TACIS). Black Sea cooperation is particularly notes in the *Council Regulation N. 99/2000* of 12/29/1999, in GUCE, L 12 from 1/18/2000 and also in *TACIS Regional Cooperation. Strategic Consideration 2002-2006 and Indicative Programme 2002-2003*, of 12/27/2001. An additional area of cooperation is that of the environment, through collaboration between the Commission and the ICBSS.

<sup>86</sup> Cfr. The very meaningful study of AYDIN M., *op.cit.*, which reminds us of Bulgaria and Romania's membership in NATO, Moldova and Georgia's participation in the *Partnership for Peace* and their strengthened cooperation with NATO.

<sup>87</sup> In the Commission Communication of 5/12/2004 p.23 the GUUAM is ignored, while the OCEMN and other organizations are mentioned. (Council of Europe, Central European Initiative, etc.).

<sup>88</sup> A first important clarification at the institutional level, could be that of defining the competent body (Council or Commission) and establishing official relations through the acquisition, according to the particular situation of *observer* or *guest status*.



As for the Eastern European organizations, the option we suggest is based on the consideration that the GUUAM countries,<sup>89</sup> like the OCEMN countries, are also members of the Council of Europe and the OSCE, and thus demonstrate a political and juridical<sup>90</sup> participation in *shared European values*. As we have noted, all of these countries *unilaterally* describe themselves as *potential candidates for membership*.<sup>91</sup> In this perspective, the EU is viewed as a historical example of economic cooperation which has led to the positive resolution of centuries-old political problems.<sup>92</sup> The position of the Arab States in the Mediterranean is different, where the perspective for membership does not seem possible, and realistically, the goal is an intermediate position between association and *membership*.<sup>93</sup>

In the medium term, the European Union should define a systematic and coherent strategy, in particular towards the OCEMN and GUUAM, recognizing their complementarity in the context of a *Wider Europe*.<sup>94</sup> To not define a systematic approach of this type would mean to relinquish an important strategic tool for the strengthening of stability and security in an area where there are significant conflicts and tensions. Indeed, the definition of a strategy of collective cooperation with two regional organizations, as a substitute for the current irregular cooperation, could represent a systematic and balanced link (no longer individual and bilateral) with Eastern European States that intend to contribute both singly and through organizations to the definition of Europe's new structure.

A systematic policy would only strengthen the position of the EU, that has no hegemonic aims, as opposed to players such as Russia and the United States that *influence* the single States in the area. In the perspective of the coming shift of the EU's borders to the Black Sea, a stronger relationship could be useful for both sides, as it can help states which *aspire to be part of Europe* resolve their internal problems (*rule of law, democracy, human rights, protection of minorities, security, etc.*) as well as problems which are bilateral in character (*territorial, ethnic, etc.*). Furthermore, and possibly above all, this could provide the chance to develop that *culture of cooperation* that is indispensable for joining the EU, in a distant future: *almost a sort of long graduation exam*. The European Union could aid this growth by providing *incentives* for the rational use of the *joint* financial resources of both these organizations and the Union itself, through the coordination of all possible tools. Such *joint* initiatives concentrated on projects of a technical-functional nature of pan-European interest (transportation, energy, environment) would allow for the emergence of a concrete (and not merely stated) commitment from the ENP States in the form of regional cooperation. Such an approach could allow for modifying the approach between Europe and those States over time, based on the actual political and financial results obtained.

The possibilities for cooperation between the EU and the organizations of the Arab-Mediterranean world appear more complex. The current fragile nature of these organizations makes the EU's caution towards initiatives such as the UMA, which seems to be characterized by the lack of political will at the highest levels, fully understandable. The same can be said of the recent *Agadir agreement* initiative. If, in time, the conditions develop, the strengthening of the EU's cooperation

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<sup>89</sup> As we said, Uzbekistan does not actively participate the cooperation in the framework of the GUUAM, that currently includes Georgia, Ukraine, Azerbaijan, and Moldova, all ENP States.

<sup>90</sup> Regarding the role of the ENP in strengthening democracy and the rule of law, cfr. CREMONA M., *op.cit.*.

<sup>91</sup> Along these lines, AYDIN M., *op.cit.*, p.16 correctly notes that all of the OCEMN countries, except for Russia, consider the Black Sea cooperation as subsidiary to future possible membership in the EU.

<sup>92</sup> In this field RAM M.H., *op.cit.*, pp.7-8 observes that "*Many of the countries in the Black Sea Economic Cooperation (BSEC), for example, see subregional economic cooperation as a means of building peace and stability, even if political disputes currently remain unresolved, citing the EU's history as evidence that this approach can succeed.*"

<sup>93</sup> For a draft of the Maghreb countries' response to the ENP, cfr. the brief intervention of the UMA Secretary General, BOULARES H., *La nouvelle politique européenne de voisinage vue du Maghreb*, Communication du 17.9.2004 at l'Institut des Relations Internationales.

<sup>94</sup> On the advisability of defining a coherent Euro-Atlantic strategy towards the Black Sea area, cfr. ASMUS R.D. a. JACKSON B.P., *The Black Sea and the Frontiers of Freedom*, in *Policy Review*, June 2004, ([http://www.policyreview.org/juin04/asmus\\_print.html](http://www.policyreview.org/juin04/asmus_print.html)).

with those organizations will necessarily be realized in the context of the privileged double relationship constituted by the Euro-Mediterranean Policy and the European Neighbourhood Policy.

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## **From EMP to ENP: What's at Stake with the European Neighbourhood Policy towards the Southern Mediterranean?<sup>1</sup>**

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<sup>1</sup> A first version of this paper was presented at the conference "The Future of the Euro-Mediterranean Partnership in Light of 'Wider Europe': The Human Dimension", held on 5-6 November in Siena and organised by the Mediterranean Programme of the Robert Schuman Centre for Advanced Studies at the European University Institute Florence. The authors are grateful to all participants for their useful comments and in particular would like to thank Alfred Tovas and Michael Emerson. This version was submitted to the European Foreign Affairs Review and is currently under review.

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## I Introduction

For almost a decade, the Euro-Mediterranean Partnership (EMP) has been the main venue for the EU's relations to its southern periphery. Involving most countries on the southern shore of the Mediterranean sea, the EMP covers different aspects of regional and bilateral co-operation in the realms of politics and security, economics, and social and cultural affairs (Barcelona Declaration, 1995).<sup>3</sup> Compared to the overly ambitious aim of the Partnership of creating an area of peace, prosperity, and stability, the achievements have been modest, and the EMP has been criticised on different accounts.<sup>4</sup> In the literature, there may be some disagreement on what constitutes the most serious flaw of the EMP. However, most observers would agree that the EMP did not live up to the expectations the initiative raised when it was launched in November 1995. This also implies that the EMP's contribution to economic and social development and stability in the Mediterranean have been rather modest.<sup>5</sup>

There is no doubt that over the years, the Euro-Mediterranean Partnership, or Barcelona Process, has come under serious reform pressure.<sup>6</sup> To a large extent, this is due to the altered regional and global parameters within which EU policy towards the Mediterranean takes place. Indeed, when the EMP started in 1995, peace-talking characterised the Middle East, multilateralism was the sign of the times, 9/11 was a perfidious movie scenario at best, the EU had 15 member states, and Saddam Hussein was still in power in Iraq. Nine years later, the Middle East peace process has collapsed, and violence characterises relations between Israel and the Palestinians. Whether real impediment or diversion,<sup>7</sup> the demise of the peace process has undoubtedly put a strain on the region-building efforts of the EMP. The events of September 11, on the other hand, have lent fame to Huntington's undifferentiated

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<sup>3</sup> See E. Philippart, 'The Euro-Mediterranean Partnership: A Critical Evaluation of an Ambitious Scheme' (2003) 2 *EFA Rev.* pp. 201-220.

<sup>4</sup> See for example A. Jünemann, 'Die EU und der Barcelona-Prozess, Bewertung und Perspektiven' (2001) 1, pp. 42-57; F. Attinà and S. Stavridis (eds.), *The Barcelona Process and Euro-Mediterranean Issues from Stuttgart to Marseille* (Giuffrè, Milan, 2001); B. Huldt, M. Engman, and E. Davidsson (eds.) *Strategic Yearbook 2003: Euro-Mediterranean Security and the Barcelona Process* (Elanders, Stockholm, 2002).

<sup>5</sup> See T. Schumacher, *Survival of the Fittest: The First Five Years of Euro-Mediterranean Economic Relations*, EUI Working Papers (RSCAS, Florence, 2004) 13.

<sup>6</sup> See T. Schumacher, 'Riding on the Winds of Change: The Future of the Euro-Mediterranean Partnership' (2004) 2 *The International Spectator*, pp. 89-103.

<sup>7</sup> R. Del Sarto, *Contested State Identities and Regional Security in the Euro-Mediterranean* (Palgrave, New York, [2005] forthcoming).

thesis on the 'clash of civilizations'<sup>8</sup>, while the focus of attention has obviously shifted to the issues of terrorism and Islamist extremism. Particularly in the Euro-Mediterranean context, this development recurrently went at the expense of democracy promotion in the southern Mediterranean.<sup>9</sup> Moreover, the 2003 US-led invasion of Iraq has contributed to a further destabilisation of the Middle East – besides provoking an EU-internal rift and a growing divide between (most of) 'Europe' and the US.<sup>10</sup>

But even more important for the future of EU-Mediterranean relations is the enlargement process that the EU is currently undergoing. As immediate effect, the 2004 EU accession of Malta and Cyprus – along with Turkey's 'waiting room' position – has changed the composition of the EMP's southern partners.<sup>11</sup> Combined with the collapse of the Middle East peace process, this development has seriously undermined the EMP's regional and sub-regional dimension.<sup>12</sup> Indeed, regional co-operation between the remaining eight (and, if Libya will join the EMP, nine<sup>13</sup>) Arab Mediterranean partners and Israel is almost non-existent. However, the recent round of EU enlargement is having a much deeper impact on EU external relations in general, and EU-Mediterranean relations in particular. Indeed, enlargement has prompted the EU to reconsider relations to those countries on the EU's southern and eastern borders that will not enter the EU in the foreseeable future. The EU's 'wider Europe' scheme, first proposed by the Commission in March 2003, and the 'European Neighbourhood Policy' into which the scheme developed may be read as an attempt to offer a 'consolation prize' to the EU's neighbours, new and old.<sup>14</sup> But the new policy approach is also a clear response to

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<sup>8</sup> S. Huntington, *The Clash of Civilisations and the Remaking of World Order* (Simon & Schuster, New York, 1996).

<sup>9</sup> See R. Gillespie and R. Youngs, *The European Union and Democracy Promotion: The Case of North Africa* (Frank Cass, London, 2002); R. Gillespie, 'A Political Agenda for Region-Building? The EMP and Democracy Promotion in North Africa', in E. Adler, F. Bicchì, B. Crawford, and R. Del Sarto (eds.), *The Convergence of Civilizations? Constructing a Mediterranean Region* (University of Toronto Press, Toronto, to be published).

<sup>10</sup> See C.-P. Hanelt, G. Luciani, and F. Neugart (eds.), *Regime Change in Iraq. The Transatlantic and Regional Dimension* (Florence, RSCAS Press, 2004).

<sup>11</sup> See R. Del Sarto, 'Turkey's EU Membership: An Asset for the EU's Policy towards the Mediterranean/Middle East?', in N. Tocci and A. Evin (eds.), *Towards Accession Negotiations: Turkey's Domestic and Foreign Policy Challenges Ahead* (Florence, RSCAS Press, 2004), pp. 137-156.

<sup>12</sup> See T. Schumacher, 'Dance In – Walk Out: Turkey, EU Membership and the Future of the Barcelona Process' in N. Tocci and A. Evin, n. 11 above, pp. 157-174.

<sup>13</sup> At present, Libya has an observer status with regard to the Barcelona Process. It was invited to become a full member as soon as the sanctions of the UN Security Council have been lifted (which occurred in the meantime) and once Libya has fully accepted the 'Barcelona acquis'.

<sup>14</sup> See Commission of the European Communities, *Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours*, Communication from the Commission to the Council and the European Parliament, Brussels, 11 March 2003, COM(2003) 104 final; Commission of the European

the changing composition, shifting borders, and altered geo-political outlook of the EU that enlargement evidently implies. Based on a benchmarking approach, 'wider Europe' and the 'European Neighbourhood Policy' propose the substantial upgrading of political and economic relations, going as far as offering 'a stake' in the EU's internal market.<sup>15</sup>

This article argues that as far as the Mediterranean is concerned, the EU's Neighbourhood Policy constitutes an important policy shift within EU policy towards the south, particularly if it is compared to the Euro-Mediterranean Partnership. The concept of 'wider Europe' and the European Neighbourhood Policy (ENP) are a clear result – and a reflection – of EU-internal dynamics. In this vein, the objective of establishing a 'ring of friends' may be read as an attempt to buffer, and with it to blur, the EU's external borders. Thus, considering this distinct logic and motivation, the 'wider Europe – Neighbourhood' policy was *not* designed to address socio-economic problems in the EU's periphery in the first place. As far as the Mediterranean is concerned, the EU's new policy approach does however correct a number of shortcomings of the EMP – probably rather unintentionally than deliberately. However, the instruments of the ENP and the alleged incentives it offers are ill-defined and inadequate for reaching the explicit and implicit policy objectives. In fact, tools and incentives of the 'wider Europe' policy are surrounded by a number of myths which do not hold up against a realistic investigation. Thus, it is unlikely that the ENP will consistently contribute to the socio-economic development of the southern Mediterranean or be helpful in connecting the EU's neighbours to the centre in a sustainable way.

The article is organised as follows: The first section discusses the shifts that have been taking place in the EU's policy towards the countries of the southern Mediterranean in the context of EU enlargement. Arguing that the 'wider Europe – Neighbourhood' policy constitutes a policy shift with regard to the EU's southern periphery, the second section will investigate the origins, motivation, and underlying reasons of the ENP. In light of this analysis, the ENP's potential, incentives, and instruments will be highlighted, while identifying diverging interests and positions within and among EU institutions. What is at stake with the offer of 'a stake' in the EU's internal market and which incentives does the 'wider Europe' scheme offer? The article will conclude with some remarks regarding the

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Communities, *European Neighbourhood Policy – Strategy Paper*, Communication from the Commission, Brussels, 12 May 2004, COM(2004) 373 final.

<sup>15</sup> See COM(2004) 373 final.

evolving nature of the ENP and its linkage to other recent initiatives, such as Javier Solana's European Security Strategy and the Strategic Partnership Initiative for the Mediterranean and the Middle East.

## **II. From EMP to ENP**

According to the Commission, the declared aim of the ENP is 'to share the benefits of the EU's 2004 enlargement with neighbouring countries in strengthening stability, security, and well-being'.<sup>16</sup> The Commission also stresses that the ENP is 'designed to prevent the emergence of new dividing lines between the enlarged EU and its neighbours', while offering them the 'chance to participate in various EU activities, through greater political, security, economic and cultural co-operation'.<sup>17</sup> Thus, at first sight, the Neighbourhood Policy is very much in line with the principles of EU external policies, as it aims at increased stability, security, and stability through co-operation in various policy fields. However, range and scope of the envisaged co-operation, which is to involve 'a significant measure of economic and political integration', as the Commission puts it,<sup>18</sup> somewhat represents a novelty – together with the geo-political vision of a creating a 'ring of friends', ranging from Russia to Morocco.

As far as the Mediterranean is concerned, the Commission has repeatedly claimed that the 'wider Europe' scheme is compatible with, and complementary to, the Barcelona Process. Thus, the Commission stated that the ENP 'should not override the existing framework of EU relations with [...] the southern Mediterranean Partners. Instead, "wider Europe" would supplement and build on existing policies and arrangements'.<sup>19</sup> On another occasion, the Commission declared that regarding the Mediterranean, the ENP 'will be implemented through the Barcelona Process and the Association Agreements with each partner country'.<sup>20</sup> But is the 'wider Europe – Neighbourhood' policy really a further development of the EMP in the Mediterranean, as the Commission would have it? How compatible are the two policy approaches with regard to the Mediterranean? It can be argued that the ENP considerably differs from the EMP in at least four important points with regard to the Mediterranean:

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<sup>16</sup> Ibid, p. 3.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid., p. 5.

<sup>19</sup> COM(2003) 104 final, p. 15.

<sup>20</sup> COM(2004) 373 final, p. 6.



First, the ENP abandons the prevalence of the principle of *regionality* that was inherent in the Barcelona Process, and replaces it with *differentiated bilateralism*.<sup>21</sup> Certainly, the EMP already incorporated a bilateral dimension, but it was based on rather similar association agreements with the individual Mediterranean partner countries. Displaying a region-building approach to Euro-Mediterranean security,<sup>22</sup> the EMP, inspired by the positive developments in the Middle East peace process of the early 1990s, maintained a strong regional focus, which the Commission considered 'one of the most innovative aspects'.<sup>23</sup> Conversely, the 'wider Europe' scheme is an explicitly *differentiated* and *bilateral* approach. Indeed, operating on an individual basis, the Neighbourhood Policy offers to upgrade relations to those neighbours that are politically and economically most advanced and/or show commitment to undertake serious political and economic reforms.<sup>24</sup> As far as the Mediterranean is concerned, the Commission declares that the regional dimension of the EMP shall be maintained to promote sub-regional co-operation in the south.<sup>25</sup> But 'wider Europe' no longer relies on the EMP's idea of an encompassing *Euro-Mediterranean* region. If the EU claimed in 2000 that in its Mediterranean policy '[m]ultilateralism is now as common as, and even prevalent over, traditional bilateral approaches',<sup>26</sup> the Commission now acknowledges that the regional dimension of the Barcelona Process is only a complementary element, which is limited to the promotion of *intra-regional* trade and *sub-regional* cooperation in the southern periphery at best.

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<sup>21</sup> See R. Aliboni, *The Euro-Mediterranean Partnership: Regional and Transatlantic Challenges*, Opinions Working Paper, Center for Transatlantic Relations, SAIS, Johns Hopkins University (Washington, 2003), p. 8.

<sup>22</sup> See R. Del Sarto, 'Israel's Contested Identity and the Mediterranean' (2003) 1 *Mediterranean Politics*, pp. 27-58; E. Adler, F. Bicchì, B. Crawford, and R. Del Sarto (eds.), *The Convergence of Civilizations? Constructing a Mediterranean Region* (University of Toronto Press, Toronto, to be published).

<sup>23</sup> European Commission, *Europe and the Mediterranean: Towards a Closer Partnership. An Overview over the Barcelona Process in 2002* (Office for Official Publications of the European Communities, Luxembourg, 2004), p. 5. Of course, it can be argued that the bilateral dimension was predominant given that approximately 80% of all MEDA payments during 1995-2003 were committed to bilateral projects (see <<http://europa.eu.int/comm/europeaid/projects/med/financial/1995-2003.pdf>>). Yet such an argumentation disregards the fact that the EMP, for the very first time in Euro-Mediterranean relations, provided all partners with both a platform for multilateral dialogue and a track for multilateral projects.

<sup>24</sup> Among others, the following incentives are proposed by the Commission: integration into the internal market and extension of the regulatory structures, preferential trade relations and opening of markets, integration into the transport, telecommunications, and energy networks as well as the European Research Area, new instruments for promoting and protecting foreign investments, support for integration into the global trading system, enhanced financial and technical assistance, and perspectives for lawful immigration and movement of people.

<sup>25</sup> See COM(2004) 373 final, p. 8.

<sup>26</sup> European Commission, *The Barcelona Process, Five Years On – 1995-2000* (Office for Official Publications of the European Communities, Luxembourg, 2000), p. 15.

Second, the transition from the EMP to the ENP seems to imply a 'shift of gears' regarding the principle of conditionality. Thus, while the Barcelona Process introduced (theoretically) the principle of 'negative conditionality', the Neighbourhood Policy is explicitly based on the principle of *positive conditionality*.<sup>27</sup> This principle goes hand in hand with the differentiated policy approach of 'wider Europe'.<sup>28</sup> Indeed, in the framework of the Barcelona Process, Euro-Mediterranean Association Agreements contained the clause that the agreements may be suspended if the respective partner state violated the respect for human rights. However, the EU never made any use of this principle in practice, not even in the notorious Sa'ad Eddin Ibrahim case in Egypt.<sup>29</sup> In general, the EU's lacking will and/or capability to effectively follow up on human rights issues has widely been criticised.<sup>30</sup> At the same time, progress of some Mediterranean partner states in the stipulated reform process did not translate into any additional funding. With it, reform-willing states did not receive any significant incentives to proceed further in the reform process. Conversely, irrespective of the Commission's claim that the 'EU does not seek to impose conditions or priorities on its partners',<sup>31</sup> the ENP explicitly relies on a benchmarking approach: Only those states that share the EU's political and economic values and/or commit themselves to engage in reforms will have anything to gain from the EU's Neighbourhood Policy. While the single states will be actively involved in developing a country-specific 'Action Plan', as the Commission calls it, EU engagement will explicitly be conditional on the meeting of agreed targets for reform. This indicates that the EU intends to move from 'passive engagement', which characterised the EMP, to 'active engagement' with the ENP, as Emerson has put it.<sup>32</sup>

Third, and related to the previous point, in the framework of the ENP the EU is much more straightforward regarding the question of what its genuine *interests* are. The Barcelona Declaration was much more careful on this issue – although security and economic interests of

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<sup>27</sup> For an extensive overview of the concept of conditionality, see O. Stokke (ed.), *Aid and Political Conditionality* (Frank Cass, London, 1995); D. Schmid, Linking Economic, Institutional and Political Reform: Conditionality within the Euro-Mediterranean Partnership, *EuroMeSCo Paper* 27, Lisbon, 2003.

<sup>28</sup> See T. Schumacher, n. 6 above, pp. 91-93.

<sup>29</sup> The EU did not suspend bilateral funding when the Egyptian authorities imprisoned the sociology professor Sa'ad Eddin Ibrahim who was conducting a MEDA-sponsored human rights project. Among other things, the professor was accused of embezzling EU funds (which the EU denies) and besmirching Egypt's name internationally. On this issue, see for example M.A. Weaver, 'Egypt on Trial', *New York Times Magazine*, 17 June 2001, pp. 46-55.

<sup>30</sup> See for example Jünemann, n. 4 above.

<sup>31</sup> COM(2004) 373 final, p. 8.

<sup>32</sup> See M. Emerson, *The Wider Europe Matrix* (CEPS, Brussels, 2004), pp. 69-75.

the EU and of its member states obviously motivated the EMP. But while the latter relied on the logic of region-building and recurrently referred to allegedly shared values, the 'wider Europe – Neighbourhood' policy is unmistakably framed in terms of 'interests'. These are, for instance, close co-operation with the neighbours in order to enable the EU to provide security and welfare to its citizens as well as the effective control of borders, explicitly mentioned as a 'common interest'.<sup>33</sup> Regarding the challenges deriving from poverty, autocratic rule, and conflicts in its periphery, the 2003 document unambiguously states – even formatted in bold – that 'the EU has a clear interest in ensuring that these common challenges are addressed'.<sup>34</sup> The EU also clearly expresses its interest in playing a greater role in conflict prevention and crisis management, explicitly mentioning the Palestine conflict and the dispute over the Western Sahara.<sup>35</sup> The aim of adopting a far more active role is also re-iterated in Javier Solana's Security Strategy Paper of December 2003.<sup>36</sup> At the same time, the 'wider Europe – Neighbourhood' policy, rather explicitly than not, expresses the aim of exporting the EU's values to its immediate periphery. Thus, 'concrete progress demonstrating shared values' and 'the respect for shared values', as the Commission nicely puts it, are a key benchmark on which closer economic integration with the EU will depend.<sup>37</sup> The Commission does not leave any doubts that the 'commitment to shared values' refers to the values *of the EU and its member states*, such as democracy, liberty, rule of law, respect for human rights and human dignity. With it, the EU acknowledges its ambitions of acting as a 'normative power'<sup>38</sup> in a surprisingly assertive way.

Fourth, the ENP's individual benchmarking approach is most likely to compromise the EU's traditional ambition of being an even-handed broker in the Middle East peace process. This is particularly the case in light of probable development of EU-Israeli relations. Indeed, in preliminary talks, EU officials presented Israel's integration into the EU's internal market

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<sup>33</sup> COM(2003) 104 final, p. 6.

<sup>34</sup> Ibid., p. 16.

<sup>35</sup> Ibid., p. 12.

<sup>36</sup> *A Secure Europe in a Better World, European Security Strategy*, Brussels, 12 December 2003, available at <<http://europa.eu.int/pressdata/EN/reports/78367.pdf>>, accessed 15 May 2003.

<sup>37</sup> COM(2003) 104 final, p. 4 and 16.

<sup>38</sup> See I. Manners 'Normative Power Europe: A Contradiction in Terms?' (2002) 2 *Journal of Common Market Studies*, pp. 235-58. Normative power, in this sense, relies on the principle of exerting influence in world politics and achieving peaceful change through the export of norms and values. See E. Adler and B. Crawford, "'Normative Power" and the European Practice of Region Building: The Case of the Euro-Mediterranean Partnership', in E. Adler, F. Bicchieri, B. Crawford and R. Del Sarto (eds.), *The Convergence of Civilizations? Constructing a Mediterranean Region* (University of Toronto Press, Toronto, to be published).

as a top priority within the 'wider Europe' policy. In this vein, former Commissioner Günter Verheugen stated in front of an Israeli public:

'I consider Israel to be a natural partner for the EU in the new neighbourhood policy. (...) Our relations will be tailor-made and can range from the status quo to the type of close interconnection that we have with countries like Norway or Iceland in the European Economic Area'.<sup>39</sup>

Regardless of whether it is wise to put Israel in the same basket as the EEA countries, the EU's Mediterranean policy has so far made the upgrading of bilateral EU-Israeli relations dependent on progress in the peace process. However, at this point the EU seems to soften its stance on this issue. With it, the EU shows signs of returning to the logic of the EU's 1994 Essen Declaration, which conceded Israel a 'special status'. In fact, the future of EU-Mediterranean bilateral relations at large are most likely to be disconnected from the fate of Middle East peace-making, a point that is also made in the EU's Strategic Partnership with the Mediterranean and Middle East of 2004:

'Progress on the resolution of the Middle East conflict cannot be a pre-condition for confronting the urgent reform challenges facing the countries of the region, nor vice versa. But it is clear that it will not be possible to build a common zone of peace, prosperity and progress unless a just and lasting settlement to the conflict is in place.'<sup>40</sup>

In light of the discussion so far, 'wider Europe' is a departure from the rationale and guiding principles of the EU's Mediterranean policy maintained thus far. Most conspicuously, 'wider Europe' contradicts the regional design of the EMP and its inherent region-building logic. While it downgrades the regional dimension to a complementary, and in fact optional, element, the ENP incorporates a much stronger conditionality that goes hand in hand with the country-to-country approach that the policy implies. At the same time, the EU seems committed to play a greater role in world politics, including in the resolution of conflicts, which shall be part of the policy approach. One may argue that with regard to the Mediterranean, the EU's new policy acknowledges the EMP's failures and seeks to correct the latter. In particular, this point could be made with regard to the issue of conditionality and benchmarking. Similarly, it is possible to read the abandonment of the regional rationale in the

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<sup>39</sup> G. Verheugen, Speech delivered at a Conference on EU Enlargement and Israel, The Hebrew University, Jerusalem, 15 June 2003, available at the website of the Delegation of the EU Commission to Israel, <<http://www.eu-del.org.il/English/default.asp>>, accessed 19 June 2004.

<sup>40</sup> 7383/04 (Presse 80), 2572<sup>nd</sup> Council meeting – External Relations.

Mediterranean in favour of a tailor-made approach as an indication of the EU's new sense of reality. In fact, after four years of bloody *Intifada* and constantly worsening Arab-Israeli relations, this reality check could be labelled '*mieux vaut tard que jamais*'. However, the argument put forward here is that the EU's new policy approach towards its neighbourhood, including the Mediterranean, is not so much the result of a thorough assessment and evaluation procedure with regard to previous policies. Neither is it a more or less linear development of the EU's Mediterranean policy. Rather, resulting from internal dynamics that are linked to EU enlargement, the ENP and 'wider Europe' follow a different logic and address a distinct set of priorities, as will be discussed in the following section.

### **III. Blurry Borders, Fading Out**

The apparent contradictions between the EU's Mediterranean policy thus far and the 'wider Europe' approach as far as the Mediterranean is concerned raise a number of questions. What explains the EU's policy change and what are its implications in terms of expected policy outcome? And what is the logic of the ENP, what are its origins and underlying motivations? And what does this tell us about the (explicit and implicit) policy objectives?

It is argued that the 'wider Europe – Neighbourhood' policy is, first of all, the result of a process in which the EU was primarily concerned with itself – and not with the realities in its (southern) periphery. To put it differently, reflecting a quite self-absorbed attitude, 'wider Europe' was mainly motivated by EU-internal dynamics, and not external factors. More specifically, the ENP is a result of the EU's changed composition and geo-strategic outlook in view of the last round of enlargement. In this vein, it can be maintained that the ENP is ill-designed to contribute to the socio-economic development of the EU's periphery, the latter not being the primary policy objective of the ENP. Rather, the 'wider Europe – Neighbourhood' policy aims at blurring the EU's external borders, while moving possible new 'dividing lines' farther away. Within this buffering logic, 'wider Europe' aims at tying the EU's old and new neighbours closer to itself, while interconnecting the neighbourhood in terms of trade and political relations, energy, infrastructure, and telecommunication networks. The different degrees of integration into the EU's internal market of the old and new neighbours that the ENP proposes somewhat convey the image of an EU that will be 'fading out' towards its external borders. Thus, depending on the trade regime in place between the EU and single

partner states, there will be different types of virtual, subject-specific ‘borders’ in the EU’s periphery. The planned financial instruments in the framework of the ENP additionally suggest that ‘wider Europe’ aims at blurring the EU’s external borders. Thus, the Commission for instance proposes to reform the INTERREG programme, which so far supported cross-border co-operation among regions *within the EU*. In the framework of ‘wider Europe’, this programme shall now also cover EU-external activities, that is, cross-border cooperation *both within the EU and across the neighbourhood*.<sup>41</sup>

Certainly, the socio-economic development of the EU’s neighbourhood may be a by-product of the implementation of ‘wider Europe’. But not corresponding to the objective of the ENP, this is by no means self-evident or automatic. It is certainly no secret that the 2003 EU enlargement motivated the ‘wider Europe – Neighbourhood’ policy, and the Commission widely acknowledges this fact.<sup>42</sup> Hence, enlargement also determined the underlying logic and guiding principles of the ENP. Viewed from the enlargement logic, ‘wider Europe’ represents a reassessment of the EU’s external relations in view of the fundamental changes that have been taking place within the EU itself. The enlarged EU has not only become larger in terms of population and territory – and thus more powerful in economic and political terms, but it also finds itself bordering new states. As the Commission asserts straightforwardly, the ‘European Neighbourhood Policy is a response to this new situation’.<sup>43</sup> Internally, the considerations of what the new Europe is and what it should be are reflected in the fervent discussions on the constitution that the EU is to adopt. In the realm of foreign policy, enlargement has resulted in the re-evaluation of relations to the old and new bordering states, along with a re-assessment of the EU’s qualities and capabilities.

In this context, it should be kept in mind that the ‘wider Europe’ scheme was concocted in the DG for Enlargement under the aegis of former Enlargement Commissioner Verheugen. The DG for External Relations, and here in particular the desks in charge of Mediterranean and Middle Eastern affairs, were initially not involved in the formulation of the ENP. This is not surprising considering that the ‘wider Europe’ scheme was conceived in

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<sup>41</sup> See Commission of the European Communities, *Building Our Common Future: Challenges and Budgetary Means of the Enlarged Union 2007-2013*, Brussels, 11 February 2004, COM(2004) 101 final; see also Commission of the European Communities, *Proposal for a Regulation of the European Parliament and of the Council: Laying Down General Provisions Establishing a European Neighbourhood and Partnership Instrument*, Brussels, 29 September 2004, COM(2004) 628 final.

<sup>42</sup> COM(2003) 104 final, pp. 3-4; COM(2004) 373 final, p. 2.

<sup>43</sup> Ibid.

order to primarily deal with the EU's *new eastern neighbours* after enlargement, and here most notably Russia, as EU Commission officials admit.<sup>44</sup> Thus, the 'wider Europe' scheme was not meant to address the EU's Mediterranean neighbours, let alone the problems related to socio-economic development, stability, or regional security in the area. Until present, enlargement officials have been dominating the process of elaborating and concretising the ENP. This is visible, for instance, in the composition of the Commission's internal 'Wider Europe Task Force', which so far reported to Verheugen and was strongly dominated by DG Enlargement officials.<sup>45</sup> Thus, the 'wider Europe – Neighbourhood' policy also 'physically' originates in the enlargement department – and it was dominated by the latter until present. However, according to EU officials, this is supposed to change. With the new Commission taking office in November 2004, the DG for External Relations shall become the main responsible for the ENP. Yet it remains to be seen whether this shift of competences will really take place and, if so, what the consequences will be.

Still in the framework of the EU's enlargement logic, 'wider Europe' and the ENP also reflect a shift within the EU's perspective and self-perception. To put it differently, the principles of the Neighbourhood Policy reveal a new dimension of how the EU considers itself and looks at the world. This is particularly the case if the 'wider Europe – Neighbourhood' policy is compared to the EMP. Although there was undoubtedly a discrepancy between theory and practice, the EMP stressed the importance of north-south and south-south cooperation, along with the notion of partnership. 'Wider Europe', conversely, explicitly conveys a centre-periphery approach – with the EU obviously standing at the centre. In this context, the ENP's aim of creating 'a ring of friends', as Romano Prodi has put it, is as much telling as the concept of 'wider Europe' and the idea of 'neighbourhood' themselves.

Thus, with the ENP, the EU is not only moving towards a greater assertiveness, but it also displays a new self-confidence regarding its role in regional and international politics. The essence of EU foreign policy towards its periphery may still be predominantly 'soft', 'civilian', or normative. However, it seems that with the ENP, the EU openly acknowledges

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<sup>44</sup> Private communication. Russia, however, did not react in a particularly enthusiastic way to the 'wider Europe' scheme.

<sup>45</sup> While reporting to Verheugen, so far the task force was headed by the Deputy Director General of the DG for External Relations. However, it comprised 18 officials from the DG Enlargement, and only 10 officials from the DG External Relations. For the composition of the Task Force, see <[http://europa.eu.int/comm/world/enp/task\\_force\\_en.htm](http://europa.eu.int/comm/world/enp/task_force_en.htm)>, accessed 21 June 2004.

the unequal power relations between itself and its neighbours, while displaying the willingness to use this power for pursuing its foreign policy interests. At the same time, an enlarged EU is obviously first and foremost interested in securing *itself*. In view of previous experiences, enlargement is indeed likely to create new dividing lines as trade and investments are 'diverted' towards the new member states. Seeking to establish a 'cushion' of new neighbours, some of whom will enjoy a 'virtual' EU membership, may be read as an attempt of preventing the emergence of new fault lines and zones of instability – at least in the EU's *immediate* periphery.

In light of the discussion thus far, EU internal dynamics lie at the heart of the 'wider Europe' approach, determining its logic, principles, and objectives. External factors were secondary at best within the formulation of the ENP, while the specificities and developments of the Mediterranean probably found only scant attention, if at all. At the same time, 'wider Europe', arguably because it is intrinsically linked to questions of EU identity, came to 'overwrite' the policy that the EU maintained thus far towards the Mediterranean. Certainly, seeking to 'blur' the EU's borders and/or pushing them farther away may be advantageous for the EU. But it hardly seems an adequate recipe for soothing socio-economic problems in the EU's periphery, particularly in the Mediterranean area. More than that, however, it remains questionable whether the incentives that the EU proposes have the potential at all of creating a 'ring of friends' around the EU. Thus, in view of the very specific logic of the ENP, it is particularly questionable whether the policy incorporates the adequate instruments and incentives in order to meet its objectives. This is even more the case as far as Mediterranean is concerned.

#### **IV. The European Neighbourhood Policy in the Mediterranean: The Potentials**

With regard to the Mediterranean, the ENP corrects a number of deficiencies of the Euro-Mediterranean Partnership. At least theoretically, thus, the 'wider Europe' scheme has a number of potential assets as far as the EU's policy towards the Mediterranean is concerned. Three aspects are particularly important here:

First, the bilateral and differentiated approach may be advantageous for both the EU and the Mediterranean partners. For the EU, dealing with each southern Mediterranean country on a one-by-one basis certainly comports a far greater opportunity of exerting its



political and (already strong) economic influence in the neighbourhood. On the other hand, in view of the high incidence of particularistic attitudes of the political elites in the southern Mediterranean, conducting relations on a bilateral and differentiated basis assumedly corresponds to the preference of most Mediterranean partners. Indeed, most of these states never really appreciated to be put into the group of 'southern Mediterranean states', together with real or potential rivals or foes, and in disregard of the country's special features or type of relations with the EU. These considerations particularly applied to Israel, which traditionally considered the EMP as a 'straightjacket',<sup>46</sup> but they were also relevant for other states, such as Morocco or Egypt. For the southern partners, thus, the ENP's bilateral and differentiated focus increases the opportunity of voicing their particular concerns. In addition, the one-by-one approach also reduces the influence of the fate of the peace process on EU-Mediterranean relations in general terms. In this vein, refraining from a regional approach promises to decouple peace-making from the similarly crucial issue of political, social, and economic reforms in the southern Mediterranean. In this context, however, it is far from being clear which role the EU will be able to play in Middle East peace-making, particularly in view of the top priority that Israel enjoys in the 'wider Europe' framework.

Second, the introduction of the principle of 'joint ownership' is certainly a positive development. In the framework of the EMP, Mediterranean partners had repeatedly complained about the lack of sufficient consultation and involvement in the formulation of the country-specific priorities of MEDA funding. The 'wider Europe – Neighbourhood' policy apparently aims at correcting this flaw. Thus, it stipulates the intensive involvement of the partner states in the path to take and in the country-specific definition of priorities, termed 'Action Plan' by the Commission. It remains questionable, however, whether the principle of 'joint ownership' will be implemented, and if so, how it can be reconciled with the element of 'positive conditionality', as will be discussed in more detail below.

Finally, and related to the previous point, the EU's 'shift of gears' as far as the principle of positive conditionality is concerned may be highly relevant. If implemented, it may encourage reform-willing states such as Morocco or Tunisia to further pursue their reform agenda. Conversely, according to this principle, reform-reluctant states would at least not benefit from increased aid or trade concessions. It should be noted, however, that

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<sup>46</sup> See R. Del Sarto and A. Tovias, 'Caught between Europe and the Orient: Israel and the EMP' (2001) *The International Spectator* 4, pp. 61-75.

comparing the 2003 with the 2004 document on the 'wider Europe – Neighbourhood' policy, there is a regress as far as the EU's assertiveness in terms of conditionality is concerned.<sup>47</sup> This raises some doubts about how serious the EU is in its intention of 'shifting gears' towards 'active engagement'. But the real question is which incentives the EU is willing – and able – to offer in order to make a difference in the southern Mediterranean. Indeed, the alleged 'carrots' that the EU proposes in order to contribute to socio-economic development and stability in the Mediterranean deserve a more thorough discussion. Thus, the next section will discuss the two main shortcomings of the 'wider Europe – Neighbourhood' policy. These comprise, first, the financial dimension of the ENP, and second, the 'carrot' of the free movement of people. Subsequently, the discussion will focus on the question of what is at stake with 'a stake' in the internal market that the Commission proposed.

## **V. The Limits of Financial Resources and the Myth of the Free Movement of People**

As was already pointed out, the ENP's underlying 'everything-but-membership' approach, as former Commission President Romano Prodi has called it,<sup>48</sup> apparently conceives of a proactive strategy for the EU's future relations with its neighbours by offering reform-minded countries 'a stake in the EU's Internal Market and further integration and liberalisation to promote the free movement of persons, goods, services and capital (four freedoms)'.<sup>49</sup> Most of the EU's new eastern neighbours can hardly be said to have reacted enthusiastically to this prospect, particularly because it was – and still is – seen as spoiling their chances for EU accession. Yet southern Mediterranean neighbours such as Morocco, Tunisia and Israel, all of which have strong trade relations with the EU, seem to consider the ENP as a major step forwards in their relations with the EU. This is most prominent in the case of Morocco that applied for EU membership already back in 1987 and, thus, has been aiming at being fully integrated in the single market for almost two decades. In a way, this enthusiasm can be understood since 'wider Europe' at first glance seems to take into account the multi-faceted interconnectedness between particularly North African countries and their European interlocutors, bordering the Northern shores of the Western Mediterranean. Yet, a closer look

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<sup>47</sup> See COM(2003) 104 final and COM(2004) 373 final.

<sup>48</sup> R. Prodi, 'Sharing Stability and Prosperity', speech delivered at the Tempus MEDA regional conference at the Bibliotheca Alexandrina on 13 October 2003.

<sup>49</sup> COM(2003) 104 final, p. 10.

at the geographical scope of the ENP and at intra-EU interest constellations reveals that it is far from being certain that the EU will eventually be able to grant what it generously offers, and if so, that the offer is really favourable to the southern Mediterranean partners.

With regard to the former, i.e. the provision of the four freedoms, it should be noted that this is subject to EU-inter-institutional interest and position divergences. First of all, it must be kept in mind that 'wider Europe' was drafted exclusively by the European Commission, based on an initiative of the governments of some Northern and Central European countries. Yet due to geographical, economic and socio-cultural reasons, 'wider Europe' and thus the inclusion of southern Mediterranean countries into the single market system is not likely to have a major effect on most of the countries of this part of Europe. In contrast, other EU member states, in particular southern European countries that have large agricultural production capacities and important immigrant communities from the southern Mediterranean, would be much more sensitive to a full-fledged implementation of the four freedoms.<sup>50</sup> Whereas the governments of some countries fear a massive increase of uncontrolled immigration once the free-movement-of-people-regime is implemented, others are anxious about an influx of Islamist terrorist cells. Mainly these concerns provoked strong reservations on the part of some EU member states towards the proposition of extending the entire EU *acquis* to the southern Mediterranean partners. These reservations were already visible during the session of the General Affairs Council on 15 June 2003, i.e. only three months after the Commission published the 'wider Europe' scheme. In fact, since then, the offer to grant the free movement of people, seen by the Commission as a major corner-stone of its efforts to promote the human dimension in an emerging 'wider Europe', gradually disappeared from the EU's list of carrots. Clearly, this runs counter to Romano Prodi's 'everything-but-membership' approach and the ENP's underlying notion of joint ownership. However, when seen in the light of the most recent debate, initiated by the German Minister of Interior, on the establishment of EU-financed 'camps' for potential immigrants in North Africa, and the somewhat positive response that this proposal received during the Justice and Home Affairs Council on 1 October 2004,<sup>51</sup> this development is hardly surprising.

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<sup>50</sup> Interview with a Senior Official from the French Foreign Ministry in Berlin, 17 November 2003.

<sup>51</sup> See *Frankfurter Allgemeine Zeitung*, 02.10.2004. However, during the meeting of the four Interior Ministers of Italy, Germany, France and Spain in Florence on 17 October 2004, both the French and the Spanish Minister expressed their concern about such a plan.

Diverging intra-EU preferences can also be detected with regards to the financial side of the 'wider Europe – Neighbourhood' policy. While the Commission, arguing that the 'ambitions of the European Neighbourhood Policy must be matched by adequate financial and technical support'<sup>52</sup>, is in favour of providing a sound financial component, intra-Council debates have been marked by rows over the extent of the development aid to be allocated. In particular, some of the new EU member states in central and eastern Europe fear that the provision of generous financial resources – in addition to those that are already being allocated in the framework of the various assistance programmes such as MEDA, TACIS, PHARE and CARDS – will be to their disadvantage in so far as it might lead to a deviation and, thus, a cut-back of financial transfers. By the same token, and on top of the budgetary constraints which the EU faces in the wake of the completion of its enlargement process, however, the old EU member states are far from being united on the issue of EU development aid. As was already the case in the run-up to the Barcelona conference in November 1995 and the intra-Council discussions related to the scope of the tariff preferences, those EU member states that run the risk of losing their comparative advantages in certain economic sectors (agriculture, textiles, steel, and services) once third countries would be incorporated in the single market system, express a strong preference for 'aid instead of trade'. Conversely, other EU member states, such as for instance the non-agrarian Scandinavian countries, seem to acknowledge the limits of development aid and, thus, are outspoken supporters of the application of existent trade mechanisms.<sup>53</sup>

In addition to these incompatible tendencies, disagreement within the EU must be understood in light of the fear of some EU member states regarding the geographical overstretch of 'wider Europe' and the limits of Europe's general capacity to allocate finite material and non-material 'rewards' to reform-willing neighbours. As 'wider Europe' does not only reach out to the southern Mediterranean area but to Russia, the Ukraine, Belarus, Moldova and, since the decision of the Brussels European Council of 17-18 June 2004, also to the Caucasian states of Armenia, Azerbaijan and Georgia, (limited) potential benefits would have to be allocated to a large number of countries which all have an enormous capital

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<sup>52</sup> COM(2004) 373 final, p. 24.

<sup>53</sup> See T. Schumacher, 'The Mediterranean as a New Foreign Policy Challenge? Sweden and the Barcelona Process' (2001) 3 *Mediterranean Politics*, pp. 90-93.

demand, and, as can be seen from table 1, differ in terms of their socio-economic development.

**Table 1: Main Economic Indicators of 'Wider Europe' Partner Countries, 2002**

	<i>Popu- lation (in Mio.)</i>	<i>Gross Nat- ional Income (current US\$ in Bio.)</i>	<i>Gross Nat- ional Income (per capita in PPP in US\$)</i>	<i>GDP Growth (annual, in %)</i>	<i>Infla- tion (annual average, in %)</i>	<i>Current Account Balance (in % of GDP)</i>	<i>Trade Volume with EU (in Mio. €)</i>	<i>EU Trade Balance (in Mio. €)</i>	<i>FDI (net inflows, in Mio. US\$)</i>
<b>Algeria</b>	31,3	53,8	5530	4,1	1,4	7,7	22377	-6201	1100
<b>Morocco</b>	29,6	34,7	3730	3,2	2,8	2,9	13992	1402	428
<b>Tunisia</b>	9,8	19,5	6440	1,7	-3,5	-3,5	13629	1539	794,8
<b>Egypt</b>	66,4	97,6	3940	3,0	2,7	0,0	9586	3097	647
<b>Israel</b>	6,6	105,2	19000	-0,8	0,7	-2,1	22002	4908	1600
<b>Jordan</b>	5,2	9,1	4180	4,9	3,5	4,9	2254	1665	55,9
<b>Lebanon</b>	4,4	17,7	4600	1,0	1,8	-14,5	3162	2792	257
<b>Syria</b>	17,0	19,1	3470	2,7	3	7	6153	-1959	225
<b>Libya</b>	5,4	-	-	-0,2	-9,8	-1,2	12607	-6345	-
<b>Russia</b>	144,1	306,6	8080	4,7	15,7	8,6	78193	-17264	48
<b>Ukraine</b>	48,7	37,9	4800	4,8	0,8	7,7	9722	1332	693
<b>Belarus</b>	9,9	13,5	5500	4,7	42,6	-2,6	2372	-646	453
<b>Moldova</b>	4,3	1,7	1600	7,2	5,2	-6,1	666	137	117

Source: COM(2004) 373 final, 12.05.2004.

Hence, at least as far as the current conception of financial benefits is concerned – according to the Commission, 955 Mio. € for the period 2004-2006<sup>54</sup> – ‘wider Europe’ does not only represent a zero-sum game of sorts, which, in turn could hamper the inclusion of additional countries – and potential future EU neighbours – such as Iran and Iraq. What is more, as ‘wider Europe’ puts the Mediterranean partner countries and the successor states of the former Soviet Union in one basket, the EU’s somewhat ignorant attitude towards their extremely different political, cultural and historical legacies may even lead to discrimination instead of differentiated cooperation. In light of the very special relationship Russia enjoys with the EU and the Ukraine’s political and geographic weight in eastern Europe, it is more than possible that southern Mediterranean partners will be among those countries that will suffer from the side-effect of discrimination in the ‘wider Europe’ framework.

<sup>54</sup> Out of these 955 Mio. €, 700 Mio. will be provided under the INTERREG programme, 45 Mio. under MEDA, 75 Mio. under TACIS, 90 Mio. under PHARE, and 45 Mio. under CARDS. See COM(2004) 373 final, p. 24.

## VI. What's at Stake with 'a Stake' in the Internal Market?

Whilst this problem relates first and foremost to the financial dimension of the possible 'rewards' to be offered under the ENP, a secondary issue is frequently overlooked. The Commission's rather generous and somewhat superficial offer of 'everything but membership' and the 'prospect of a stake in the EU's Internal Market and further integration and liberalisation to promote the free movement of persons, goods, services and capital'<sup>55</sup> is in fact a double-edged sword. Of course, as the Commission has pointed out itself, if a country reaches this level, it has come as close to the EU as is possible without being a member.<sup>56</sup> Furthermore, this country can benefit from economic integration in the world's most successful single market. For countries such as Morocco and Tunisia this prospect is definitely highly attractive as their trade structures are directed almost entirely to the EU, as can be seen from table 2. Eventually, it would entail that their agricultural and textile exports would no longer be exposed to the EU's sophisticated system of export contingents, export calendars and reference prices.

**Table 2: EU Share of Moroccan and Tunisian Exports/Imports (in %)**

	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
<b>Exports</b>											
Morocco	62,4	64,0	62,4	64,4	62,1	61,4	60,7	72,9	74,1	74,3	76,1
Tunisia	76,9	78,2	78,6	80,0	79,0	80,0	78,3	80,2	80,1	80,0	89,2
<b>Imports</b>											
Morocco	55,8	53,9	54,5	56,5	56,1	54,1	52,1	62,7	60,6	57,7	62,9
Tunisia	74,0	73,2	74,7	71,9	71,4	72,3	72,9	75,0	71,3	71,6	77,9

Source: European Commission/eurostat, Euro-Mediterranean statistics 1/2000 und 1/2001; IMF, Direction of Trade Statistics 1999.

But what are the costs of 'aligning legislation with the acquis'<sup>57</sup>, as the Commission calls this process? Does it lead to co-ownership and to a change of the asymmetric power structure in the EMP, as it has been demanded by southern Mediterranean partners for nine years? The answer is somewhat obvious: The size of the internal market *acquis* is enormous and its adoption is as much an extremely time-consuming and costly task for those local

<sup>55</sup> COM(2003) 104 final, p. 10.

<sup>56</sup> Ibid.

<sup>57</sup> Ibid., p. 4.

producers that have to conform as it is in political and administrative terms. Not only can the majority of industrial enterprises in almost all southern Mediterranean countries be characterised as family-led manufacturing businesses with less than ten employees.<sup>58</sup> What is more, as these local producers are marked by low capital provision, the use of family members as workforce, the use of low-technology-intensive means of production, a business management based on family structures and the phenomenon of informal borrowing, they are neither in possession of the relevant financial and technical resources nor do they have the relevant expertise to adjust their product standards to changing market conditions such as those that would occur in the wake of the adoption of the *acquis communautaire*.

Although the Commission in principle seems to be prepared to reduce the size of the *acquis* by a quarter,<sup>59</sup> any southern Mediterranean partner wishing to participate in the single market must bring its entire regulatory system in line with the Commission's requirements. To name but a few measures, this means the full harmonisation of standards for goods and services, the implementation of Community policies in the fields of agriculture, industry, transportation, telecommunication, energy and environment, the adoption of the EC's common competition policy, and the establishment of surveillance and enforcement mechanisms. The list of tasks and obligations is endless and its fulfilment requires the full support of all major political and economic actors but also of the societies concerned. However, with regard to the former, i.e. the support of the main political actors, resistance is likely to occur. In the past, the ruling elites have been displaying a general reluctance to undertake wide-reaching reforms as they fear that economic liberalisation may generate spill-overs to the political sphere that could undermine their power status. Eventually, the experience with colonialist rule of European countries in the Maghreb and Mashrek, the likelihood that the task of aligning legislation with the *acquis* will be associated with prescribed EU economic policies, and particularly the deteriorating socio-economic conditions and also the massive budgetary constraints in almost all southern Mediterranean countries make this task appear a 'mission impossible'. Certainly, massive financial and technical

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<sup>58</sup> Of all southern Mediterranean partner countries, family-led manufacturing enterprises with less than ten employees amount to 42% in Tunisia, 50% in Morocco and Israel, 88% in Lebanon, 89% in the Occupied Territories, 93% in Jordan and to 95% in Egypt. They absorb between 20% and 45% of the overall workforce and produce 10%-25% of the GDP.

<sup>59</sup> See T. Gould, *The European Economic Area as a Model for the Wider Europe*, Background Paper prepared for the EFTA meeting of Members of Parliament and Social Partners, Kristiansand, Norway, June 26 2003.

assistance to the partner states in the transformation process could contribute to overcome the various impediments, and so could an EU membership perspective. However, membership is ruled out. Moreover, it seems that precisely the EU's willingness – and capacity – to commit and disburse massive financial resources to the neighbourhood is unlikely, particularly considering the financial burden of EU enlargement.

At any rate, as full approximation to EU norms does not mean membership, the participation in the internal market may at least strengthen the ability of a Mediterranean partner state to influence the EU internal decision-shaping process as regards the four freedoms.<sup>60</sup> But, as EEA states have experienced, membership in the internal market does not comprise any relevant influence over the exclusive decision-making process within and among EU institutions. Therefore, even those Mediterranean partners that eventually comply with the benchmarking criteria, currently still to be defined in the Action Plans, and that participate in the single market, will remain dependent on the good will of the EU and its member states. As an alternative, as Tovias has argued, some southern Mediterranean countries might be tempted to follow the Swiss approach and negotiate strictly bilateral sectorial agreements.<sup>61</sup> However, apart from the fact that the European Commission has always been opposed to such a 'cherry-picking' approach, it is not viable for a number of reasons. For instance, this scenario would require constant (re)negotiations given the permanently evolving nature of the Single Market.

## VII Conclusions

By way of conclusion, the adoption of 'wider Europe' and the ENP gave rise to some hopes in the southern Mediterranean that the EU would eventually pay more attention to the individual needs of each partner country and, thus, take the EMP's original objective of contributing to social and economic stability in its southern neighbourhood more seriously. Indeed, the decision to draft so-called Action Plans seems to be a first step in that direction. At the same time, it may be viewed as an acknowledgement that 'one-size-fits-all' solutions are no longer

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<sup>60</sup> A. Tovias, *Mapping Israel's Policy Options Regarding its Future Institutionalised Relations with the European Union* (CEPS, Brussels 2003).

<sup>61</sup> A. Tovias, *The EU Models of External Relations with EEA Countries and Switzerland in Theory and Practice: How Relevant for Israel?* (FES, Herzliya, 2004).



successful.<sup>62</sup> However, 'wider Europe' is first and foremost a response to the changing composition, shifting borders, and altered geo-political outlook of the EU that eastern enlargement unmistakably implies. Therefore, it is hardly surprising that the policy does not seem to sufficiently address the socio-economic realities in the southern Mediterranean nor, more specifically, the many shortcomings of the EMP.

At the same time, 'wider Europe' follows the enlargement logic in the sense that it seems to rely on the same instruments, incentives, and normative underpinnings as towards potential EU members. However, since the 'wider Europe – Neighbourhood' policy rules out this option, the cost-benefit ratio is not the same as in the case of prospective EU membership. Hence, it is unlikely that 'wider Europe', at least in its current design and structure, will serve as a viable tool for the improvement of the stagnating micro- and macroeconomic conditions in the southern Mediterranean. Similarly, in its present form, the ENP does not provide relevant and adequate incentives for both the political elites and the societies concerned to tackle far-reaching economic and political reforms.

Looking ahead, it is worth stressing that 'wider Europe' and the European neighbourhood policy are still evolving and, thus, very much 'work in progress'. Certainly, these considerations also apply to the questions of what Europe is and where it ends. As the history of European integration has shown, there have never been definite answers to these questions. But even the temporarily valid delineation of 'Europe' and its 'neighbours' that is emerging after the last round of enlargement is far from being final. It should come to no surprise, then, that the 'wider Europe – Neighbourhood' policy is marked by many uncertainties and open questions. At the same time, the current process of re-defining, fine-tuning, and re-balancing the ENP can be expected to continue for the time being.

In this context, the evolving nature of the ENP also impacts on the coherence of the EU's Mediterranean policy. In fact, it is likely that the latter will continue to be characterised by a lack of co-ordination and compatibility of the different initiatives it comprises. Thus, whilst 'wider Europe' was conceived as an instrument to revive the reform dimension of 'Barcelona', it does not elaborate on the relationship with the Strategic Partnership for the Mediterranean and the Middle East which was presented by the Irish EU Presidency, the

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<sup>62</sup> T. Schumacher, *Die Europäische Union als internationaler Akteur im südlichen Mittelmeerraum. 'Actor Capability' und EU-Mittelmeerpoltik* (Nomos, Baden-Baden, 2005).

Council Secretariat and the Commission in early 2004.<sup>63</sup> In a way, this can be explained by the fact that 'wider Europe' was presented to the European Parliament and the Council of Ministers before the war on Iraq broke out. On the other hand, this 'missing link' gives the impression that the Strategic Partnership was not foreseen at the time 'wider Europe' was published, suggesting that it was instead simply borne out of the objective to complement – or counterbalance – the US-led Greater Middle East Initiative with a separate European policy approach. Although its authors dedicate an entire paragraph to the linkage with the ENP, this account remains disappointing as it simply assumes that southern Mediterranean states will benefit from both policies, without specifying why and in which way. Thus, the document vaguely states that the ENP, 'based on country differentiation, represents an essential plank in the implementation of the strategic partnership as it relates to the Mediterranean countries'.<sup>64</sup> Hence, the strategic outlook that both the 'wider Europe – Neighbourhood' policy and the Strategic Partnership claim to put forward is compromised by the very fact that neither initiative seriously engages with the other – or with the Barcelona process, for that matter. Neither is the relationship between these initiatives and Javier Solana's European Security Strategy evident. It remains questionable, thus, whether the EU will be able to develop a coherent, co-ordinated, and realistic policy towards the Mediterranean in the years to come.

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<sup>63</sup> The interim report on the Strategic Partnership for the Mediterranean and the Middle East can be found in the Council of Minister's press release 7383/04 (Presse 80), 2572<sup>nd</sup> Council meeting – External Relations.

<sup>64</sup> Ibid.



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***THE EUROPEAN NEIGHBOURHOOD POLICY:  
A SUBSTITUTE FOR EU MEMBERSHIP OR A CONSOLATION PRIZE?***

by  
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Paper presented at the conference on

***The Challenges of European Neighbourhood Policy***

**Rome, Ministry of Foreign Affairs, Piazzale Farnesina,  
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## **THE EUROPEAN NEIGHBOURHOOD POLICY: A SUBSTITUTE FOR EU MEMBERSHIP OR A CONSOLATION PRIZE?**

**Alberto Chilosì**

Membership of the EU is not a magic wand, which instantaneously heals a new member of all its ills. And at the same time, as a matter of principle, almost all the relevant positive consequences of EU membership can be obtained, even without membership of the European Union, according to the different degrees of integration into the Eu economic and political area and into EU support policies. In this sense, as far as the integration of the neighbouring countries into the EU is concerned, one can indeed be half pregnant. Access to the EU market, up to complete integration into the European single market, cohesion funds, every advantage which pertains to members could be in principle conceded to non-members, in particular to neighbours, if the interested parties so decide. At the same time neighbours can fulfill, if they so chose, all the obligations of membership. In particular, the Eu does not have a copyright on its legislation, and would not certainly protest if non-members were to adopt, as applicable, the *acquis communautaire*. The same applies to respect of human right, democracy, protection of minorities, establishment of a viable market economy, in short the Copenhagen criteria. The most obvious example of this is Norway, which, not being, out of the choice of its own people, a Eu member, shares nonetheless practically almost all the advantages and duties of membership, first of all as a member of EEA, but also of Schengen cooperation and of the Dublin convention. The Norwegian model, and in particular the EEA setup, appears to be in fact the optimal model for the most satisfactory, long run relationship of EU with the neighbouring countries, to which the European Neighbourhood Initiative may aim. On the other hand one could maintain that if a state fulfills the conditions for belonging to the EEA there is no reason why it should not be allowed to enter the EU, if so desires. However, even in the unlikely case all the institutional differences were put aside by homologation of the neighbours to Eu legislation and fulfilment of the Copenhagen criteria, the huge economic differences and differences in living standards between the Eu and its neighbours would be an obstacle anyway to full and equal membership, if only for the consequences of the inevitable massive migration movements both for the departing country (loss of human capital) and for the receiving country (social problems, pressure on welfare expenditure, problems related to criminality and public order).<sup>1</sup> Moreover the attitudes towards political institutions and the rule of law can be affected by the

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<sup>1</sup> Migration could be restricted for a limited transitory period, as in the case of the recent enlargement, but at the end of it the consequences of mass migration could hardly be avoided.

economic conditions, as well as the availability of the resources needed for financing education, environment protection, culture, research, material infrastructures, the betterment of social conditions and social protection, up to average EU standards. These obstacles may be removed only through sustained growth for a long period of time. Membership in this respect would not help, because, as said at the beginning, membership as such is not a magic wand. The policies that would bring the transformation about, by the countries concerned and by the EU, do not really require membership, neither is membership necessarily a guarantee that they will be pursued. Moreover, the problem of additional membership seems lie as much with ability of new potential members to fulfil the requirements of membership, as with the EU. After the sudden enlargement to 10 new members, it seems reasonable that before further enlargement some experimentation and a further adjustment of Eu institutions to its new size should be undertaken, a process possibly much more thorough than that initiated with the new European constitution, even in the (unfortunately unlikely) case the constitution will be eventually ratified. And then there may important additional issues at stake, with respect to European Eastern neighbours, involving the external relations of the EU with Russia, and the particular sensitivity of Russia to the issue. As far as the CIS neighbours are concerned, not only they are in principle to membership because they are European, but they are different in some important aspects from most of our Mediterranean neighbours. Whatever their difficult present circumstances, there is a discrepancy in the neighbouring CIS countries between their economic and political conditions and their educational attainments and human capital. One could expect (or hope for) somehow the gap to close in the future and those countries to endow themselves with political institutions and an economic structure better fitted to their level of overall cultural tradition and educational accomplishments.

There is an additional political point to consider. It is true that membership is not a magic wand, but it is a recognizable objective, an objective of prosperity, freedom, and rule of law. The neighbourhood policy or even the prospect of entering the European Economic Area or a future Common European Economic Space is not. This indeed implies that without the perspective of membership the leverage given by the European Neighbourhood initiative for pushing the neighbouring countries towards implementation of the Copenhagen criteria is much weaker. One could well assert that if this goal is not autonomously pursued by the societies concerned, without foreign imposition, there is no scope for the country to become eventually a satisfactory and performing member of the EU. On the other hand liberal democracy has a momentum of its own. It can be pursued because of its expected material consequences, in order to join the EU, but it could become a self-sustaining process. On the other hand, to accept the candidature for membership of a country unwillingly and instrumentally only putting up with the Copenhagen criteria, hoping that it

will accept them sincerely in the process of negotiations and after entering, is a gamble that may well not pay.<sup>2</sup> Lack of immediate membership prospects can reduce the leverage towards neighbouring countries, but in the long run either membership is granted, and whatever leverage the prospect for membership held is lost, or membership is not forthcoming and the leverage is lost anyway since the prospect loses credibility. One should also consider that by taking in countries whose values and attitudes are substantially incompatible with the Copenhagen criteria, the disruption of the EU that could ensue could be at the disadvantage of other neighbouring countries, as prosperity and order in the EU is relevant for prosperity and order elsewhere. Finally, the leverage provided by trade concessions and subsidies, and their withdrawal or maintenance, in any case remains, even without the membership prospect.

There is still another relevant political point: the status of candidate member of the EU is a recognizable status enhancing national pride. To be a partner of EU without being a candidate member can be seen diminishing for a country. It may be somewhat silly, but it is probably a fact of life that may reduce the interest of neighbours into the European Neighbourhood Initiative. The rejection by the Norwegian people of the entry in the EU has provided the EU with an opportunity for experimenting with the creation of institutional arrangements for having a country partaking the benefits and engagements of being in the EU without being member and partaking in decisional power. But one thing is to choose voluntarily that limbo by a small (in terms of population) prosperous European country, another to be compelled to accept that position as a second best choice, because the EU refuses membership.

Still another political obstacle can be the fact that according to European Neighbourhood Initiative's intentions the neighbouring countries are suppose to mirror unilaterally EU's rules in order to integrate into its economic area. They do not have leverage on the shaping of the EU's rules they are suppose to adopt. This situation could more easily accepted for accession countries that expect to be accepted one day, not too far away in the future, as equal co-decision members in the EU. It can be less readily accepted by countries that have no short-run or even middle-run prospect of being accepted to EU membership. It is clear that, owing to the asymmetric weight and economic importance, for a number of rules concerning standards and regulations that are required for exporting to the EU, unilateral conformity would be in the end the policy, but to make it explicit as a part of the neighbourhood policy may be politically awkward.

Then there is the issue of the policy towards the countries, such as Belarus, that do not comply with the Copenhagen criteria and with the principles of democracy. They do not cease to be neighbours

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<sup>2</sup> One may refer in this respect to the failed gamble of forcing the unification of the divided island of Cyprus, through the negotiation pressure towards EU membership.

and to have common interests with the EU. So long as they are not expansionistic authoritarian states, which could put the security of their neighbours at risk, there could be good reasons to cooperate with them on an equality basis, albeit without subsidies or special advantages (aside for some support for the development of their civic society), but in a cooperative spirit for resolving issues in mutual interest (first of all border control), such as in the Söderköping process. They should be excluded from the concessionary aspects of the neighbouring policy, but not from neighbouring policy as such, which seems to be sufficiently flexible to include every possible situation. We may also consider that here we could have a vicious circle: an authoritarian regime, and the absence of the rule of law, the lack of respect for human rights, might be factors acting against economic performance and the openness of a country, but economic progress and increased openness can be factors mitigating the political system, bringing about its evolution in a suitable direction. Thus, possibly the best option with those regimes could be, rather than to isolate them, to pursue those interests that could be of common concern, together with those measures that may favour their opening up. Of course a quite different issue is how to deal with rogues regimes endangering the security of their neighbours (such as, until recently, it was the case with Libya). Of course, an appraisal of the likely consequences of different attitudes and policies of the EU on the internal evolution of its neighbours could be of relevance here, even if this could be only hypothetical and very tentative, and one should beware of unintended consequences.

In conclusion: the answer to the question: "the European neighbourhood policy: a substitute for EU membership or a consolation prize" is that it can be a viable substitute, but could unfortunately be rather perceived as a consolation prize.

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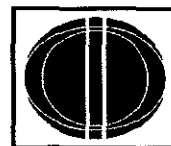
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L'INTEGRATION ET LA COOPERATION DE L'UNION EUROPEENNE  
AVEC SES VOISINS DE L'EST. LE DEVELOPPEMENT ECONOMIQUE,  
LE COMMERCE ET L'INFRASTRUCTURE.

by  
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Paper presented at the conference on

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**Katarzyna Sochacka**

## **L'intégration et la coopération de l'Union Européenne avec ses voisins de l'est. Le développement économique, le commerce et l'infrastructure.**

La politique européenne de voisinage (PEV) crée un cadre institutionnel de relations de l'Union Européenne et ses pays voisins. L'Union Européenne essaie d'offrir à ses voisins une alternative à l'adhésion qui leur assurera plus de stabilité, de sécurité et de prospérité. L'un des buts de cette politique est d'assurer la prospérité sur le territoire avoisinant de l'UE. Conformément à la PEV l'UE devrait entreprendre de telles activités qui seraient désignées à préparer les économies des pays voisins à la participation aux politiques économiques européennes et dans la perspective à long terme – au Marché Unique. Ce qui est caractéristique c'est le fait que ces pays n'auront pas de possibilité de participer aux processus décisionnel de ces politiques.

L'Union Européenne note de grands succès en ce qui concerne la mise à profit du processus d'élargissement comme l'outil d'aide aux pays d'Europe Centrale et Orientale pour y assurer le fonctionnement de l'économie de marché. La PEV ne contient pas d'un outil si efficace.

Il est vrai que dans l'intérêt de l'UE est de contribuer au développement des pays voisins. La raison est simple – l'instabilité et la pauvreté aux frontières de l'UE menaceraient l'UE de problèmes ne serait ce que de crime organisé, de trafic illégal et de migrations illégales. C'est pourquoi l'UE devrait élaborer de tels types d'encouragements qui permettraient de faciliter la coopération qui, à son tour, aboutirait à un développement économique accru. Le principe de différenciation semble pouvoir jouer le rôle de l'encouragement sûr et efficace.

On peut imaginer une situation dans laquelle, à un certain moment les pays voisins atteindront le stade de remplissage de tous les critères de Copenhague et la PEV ne permettra toujours pas l'adhésion. Cela mène à poser la question suivante - à quel point les pays voisins accepteront cette sorte de liens avec l'UE.

Un autre dilemme concerne le financement de projets communs, ou plutôt les critères d'attribution de moyens financiers aux projets concrets. Selon la PEV jusqu'en 2007 ils seront financés par les fonds d'aide existant, après – le Nouvel Instrument de Voisinage permettra d'accroître le montant de ressources et il apportera de nouveau créneaux de financement. Cependant ces fonds seront toujours limités et la question de critères de choix de projets à financer ce pose à ce propos.

Le principe de la différenciation a été adopté dans la PEV. Les politiques vont être adaptées de façon à remplir les besoins et à tirer profit des capacités de chaque pays voisin. Ce principe doit être inclu dans les plans d'action et sera l'instrument le plus concret de l'implementation de la PEV. Les rapports de pays ont été déjà effectués. Les plans d'action doivent être approuvés par UE et par les pays voisins. Ils couvrent les questions politiques, sociales et économiques et sont basés sur le devouement pour les valeurs communes.

Les critères communs pour tous les pays voisins ne peuvent être concevables qu'à un niveau très général à cause du principe de différenciation. Au sein de chaque pays une concurrence accrue aura lieu lors de la procédure d'attribution de moyens financiers car de critères très sévères seront appliqués.

Tous cela nous amène à une constatation que les documents les plus importants au niveau de régulation de coopération dans le cadre de la PEV seront les plans d'action. Il serait alors raisonnable de réfléchir sur le contenu de ces plans pour éviter toutes les lacunes de création d'une politique inefficace et inopérante.

Je me concentrerais sur les propositions qui pourraient être implementés par les pays voisins d'est à cause de la proximité géographique, économique et politique des nouveaux pays membre et ces pays voisins.

## **1. Le développement économique**

Les pays voisins ce sont généralement les pays à revenu moyen, partant d'une position macroéconomique relativement forte. Tous les pays notent une croissance de PIB, un taux moyen d'inflation et l'amélioration des finances publiques en 2003. Ce qui les caractérise ce sont les haut taux de chômage ce qui est une faiblesse de leurs économies. En ce qui concerne la reforme structurelle il existe une différence significative entre l'UE et les pays voisins, d'où une reforme structurelle reste à entraver.

L'élargissement du Marché Intérieur sur les pays voisins offre les encouragements pour atteindre la stabilité macroéconomique et la réalisation de la reforme structurelle. Le Marché Intérieur est un cadre qui a fait preuve de son capacité comme les pays qui y ont accès connaissent les bénéfices économiques. Autres valeurs comprennent l'assistance technique et financière de la part de l'UE, le contrôle (par les rapports de progrès), la pression de compétitivité (la pression politique peut être effectuée par les autres pays voisins si un des pays "reste derrière"), et bien sûr, les relations économiques plus proches avec l'UE. Tous ces "doux" encouragements influenceront la croissance économique directement ou indirectement. C'est un des buts fondamentaux de la PEV.

Le but est d'assurer aux pays voisins l'accès aux instruments garantissant les quatre libertés fondamentales. L'horizon temporel est très éloigné, cependant il convient de réfléchir sur les premiers pas préparatifs.

Le flux libre de capitaux constitue le facteur d'encouragement le plus important, mais qui apporte le plus de risques et qui stimule la croissance de compétitivité et ce qui en découle – la croissance économique. C'est pourquoi dans la première phase de réalisation de la PEV il sera vital d'assurer la protection des investissements effectuées dans le cadre de projets communs.

Le succès à long terme d'une transformation effective économique dépendra du progrès dans le domaine d'attraction des investissements directs venant des pays-membres de l'UE. Cela permettra le développement durable de l'économie, surtout en ce qui concerne la croissance de la compétitivité, la hausse de la dynamique des échanges commerciaux, mais aussi – l'amélioration de l'état de l'infrastructure (surtout au niveau de transport, télécommunications et de transfert de l'énergie).

Vu le manque de ressources des capitaux dans les pays de l'ancien URSS, il convient de prendre en considération la nécessité d'augmenter le volume d'investissements, surtout dans les domaines fragiles de point de vue d'une continuation du processus d'investissement. Il faut le lier à la privatisation de grandes entreprises publiques, à la liquidation de monopoles, à l'ouverture aux concurrents externes et à la dérégulation au sens large du terme.

L'ouverture graduelle des marchés d'investissements – la participation des investisseurs européens dans la privatisation des entreprises du secteur public (ils peuvent ainsi avoir de l'influence sur la transparence des procédures, le contrôle d'application du principe de non-discrimination des investisseurs étrangers) – cela crée un encouragement pour les réformes internes. La création du système d'encouragements (p.ex. les crédits préférentiels) à la restructuration des entreprises, à la modernisation de la production et à la mise en oeuvre de nouvelles solutions technologiques – la coopération de centres de recherche, seront forts recommandés.

Ici il serait très important de pouvoir tirer profit de l'expérience de nouveaux pays membres, surtout dans la création du secteur bancaire, l'indépendance des banques centrales, la création de marchés des capitaux, la restructuration des entreprises, le développement de nouveaux instruments financiers (les garanties et les assurances d'exportations) conformément aux réglementations d'OCDE étant en vigueur.

Toutes ces propositions devraient s'appliquer au premier lieu à l'Ukraine, puis à la Biélorussie car ce n'est pas seulement la proximité géographique et l'échelle des liens économiques qui en décident, mais aussi la question de la sécurité énergétique, des matières premières et les perspectives du développement de l'échange des personnes et des flux touristiques, ainsi que la coopération régionale et transfrontalière. Les relations avec la Russie auront l'importance à cause de son potentiel économique et des possibilités d'absorption du capital étranger. L'application des instruments de coopération existant, en prenant en considération la spécificité de la situation de la Russie, pourrait en plus contribuer au développement des institutions économiques russes, à un meilleur engagement du capital humain et au support des réformes structurelles.

Cependant les deux règles suivantes doivent impérativement être appliquées et respectées – surtout le principe de conditionnalité qui doit introduire le contrôle des progrès. Ce contrôle peut vérifier la transparence des procédures, l'adoption de l'*acquis communautaire*, l'ouverture des marchés d'investissements fragiles, l'accès aux organisations économiques internationales comme p.ex. OMC ou CEFTA.

Le deuxième principe c'est le principe d'asymétrie lors de l'ouverture des marchés d'investissement ce qui contribuera à un stimulus plus fort à la transformation économique.

## **2. Le commerce**

Le but de la PEV est d'intégrer de façon graduelle les pays voisins au Marché Unique. Le développement de la coopération et l'intégration de l'Ukraine et puis de la Moldavie et la Biélorussie pourrait prendre la forme de quatre étapes. La première devrait aboutir à considérer les économies de ces pays étant les économies de marché viables. A ce moment-là il serait convenable de considérer les arrangements sectoriels pour les marchandises fragiles comme l'acier, le textile ou l'agro-alimentaire. L'accès au marché européen pourrait être conditionné par les plafonds non-tarifaires. Cela devrait être lié aux changements dans ces secteurs qui contribuent à la hausse de capacité à faire face à la concurrence:

- a) La dérégulation et la restructuration
- b) Les règles de l'aide publique claires et précises
- c) La garantie de standards techniques exigés et l'introduction de règles de fonctionnement des entreprises.

L'étape suivante consisterait à créer une zone de libre-échange. Une série de documents officiels devraient être signée pour définir l'agenda détaillé de réduction de taux de barrières tarifaires, tout en gardant le principe d'asymétrie signifiant de plus grandes concessions de la part de l'UE dans le domaine de produits industriels, des services et – à plus long terme – les produits agricoles aussi. La conditionnalité devrait couvrir dans ce cas la garantie de la transparence des règles d'aide publique, de fonctionnement des entreprises, de privatisation, de la politique fiscale.

Et finalement la participation au Marché Unique serait liée à l'adoption du tarif douanier commun de l'UE, de la politique commerciale commune ainsi que de tout l'acquis communautaire dans ce domaine.

La diminution de barrières tarifaires ou non-tarifaires mènera à une spécialisation accrue, les pays exporteront les produits et services qui leurs donneront les avantages comparatifs. La production deviendra alors moins diversifiée dans ces pays. Le secteur protégé restera encore longtemps l'agriculture. Cependant même une diminution très modeste de droits de douane dans ce secteur pourra contribuer à une hausse d'exportations et par cela la hausse du PIB des pays voisins. L'échange des services semble aussi être une source signifiante de la hausse potentielle du PIB. Toutefois ils sont traditionnellement considérés comme difficiles à marchander à cause des réglementations sévères, surtout en ce qui concerne les services financiers qui apportent une part importante du PIB.

Bien sûr que l'intégration des économies engendre les nouveaux risques. Dans le cas de la PEV ces risques comprennent: la réorientation des flux commerciaux, une plus grande vulnérabilité des économies aux chocs négatifs, les différences de taux de change lors des échanges en différentes monnaies, un développement inéquitable. Le risque le plus important vient du fait que personne n'est capable de définir quelle politique est essentielle et laquelle est superflue. Une régulation trop stricte pourrait mener à la hausse des exigences et les procédures bureaucratiques trop importantes. Dans le cas contraire – le manque de réglementations peut causer la présence de produits de basse qualité sur le marché de l'UE.

### **3. L'infrastructure**

La coopération transfrontalière est un des facteurs du développement des échanges entre les pays membres de l'UE avec les pays voisins. Grâce à la modernisation de l'infrastructure une intégration plus rapide des pays voisins sera possible.

Dans le cas du réseau de transport la coopération et la réalisation de projets communs devrait toujours baser sur le principe de conditionnalité. Le financement de projets localisés sur le territoire des pays voisins par les partenaires européens pourrait être lié à une privatisation partielle au moins des entreprises de transport. La libéralisation du marché des services de transport pourrait s'effectuer par exemple par l'unification du réseau routier TRACECA aux Réseau Transeuropéen TENs en Ukraine.

En ce qui concerne le transfert de l'énergie – le cofinancement de divers projets dans les pays voisins permettra de diversifier les fournisseurs. Pour aboutir à ce stade il convient de réfléchir sur le problème d'unification des réseaux de transfert des matières premières énergétiques (Ukraine, Moldavie).

Vu la hausse prévue de besoins des pays de l'UE en matières premières énergétiques dans la période de 15-20 ans à venir, surtout en ce qui concerne le gaz naturel et le pétrole et vu la diminution du potentiel d'extraction des minéraux des pays de l'UE et de la Norvège, la part des importations des matières premières provenant d'autres sources augmentera. Par cela la dépendance de l'UE des fournisseurs externes montera. En fait l'importance de la Russie augmentera (à plus long terme celle des pays de la Mer Caspienne aussi) en tant que le fournisseur principal des sources d'énergie. Ainsi l'Ukraine qui est un pays de transit le plus important de la Russie deviendra un pôle d'intérêts. C'est une question essentielle pour la sécurité énergétique de l'UE. Vu l'importance stratégique du secteur énergétique pour le développement de l'UE en 2000 le Dialogue Énergétique UE-Russie a débuté. L'année dernière par contre la Commission Européenne a délivré un document sur le développement de la politique énergétique de l'Union Européenne élargie, ses voisins et partenaires dans lequel elle a signalé les buts suivants de la politique de l'UE envers la Russie, l'Ukraine, la Biélorussie, la Moldavie et les pays du Caucase du Sud:

1/ la sécurité accrue des approvisionnements en énergie en Europe qui doit être conditionnée par l'intégration de l'Ukraine dans le Dialogue Énergétique UE-Russie ce qui permettra de commencer les travaux dans un triangle le producteur-le pays de transit-le consommateur; par la synchronisation des systèmes de transfert de l'énergie électrique avec le système de l'UE; par l'invitation de l'Ukraine et de la Moldavie à participer en tant qu'observateurs au Forum de Madrid et au Forum de Florence, dans le cas de la Moldavie – au Forum d'Athènes aussi; par la définition des critères de participation de l'Ukraine, de la Moldavie au programme L'Énergie Intelligente pour l'Europe;

2/ la modernisation des systèmes énergétiques conditionnée par l'augmentation de capacité de transfert des oléoducs ukrainiens et l'amélioration de sécurité de transit; par une présence plus marquée des entreprises de l'UE dans le développement de l'infrastructure dans les pays de la Mer Caspienne, surtout le Caucase du Sud pour diversifier les directions des exportations de ces pays et ce qui en découle – la diversification des sources d'énergie pour les pays de l'UE; par la possibilité de créer les sociétés au capital mixte et par la participation des entreprises de l'UE à la privatisation du secteur public du secteur de l'énergie; par l'unification et la synchronisation du réseau de transfert de l'énergie électrique entre les nouveaux membres de l'UE et les pays voisins de l'est;

3/la réalisation plus facile de grands projets d'infrastructure conditionnée par le transfert de moyens financiers destinés au développement des réseaux transeuropéens: oléoduc de l'Europe du Nord et le deuxième oléoduc de Yamal; par les projets de construction de l'oléoduc Brody-Płock-Gdańsk ce qui augmente l'accès au pétrole caspien au marché de l'UE; par l'unification des systèmes des oléoducs Družba-Adria ce qui améliorera la sécurité de continuité de livraisons sur le marché européen;

4/ le développement du Marché Interne de l'Énergie de l'UE élargie conditionné par l'élaboration de la stratégie énergétique avec un agenda détaillé des réformes structurelles dans ce secteur; par l'amélioration des conditions d'investissements et l'ouverture à la libéralisation du marché (le changement du système des prix, l'adoption des standards européens dans le domaine de la certification et dans le domaine des normes de protection de l'environnement naturel) et par la protection efficace des investissements; par les réglementations transparentes de participation des entreprises étrangères à la privatisation du secteur de production, transfert et distribution des matières énergétiques; par la capacité à disposer par les pays voisins de l'est de sommes suffisantes pour la réalisation de projets supportés par l'UE.

**Pour en conclure:**

Vu l'absence de la perspective de l'adhésion l'introduction du principe d'asymétrie peut être un facteur efficace pour effectuer les réformes structurelles dans la période de transformation économique dans les pays voisins de l'est.

Pourtant le principe de conditionnalité strictement appliqué permettra d'assurer une coopération économique efficace et durable.

Il faut puiser dans l'expérience de nouveaux pays membres en ce qui concerne la réalisation des réformes internes et une utilisation plus efficace des fonds d'aide européenne.

Le principe de différenciation (chaque pays – une stratégie différente) devrait être soutenu, et les propositions d'encouragements concrets devrait trouver leur place dans les plans d'action pour que la PEV soit efficace.

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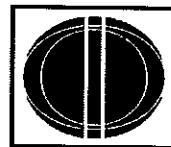
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**ACCIDENTAL NEIGHBOURS OR REAL PARTNERS?  
*EUROPEAN NEIGHBOURHOOD POLICY AND ITS INSTRUMENTS***

*by*

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Paper presented at the conference on

***The Challenges of European Neighbourhood Policy***

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## **Accidental Neighbours or Real Partners? European Neighbourhood Policy and its Instruments**

Rosa Balfour and Alessandro Rotta<sup>1</sup>

### **1. The rationale of looking beyond the enlarged EU borders**

Enlarging to ten new members, in May 2004, is profoundly transforming the European Union's own geography, reaching out to new borders and new neighbours. Looking further afield, the prospect of the EU expanding to thirty-three member states over the next couple of decades<sup>2</sup> renews the dilemma between 'widening' and 'deepening' that the policy-makers confronted in the early 1990s, when faced with the historic choice of offering membership to the countries that had emerged from behind the rubble of the Berlin Wall. One way out of this dichotomy was to devise a strategy that can anchor the neighbouring countries to a stable and comprehensive framework of relations through which pursue their development and stabilisation.

In March 2003 the European Commission proposed an ambitious and comprehensive approach to the challenges of the new neighbourhood. Resting on the recognition of the strong interdependence between the EU and its neighbourhood, and on the assumption that, in the future, 'the Union's capacity to provide security, stability and sustainable development to its citizens will no longer be distinguishable from its interest in close cooperation with the neighbours',<sup>3</sup> the declared objective of the new policy initiative is 'to develop an area of prosperity and friendly neighbourhood – a "ring of friends" – with whom the EU enjoys close peaceful and co-operative relations'<sup>4</sup>.

The European Neighbourhood Policy is intimately tied to the EU's enlargement strategy. First of all it was conceived in the context of the EU's expansion towards the East: as it incorporated new members from Central and Eastern Europe, the challenges posed by the Western Soviet successor states became shared with the EU through a new border. Secondly, its rationale follows the logic of enlargement: the notion that the greater the integration and cooperation between countries, the wider the area of peace, economic development and democracy, the more stable and secure the entire community. This logic pervades the history of the EU, from its founding fathers to its five enlargements rounds so far and through to its stabilisation policies developed towards the countries in the Western Balkans, which indeed have become part of the enlargement process, given their medium term prospect of accession. The ENP thus was matured in the context of enlargement and rests upon the lessons learnt during that ongoing process.

Unable, however, to commit to further enlargement, the first proposal offered neighbour countries 'the prospect of a stake in the EU's internal market and further integration and liberalisation to

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<sup>2</sup> Romania and Bulgaria, left over from the fifth enlargement round of 2004, are supposed to join after 2007. Turkey, recognised in 1999 as a candidate, has received a positive opinion from the European Commission to set a date to start negotiations and awaits the European Council in December 2004 to give its final verdict. Furthermore, the EU-15 had promised to offer accession to the countries of former Yugoslavia and Albania. Of these, Croatia was recognised as a candidate in 2003. The choice of the Commission to group these pre-accession countries in the enlargement DG under Olli Rehn reinforces the prospect of further EU enlargement, even if it is likely to become a longer-term and more differentiated project than the previous round.

<sup>3</sup> European Commission (2003), *Wider Europe-Neighbourhood: A new Framework for Relations with our Eastern and Southern Neighbours*, COM (2003) 104 final, Brussels: 11 March.

<sup>4</sup> European Commission (2003), *Wider Europe-Neighbourhood*.

promote the free movement of – persons, goods, services and capital’<sup>5</sup>, in return for progress, by the same countries, in adopting and implementing political, economic and institutional reforms, and for an effective cooperation in the energy and transport sectors, and in the fight against terrorism.

A substantial innovation of the new policy is the attempt to overcome a rigid distinction between internal and foreign policies, by offering to countries that will not adhere in the medium-long term benefits so far reserved to member countries. As EU external borders shifted eastward, and as this was expected to remodel relations also with ‘old’ neighbours in the Mediterranean southern shore, the EU expressed its determination ‘to avoid drawing new dividing lines in Europe’. Rather than a barrier, the new EU external borders were to be seen as an opportunity of cooperation and development. To support operationally and financially this vision, the Commission envisaged the development of new assistance tools, that might be used on both sides of the new borders (see section 3).<sup>6</sup> In other words, it represents an attempts to blur the distinction between ‘insiders’ and ‘outsiders’

Following Council approval - which, however, modified the wording and gave a different prioritisation compared to the Commission (see the table in section 2) - the European Neighbourhood Policy was further developed and given a concrete strategy of implementation. The countries involved are the Western New Independent States (Ukraine, Belarus and Moldova), the non-EU countries under the Euro-Mediterranean Partnership (Morocco, Tunisia, Algeria, Libya, Egypt, Jordan, Israel, the Palestinian Authority, Syria), and the countries of the Southern Caucasus (Armenia, Azerbaijan, Georgia), which were included at a later stage.

Russia has deserved a special position, given that it did not want to be lumped together with the other countries. The framework of relations with Russia will thus be largely defined by the strategic partnership based on the creation of the four common spaces as agreed at St. Petersburg in May 2003. The Commission proposed ‘to draw on elements from the ENP to enrich work on the common spaces, notably in the area of cross border and sub regional cooperation’<sup>7</sup> and the Regulation on the European Neighbourhood and Partnership Instrument will also support strategic partnership with Russia.

The method proposed by the Commission for implementing the ENP consists in the definition, together with neighbour countries, of a set of priorities to be included in national Action Plans, covering a number of key areas for specific action, from ‘political dialogue and reform [to] trade and measures preparing partners for gradually obtaining a stake in the EU’s internal market; justice and home affairs; energy; transport, information society, environment and research innovation; and social policy and people-to-people actions’.<sup>8</sup> The relationship with neighbouring countries will build on mutual commitment to shared values in fields such as the rule of law, good governance and the respect for human rights, and commitments will also be sought in aspects of the EU’s external action, such as the fight against terrorism and efforts at conflict resolution.<sup>9</sup> The Action Plans are policy documents of the duration of three to five years; they will be based on the method of differentiation, and will reflect, for each country, the actual state of relations with the European Union and the capacity of meeting the agreed priorities. In the future new contractual links will be negotiated, in the form of European Neighbourhood Agreements, substituting the existing

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<sup>5</sup> European Commission (2003), *Wider Europe-Neighbourhood*

<sup>6</sup> European Commission (2003), *Paving the Way for a New Neighbourhood Instrument*, COM (2003) 393 final, Brussels: 1 July.

<sup>7</sup> European Commission (2004), *European Neighbourhood Policy Strategy Paper*, COM (2004) 373 final, Brussels: 12 May.

<sup>8</sup> European Commission (2004), *ENP Strategy Paper*.

<sup>9</sup> European Commission (2004), *ENP Strategy Paper*

Association Agreements with the Euro-Mediterranean countries and the Partnership and Cooperation Agreements (PCAs) with the Western Newly Independent States.

For the EU the Wider Europe and ENP Communications were welcome and necessary developments, as they represent the Commission's capability of strategic thinking. After all, 'Western Europe faces the uncomfortable choice of importing insecurity from its neighbours, or of exporting to them security – which necessarily involves prosperity and stability'.<sup>10</sup> The costs of not developing a successful strategy are high: however diverse the countries involved in the ENP, they share a number of common features which potentially could translate into risks flowing into the EU. They are all, but Israel (though there are problems here too), governed by more or less authoritarian regimes, are exporters of labour as well as of illegal migration, they are all transit countries for migration from further afield, their per capita GDP is in most cases extremely low compared to the EU average,<sup>11</sup> the Southern neighbours all have rising demographic pressure, they all are net importers of goods from the EU with the exception of the energy exporters, they are ridden by conflicts: the Western Sahara, the Middle East, Moldova and its secessionist region of Transnistria, the Southern Caucasus. The key question is whether the ENP represents a strategy capable of acting as a magnet, as enlargement was, but without offering the prospect of accession.

Alongside these external motivations to develop appropriate strategies, the ENP also contains *internal* policy justifications. Looking at the ENP from a reflexive point of view, in other words at what it means for the EU, two main justifications stand out. In the first instance, the ENP can serve the function of streamlining the range of EU external policy tools by bringing them together under a single policy umbrella as far as the neighbourhood is concerned. This would represent more than a bureaucratic exercise: it could potentially create a greater understanding of EU external policies, and it would enhance internal coherence, at least with regard to assistance tools and to the types of agreements that the EU signs with its partners, by merging existing agreements into a single category. Thus the Association Agreements signed with the countries of the Euro-Mediterranean Partnership and the Partnership and Cooperation Agreements signed with the East European and Southern Caucasus countries will be transformed into Neighbourhood Agreements, while the candidate and potential candidate countries will gradually follow the track of accession agreements. With regard to the Neighbourhood Programme, by creating a single instrument for assistance, not only are the procedures simplified, but the regulatory framework too is the same (discussed at greater length in section 3).

Secondly, the ENP could serve the purpose of raising the profile of the EU as a regional power; indeed, this should be considered as one of the overall aims of the policy. Economically and in terms of assistance the EU already is a crucial actor, but this power is not sufficiently matched by political clout. This aim of raising the EU's profile in the wider region thus depends on the extent to which the ENP can complement and be complemented by the European Security Strategy, thus ensuring through two policy frameworks the full range of external policies, from aid to military security. In short, the ENP is a real test for European Foreign Policy capacity as a whole without offering prospect of accession. Because it consists of the EU's broadest geopolitical project after enlargement (where the stabilisation of the Balkans is included in the enlargement package), EU regional and global credibility is attached to its success.

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<sup>10</sup> William Wallace (2003), 'Looking after the Neighbourhood: Responsibilities for the EU-25', *Notre Europe Policy Papers*, No. 4 July.

<sup>11</sup> Excluding Israel, whose per capita GDP is closer to EU averages, the other countries range from € 417 in Moldova to € 2382 in Russia. Lebanon excels with € 5284. Data from European Commission (2003), *Wider Europe-Neighbourhood*.

Given that the ENP is still in its phase of negotiation and bureaucratic elaboration and, in terms of assistance, awaits for 2007 for its full application, its critique can only be partial. One of the aims of this exercise is thus to ascertain the potential of the building blocks that make up the policy. For the purposes of this paper, we will examine the innovations within the policy itself compared to the existing policy frameworks, the structure of incentives, and the ENP instrument.

It will be argued that the ENP is no revolutionary rethinking of EU foreign policy, but represents a more gradual and cooperative approach towards neighbours. The main innovations are to be found in its methodology and in its instrument: Action Plans are intended to provide jointly negotiated paths for development and reform through benchmarking and differentiation, while the rationalised instrument for assistance is supposed to support the Action Plans' objectives.

By contrast, the political and strategic dimension of the ENP has been contained and watered down by the Council, compared to the Commission's original proposals. Reducing the potential benefits on offer for the neighbouring countries might result in a limited EU capacity of acting as a lever to induce transformation and reform. The fact that the Action Plans are negotiated rather than imposed from Brussels gives the neighbours more space to articulate their needs and demands, but this is likely to imply a limited political dialogue on the themes that the neighbours are unwilling to discuss, such as political liberalisation.

## **2. Policy innovations and the incentives of the ENP**

The most important policy innovations contained in the ENP are the introduction of Action Plans based on the concepts of 'benchmarking' and 'differentiation'. In theory, both could allow for a more careful use of political conditionality – a method that has rarely been resorted to by the EU, especially in the context of the Southern Mediterranean. Conditionality essentially ties a set of incentives that a donor country can offer to a partner in return for progress in economic and political reform. So far enlargement has been the process through which conditionality has been most exercised, thanks to the attraction of the final incentive of EU membership. Nonetheless, the EU has a wide range of economic, political and aid tools to exercise conditionality even without the accession carrot. These can be positive ones through incentives and negative ones through forms of 'punishment', such as the withdrawal of aid, the postponement of a summit, or even the suspension of an agreement.<sup>12</sup> Such is the (only) case of Belarus, for example, one of the countries indicated as a potential partner of the ENP, whose PCA was suspended in 1997 due to the deterioration of the internal democratic and human rights situation. Alas, after years of increasing authoritarianism, and following the rigged referendum of October 2004 that allows the President Alexander Lukashenko to stand for another term in 2006, the democratic prospects of the country and thus a change in its relations with the EU seem to disappear from the horizon.

All the existing agreements that the EU has concluded with its neighbours already contain an article allowing either party to take 'appropriate measures' should the obligations of the agreement not be fulfilled. But it does not specify what the 'appropriate measures' are and in what cases they should be resorted to. If conditionality is to have success, its objectives must be clear, the purposes transparent and the processes of policy implementation should reflect the same transparency as the desired outcome.<sup>13</sup> Benchmarking is conceived precisely to provide some signposts to what is expected from the partner country and the EU. These would be devised jointly between the EU and its partner in the Action Plans, the key document introduced by the ENP, which 'should be

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<sup>12</sup> Karen E. Smith (1998), 'The Use of Political Conditionality in the EU's Relations with Third Countries: How Effective?', *European Foreign Affairs Review*, Vol. 3, pp. 253-274.

<sup>13</sup> Carolyn Baylies (1995), 'Political Conditionality and Democratisation', *Review of African Political Economy*, No. 65, pp. 321-337.

comprehensive but at the same time identify clearly a limited number of key priorities and offer real incentives for reform'.<sup>14</sup>

If benchmarks would support the EU's approach of identifying objectives and time frames in which to achieve them, making the process more transparent and consistent, differentiation would allow the EU to reward those partners making more progress. As progress towards reform depends largely on the internal political conditions of any given country, external policies should try to be tailor-made to meet such conditions, rather than follow an abstract shopping list of reform priorities one size for all. The Council recognised this need by clarifying that the Action Plans 'should be based on common principles but be differentiated, as appropriate, taking into account the specificities of each neighbour, its national reform processes and its relations with the EU'.<sup>15</sup>

Should the Action Plans follow the characteristics outlined by the Council and described above, i.e. should they be jointly devised, set out realistic and limited objectives, and be based on a set of shared principles rather than leave the space to accuse the EU of 'imposing' or 'exporting' values from abroad, they could provide a key tool to put relations between the EU and its neighbours on a different (more equal?) footing. But their content will depend crucially on the ability of the neighbours to negotiate satisfactory terms, and thus resemble more of a partner and less of an accidental neighbour. As things stand at the time of writing (November 2004), it will be necessary to wait for the publication of the Action Plans, expected in December once they have been negotiated with all the seven countries involved in the first round,<sup>16</sup> in order to be able to ascertain the extent to which this new methodology will be applied in practice.

The implication of differentiation is that the bilateral dimension is privileged over regional frameworks. In the Mediterranean context, for example, where a regional policy is in place since 1995, this would help unhinge the Barcelona Process from the stalemate in which it has often found itself allowing countries to progress more rapidly than others. Indeed, those countries most willing to discuss reform, such as Morocco and Jordan, have welcomed the introduction of differentiation as it allows them to advance their position vis-à-vis the EU. On the other, the regional and multilateral framework of Barcelona has provided the only forum in which Israel and its Arab neighbours meet, an important achievement despite being shadowed by the escalation of the Middle East conflict. Also, regional policies seem to be the most appropriate way to encourage regional cooperation on common challenges, such as infrastructure development or cross-border crime. Indeed, there seems to be an inherent tension in the ENP between differentiation and regional cooperation in favour of the former, which makes it sit uncomfortably next to established initiatives such as the Euro-Mediterranean Partnership.

On the whole, benchmarking and differentiation do not change the nature of the EU's use of conditionality, but together they could make its use less arbitrary by negotiating a set of realistic objectives with the partners, and by giving greater transparency and predictability to the process. However, there are political signs that suggest that pushing for reform in the neighbouring countries might not be a prominent feature of the ENP.

Conditionality depends essentially on the nature of the incentives that are on offer, in the first instance, and on the costs of non-compliance. The first communication outlining the EU's neighbourhood policy presented the 'four freedoms' – the free movement of persons, goods, services and capital – as the main incentives offered to partners: 'if a country has reached this level,

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<sup>14</sup> General Affairs and External Relations Council (2004), Conclusions, Luxembourg: 14 June.

<sup>15</sup> General Affairs and External Relations Council (2004), Conclusions, Luxembourg: 14 June 2004.

<sup>16</sup> The countries are: Ukraine, Moldova, Morocco, Tunisia, Jordan, Palestinian Authority and Israel, whose final agreement is still pending.

it has come as close to the Union as it can without being a member'.<sup>17</sup> The vision was of an open space for free circulation in which its members shared 'everything but institutions', as Commission President Romano Prodi put it. However, the following General Affairs and External Relations Council scaled down the dimension on the incentives considerably, showing a wavering of the political commitment necessary to maintain the momentum of such an ambitious and comprehensive strategy – something that does not bode well for the policy and for the neighbours.

#### **A COMPARISON OF COMMISSION AND COUNCIL PRIORITIES IN THE NEIGHBOURHOOD**

<b>Wider Europe Communication</b>	<b>Council Conclusions<sup>18</sup></b>
	1. More effective political dialogue and cooperation
1. Extension of the Internal Market and Regulatory Structures	4. Perspectives for participating progressively in the EU's Internal Market and its regulatory structures, including those pertaining to sustainable development (health, consumer and environmental protection), based on legislative approximation
2. Preferential Trading Relations and Market Opening	5. Preferential trading relations and further market opening in accordance with WTO principles
3. Perspectives for Lawful Migration and Movement of Persons	6. Enhanced cooperation on matters related to legal migration
4. Intensified Cooperation to Prevent and Combat Common Security Threats	2. Intensified Cooperation to Prevent and Combat Common Security Threats
5. Greater EU Political Involvement in Conflict Prevention and Crisis Management	3. Greater cooperation in conflict prevention and crisis management
6. Greater Efforts to Promote Human Rights, Further Cultural Cooperation and Enhance Mutual Understanding	8. Enhanced Cultural Cooperation, mutual understanding and people-to-people contact <sup>19</sup>
7. Integration into transport, energy and telecommunications networks and the European Research Area	9. Perspectives of integration into transport, energy and telecommunications networks and the European Research Area
8. New instruments for investment promotion and protection	10. New instruments for investment promotion and protection while preserving the respective competences of the Community and the Member States
9. Support for integration into the global trading system	11. Support for WTO accessions and integration into the global trading system
10. Enhanced assistance, better tailored to needs	12. Enhanced and improved assistance, better tailored to needs, including improved interaction of all relevant sources of finance, including IFIs
11. New sources of finance	See above. <sup>20</sup>
	7. Enhanced cooperation to tackle drugs trafficking, trafficking in human beings and

<sup>17</sup> European Commission (2003), *Wider Europe – Neighbourhood*.

<sup>18</sup> The numbers illustrate the position in the Council's list of priorities. I have placed them next to the Commission's list (and thus not in numerical order) to allow the reader to get an idea of the changes in language and position between the two texts.

<sup>19</sup> It is worth underlining that human rights have disappeared from the agenda.

<sup>20</sup> The merging of points 10 and 11 seems to suggest that the Member States would prefer resorting to external sources of financing rather than to EU sources. See Wallace (2003).

	organised crime, through, inter alia, support for border management and cross-border cooperation
	13. Promotion of intra-regional, sub-regional and cross-border cooperation
	14. Enhanced cooperation in the field of education, training and science
	15. Enhanced cooperation in environmental protection

Freedom of movement of persons was the first victim of the Council's intervention, a field which could have represented a strong incentive for the partner countries. Rather than offering 'perspectives for lawful migration and movement of persons', as the Wider Europe Communication had suggested, the Council reduced this incentive to 'enhanced cooperation on matters related to legal migration'.<sup>21</sup> Instead, the Council focused more on the security aspects of the challenges in the neighbourhood, by emphasising the enhancement of political dialogue, cooperation to fight common security threats, conflict prevention, cooperation in fighting illegal trafficking and organised crime and in border management etc. These do not necessarily consist of incentives; rather they reflect the shared challenges and in many cases there is a stronger EU interest in securing the cooperation of partners.

This leaves the economic and aid incentives, and the possibility of participating in EU programmes (discussed in the next section), and EU support of the neighbours for WTO accession and financing from other bodies such as IFIs, as the most appetising carrot that is being offered.

Accessing the EU's internal market is the long-term prospect. While this certainly represents an important target, it is doubtful whether it can serve as a real 'carrot' to the partner countries. First of all, approximation to EU single market legislation is such a long-drawn and costly enterprise, as the EU member states well know, that it is not necessarily convenient for neighbours which are poor and underdeveloped compared the EU. With the exception of Israel, none of the countries in the EU neighbourhood are capable of competing in the internal market. Secondly, the agreements currently in place with all countries except for Armenia, Azerbaijan and Georgia, include the prospect of establishing bilateral free trade areas; the Euro-Mediterranean Partnership foresees the creation of a regional one, theoretically by 2010 – and even this prospect is not on the way to being achieved in the short term.

Preferential trade relations and the offering of market openings could potentially provide partners with new avenues to export their goods – so long, however, that the EU lifts its restrictions, raised in the name of the Common Agricultural Policy, on those agricultural goods and textiles that many of the neighbours produce. It is likely that the EU will open up sections of the internal market negotiated on a bilateral basis.

It is still too early to evaluate these aspects. The Commission is proposing to develop clearer timetables for progress in economic harmonisation and enhancing trade integration, but it will be necessary to wait at least until the publication of the Action Plans that are currently being negotiated with the neighbours. However, some first signs of displeasure of the partners have already emerged. Ukraine was the first country indicated with which an Action Plan was supposed to be approved. Negotiations between the two sides started in January 2004, but by June the contents of the Action

<sup>21</sup> General Affairs and External Relations Council, Council Conclusions on Wider Europe – New Neighbourhood, 16 June 2003, endorsed at the European Council, Presidency Conclusions, Thessaloniki, 19-20 June 2003.



Plan met the disapproval of Ukrainian officials. At the EU-Ukraine summit held in The Hague last July, the ENP suffered its first blow: the Action Plan was rejected by Kiev on the grounds that it did not add anything new to the text of the PCA.<sup>22</sup> According to Ukrainian President Leonid Kuchma, 'fixing Ukraine's status as an EU neighbour will freeze relations, rather than promote their development'.<sup>23</sup> Kuchma's position also reflected internal political dynamics especially in the context of the bitter presidential electoral campaign that dominated political life in Ukraine throughout the year, and indeed the Action Plan was eventually accepted. Nonetheless, the episode illustrates the limits of the incentives that the EU is offering.

Whatever the limitations of the incentives, especially after Council's intervention that suggests that it will not be easy to maintain the strategic vision, political momentum and commitment of the first version of 'Wider Europe' between the divergent interests and thinning resources of the enlarged EU, the focus of the ENP remains incentives-based. In the absence of the final carrot of accession, the Commission has chosen to focus on positive rather than negative conditionality, especially while it is trying to sell the policy to the neighbours. Presumably, the Neighbourhood Agreements, which are supposed to constitute an important upgrade of relations, will include a regime of negative measures similar to that put in place through the 'essential element' clause of the Association and Partnership and Cooperation Agreements, giving the EU the tools to act in cases of breaches of the agreed upon principles while keeping the same method of case-by-case discretion.

To avoid waving the 'sticks' before reaping some benefits of the 'carrots' might be a wise move. After all, the EU has showed some muscle over the violation of principles such as basic human rights only in a few cases – in the accession countries in Central and Eastern Europe, to an extent in the Balkans after the NATO intervention for Kosovo,<sup>24</sup> and occasionally in Sub-Saharan Africa or Central America. Elsewhere, the EU's 'negative' reaction is usually limited to rhetorical declarations and condemnations. In other words, if the EU's conditionality regime is limited to those areas where its influence is greater, there is no need to build the tools to exercise negative conditionality if they will not be used. Once the benefits of greater cooperation with the EU become more tangible, one could envisage (or hope for?) a stronger position in political dialogue, especially with regard to human rights violations.

On the other hand, the laudable incentive-based structure of the ENP masks a weakness: the EU's lack of a strategy with regard to those countries that are not willing to comply or cooperate. The Belarusian option of staying out in the cold cannot always be sustainable because of the risks of an unstable proximity briefly mentioned earlier. This is no secondary matter: non-compliant states are currently in the spotlight of international politics; if the EU does not want to follow the lead of the US in cases such as Iraq, it needs a coherent strategy towards the 'difficult' countries, such as Syria and Libya (not to speak of countries further afield).

### **3. The tools and ENP programmes**

Addressing the specific opportunities and challenges related to the geographical proximity common to the EU and its neighbours, and to conceive a sound alternative to enlargement while offering some benefits implicit in a greater integration with the EU, required the definition of new assistance tools. Under the current financial perspectives, the countries involved in the ENP are covered by a wide and diversified array of thematic and geographic instruments, governed by different

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<sup>22</sup> Andrew Beatty, 'Ukraine threatens to reject new EU deal', *www.euobserver.com*, 11 June 2004.

<sup>23</sup> 'European neighbourhood policy fails to meet Ukraine's interests, Kuchma says', *Interfax-Ukraine*, 8 July 2004.

<sup>24</sup> Rosa Balfour (2005), 'Principles of Democracy and Human Rights: a Review of the European Union's Strategies towards its Neighbours', in Sonia Lucarelli and Ian Manners (eds.), *Values in EU Global Action*, London: Routledge (forthcoming).

regulations and thus following different procedures for the identification, selection and implementation of projects and programmes. In particular, as the Commission noted, the implementation of genuine joint projects on either side of the enlarged EU border, might have raised considerable problems because of the different systems applied to the financial management of Community funds.

In 2003 the Commission proposed the adoption of a two-step approach to create a new instrument, working at an enhanced coordination between existing tools for the 2004-2006 period while proposing a new regulation for the post-2007 period, once the new financial framework is in place.<sup>25</sup>

To cover the first phase and overcome the limitations implied by the current financial instruments, the Commission proposed the introduction of Neighbourhood Programmes (NP) covering the external borders of the enlarged European Union. These are based on the INTERREG network of programmes (both existing and under preparation) and are designed to permit a single application process, including a single call for proposals covering both sides of the border and a joint selection process for projects. Funding is to be obtained from the allocation for the existing programmes, specifically from the internal European Regional Development Fund (ERDF, about € 700m) and from external assistance (€ 75m under TACIS, € 90m within PHARE, € 45m each for both CARDS and MEDA). The financial participation of external funds will be decided according to the yearly planning of each programme, while the share derived by structural funds is allocated according to multi-annual programming. Resources will be managed by the same units responsible for the management of national external assistance programmes.<sup>26</sup>

Implementing guidelines following the indications of the Commission have been published with regard to INTERREG/TACIS and INTERREG/CARDS borders, but not in relation to the future MEDA Neighbourhood Programme.<sup>27</sup> The MEDA Neighbourhood Programme Strategy Paper, still discussed within the MED committee, outlines some differences with regard to the definition of the NP with the MEDA countries. Whereas continental transnational and cross-border cooperation primarily responds to EU external land borders, the EU policy in the Mediterranean needs to strengthen regional and sub-regional cooperation among Mediterranean partners. Neighbourhood represents a supplementary dimension of the Euro-Mediterranean partnership, beside the bilateral and regional level on which MEDA was articulated so far.<sup>28</sup> All these elements contribute to make the outlined MEDA NP much more similar to traditional EU cooperation towards the area, and casts doubts over a replication of INTERREG mechanisms also in the case of Mediterranean countries.

As for the post-2006 phase, the *Paving the way* Communication outlined three possible options to develop a new instrument: expanding the content and geographical scope of existing cooperation instruments; further enhance coordination between existing instruments; creating a single new Regulation to govern a Neighbourhood Instrument to fund activities both inside and outside the Union.<sup>29</sup> This last option was considered by far the most suitable to overcome coordination problems and provide assistance on both sides of the EU external border, using a single budget

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<sup>25</sup> European Commission (2003), *Paving the Way*.

<sup>26</sup> European Commission (2004), *Neighbourhood Programmes 2004-2006. Implementing Guidelines for INTERREG/TACIS and INTERREG/CARDSs*, Brussels: 11 June.

<sup>27</sup> TACIS covers the whole of the former Soviet Union and, until 2003, Mongolia; CARDS is the programme developed for former Yugoslavia and Albania, MEDA for the EMP countries.

<sup>28</sup> José Luis Rhi-Sausi, Raffaella Coletti and Battistina Cugusi (2004), 'Strumenti e Metodologie dei programmi di prossimità nel Mediterraneo nella fase di transizione. Prospettive per la cooperazione interregionale', Paper presented at the conference *Sperimentazione delle politiche di prossimità nel Mediterraneo Occidentale*, Naples, 22-23 June, downloadable from [www.cespi.it](http://www.cespi.it).

<sup>29</sup> European Commission (2003), *Paving the Way*.

chapter drawing from the cohesion and external policies headings of the new Financial Perspectives.<sup>30</sup>

The regulation on the new instrument was proposed last September by the Commission as part of a radical overhaul of the tools of external assistance. The reform of external assistance consists of a major simplification of programmes and procedures, reducing the number of instruments to six: (i) an Instrument for pre-accession (IPA); (ii) the European Neighbourhood and Partnership Instrument (ENPI); (iii) a Development Cooperation and Economic Cooperation Instrument (DCECI); (iv) an Instrument for stability; (v) a Humanitarian Aid Instrument; (vi) a Macro Financial Assistance Instrument - the first four of which are completely new. IPA, ENPI and DCECI are all policy driven instruments, while the other three are designed to address specific needs and to respond to crisis situations. Such a reorganization is complemented by a general harmonization of programming and procedures, and is expected to improve the overall coherence of the EU external action, both between different instruments both within policies and EU political action and priorities. An output-oriented resources allocation should, in the intentions of the Commission, lead to improved efficacy and efficiency of the resources employed, while the general simplification of the framework should result in a better dialogue and coordination with other donors and institutions and with third countries.<sup>31</sup>

The European Neighbourhood and Partnership Instrument (ENPI) has thus been developed in accordance with the principles of the wider reform of the tools of EU external assistance, and should work coherently with the other new instruments. As a policy driven instrument, it will operate in the framework of agreements with partner countries and its activities will be orientated by strategic priorities negotiated with beneficiary countries, focusing on the implementation of the Action Plans. While covering all countries involved into the ENP, the new instrument also supports the EU partnership with Russia. The new instrument replaces MEDA and TACIS programmes, as well as a number of thematic instruments, such as the European Initiative for Democracy and Human Rights (EIDHR), which is likely to become one of the horizontal themes of the ENPI.

The two main objectives of the ENPI are the promotion of a progressive economic cooperation between the EU and partner countries, and to address the specific opportunities and challenges of the space of proximity. It also includes measures for legislative approximation, regulatory convergence and institution building. These will be supported through mechanisms such as the exchange of experience, long term twinning arrangements with member states or participation in Community programmes and experiences.

The most innovative feature of the ENPI is to conceive new (and old) borders as an opportunity for cooperation rather than as a barrier, and to prefigure and overcome the rigid distinction between the internal and foreign policy domains, by using, in planning and implementing external assistance, instruments so far employed only within the EU territory. The new regulation provides the legal basis to this radical policy innovation, by stating, for the first time in an assistance regulation, that, for the purpose of promoting cross border and trans-regional cooperation, 'Community assistance might be used for the common benefit of Member states and partner countries'.<sup>32</sup>

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<sup>30</sup> European Commission (2004), *ENP Strategy Paper*.

<sup>31</sup> European Commission (2004), *Communication from the Commission to the Council and the European Parliament on the Instruments of External Assistance under the Future Financial Perspectives 2007-2013*, COM (2004) 626 final, Brussels: 29 September.

<sup>32</sup> European Commission (2004), *Proposal for a Regulation of the European Parliament and of the Council establishing a financing instrument for development cooperation and economic cooperation*, COM(2004) 629 final, 2004/0220 (COD), Brussels: 29 September, Title I, Article 1 (2).

Cross border cooperation is therefore an important and innovative component of the ENPI, that will finance joint programmes bringing together regions of the member states and partner countries sharing a common border, using a 'structural funds' approach, based on multi-annual programming, partnership and co-financing. Joint programmes will be adopted by the Commission and will be managed jointly by the relevant member states and partner countries through a joint management authority operating through shared management and normally located in a member state. Project financing and implementation will be based on annual Action programmes, in line with the principles included in recent regulations such as TACIS and MEDA.<sup>33</sup> This component will be co-financed through the European Fund for Regional Development (ERDF).

The cross border component also provides important opportunities for actors other than central governments to participate in the ENP. The proposed ENPI regulation underlines the importance of complementing Community assistance with national, regional and local measures in each country involved,<sup>34</sup> and calls for partnerships involving national, regional, and local authorities, economic and social actors. Partners should be involved, in particular at local and regional level, in the preparation, implementation and monitoring of programmes and projects.<sup>35</sup>

The relevance of these provisions is two-fold: on one hand it allows and stimulates regional and local governments from the EU to participate in the development and implementation of ENP cross border programmes, and to forge wide horizontal partnerships with similar partners in the ENP countries, exporting and transferring their expertise in using EU funds; on the other hand, favouring partnerships between national, regional and local subjects, Community assistance supports decentralisation processes and the strengthening of local democratic governance in partner countries. This aspect is potentially important because it could allow the EU to get involved in cooperation programmes with local representatives and civil society (the 'people-to-people' dimension) while bypassing unfriendly national governments. It appears that the Commission will encourage this route to do something about Belarus. But there are some unclear points in this regard. The fact that Action Plans are negotiated with central governments and that the ENPI's use is supposed to reflect the aims of the Action Plans makes central governments an inescapable interlocutor, with the only exception of Belarus which is not set to negotiate an Action Plan. Secondly, there are some doubts on the intentions of the Council to boost policies aimed at democratisation.

Resource allocation is naturally key to assess the credibility of the ambitious goals stated through the ENP, to evaluate whether the innovative features of ENPI will actually find their concrete application, and whether the aid dimension of the ENP can constitute an incentive for the recipient country. The financial amount foreseen for the ENPI is € 14.929m for the 2007-2013 period, which looks like a substantial increase compared to the resources available for the main programmes currently covering the ENP countries for 2000-2006, TACIS (€ 3.138m) and MEDA (€ 5.350m). Even adding the resources of the horizontal or ad hoc instruments insisting on the same area,<sup>36</sup> the proposed financial amount certainly represents an upgrade of EU assistance to these regions.

#### **4. Some open questions**

This analysis can only be provisional. The ENP exists only on paper. The Commission is currently negotiating Action Plans; the process is taking longer than expected, despite the optimistic deadline

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<sup>33</sup> European Commission (2004), *Proposal for a Regulation*, Title III.

<sup>34</sup> European Commission (2004), *Proposal for a Regulation*, Title I, Art. 3.

<sup>35</sup> European Commission (2004), *Proposal for a Regulation*, Title I, Article 4 (2), (3).

<sup>36</sup> Horizontal and ad hoc instruments are, for example the EIDHR programme, for which we should lament its suppression, or supporting the fuel gap.

of July 2004 set in the Regional Strategy Paper. Until the various positive components are in place – assistance tools, the economic incentives, cooperation in other fields of interest to the EU's neighbours, such as on visa and migration policies, new and apparently more advanced contractual relations through the Neighbourhood Agreements –, it will be hard to evaluate the actual impact of the ENP on shaping the EU's neighbourhood. Upgrading and renewing relations with new and old neighbours certainly offers them a 'vision of the future'<sup>37</sup>.

But the ENP will only succeed if the EU confers to its neighbours the standing of real partners. Already there is scepticism among the neighbours: Ukraine and Moldova were hoping for a clearer membership prospect, while the southern shore of the Mediterranean is unclear about the benefits of the ENP over the Barcelona Process. The outcome of the negotiations over the Action Plans will reveal the extent to which the EU is listening to the needs of its neighbours or is presenting a long shopping list of reforms to be accomplished in timetables which are only occasionally respected.

If the neighbours deserve the status of partners, they also need to be confronted on the themes of reforms. The stalemate of the Barcelona Process and the PCA framework are not just imputable to a failure of European foreign policy. If states are increasingly infiltrated by criminal oligarchs, if black markets expand at the expense of GDP growth, if societies are increasingly challenged by Islamic fundamentalism, if elections are still rigged and torture endures as a common feature to all the ENP countries, it also reflects the reluctance of authoritarian or semi-authoritarian states to implement economic and political reform. If the EU wants to stabilise its neighbourhood, it cannot escape addressing these issues.

A glaring absence in terms of means regards the reinforced political dialogue and cooperation in a number of security issues that the Council itself prioritised over the economic incentives (see the table in section 2). More specifically, it is unclear how this political dialogue will take place, as the ENP does not set up an institutional framework guiding high-level meetings on these subjects. Presumably this framework will be provided for in the Neighbourhood Agreements, as much as it is provided for in the Partnership and Cooperation Agreements and the Association Agreements (and multilaterally in the Euro-Mediterranean Partnership). Given that the joint institutions established in the context of these agreements spend much of their time discussing the nitty-gritty of trade and economic cooperation, the question remains of how political dialogue and cooperation will be ensured in the absence of continuous political commitment, which, conversely, tends to be ad hoc and following urgent agendas, such as the fight against terrorism or organised crime.

In terms of the coherence, efficiency and clarity of aims, the value of single framework for relations with the diversified universe of neighbours is quite undisputable. In the field of external assistance especially, the single regulatory framework and the possibility of opening up EU programmes to the participation of neighbours in issues of cross-border interest in particularly innovative, and its importance should be viewed in the context of the overall reform of external assistance that the Commission is carrying out, more promisingly than the previous reform of 2001. Similarly, the merging of the agreements into a Neighbourhood Agreement breaks down the perceived hierarchy between different agreements and puts the neighbours on equal standing between them.

The ENP is a strong signal that the EU is trying to consolidate its position as a regional power. The emphasis on the neighbourhood makes explicit a trend that has been developing over the past decade or so: the EU's hierarchy of interests is clearly based on geographical proximity. With the entry of many new members without ties with former colonies, the imperial legacy of the European

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<sup>37</sup> Judy Batt, Dov Lynch, Antonio Missiroli, Martin Ortega and Dimitrios Triantaphyllou (2003), 'Partners and neighbours: a CFSP for a wider Europe', *Chaillot Papers* No. 64, Paris: EU Institute for Security Studies.

former colonial powers and the ensuring ties between the EU and the rest of the world appear to be weakened, and a glance at EU spending in worldwide aid illustrates this.

But the EU neighbourhood is not just an area of EU interest. To the East, Russia has long played a pivotal role in its previous Soviet space – the ‘union’ with Belarus, Putin’s repeated visits to Kiev during the 2004 presidential election campaign, the free trade agreement between Russia, Ukraine, Belarus and Kazakhstan signed in September 2003, Russian military presence in the Southern Caucasus, all demonstrate that the neighbourhood is a field of ‘competition’ for influence with the EU. Similarly, the Eastern Mediterranean and the Middle East are areas of ‘competition’ (or convergence?) with the US.

This means that the ENP needs to be accompanied by political initiatives capable of complementing the structural elements that the Neighbourhood policy is developing in line with the EU’s distinctive ‘style’ of foreign policy making. The Instrument for Stability to respond to crises situations, the decision earlier this year to create a European *gendarmierie* go in the direction of ensuring that political crises in the neighbourhood are addressed with EU tools. But much will depend on how the ENP is complemented by the European Security Strategy (ESS). Approved at the very end of 2003 as an effort of the High Representative for CFSP Javier Solana, the European Security Strategy too considers it an ‘EU interest’ that ‘countries on our border are well-governed’ and the new neighbourhood as a strategic priority for the Common Foreign and Security Policy.<sup>38</sup> So far, under the auspices of the ESS, Solana has unveiled a plan for EU involvement in the Middle East conflict, and it remains to be seen what specific strategies will be developed for the rest of the neighbourhood. The international credibility of the EU, nonetheless, will depend on the synergy between these two policy frameworks.

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<sup>38</sup> Council of the European Union (2003), *A Secure Europe in a Better World*, European Security Strategy, Brussels: 12 December.

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## THE EUROPEAN NEIGHBOURHOOD POLICY: RESPONDING TO THE EU'S POST-ENLARGEMENT CHALLENGES?

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# **The European Neighbourhood Policy: Responding to the EU's Post-Enlargement Challenges?**

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Finding new ways to engage the southern and eastern neighbourhoods has become one of the major challenges facing the Union today. The challenge derives from the wish to capitalise on the EU's most evident foreign policy success - enlargement and the process democratic transformation and economic reform that came with it.<sup>1</sup> The EU also wishes to prevent the exclusion effects that could emerge from new dividing lines in Europe. If badly managed, these could deprive countries further to the south and to the east, all of the peace, stability and prosperity dividends of European integration. Finally EU actors increasingly appreciate the global nature of the threats facing Europe today, which cannot be adequately tackled through insulation. Hence, the need to find alternative ways of inclusion, by separating the concept of the 'EU' from that of 'Europe' at large.<sup>2</sup>

The need to face this challenge has been made explicit both in the EU Constitutional Treaty and in the December 2003 Security Strategy. Article I-56 of the Constitutional Treaty reads: 'the Union shall develop a special relationship with neighbouring States, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation'. In its Security Strategy, the EU has declared that its objective would be to 'promote a ring of well-governed countries to the East of the EU and on the borders of the Mediterranean with whom we can enjoy close and cooperative relations'.<sup>3</sup> Pinpointing the neighbourhood as a priority area is the natural consequence of EU proximity. Proximity entails that much of the instability, conflict, state failure,

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<sup>1</sup> See the joint letter by Chris Patten and Javier Solana (2002), 'Wider Europe' on 7 August 2002, on [www.cec.eu.int](http://www.cec.eu.int)

<sup>2</sup> Judy Batt, Dov Lynch, Antonio Missiroli, Martin Ortega and Dimitrios Triantaphyllou (2003), 'Partners and Neighbours: a CFSP for a Wider Europe', *Chaillot Papers*, No.64, September 2003, EUISS, Paris.

<sup>3</sup> European Council (2003), *A Secure Europe in a Better World. European Security Strategy*, Brussels, 12 December 2003, <http://ue.eu.int/pressdata/EN/reports/78367.pdf>

repression and violence that besiege these regions could have negative spill-over effects into the Union. Hence, it is in the EU's interests to contribute to their democratic, rule-bound and peaceful transformation. Focussing on the neighbourhood also has a wider rationale. Global threats such as weapons of mass destruction, terrorism and the illegal trafficking of drugs and people have been identified as either stemming from or transiting through these countries.

In March 2003, the European Commission published its first official proposals for a Wider Europe Neighbourhood Policy.<sup>4</sup> One year later, upon request of the Council, the Commission further revised its ideas, giving birth to the European Neighbourhood Policy (ENP).<sup>5</sup> The European Security Strategy and the Neighbourhood Policy, having been developed concurrently, seem intended to neatly dovetail each other. While the former provides the general objectives based on an assessment of the EU's interests, the latter provides the strategy and the means to address them.

Indeed, the ENP could provide an important part of the answer to challenges facing the enlarged EU. In a post-enlargement context, the question of the final borders of the Union has become a key strategic issue on the agenda. It has become increasingly clear that despite the success of enlargement, the EU cannot indefinitely rely on the same instrument as a means to positively induce transformation beyond its borders. Doing so would end up making the Union unable to provide the very benefits that have inspired its neighbours to join it.<sup>6</sup> Future enlargements are likely to see the entry of Bulgaria, Romania, Turkey and the Western Balkan countries. However, the Union's relations with the remaining post-Soviet states (Ukraine, Moldova, Belarus, Georgia, Armenia and Azerbaijan and Russia itself) as well as with the entire southern Mediterranean basin and the Middle East may require alternative policy instruments. Hence the challenge, undertaken by the ENP, of seeking new ways and means to act beyond the traditional accession/non-accession dichotomy.<sup>7</sup> Can and if so how can the

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<sup>4</sup> Commission of the EC (2003), *Wider Europe- Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours*, (COM(2003) 104 final)

<sup>5</sup> Commission of the EC (2004), Communication from the Commission to the Council *European Neighbourhood Policy Strategy Paper*, (COM(2004) 373 final)

<sup>6</sup> William Wallace (2003), *Looking after the Neighbourhood: Responsibilities for EU-25*, Policy Paper No.4, July 2003, [www.notre-europe.asso.fr](http://www.notre-europe.asso.fr)

<sup>7</sup> Dov Lynch (2004), *The European Neighbourhood Policy*, Paper Presented at the Workshop "ENP: Concepts and Instruments", Prague, June 2004.

EU operate a successful neighbourhood policy without the ultimate prospect of membership?

This paper provides an assessment of the ENP, its promises and its potential pitfalls. While appreciating the potential value of the initiative and in view of this very value, it raises several questions, concluding on a somber note. The current policy as it is being developed on paper, does not appear to draw sufficiently from the lessons of past and present external policies, particularly when it comes to the Union's contractual ties with third states. As such, it may well emulate the structural and practical defects inherent in the EU's past experiences, without meeting the heightened expectations it has been generating within its neighbourhood.

### **The Promise: Exporting Peace, Stability and Prosperity to the Neighbourhood**

If followed through, the ENP is eventually intended to give rise to a whole set of new bilateral contracts: the European Neighbourhood Agreements. The ENP thus follows the well-trodden path in EU foreign policy, i.e., that of conducting external relations through different forms of contractual ties. These agreements foresee varying degrees of economic, social and legal integration into the EU, ranging from the accession process itself to weaker forms of association and partnership.

Other than degrees of integration per se, this form of EU foreign policy is intended to foster long-run structural change in the economic, political, legal and institutional spheres both within and between third states.<sup>8</sup> The ENP Strategy document mentions these goals explicitly. These include supporting regional cooperation, good neighbourly relations and conflict resolution; strengthening democracy, the rule of law, civil society, and the respect of international law, human rights and fundamental freedoms; and fighting corruption, organised crime, terrorism and weapons proliferation. In other words, the ENP, like other EU external policies, aims both to establish closer relations with third states as an end in itself, and as a means to contribute to structural change within and between these countries. By doing so, the

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<sup>8</sup> Stephan Keukeleire (2000), 'The EU as a Diplomatic Actor', University of Leicester, *Discussion Paper* No.71.

ENP document clarifies that its objectives are in line with the goals of the EU Security Strategy.

In principle the ENP also has a clear geographical scope and logic. The Policy is intended for all the neighbouring countries that have been excluded from current and expected future rounds of EU enlargement, i.e., for all the neighbours of the enlarged EU. As such, Bulgaria, Romania and Turkey, currently in the accession process, have been excluded. Also excluded are the five Western Balkan countries, currently in the Stabilisation and Association Process, which since the June 2003 Thessaloniki European Council, is expected to evolve into the full accession process.

Formally included in the ENP are Moldova and the Ukraine and all the countries of the Euro-Mediterranean Partnership, apart from the two new member states (Malta and Cyprus) and candidate Turkey. The ENP is also on offer to Russia, if Moscow wishes to accept it, to Belarus, if progress is made towards democratisation, and to Libya, as the EU embargo is lifted and Libya enters the Barcelona Process. In March 2004 in the light of the 'rose revolution' in Georgia, the Commission also proposed to include the three South Caucasus countries (Georgia, Armenia and Azerbaijan). The South Caucasus were included in the ENP in June 2004.<sup>9</sup> This leaves only Iraq and Iran, two of the neighbours of candidate Turkey. Commission officials explain that Iran and Iraq have been excluded because Turkey's membership is expected in the long-term (in its October 2004 recommendation, the Commission stated that Turkey's entry could only be expected after 2014). Furthermore, Turkey's accession would be preceded by a thorough reconsideration of the EU's external borders and border policy.<sup>10</sup>

The ENP is not intended to supersede the bilateral and multilateral ties that the Union currently enjoys with its neighbours. Its rationale is rather to provide value added to the existing panorama of relations by contributing new instruments and potential benefits to the neighbouring states. These could ultimately be enshrined in new contractual arrangements, of significant symbolic as well as substantive value. All this could in turn facilitate the Union's quest to meet its objectives in these regions. It

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<sup>9</sup> General Affairs Council (2004), *Press Release*, Meeting of the 14 June 2004, Brussels.

<sup>10</sup> Private interview, Brussels, October 2004.

could also contribute towards meeting the aims already set out in multi-lateral forums such as the Barcelona Process. Indeed, lessons from the first Stability Pact for Central and Eastern Europe, as well as from the second Stability Pact for the Western Balkans, teach that the EU is most successful in promoting sub-regional cooperation once it commits itself to enhanced bilateral relations with third countries.

The new instruments and benefits of the ENP have been summarised by Commission officials as 'all but membership' or 'sharing everything but institutions'. In other words, the Union would offer extremely deep forms of integration, but it would not offer membership itself and thus voting rights and representation in EU institutions. Ideas of this kind have been developing within the Commission since the 1999 Kosovo war, and have been defined by Commission President Prodi, as forms of 'virtual membership'.

The thinking behind the ENP both conceptualises the gains on offer as 'membership-minus', and foresees a policy process that emulates the method of formal accession. While common rules would guide the EU's relations with all neighbours, the approach would be bilateral, and based on the neighbours' specific capability and willingness to move forwards. In the process of working towards European Neighbourhood Agreements, all neighbours would have an Action Plan with the EU. The Action Plans would include a selection of the different instruments and benefits on offer in the ENP. The Plans would also state the method and requirements necessary to achieve specific degrees of EU integration.

By far the most appetising carrots available in the ENP are trade liberalisation and measures preparing countries to join the EU internal market. The Action Plans would also include reinforced political dialogue, participation in EU programmes, visa facilitation, and cooperation in infrastructure, energy, information, environment, research and social policy. The ENP is also expected to include a European Neighbourhood and Partnership Instrument (ENPI). This financial instrument is intended to become operational by 2007 and supplement existing MEDA (for the Mediterranean partners) and TACIS (for the post-Soviet states) funding. The ENPI would assist harmonisation with the EU *acquis* and support cross-border cooperation between the enlarged EU and its new and old neighbours. The Instrument would

promote sustainable development, border security and people-to-people contact. The assistance proposed by the Commission for 2007-2013, if approved by the Council and Parliament, could also represent an important step forward compared to present levels of funding. It is expected that while in 2007 the ENPI would amount to the sum of TACIS plus MEDA combined, by 2013 it would have risen progressively to reach double that amount.<sup>11</sup>

The Action Plans would include also jointly agreed requirements that would facilitate the neighbouring countries' receipt of these benefits. These would cover political, social, economic, legal, institutional and administrative reform priorities. These priorities would be clarified and discussed through reinforced political dialogue. They would also include the commitment by the neighbours to effective action to combat crime and illegal migration.

Following the publication of the Strategy Papers and the Country Reports for all ENP countries in March 2004, the Commission, together with the neighbours, has progressed towards the publication of the Action Plans. The first finalised Action Plan has been that for Moldova. Action Plans for Israel, Jordan, Morocco, the Palestinian Authority, Tunisia and Ukraine are expected to be concluded by the end of 2004. The next batch will include countries that are due to ratify their existing association agreements, i.e., Egypt and Lebanon, as well as the three South Caucasus countries.

### **The Pitfalls: A Deeper Look at the ENP**

The following sections dissect the various aspects of the ENP: its incentives, its offered benefits and costs, and its possible pitfalls. In doing so, the remainder of this paper raises questions and provides a critical assessment of the initiative, drawing from the lessons of previous EU external policies towards accession and neighbouring countries and regions.

### ***Conditionality or Partnership?***

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<sup>11</sup> Michael Emerson (2004), *Beyond EU-25: Europe's Existential Dilemma*. Paper Presented at the Conference of the Calouste Gulbenkian Foundation, Lisboa, 26-27 October 2004.

Drawing from the lessons of enlargement, the ENP aims to support long-term domestic reform, regional cooperation and peace-building in its proximity, by providing new incentives to its neighbours. Underlying the language of incentives is the logic of conditionality, i.e., a strategy whereby a reward is granted or withheld depending on the fulfilment or non-fulfilment of an attached condition.<sup>12</sup> Yet when it came to the ENP, the Union was faced with a dilemma.

Imposing conditionality within the accession process was natural enough. Conditionality, despite its limits and its highly intrusive nature, had been a pivotal element in the successful transformation of the eastern European countries.<sup>13</sup> It was the necessary and accepted means to fulfil the goal of full accession.<sup>14</sup> Reforms induced through conditionality were in the EU's interests. They were in the perceived interests of the candidates themselves only provided they shared the same values and causal beliefs as those prevalent in the Union.<sup>15</sup> But irrespective of whether this was the case during the accession process, candidates were destined to join that very Union. If the reforms were in the EU's interests, they would also become in the candidates' own interests, in view of their future entry. Furthermore, given their desire to enter the EU, it was understandable enough to be required to follow all of its general principles and minute rules and procedures. The process also retained an element of democratic legitimacy. The hard choices made by domestic elites within candidate states would ultimately need approval by the people in popular referenda. Upon accession, the new members would be represented in the institutions responsible for those very laws and decisions which they themselves were called upon to adopt unilaterally prior to membership.

In the case of ENP countries, hardly any of the above considerations apply. Reforms induced or imposed by EU conditions would not have democratic accountability.

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<sup>12</sup> Karen Smith (1998), 'The Use of Political Conditionality in the EU's Relations with Third Countries: How Effective?', *European Foreign Affairs Review*, Vol.3, pp.253-74.

<sup>13</sup> Heather Grabbe (2001), 'How does Europeanisation affect CEE governance? Conditionality, Diffusion and Diversity', *Journal of European Public Policy*, Vol.8, No.6, pp.1013-1031.

<sup>14</sup> Judy Batt, Dov Lynch, Antonio Missiroli, Martin Ortega and Dimitrios Triantaphyllou (2003), 'Partners and Neighbours: a CFSP for a Wider Europe' *Chaillot Papers*, No.64, September 2003, EUISS, Paris.

<sup>15</sup> Marise Cremona (2004), *The European Neighbourhood Policy: Legal and Institutional Issues*, Paper Presented at a Workshop on Democracy and Rule of Law Promotion organised by Stanford University, 4-5 October 2004.

Neither would the people be called upon to ratify the process given the absence of final membership, nor would their elected leaders be ultimately represented in EU institutions. Furthermore, particularly in the political realm, many of the reforms that are called for by EU conditionality are often viewed as existentially threatening to third countries. This is not least because many do not share the same conception of national security as that prevalent in most EU countries. Hence, why would third countries implement reforms viewed as threatening to them, albeit in the interests of EU stability, when in any event they are destined to remain outside the Union?

Despite its specificities, the case of Turkey is particularly instructive in this respect. Over the 1990s, many of the reforms called upon by EU institutions on human, cultural and minority rights were viewed by many domestic actors in Turkey as too costly and threatening to enact for the 'sake of' the EU. For example, when the civil war between the Turkish state and the separatist PKK was raging in the south-east, calls for the extension of cultural rights in line with EU standards largely went unheard by successive Turkish governments. It was only when Turkey's accession process was launched that Turkey slowly began to embark upon as a process of reform. While underlying mistrust of European attitudes and intentions has been slow to disappear, Turkey's candidacy symbolically demonstrated a European readiness to contribute, through inclusion, to Turkey's stability and security.<sup>16</sup>

Aware of the limits of strict conditionality applied beyond the accession process, EU rhetoric has emphasised other key principles in its external relations; those of interdependence, partnership and shared values. The discourse on partnership maintains that the Union shares the same values as its partners, and as such it engages in cooperative and mutually beneficial relations with them.

Yet scratching beneath the surface, ideas about partnership and shared values are far more nebulous. When it comes to the EU's relations with neighbouring states, partnership and interdependence are rarely accurate descriptions of the state of affairs. Forms of economic as well as political dependence and inequality often characterise the EU's relations with several neighbouring states. In other words, the notions of

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<sup>16</sup> See Nathalie Tocci (2004), 'Europeanization in Turkey: Trigger or Anchor for Reform?', *South East European Politics and Society*, forthcoming, Winter 2004.



partnership and interdependence, rather than describing the EU's relations with its neighbours, seem to derive from an appreciation that strict forms of conditionality cannot or should not be applied to non-candidate countries.

The same lack of clarity exists when it comes to the notion of shared values. The idea of shared values is mentioned in the EU Constitutional Treaty. Article III-193(1) states that the Union would 'seek to develop relations and build partnerships with third countries and international, regional and global organisations which share (its) values'. However, the same Article adds that the EU's external action would be 'guided by, and designed to advance in the wider world, the principles which have inspired its own creation, development and enlargement'. As Cremona aptly points out, the Union is attempting to manage and reconcile two seemingly contradictory ideas.<sup>17</sup> If third countries already share the Union's values, what need would there be for the EU to attempt to promote these very values within third countries?

These internal contradictions have hindered effective action. The 'human rights clause', included in all association agreements between the Community and the countries of the Barcelona Process, has been a clear example of this. The human rights clause contains two components. The 'essential elements' clause establishes the norms of the Universal Declaration on Human Rights as essential elements of the agreement. Within this first clause, no obligations are specified, hinting that the parties to the agreement already share and comply with these principles.<sup>18</sup> The second component is the non-execution clause, calling for 'appropriate measures' which 'least disturb the functioning of the agreement', in the event of a material breach of the essential elements.<sup>19</sup> In principle, the non-execution clause could justify the partial suspension of an agreement. But in practice, no agreement, in whole or in part, has ever been suspended within the EMP.<sup>20</sup> In line with the notion of partnership and

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<sup>17</sup> Marise Cremona (2004), *The European Neighbourhood Policy: Legal and Institutional Issues*, Paper Presented at a Workshop on Democracy and Rule of Law Promotion organised by Stanford University, 4-5 October 2004.

<sup>18</sup> Lorand Bartels (2004), *A Legal Analysis of Human Rights Clauses in the EU's Euro-Mediterranean Association Agreements*, Paper presented at the Robert Schuman Centre for Advanced Studies, Luncheon Seminar, March 2004.

<sup>19</sup> In all association agreements, other than in those with Israel and Tunisia, grave violations of human rights are considered a material breach of the agreement.

<sup>20</sup> Barbara Brandter and Allan Rosas (1999), 'Trade Preferences and Human Rights', in Philip Alston (ed.), *The EU and Human Rights*, Oxford University Press, Oxford, pp.699-722.

away from that of conditionality, the human rights clause has been used as a justification to raise human rights issues within political dialogue. It has also served to propose financial assistance to support political reform in the partner countries.<sup>21</sup> The effectiveness of these instruments to foster democracy and human rights within the southern Mediterranean countries has been well below their potential.<sup>22</sup>

In its early stages, the ENP contained elements of a possible use of conditionality. In November 2002, the Council stated that: 'the development of relations with the countries concerned *will, of course, depend on* their implementation of further reforms and their willingness to respect international commitments and common values on democracy, the rule of law and human rights'.<sup>23</sup> In April 2003, the Council called for a differentiated approach based on the bench-marking and monitoring of the effective fulfilment of reform priorities.<sup>24</sup> The 2003 Wider Europe communication, explicitly stated that : 'in *return* for concrete progress demonstrating shared values and effective implementation of political, economic and institutional reforms, including in aligning legislation with the *acquis*, the EU's neighbourhood should benefit from the prospect of closer integration with the EU'.<sup>25</sup>

However, by 2004, this approach had significantly weakened. In its Strategy paper, the Commission continued to state that the objective of the ENP would be that of strengthening the commitment to democracy, human rights, the rule of law and good neighbourly relations.<sup>26</sup> It also argued that the Action Plans would '*take into account* the extent to which these values are effectively shared'.<sup>27</sup> But the prevalent line of reasoning tilted towards the notion of partnership. The explicit (and questionable) premise of the ENP is the 'mutual commitment to common values' between the EU

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<sup>21</sup> See Eibe Riedel and Martin Will (1999), 'Human Rights Clauses in External Agreements of the EC', in Philip Alston (ed.), *The EU and Human Rights*, Oxford University Press, Oxford, pp.773-754 and Commission of the EC (2003), *Reinvigorating EU Actions on Human Rights and Democratisation with Mediterranean Partners*, COM(2003) 294, p.11; and Commission of the EC (2001), *The EU's Role in Promoting Human Rights and Democratisation in Third Countries*, COM(2001) 252, p.9.

<sup>22</sup> Iain Byrne and Charles Shamas (2002), 'The Human Rights Implications of the MEDA Programmes' *Euro-Mediterranean Human Rights Network*, Copenhagen.

<sup>23</sup> General Affairs Council (2002), *Presidency Conclusions*, 18 November 2002, (my italics).

<sup>24</sup> General Affairs Council (2003), *Presidency Conclusions*, 14 April 2003.

<sup>25</sup> Commission of the EC (2003), *Wider Europe- Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours*, (COM(2003) 104 Final) (my italics).

<sup>26</sup> Commission of the EC (2004), *Communication from the Commission to the Council European Neighbourhood Policy Strategy Paper*, (COM(2004) 373 final), p.13.

<sup>27</sup> Commission of the EC (2004), *Communication from the Commission to the Council European Neighbourhood Policy Strategy Paper*, (COM(2004) 373 final), p.3, (my italics).

and its neighbours in the fields of the good governance, the rule of law and the respect for human and minority rights.<sup>28</sup> Although the Commission conceded that 'the extent to which neighbouring countries implement commitments in practice varies and there is considerable scope for improvement', it assumed that the neighbours indeed share, at least in principle, the Union's values.<sup>29</sup>

The ensuing method of the ENP followed this premise. The Action Plans have been negotiated by the EU and the neighbours. Together, the two have defined a set of priorities, whose fulfilment would bring the neighbours closer to the Union. These priorities would build on the existing reform aims identified by the neighbours. The Commission made its stance on conditionality in the ENP clear: 'the EU does not seek to impose priorities or conditions on its partners...these will be defined by common consent and will thus vary from country to country'.<sup>30</sup>

This approach is laudable in many respects. It is both far less patronising than strict forms of conditionality. It may also be more realistic than one in which the Union expects its turbulent neighbourhood to reach glittering standards of democracy and human rights by simply imposing conditions on it. Furthermore, this approach could yield far more positive results than one whereby the Union imposes independent conditions, with little domestic resonance within third countries, and thus little chance of contributing to long-run substantive change there.<sup>31</sup>

However, as the practice from the Euro-Mediterranean Partnership teaches, vague statements about shared political values without clear enforcement mechanisms could amount to little more than a set of lofty ideals. Without clear rules for how violations could be punished and progressive change rewarded, the likely inaction of the EU would at best result in a diplomatic forum whose language is far removed from

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<sup>28</sup> Commission of the EC (2004), Communication from the Commission to the Council *European Neighbourhood Policy Strategy Paper*, (COM(2004) 373 final), p.3.

<sup>29</sup> Commission of the EC (2004), Communication from the Commission to the Council *European Neighbourhood Policy Strategy Paper*, (COM(2004) 373 final), p.12.

<sup>30</sup> Commission of the EC (2004), Communication from the Commission to the Council *European Neighbourhood Policy Strategy Paper*, (COM(2004) 373 final), p.8.

<sup>31</sup> Gwen Sasse (2004), 'EU Conditionality and Minority Rights in Central and Eastern Europe', *Conference Paper Nations and Minority Problems in Europe*, EUI, 6-7 May 2004.

realities on the ground. At worse it could damage the Union's credibility in these regions.

### *The benefits on offer and the costs of compliance*

The decision on whether to engage in conditionality or to emphasise exclusively the notion of partnership depends pivotally on the benefits on offer and the costs of compliance with ENP obligations. Only if the potential gains relative to the costs are perceived to be sufficiently high, could the Union, if it so wishes, meaningfully attempt to exert some form of influence on its neighbours through conditionality.<sup>32</sup>

The Commission has been clear in stating that there are currently no membership prospects for the neighbours. As put by Commissioner Verheugen: 'let me be clear once more that our Neighbourhood Policy is distinct from enlargement. It neither prepares for enlargement, nor rules it out at some future point...'.<sup>33</sup> The forthcoming institutional set-up follows this logic. The ENP countries, while initially being dealt with also by Enlargement Commissioner Verheugen, will be transferred entirely to DG External Relations. The Western Balkans instead, excluded from the ENP in view of their membership prospects, will be moved from DG External Relations to DG Enlargement, joining Turkey, Romania and Bulgaria there. By shifting the Western Balkans to DG Enlargement while allotting the neighbours to DG External Relations, the Commission has effectively drawn (for the foreseeable future) the final frontiers of the EU. The geographical scope of the ENP reinforces this point. By grouping together Moldova and the Ukraine, with the southern Mediterranean countries that have no prospect of joining the Union, the Union has sent out clear signals concerning the end-point of the ENP.

When it comes to the Mediterranean, this is not necessarily a problem. Apart from the 1987 Moroccan application for membership and minority voices in Israel calling for full EU accession, no southern Mediterranean country realistically aspires to enter the Union. The same can be said for Russia and Belarus. For the time being, the South

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<sup>32</sup> See F.Schimmelfennig, S.Engert and H.Knobel (2002), 'Costs, Commitment and Compliance', *EUI Working Paper Series*, May 2002, Florence.

<sup>33</sup> Commissioner Verheugen's speech at the Prime Ministerial Conference of the Vilnius and Visegrad Democracies, Bratislava, 19 March 2004, (SPEECH/04/141).

Caucasus countries, while aspiring to membership in principle, are aware that time is not ripe, and are content with their long-sought inclusion in the ENP.

However when it comes to Moldova and the Ukraine, denying outright the prospect of membership, while having the benefit of lowering expectations there, acts in itself as a major disincentive. No matter how valuable the ENP instruments may be, to the extent to which they are viewed as a second-class substitute to full membership, they are not appreciated by the Neighbours. The same has been true in the past also for Turkey. Irrespective of the 1996 customs union and whatever form of special partnership Turkey-sceptics in Europe may offer, anything short of full accession would not be viewed as a desirable alternative in Ankara. In other words, the carrots on offer may be extremely appetizing in theory. But some, simply do not eat carrots.

In its early days, the architects of the neighbourhood policy seemed to appreciate the importance of fudging the question of EU inclusion versus exclusion. In their joint letter in August 2002, Commissioner Patten and High Representative Solana argued against 'closing any options for the more distant future'.<sup>34</sup> In his speech on 6 December 2002, Commission President Prodi stated that the neighbourhood policy would not start with the promise of membership but would not exclude eventual membership either.<sup>35</sup> The mixed institutional-set up in 2002-2004, reinforced this point. The ENP was dealt with by a Task Force which responded directly to Enlargement Commissioner Verheugen, but which was led by the Deputy Director General of DG External Relations. These statements and facts, exemplifying typical EU 'constructive ambiguity' may have been to the detriment of clarity and transparency vis-à-vis the neighbours. However, they had the value of raising the appeal of the initiative to countries that ultimately aspire to accession.

But even in the case of neighbours with no intention to join the Union, the ENP may face the limits deriving from insufficiently valuable gains. In the case of Belarus, President Lukashenko does not appear interested in establishing closer ties with Brussels. His foreign policy remains firmly anchored to Russia, on which Belarus is

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<sup>34</sup> See the joint letter by Chris Patten and Javier Solana (2002), 'Wider Europe', on 7 August 2002, on [www.cec.eu.int](http://www.cec.eu.int)

<sup>35</sup> Quoted in William Wallace (2003), *Looking after the Neighbourhood: Responsibilities for EU-25*, Policy Papers No.4, July 2003, [www.notre-europe.asso.fr](http://www.notre-europe.asso.fr)

highly dependent. Given the status quo, the Commission has opted to keep Belarus on hold, stating that while theoretically included, it could only participate in the ENP in practice following a political and policy change in Minsk. In the case of Russia, Moscow has already made its underlying lack of interest in the ENP explicit. Rather than negotiating an Action Plan with the Commission that would mention a whole array of domestic reform priorities, Moscow is happier to pursue the agenda outlined at the 2003 St Petersburg Summit (which included four spaces for cooperation covering cross-border crime, terrorism, WMD and crisis management/conflict prevention). At most Russia seems willing to benefit from the future Neighbourhood Instrument .

In the case of all other countries, the Commission has set out a long list of potential benefits on offer. It has also explained that each individual Action Plan would carefully select the precise mix of instruments to be deployed in each neighbour. In principle this could be an important addition to strictly multi-lateral initiatives.<sup>36</sup> Rather than a crude one-size-fits-all approach, each Action Plan would include the precise mix that would be most valuable to each neighbour.

Yet several questions arise when delving deeper behind these promises. Some countries already enjoy many of the benefits on offer in the ENP. Israel for example, through its current association agreement, already enjoys visa-free access to the EU and trade liberalisation in industrial and most agricultural products, it participates EU research programmes and since June 2004 it has been included in Galileo, the EU's satellite and radio navigation programme. As discussed below, the Draft Action Plan with Israel foresees a long list of measures to strength and deepen the relationship further. However, it remains doubtful whether, in the light of the existing highly integrated relationship, the additional benefits on offer would be sufficiently valuable for the EU to gain significantly more political influence on the country.

Other countries of the south and the south-east would value highly the liberalisation of the four freedoms, and in particular the free movement of persons and visa facilitation into the EU. When it comes to the Middle East and the Caucasus, the

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<sup>36</sup> See the joint letter by Chris Patten and Javier Solana (2002), 'Wider Europe', on 7 August 2002, on [www.cec.eu.int](http://www.cec.eu.int)

problem of access to Europe is being exacerbated by candidate Turkey's adoption of the Schengen *acquis*. Since the Özal era in the late 1980s, Turkey has maintained a exceptional degree of openness towards its neighbours, from both the former Soviet Union and from the Middle East.<sup>37</sup> This openness has yielded important benefits to all parties, including large movements of tourists, traders, business people and students. The 'sticker' visa system that Turkey currently applies to most Middle Eastern and Eurasian states is expected to terminate by the end of 2004, as Turkey strives to comply with JHA laws and regulations. The negative exclusion effects this would entail, has rendered the openness of the EU as a whole an even more pressing desire for the south-eastern neighbours.

Yet it seems highly unlikely that the Union would be willing to extend these internal market freedoms to the south and the south-east. The fear of terrorism, smuggling and organised crime, illegal migration and the wider spill over effects of chaos and instability has induced most Europeans, leaders and publics alike, to retain a 'fortress Europe' mentality when it comes to the south. The member states have already clarified that at most the ENP could offer three of the 'four freedoms' (i.e., excluding the free movement of persons). It is also highly debatable that the Union would consider a full liberalisation of its protectionist agriculture market to the south. It thus remains unclear what would be the precise value added of the ENP relative to the current association agreements that many of these countries enjoy, which remain largely under-exploited.

The EU would be more willing to consider visa facilitation and trade liberalisation when it comes to Moldova and the Ukraine. EU actors now appreciate the need to avoid new dividing lines to the east. The problems that have been created by the imposition of the Schengen *acquis* to border movements between Poland and the Ukraine (which reduced crossings by a factor of 7), or to the question of Kaliningrad, have softened the Union's call for a rigid application of the Schengen system there. The agreement between the EU and Russia for a facilitated transit from Kaliningrad to the rest of Russia, or the current development of the L-type visas, facilitating local border traffic on the EU's eastern land frontiers are welcome steps of this slow

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<sup>37</sup> On this see Michel Emerson and Nathalie Tocci (2004), *Turkey as Bridgehead and Spearhead: Integrating EU and Turkish Foreign Policy*, CEPS, Brussels, [www.ceps.be](http://www.ceps.be)

realisation.<sup>38</sup> The concept of the ENP itself also derives from this realisation. Hence, 'maze Europe', rather than 'fortress Europe', may well come to characterise the Union's eastern borders.<sup>39</sup>

Moldova and the Ukraine, whose relationship with the EU is based on the highly constrained Partnership and Cooperation Agreements, could certainly benefit from upgraded contractual ties with the EU. For these two countries, visa facilitation and other forms of inclusion in the single market would be certainly welcome developments. For example, to date, Moldovans wishing to travel to Brussels and thus obtain a Schengen visa, have to travel several times to Bucharest, given that Belgium has no consulate in Chisinau.<sup>40</sup> However, irrespective of the important benefits derived from future visa facilitation and other forms of inclusion, the ENP would remain far below these two countries' ultimate aspiration to full membership. To them, while joining the EU is perceived as highly valuable, joining the neighbourhood, irrespective of its gains, is simply not.

Finally, is the cost of compliance with the provisions of the ENP. The Policy offers a 'stake in the single market' to the neighbours. Yet it remains unclear whether this would be a benefit or a cost. A stake in the single market would entail the costly harmonisation with the thousands of pages of minute laws, rules and regulations of the *acquis communautaire*. In areas such as Justice and Home Affairs, *acquis* harmonisation would also be a politically (as well as administratively and financially) costly affair, given this often entails hindering free access to kin-communities in neighbouring states. Furthermore, harmonisation would not culminate in accession and thus with the voting rights and representation in EU institutions. As such, without significant financial and technical EU support, it appears unlikely that most neighbouring countries would have both the administrative capability and the political will to engage in this arduous legal and administrative revolution. Moreover, given that the prospect of accession is excluded, it remains unclear whether the 'europeanization' of the neighbourhood ought to take this precise 'EUization' form. It

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<sup>38</sup> The European Commission has recently proposed special measures (L-type visas) for local border traffic for residents living within 50 kilometres of the EU's external borders.

<sup>39</sup> Jan Zielonka (ed.) (2002), 'Introduction', *Europe Unbound*, Routledge, London, p.13.

<sup>40</sup> Michael Emerson (2004), *Beyond EU-25: Europe's Existential Dilemma*, Paper Presented at the Conference of the Calouste Gulbenkian Foundation, Lisboa, 26-27 October 2004.



is doubtful whether supporting the overall modernisation and democratisation of the neighbourhood should come with an imposition of the binding and detailed *acquis*, if accession is excluded from these countries' political horizon.

### ***The danger of political discretion***

An effective neighbourhood policy would necessitate the automatic entitlement to rights when obligations and identified priorities are fulfilled and the automatic withdrawal of benefits when they are not. Yet such automaticity is never present in practice. Beyond the contract lie the political imperatives of EU actors. The eastern enlargement occurred despite the fact that some conditions were not fulfilled. The importance of the fifth enlargement went way beyond the minutia of compliance with the *acquis communautaire*. The same is true for the withdrawal of a benefit. Suspending EMP association agreements would eliminate the contractual links between the EU and Mediterranean states, and thus reduce both the gains the Union derives from these countries and the potential source of influence on them.

Some degree of political discretion in bilateral relations is inevitable. However, when blatant violations persist without consequences or when benefits are not granted despite the general fulfilment of contractual obligations, then the EU's own credibility is harmed. When other conditions unspecified in the contract govern the Union's relations with third states, then EU policy loses its effectiveness.

The dangers of political discretion exist with each and every neighbour. However, the danger rises when the country in question has influence over and can exert forms of pressure on the Union. The case of EU-Israel relations is particularly important in this respect. The EU-Israel contractual relationship in the form of the association agreement is already highly developed. The parties are also considering whether, how and when to extend the agreement to allow for the free movement of services, the freedom of establishment as well as the pan-European cumulation of the rules of origin through an amendment of the Protocol on Origin in Israel's Association Agreement.

Israel is also included in the ENP. Despite the current mood of euro-scepticism prevalent in Israel, most Israeli policy-makers have greeted the ENP with enthusiasm. The ENP potentially offers two principal advantages. First, it offers the scope for greater forms of economic integration into the EU. Hence, the scope for progress on the free movement of persons, the liberalisation of services, as well as greater cooperation in research, investment promotion, education, energy, transport and communications. The second and arguably more important advantage to Israel is political. For the first time since the 1994 Essen European Council, the EU, through the neighbourhood policy, would promote the notion of bilateralism and differentiation over multilateralism and regional cooperation. Although, this runs counter to the EU notion that the ENP would enhance the multilateral Barcelona Process, the former is viewed in Israel as the means to escape (*de facto* rather than *de jure*) the latter (in which Israel is surrounded by Arab countries).

These Israeli preferences are understandable. Yet the risks of proceeding on this track, from a European perspective, are two-fold. First, is the question of Europe's political message. Irrespective of the (largely inconsequential and exclusively declaratory) condemnations of Israel's human rights and international law violations, the EU is concurrently proceeding with a substantially more integrated relationship with Israel. The Commission worked towards the finalisation of the Israel Action Plan in Brussels the same week as the Council of Ministers in Luxembourg strongly condemned the Israeli incursions in Gaza in October 2004.<sup>41</sup> While the EU is reluctant to sanction any state (and not only Israel), the additional non-conditional extension of benefits to a country the EU harshly condemns in its declaratory diplomacy is paradoxical, and thus harmful to the EU's credibility, to say the least.

Second, are the legal repercussions to the EU of extending additional benefits to Israel. To date, EU actors have been aware but have failed to rectify Israel's material breach of its Association Agreement. The breach has derived from fact that Israel has applied its preferential trade agreements with the Community to the territories it has occupied since 1967, as if they were part of its own national customs territory.

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<sup>41</sup> Negotiations over the Action Plan with Israel were stalled in October 2004 because of disagreements over the precise references to the Middle East Peace Process and weapons proliferation in the political dialogue section of the Plan.

Importing under preferences products certified by Israel but made in occupied territories (i.e., in settlements) violates Community Law. Aware of this problem, the Union informed Israeli authorities that pending a solution to this problem, it would be unable to amend the Protocol on Origin of Israel's Association Agreement to allow for pan-European cumulation.<sup>42</sup> In order to rectify this problem without antagonising Israel, the Commission has sought a 'technical arrangement'. The arrangement would lighten the administrative burdens on the customs authorities of both sides while Israel's malpractice continues. Indeed, the arrangement does not require Israel to end its malpractice. As such, accepting the arrangement and proceeding with pan-European cumulation would entail that Community Law would have entitled Israel to continue to apply its current and future preferential trade relations to the occupied territories. In turn, EC Law would become in contradiction with the obligations of the member states enshrined in the 4<sup>th</sup> Geneva Convention and in the July 2004 ICJ Advisory Opinion. EU Law and practice would also become incompatible with the stated objectives of the ENP and the Security Strategy concerning the relevance of international law for conflict resolution in the Middle East.

## Conclusions

In principle, the ENP could offer an important response to challenges stemming from the EU's troubled neighbourhood. Based on the awareness that enlargement cannot continue indefinitely and that accession proved to be the most tangible success of European foreign policy, the architects of the ENP have been drawing key lessons from past EU experiences. They have been seeking alternative carrots to that of full membership, which could be sufficiently valuable both to allow for deeper levels of European integration and to induce progressive reform within the neighbourhood.

The ENP could also serve to rectify an important structural defect which has afflicted the enlargement process, i.e., that of 'time inconsistency'.<sup>43</sup> This has two important aspects. First, is the disincentive to reform in the short-term. Within the accession

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<sup>42</sup> The EU's Declaration at the Fourth EU-Israel Association Council of 17-18 November 2003 stated that: '(t)he EU stresses the importance of solving the bilateral issue of rules of origin before the origin protocol is amended'.

<sup>43</sup> See Germana Noutcheva and Nathalie Tocci (2004), 'Europeanization and Secessionist Conflicts: Concepts and Theories', in B.Coppieters, M.Emerson et. al. *Europeanization and Conflict Resolution*, (Academia Press, Gent), pp.13-62. p.43.

process, expected reforms are demanded in the short and medium run, but the actual delivery of the benefit (membership) occurs in the long run. Yet long-term benefits are valued less than short-term ones. The unpredictability of the long term reduces the value of the carrot and in turn the potential incentives for reform. Time inconsistency may also induce domestic policy-makers to delay reforms until the delivery of the benefit is closer. This is true particularly when reforms are viewed as risky or costly. Second, separating the question of long-term membership from the gains of integration could serve to address the immediate challenges that arise from the creation of new dividing lines in Europe. The ENP could rectify to some extent these problems, in so far as the benefits on offer, being far more varied and graduated than the ultimate carrot of membership, could be delivered gradually over time.

However, the ENP, in its current form has been absorbing several of the defects which have affected past EU initiatives, from the enlargement process to the Euro-Mediterranean Partnership. More systematic thinking about the incentives, the benefits and the costs on offer, and the potential dangers of political discretion would be desirable at this early stage. It would allow the ENP to maximise its potential value. Greater clarity concerning the institutional set-up and rationale of the initiative would also be important. However in the light of the EU Constitutional Treaty, definite answers at this stage would be hard to give.

The initiative sprung from the Council in April 2002. Over the course of 2002-03 it was taken over by the Commission, not least because the policy instruments under consideration fell under the Commission's competence (essentially pillar one instruments). The Commission, through its Delegations in the neighbourhood countries, also has the main source of expertise to collect information for the Country Reports and Action Plans. Within the Commission, the ENP has been dealt with both by DG External Relations and by DG Enlargement. In the summer of 2004, ideas were floated concerning the possible establishment of a 'DG Europe', which would both cover the remaining accession countries as well as the non-accession ENP countries. The logic behind this idea was that the ENP, while distinct from the accession process, relied in part on its methodology, and thus Commission expertise in this field could be valuable.

In his nomination of the new Commission, forthcoming Commission President Barroso discarded the idea, and opted to retain two separate DGs, where all current and future candidates would be dealt with by Enlargement, and all ENP plus other third states would be dealt with by External Relations. This choice certainly has the benefit of clarity concerning who is and is expected to be 'in' and who is destined to remain 'out'. As such it contributes to a healthy reassessment of external expectations.

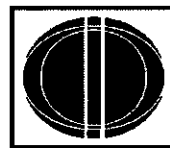
However the decision could have two principal draw-backs. First it could act as a disincentive to neighbours with clear aspirations to long-term membership. Second, it would weaken the positive analogies and lessons derived from the accession process. These problems could exacerbate if, following the (uncertain) ratification of the Constitutional Treaty, the ENP would be transferred under the competence of the EU Foreign Minister.

Yet others argue, and part of this analysis vindicates, that the choice would not fundamentally alter the policy realities that are being set up. There seems to be little point for the ENP to rely excessively on the logic of enlargement if the prospect of membership is definitely denied. It would also appear meaningless for the Union to attempt to exert influence for reform within the ENP, if EU actors are not truly willing to offer sufficiently valuable gains to the neighbours. And if reform priorities are only due to be discussed within diplomatic forums for political dialogue, then the political leadership of the ENP may as well pass on to the Council. Yet the value added of the Policy could be well below its potential. And this would be a lost opportunity for an initiative which holds the promise of becoming one of the next major elements in the EU foreign policy agenda.

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## **The European Neighbourhood Policy (ENP): Objectives and Means**

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## **1 Background**

On 1 May 2004, the European Union saw the biggest enlargement in its history, growing from 15 to 25 Member States. This enlarged Europe increased the political, geographic and economic weight of the EU on the European continent, boosting EU growth and employment opportunities. It shaped new patterns in the movement of people, goods and services and it increased diversity in culture and tradition, within a framework of shared values and common respect of fundamental liberties.

This enlargement changed the shape of the EU's political and economic relations with the countries that are situated on the external land and sea borders of the Union, namely Russia, the Western NIS and the Southern Mediterranean. With the 2004 enlargement, the capacity of the Union to provide security, stability and sustainable development to its citizens is no longer detached from its interest in implementing close cooperation with its neighbours. This cooperation has to be tackled through the entire range of European policies (foreign, security, trade, development, environment and others).

In March 2003, in order to face the new geopolitical scenario, the European Commission presented its communication "Wider Europe – Neighbourhood: a new framework for relations with our Eastern and Southern Neighbours", outlining the basic principles of the policy that will be at the basis of the relationships between the EU and its new neighbouring countries: the "European Neighbourhood Policy" (ENP).

In June 2003 this communication was accepted by the Council. It recognised it as a good basis for developing a new range of policies towards the countries involved, defined overall goals and principles and identified possible incentives. The Thessaloniki European Council in June 2003 endorsed the Council conclusions and expressed support for, and interest in the work to be undertaken by the Council and Commission in putting together the various elements of these policies.

As a first step in the implementation of the European Neighbourhood Policy, In July 2003, the Commission tabled a Communication "Paving the Way for a New Neighbourhood Instrument" and established a *Wider Europe Task Force* and a *Wider Europe Inter-Service Group*, with the role of:

- Further developing the political concept of a European Neighbourhood Policy;
- Drawing up action plans for countries concerned (eastern European and the southern Mediterranean countries) in consultation with these partner countries and in close cooperation with the High Representative/Secretary General of the Council;
- Piloting the action plans through the Commission;
- Preparing proposals for the "European Neighbourhood Instrument" (ENI) which will finance projects involving the enlarged EU and neighbouring countries;
- Drawing up plans for handling European Neighbourhood Policy in the next Commission.



In October 2003, the European Council welcomed the progress, which had been made on this initiative, and urged the Council and the Commission to take it forward, with a view to ensuring a comprehensive, balanced and proportioned approach, including a financial instrument.

In 2004, the Commission took part in detailed discussions with the Permanent Representatives Committee and the relevant Council working groups, concerning the possible elements to be included in the European Neighbourhood Policy (ENP) Actions Plans with a number of countries in Eastern Europe and the Mediterranean region.

These discussions led to the presentation, on May 12th 2004, of a *Strategy Paper and Country Reports*. The Strategy paper is a document aimed at setting out how the Union wants to work more closely with its neighbours and extend some of the benefits of enlargement. It should offer a guide for an enhanced and more focused policy approach of the EU towards its neighbourhood, bringing together the principal instruments at the disposal of the Union and its Member States.

## **2 Objectives and geographic coverage of the ENP**

The general objective of the ENP, as stated in the Strategy Paper, is to share the benefits linked to the 2004 enlargement of the EU with the countries that after May 1st 2004 have drawn closer to the EU as a result of enlargement. It is designed to prevent the emergence of new dividing lines between the enlarged EU and the countries on its borders and to offer them the chance to participate in various EU activities, through greater political, security, economic and cultural co-operation. The ENP should also help to address the strategic necessity to build up security in the EU neighbourhood and strengthen stability, security and well-being for all concerned.

Identifying the aim of a policy, which is still in the phase of formulating its general principles and objectives, is no easy task. This is particularly so, when the policy has to be so comprehensive in its design to obtain the support of a variety of countries whose national interests may not always be compatible.

Nevertheless, the formulation of the principles and objectives of the ENP does not veil its principal aim. Even if European values continue to underlie the neighbourhood policy, the principal objective of the ENP is clear, that is, the ENP must create a *security belt* around the enlarged Europe, in the light of recent events affecting the western world.

The new European Commission will have to deal with a rather painstaking agenda: another attempt at the Lisbon strategy to render the European economy competitive and increasing the growth rate. Security, ranging from defence against terrorism to the regulation of migration phenomena and their internal and external implications, cannot but play a decisive role in this agenda. Both these issues, security and the regulation of migration phenomena, are an essential part of any growth strategy. These issues require a variety of interventions at a European level and, while different ideas regarding many aspects of security and immigration regulations are still displayed in the political debate, it is generally recognised that these problems may not be resolved simply by military and public order solutions. Instead, they need the creation of an area of stability and cooperation surrounding Europe, founded on reciprocal interests.

This means that countries, which border an enlarged Europe, should not see themselves as outside the pale (countries of East Europe) or as an outpost of a geopolitical area with conflicting interests (countries of the middle- east and the southern coast of the Mediterranean). They should instead see an enlarged Europe as an opportunity for economic and social growth and share with the EU the same interest in establishing an area of stability. Economic development and growth, together with poverty reduction and the strengthening of democratic institutions in these countries, on the fringes of the new Europe, will require an enormous effort and commitment on the part of European countries.

A further difficulty being encountered by the ENP, if it does not want to simply put together a series of programmes offering technical assistance and help to promote development, lies in the fact that its geographic coverage includes countries of different regional areas which present very different political, social and economic characteristics, and different geopolitical positions. In particular the ENP applies to all neighbourhood countries which are not expected to enter in an accession process in the predictable future.

In Europe the ENP applies to Russia, Ukraine, Belarus and Moldova, although the EU and Russia have decided to further develop their strategic partnership through the creation of four common spaces, as defined at the 2003 St. Petersburg summit.

In the Mediterranean region, the ENP applies to all the non-EU participants in the Euro-Mediterranean Partnership (the Barcelona process) with the exception of Turkey, which is pursuing its relations with the EU in a pre-accession framework. It therefore involves: Morocco, Algeria, Tunisia (Maghreb), Egypt, Israel, Jordan, the Palestinian Authority, Lebanon and Syria (Mashrek). Lybia will be included in the ENP as a partner country as soon as normal relations have been established with the EU on the basis of Lybia's entry into the Barcelona process.

Outside these areas, the ENP also includes the three South Caucasus states: Armenia, Azerbaijan and Georgia.

### **3 The ENP basic architecture proposed by the Commission**

The method proposed by the Commission to meet the goals of the ENP consists in defining, together with partner countries and on the basis of the principle of partnership, a set of priorities, whose fulfilment will bring them closer to the European Union. These priorities will be incorporated in jointly agreed Action Plans, covering a number of key areas for specific action: political dialogue and reform, economic and social development, trade, justice and home affairs, energy, transport, information society, environment, research and innovation, social policy and people-to-people contacts.

The Action Plans should be based on a commitment to shared values: respect for human rights, including minority rights, the rule of law, good governance, the promotion of good neighbourly relations, the principles of market economy and sustainable development. This

means that the pace at which the EU should develop links with each partner should reflect the extent to which these common values are effectively shared.

Nevertheless, in order to reflect the existing state of relations with each country and to respect different needs and capacities as well as common interests, the Action Plans will be differentiated, i.e. tailor-made for each country. Progress in meeting the agreed priorities will be monitored in the bodies established by the Partnership and Cooperation Agreements or Associations Agreement. The Commission will report periodically on progress accomplished and, on the basis of the evaluation of the progress, the EU, together with partner countries, will review the contents of the action plans and decide on their adaptation and renewal. Decisions may also be taken on the next step in the development of bilateral relations, including the possibility of new contractual links. These could take the form of *European Neighbourhood Agreements* whose scope would be defined in the light of the progress, in meeting the priorities set out in the Action Plans and that should replace the present generation of bilateral agreements (the Partnership and Cooperation Agreements with the Eastern Europe and Southern Caucasus countries and the Association Agreement with the Mediterranean Countries in the framework of the Barcelona process), once the Action Plan priorities have been met.

#### **4 Financing the ENP**

Given the ambitious political aims of the European Neighbourhood Policy, has adequate financial and technical support been made available to support this policy? The reply to this question entails an analysis of the new instruments which have been designed, both from the qualitative point of view, that is their performance in relation to pre-defined objectives, and from the quantitative point of view, that is the financial resources to be made available for them.

The Commission decided<sup>1</sup> to entrust the financing of the Neighbourhood Programmes for the period 2004-2006 to existing financial instruments (Tacism MEDA, CARDS, Phare), strengthening the coordination between these programmes. During this period, some of these instruments are to be revised in order to expand the scope of action from the point of view of eligible countries.

On 11 February 2004, the Commission presented for the next financial perspectives a document with the title "Building our common future: policy challenges and budgetary means of the enlarged Union 2007-2013", which gives high priority to the ENP.

For this transition period, 255 million euros approximately under the various existing instruments and 700 million euros under the Interreg programme have been allocated, respectively, for external assistance, and for financing the internal component of the cooperation programmes. The lending capacity of the EIB has also been increased for ENP partner countries<sup>2</sup>.

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<sup>1</sup> See EC Communication "Paving the Way for a New Neighbourhood Instrument", July 2003.

<sup>2</sup> The total level of funding for the period 2004-2006 under external assistance instruments is set at €255 million, allocated as following:

A new instrument should become operative from 2007, the European Neighbourhood and Partnership Instrument (ENPI), to substitute all the existing ones. A two-phase approach has been followed by the Commission in view of the number of legal and budgetary questions to be resolved for the design and implementation of the new instrument. The following sections will concentrate on the analysis of the new instrument.

## **5 The European Neighbourhood and Partnership Instrument (ENPI)**

At the end of September 2004 the Commission presented a proposal for a *Regulation of the European Parliament of the Council laying down general provisions establishing a European Neighbourhood and Partnership Instrument* (ENPI) which will support cross border co-operation as well as regional co-operation projects involving both EU Member States and partner countries. This Regulation establishes the architecture of the new instrument. The reference to partnership in the actual name of the instrument denotes the fact that this instrument should also cover assistance to Russia, which is not a partner country of the ENP, the EU and Russia having decided to develop their strategic partnership not in the framework of the ENP (see paragraph 2).

The ENPI should support various form of cooperation among the partner countries and between them and the member states<sup>3</sup> and will replace existing geographical and thematic programmes covering the countries involved. External aspects of internal policies, currently

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€ 90 million for PHARE. The Phare-CBC regulation was amended in October 2003 to include the external borders of Romania and Bulgaria. The Tacis CBC indicative programme, covering the borders between the enlarged EU and Russia, Ukraine, Belarus and Moldova was adopted by the Commission in November 2003.

€ 45 million for CARDS (Community Assistance for Reconstruction, Development and Stabilisation), whose wider objective is to support the participation of the countries of the Western Balkans (Albania, Bosnia and Herzegovina, Croatia, Serbia, Montenegro and the former Yugoslav Republic of Macedonia) in the Stabilisation and Association Process)

€ 75 million for TACIS, the programme providing grant-financed technical assistance to 12 countries of Eastern Europe and Central Asia (Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan), and mainly aiming at enhancing the transition process in these countries. (Mongolia was also covered by the Tacis programme from 1991 to 2003, but is now covered by the ALA programme.)

€45 million for MEDA, offering technical and financial support measures to accompany the reform of economic and social structures in the Mediterranean partner countries.

Approximately €700 million will be provided for the corresponding EU internal borders under the INTERREG programme, Community initiative which aims to stimulate interregional cooperation in the EU.

TACIS and MEDA will remain the main financial assistance instruments for partner countries until 2007. They will provide support for the European Neighbourhood Policy and in particular for the implementation of the Action Plans. The relevant National Indicative Programmes for 2005-2006 are being adapted to reflect ENP priorities. Particular attention will be devoted to institution building. Twinning and technical assistance along the lines provided by the EU's Technical Assistance Information Exchange Office (TAIEX) will be extended to partner countries.

Regional and cross border co-operation will continue to receive targeted Community assistance. The Regional Indicative programmes of MEDA and TACIS for 2005-2006 provide support for the regional dimension of ENP.

In addition to this, EIB lending capacity has also been reinforced and it was decided to provide for a conditional extension of the EIB lending mandate to cover Russia and the Western NIS. The extension will allow the EIB to conclude loans up to €500 million until the end of 2006.

EIDHR programming will also be consistent with the policy goals while supporting civil society in areas such as democracy, rule of law, human rights and fundamental freedoms. Work is underway to look into possible support on a regional basis from 2005. Consultations are also underway with the European Bank for Reconstruction and Development and other IFIs to ensure better co-ordination of programmes.

<sup>3</sup> See *Proposal for a Regulation of the European Parliament of the Council laying down general provisions establishing a European Neighbourhood and Partnership Instrument* (September 2004).

covered by specific instruments, will be either mainstreamed in country and multi-country programmes or, where appropriate, dealt with through a specific thematic programme.

The principal problems that arise from the use of the existing instruments of cooperation for the development and the implementation of neighbourhood programmes are due to the fact that the sources of funding for the programmes of individual Member States are completely separate from those of countries which are not members. The Community Structural Funds cannot be used outside the Member States, while the financial instruments aimed at assistance and external cooperation cannot be used inside Member States. This entails an obstacle for the financing and management of programmes, involving both internal and external borders, and where activities take place in border regions which belong to both Member States and states outside the EU.

The ENPI, therefore, represents an enormous innovation in the field of financial instruments of the European Community because it will replace all programmes, both thematic and geographical, aimed at partner countries of the ENP. Above all, under its cross-border cooperation component, it will allow for the funding of joint programmes which involve border regions of both Member States and non-Member States replacing existing internal and external cross-border programmes.

This choice has prevailed over the possible alternatives such as strengthening the coordination between internal financial instruments and external assistance financial instruments, or that of extending the content and the geographic coverage of existing instruments such as those of INTERREG to include the possible financing of related programmes.

Accordingly, the new instrument seems to be generally suited to partner countries of the ENP. Programmes can be funded which benefit single countries, which promote integration and cooperation between several partner countries, and which even benefit both partner countries and Member States of the EU, with the aim of promoting cross-border and trans-regional cooperation. The cross-border component of the instrument also implies that it has a dual nature, satisfying both external policy objectives and internal policy objectives of economic and social cohesion. The instrument will build on the principles of existing cross-border programmes such as partnership, multi-annual programming and co-financing and on the experience gained in establishing the Neighbourhood Programmes for the period 2004-2006. It will focus on the four key objectives identified in the July 2003 Communication:

- Promoting sustainable development in regions on both sides of common borders;
- Working together through joint actions to address common challenges, in fields such as environment, public health, and the prevention of and fight against organised crime;
- Ensuring efficient and secure common borders through joint actions;
- Promoting local cross-border "people-to-people" type actions

Within this framework, it is important to ensure that the priorities of partner countries are sufficiently taken into account in a spirit of partnership. This is particularly relevant for the Mediterranean Region where priority setting should take into account the strategic framework established in the context of the Association Agreements and through the Euro-Mediterranean ministerial conferences which are part of the Barcelona process. To these ends, the European Neighbourhood Instrument will finance joint projects proposed by and for the benefit of partners from both the EU Member States and partner countries. As such it will complement external and internal funding instruments able to operate only on one side of the Union's borders.

The ENPI will operate through two separate funding windows:

*Window One* will support cross border co-operation. Eligibility will extend to all concerned land and maritime borders. Programmes will primarily be bilateral, although multi-lateral programmes may be established, in particular over those maritime crossings where distance and other factors do not allow for efficient bilateral cross-border cooperation. Multi-annual programmes will be established for single borders or groups of borders, and will be designed by the relevant partners in beneficiary countries on both sides of the border. Management will be delegated by the Commission to a management body operating through shared management or other suitable arrangements. Project selection and programme implementation will be carried out through joint structures involving national, regional and local authorities of EU Members States and partner countries.

The above mentioned cross border co-operation component is a specific and innovative feature of the European Neighbourhood Policy Instrument and it aims at bringing together regions of member States and partner countries sharing a common border.

Under this component the ENP will finance "joint programmes" able to give *momentum* to regional and sub regional cooperation. It will use an approach largely modelled on Structural Funds principles such as multi-annual programming, partnership and co-financing, adapted to take into account the specificities of external relations. The cross border cooperation component of the ENP will be co-financed by the European Regional Development Fund (ERDF) and its provisions are consistent with similar provisions established for cross-border cooperation under the relevant Structural Funds regulations. The territorial entities eligible for cross-border cooperation programmes are identified in regions falling into the NUTS-III (Nomenclature of Territorial Units for Statistics) level along land borders and sea crossings of significant importance and NUTS-II maritime regions facing a common sea basin.

In the South, the ENP will also encourage the participants to reap the full benefits of the Euro-Mediterranean Partnership, notably through the promotion of infrastructures, interconnections and networks, in particular energy, and to develop new forms of cooperation with their neighbours.

Cross border programmes will be managed jointly by the relevant Member States and partner country through a joint management authority operating through shared management and normally located in a Member State. By allowing implementation tasks to be delegated to the beneficiary Member State, this management method is compatible with

the programme-based, multi-annual, bottom-up approach which characterises cross border cooperation programmes. It is also possible to locate the joint managing authority in partner countries, as a result of a decision of the Commission confirming the ability of the joint managing authority in the partner country to manage community funds in a totally decentralised way.

The Member State hosting the joint managing authority will be responsible to the Commission for the regularity of the operations financed under the programme.

*Window Two* will provide more flexible support for wider trans-national co-operation involving actors and beneficiaries from both EU Member States and partner countries. Co-operation will be mostly focused on specific themes to be defined in the regulation based on identified common challenges in fields such as environment, integration into energy, telecommunication and transport networks, public health and the prevention of and fight against organised crime.

The Commission will also have the possibility to identify, select and propose projects of particular technical and political importance for funding. Eligibility will cover all the territory of EU Member States and the relevant parts of the territory of partner countries. Programming will be centralised in the Commission. Implementation will also be centralised, although indirect management through delegation to external bodies, such as executive agencies, may be considered.

The Commission intends to propose a substantial increase in the annual amounts to be allocated to the instrument compared to those allocated during the 2004-2006 period to the Neighbourhood Programmes (see paragraph 7).

The split in funding between the two windows will be determined at a later stage, taking into account the relative importance of the two types of co-operation, the specific characteristics of the different borders, the desirability of having an appropriate balance in the distribution of funding among the geographical areas covered and the need to limit direct Commission involvement in implementation and management. In order to eliminate obstacles to absorption of funds and reward good performance, provisions will be made to allow for the reallocation of funds between windows, and within windows, among programmes and projects. Financial allocations within Window One will be determined by a programme, covering a single border or a group of borders, on the basis of objective criteria. These allocations will also take into account the specific characteristics of the borders, and the potential absorption capacity.

## **6 A qualitative assessment of the objectives (ENP) and instruments (ENPI).**

The ENP and the instrument planned for managing it, as outlined by the Commission documents, should be evaluated on the basis of the general objective of the ENP and not only on its capacity to implement the specific objectives (transport, environment, etc.) mentioned above, objectives which are subordinated to the general objective.

From this point of view, the principle of 'differentiation' is central to the implementation of the general objective which will encourage the ENP and its application by means of the ENPI. This means a pragmatic acceptance of co-operation methods which vary from one partner country to another, according to how its relationship with the EU is progressing, its degree of economic development, and how the values of the institutions of the country correspond to the fundamental values which inspire the institutions of the Member States. This implies that the co-operation must be, not only an incentive to create an area of stability based on such values, but also a means to ensure that the 'security belt' is watertight, in line with the general objective.

As has been seen in the previous paragraph, the new instrument has the following fundamental characteristics.

It is not thematic but is essentially territorial. This allows for the financing of any type of programme with partner countries, favouring development and integration in regions which border Europe as well as in the European Union. The Regulation of the ENP sets out seventeen objectives, which are not definitive.

From the point of view of the eligibility, the ENPI also has a very broad coverage. It is worth highlighting how comprehensive the list of entities, bodies and institutions, public and private, eligible to receive grants under the ENPI (art.14 of Regulation) is. Practically, anybody is eligible, from Member and partner countries and regions to European agencies, from international organizations to any kind of non-state actors including "local citizen's group". This leads to both opportunities and problems.

The ENPI, innovating in comparison with existing co-operation instruments, puts support for the programmes in one financial instrument, the payments of which are within the Member States and the partner countries. The principle of co-financing and partnership are maintained by the previous instruments

These characteristics together ensure that the ENP is a clear and *potentially* ,an extremely flexible instrument. This should contribute to attenuating the top down approach and its negative effects, which seems to be part of Community policies by their very nature.

Nevertheless, greater discretion in the distribution of the resources should be associated with a greater analytical capacity of programme impact. Carrying out impact analysis, ex-ante and ex-post, of financing programmes is not an obstacle to decentralizing the responsibilities at the national and regional institutions. It is the premise that a reduction in the role of community structures be allowed for, not only in management but also in the selection of individual funding programmes and projects. Only the most general decisions and policies regarding territorial allocation should be carried out, on the basis of the Action Plans, by the Community offices, decisions which can be easily submitted to an accountability policy which is also democratic, by the representative European institutions and single states. This approach seems to best fit when a simple policy of technical assistance and development is no longer in question, but when a policy encompassing foreign policy and national security calls for more than technical management



The scope of possible beneficiaries is wide, including the financing by Community structures of individuals and private organizations in partner countries. This presents problems and implies that delicate internal policy needs are not overlooked. Funding private organizations, more than just on the fringes of terrorist activities, is an example of the problems that may arise when Community institutions allocate funds to single programmes.

Finally, the process of monitoring and ex-ante and ex-post evaluation exercises should be effective. It is only wishful thinking that the submission of an Annual Report to the European parliament and the Council (art.25 of Regulation ) could assume a real form of accountability of the implementation of the ENP. If we remind ourselves of the general objectives of the ENP, we are not so optimistic to think that the ENP can substitute the absence of a common European Foreign Policy , but we can expect at least that with regard to the objective of security the European Institutions could be more cohesive in looking at the strategic implementation of the ENP.

## **7. A quantitative assessment of the European Neighborhood and Partnership Instrument (ENPI).**

According to the annex to the *Strategy Paper*, the total amount of assistance provided to ENP partner countries through MEDA and Tacis was 3716.1 million euros in the period 2000-2003. For the period 2004-2006 a total amount of 255 million euros for external assistance will be provided through the existing instruments, as above described, and 700 for Interreg.

The financial commitment forecasted for assistance to the EU neighbouring countries by the ENPI, for the period 2007-2013, is 14989 million euros. Actually, the commitment appropriations for the period 2007-2012 will be 11926 million euros, while the payments will be 6300 million euros. The leftover will be paid in 2013 and the following years. The annual schedule of forecasted commitment and payment appropriations is set out in Table1. It is difficult to evaluate precisely the increase of the resources allocated to the neighbouring policy under the ENPI in comparison with the previous periods because the new instruments will cover both internal and external assistance and the share of external payments on the total appropriations has not been fixed in advance. Any way, even if a greater clarity and transparency in the figures given in the document in question would allow for a more careful evaluation, the sums involved are clearly not so significant, despite an increase compared to the past. A change of course, regarding the financial commitment of the ENP, is not discernible, at least from a quantitative point of view.

Nevertheless, the strength of the ENP, considering its general objective, does not depend only on a specific financial instrument issued by the Commission or on the resources managed by this instrument, but on how consistent the EU is, in the action it takes with partner countries. This action depends on the following factors: on the policy carried out by the EC and on the resources that it makes available; on the bilateral action of the Member States and on the resources employed by them to cooperate.

What has been the overall contribution to date of the EU, relating to the two components represented by the assistance given by the EC, and by bilateral aid granted by Member States to partner countries of the ENP?

According to the OECD estimates, the net ODA disbursements from the European Commission to the ENP partner countries in the period 1997-2002 amounted to 6202.6 million euros approximately, an amount very similar to the payment appropriations foreseen for the six years period 2007-2012 under the ENPI. Moreover, this amount was 12.8 per cent of the total net ODA disbursement received by the ENP partner countries from the total DAC countries and multilateral agencies. Nevertheless, there are strong differences in the assistance granted by the EC as share of the total donor's assistance in the various partner countries. In the period 1997-2002, this share exceeded 40 per cent for Tunisia and Morocco. On the other hand, it never exceeded 20 per cent in the other countries, except in the case of Algeria in the period 2001-2002.

The disbursement from the European Union Member States, in the same period, amounted to 20 per cent of the total for all the ENP partner countries. However, the technical assistance granted on a bilateral base to ENP partner countries by EU Member States, measured by the net ODA disbursement, decreased progressively from 1902 million euros in 1997 to 1347 million euros in 2002 ( a decrease of about 30 per cent ). For the period 1997-2002, it was 9713,3 million euros. As a result the total net ODA disbursement from EU (EC plus EU member countries) decreased.

Table 1 Commitment appropriations and payment appropriations under ENPI (2007-2013)								
Euro million								
	2007	2008	2009	2010	2011	2012	2013 and following	Total
Commitments	1433	1569	1877	2083	2322	2642	3003	14929
Payments	263	495	819	1200	1601	1922	8629	14929

What do these figures tell us ? In the first place, the technical assistance of the European Commission has reached a critical level in order to have a significant impact on national policies only in some ENP partner countries (see tables and figures in Annex 1). In fact, when the prime objective is political, as highlighted above, as well as related to creating development, the quantity of assistance, both in terms of absolute value and in proportion to the offer by other donors, becomes an important factor in the effectiveness of the policy itself. This is the case particularly, when other countries offer assistance, using objectives not always consistent with or in conflict with European ones.

Secondly, it appears that the burden of bilateral assistance of the Member States of the European Union has been greater than that offered by the European Commission. Consequently, the contribution of the Member States is fundamental to determine the overall financial capacity of Europe in managing the ENP. However, difficulties encountered in government budgets of European countries, committed to complying with the rules established by the Stability and Growth Pact, have reduced this bilateral assistance. This reduction in bilateral assistance means that efforts on the part of the Commission may be no longer adequate to support the ENP.

This is a problem that needs to be addressed: that the Stability and Growth Pact provides for a greater flexibility and in particular accepts the application of the so-called golden rule, in conjunction with policies that involve interests, vital both to single countries and to Europe in its entirety, such as those which have repercussions on EU approved external policies and security policies.

What part does the *golden rule* play in the ENP? They are closely linked.

The ENP needs, in order to be effective, substantial financial effort to support economic development, poverty reduction and the strengthening of democratic institutions in partner countries. The current costs of this policy will nevertheless allow the reduction of ever-increasing future economic and social costs. Moreover, the ENP funding must be considered not only as expenses for development arising from moral necessity, but also as an investment, essential for the security of Europe. They represent a way to reduce future security costs and to boost the competitiveness of Europe. This implies that, as far as investments in infrastructures and research are concerned, investment costs to aid development should be distributed among, and borne by present and future beneficiaries. This concept is at the very basis of the *golden rule*.

For this reason, the issue of strengthening, not only qualitatively but also quantitatively the ENP as an integral part of the European Agenda, should be taken into consideration within a desired reform of the Stability and Growth Pact. This is to ensure that national co-financing investments in ENP programmes or those decided bilaterally (and recognised by the Commission as matching the principles, the objectives, and the priorities of the **Action Plans** and the Agreements signed by the partner countries with the EC) does not come under the binding obligation of the tax policies as laid down in the Pact.

Table 2. Net ODA disbursement (\$million)							
	1997	1998	1999	2000	2001	2002	total 2000-2002
Algeria	34	244,8	11,4	52,5	97,8	82,7	233
Armenia	11,3	21,3	21,6	12,1	10,2	28,9	51,2
Azerbaijan	22	26,2	21,8	20,1	12,8	22,4	55,3
Belarus	6,7	3,9	6	1,5	3,2	1,3	6
Egypt	197	189,8	150,9	72,5	71	91,2	234,7
Georgia	21,5	24,2	27,7	13,8	23,5	10,9	48,2
Israel	10	10,1	3,5	-0,8	23,4	4,2	26,8
Jordan	86,9	49,3	14	80,5	44,6	75,5	200,6
Lebanon	21,8	66,7	16,1	36,1	9,1	25,1	70,3
Libya	0	0	0	0	0	0	0
Moldova	7,2	6,9	8,7	5,3	4,6	11,3	21,2
Morocco	199	235,6	303,8	117,3	132	274,3	523,6
Palestinian	117,2	81,5	14,6	62,5	118,5	170,9	351,9
Russian Federation	139,7	105,3	182,4	97,2	98	114,1	309,3
Syria	9,6	11,1	2,6	2,1	4,4	9,7	16,2
Tunisia	137,7	73,4	158,1	70,7	189,8	287	547,5
Ukraine	5,7	97,8	70,8	71,7	97,4	58,5	227,6
total EC	1027,3	1247,9	1014	715,1	940,3	1268	6212,6
total EU members	1902	1855,10	1537,3	1521,4	1550,1	1347,4	9713,3
EC + EU members	2929,3	3103	2551,3	2236,5	2490,4	2615,4	15925,9
total	7381,1	7688,7	9955,9	7312,5	6731,9	8728,4	47798,5
EC/(Ec+Eumembers)	0,35	0,40	0,40	0,32	0,38	0,48	0,39
EC/Total	0,14	0,16	0,10	0,10	0,14	0,15	0,13



Total oda net 1997 (\$)	ec	eu members	ec+eu members	total	ec/(ec+eu) %	ec/total %
Algeria	34	188,7	222,7	249,7	15%	14%
Armenia	11,3	17,9	29,2	166,4	39%	7%
Azerbaijan	22	7,8	29,8	184,1	74%	12%
Belarus	6,7	13,5	20,2	55,2	33%	12%
Egypt	197	801,2	998,2	1985,2	20%	10%
Georgia	21,5	28,7	50,2	242	43%	9%
Israel	10	-62,8	-52,8	1196,4	0%	1%
Jordan	86,9	81	167,9	462,4	52%	19%
Lebanon	21,8	60,4	82,2	248,8	27%	9%
Libya	0	1,8	1,8	7,1	0%	0%
Moldova	7,2	6,4	13,6	65,3	53%	11%
Morocco	199	213,9	412,9	464,2	48%	43%
Palestinian	117,2	154,7	271,9	603,1	43%	19%
Russian Federation	139,7	215,3	355	793	39%	18%
Syria	9,6	26,2	35,8	196,8	27%	5%
Tunisia	137,7	74,7	212,4	193,5	65%	71%
Ukraine	5,7	72,6	78,3	267,9	7%	2%
Total	1027,3	1902	2929,3	7381,1	35%	14%

Total oda net 1998 (\$)	ec	eu members	ec+eu members	total	ec/(ec+eu) %	ec/total %
Algeria	244,8	147,6	392,4	420,5	62%	58%
Armenia	21,3	22,2	43,5	194,4	49%	11%
Azerbaijan	26,2	22,9	49,1	120,2	53%	22%
Belarus	3,9	16,2	20,1	39,1	19%	10%
Egypt	189,8	536,4	726,2	1954,9	26%	10%
Georgia	24,2	44,6	68,8	209	35%	12%
Israel	10,1	-80	-69,9	1066,1	0%	1%
Jordan	49,3	85,2	134,5	411,4	37%	12%
Lebanon	66,7	66,8	133,5	240,8	50%	28%
Libya	0	3,6	3,6	7,2	0%	0%
Moldova	6,9	16,3	23,2	39,6	30%	17%
Morocco	235,6	220,3	455,9	530	52%	44%
Palestinian	81,5	166,3	247,8	607,5	33%	13%
Russian Federation	105,3	351,5	456,8	1078	23%	10%
Syria	11,1	32,1	43,2	155,1	26%	7%
Tunisia	73,4	90,1	163,5	150,2	45%	49%
Ukraine	97,8	113	210,8	464,7	46%	21%
Total	1247,9	1855,1	3103	7688,7	40%	16%

Total oda net 1999 (\$)	ec	eu members	ec+eu members	total	ec/(ec+eu) %	ec/total %
Algeria	11,4	86,6	98	443,8	12%	3%
Armenia	21,6	20	41,6	180,6	52%	12%
Azerbaijan	21,8	25,5	47,3	247,2	46%	9%
Belarus	6	10,3	16,3	39,3	37%	15%
Egypt	150,9	469,2	620,1	1582,1	24%	10%
Georgia	27,7	30,7	58,4	199,1	47%	14%
Israel	3,5	-88,3	-84,8	905,7	0%	0%
Jordan	14	87	101	507,8	14%	3%
Lebanon	16,1	57,5	73,6	194	22%	8%
Libya	0	3,3	3,3	7,4	0%	0%
Moldova	8,7	9,9	18,6	175,5	47%	5%
Morocco	303,8	283,6	587,4	678,7	52%	45%
Palestinian	14,6	150,2	164,8	516,2	9%	3%
Russian Federation	182,4	206,2	388,6	2590,4	47%	7%
Syria	2,6	34,5	37,1	228,5	7%	1%
Tunisia	158,1	89,5	247,6	252,6	64%	63%
Ukraine	70,8	61,6	132,4	1207	53%	6%
Total	1014	1537,3	2551,3	9955,9	40%	10%

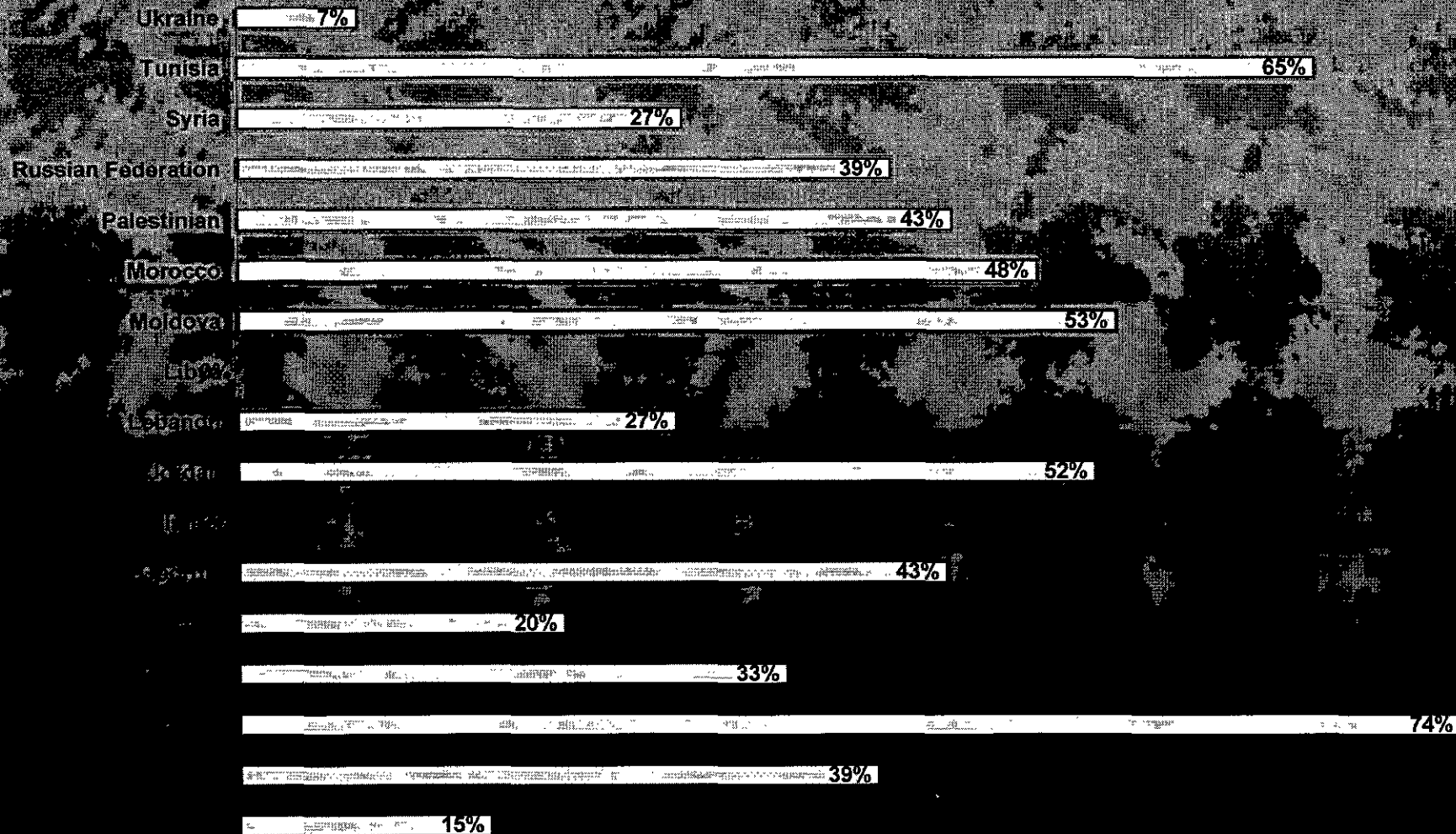
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<b>Algeria</b>	52,5	66,9	119,4	201	44%	26%
<b>Armenia</b>	12,1	24,3	36,4	215,9	33%	6%
<b>Azerbaijan</b>	20,1	12,2	32,3	139,4	62%	14%
<b>Belarus</b>	1,5	9,9	11,4	39,6	13%	4%
<b>Egypt</b>	72,5	392,5	465	1328,4	16%	5%
<b>Georgia</b>	13,8	29,7	43,5	169,4	32%	8%
<b>Israel</b>	-0,8	-68,6	-69,4	800	1%	0%
<b>Jordan</b>	80,5	84	164,5	552,5	49%	15%
<b>Lebanon</b>	36,1	53,2	89,3	199,7	40%	18%
<b>Libya</b>	0	0	0	0	0%	0%
<b>Moldova</b>	5,3	21,3	26,6	122,6	20%	4%
<b>Morocco</b>	117,3	169,9	287,2	419,3	41%	28%
<b>Palestinian</b>	62,5	149,2	211,7	637,3	30%	10%
<b>Russian Federation</b>	97,2	377,4	474,6	1564,9	20%	6%
<b>Syria</b>	2,1	30,7	32,8	158,5	6%	1%
<b>Tunisia</b>	70,7	94,3	165	222,8	43%	32%
<b>Ukraine</b>	71,7	74,5	146,2	541,2	49%	13%
<b>Total</b>	715,1	1521,4	2236,5	7312,5	32%	10%



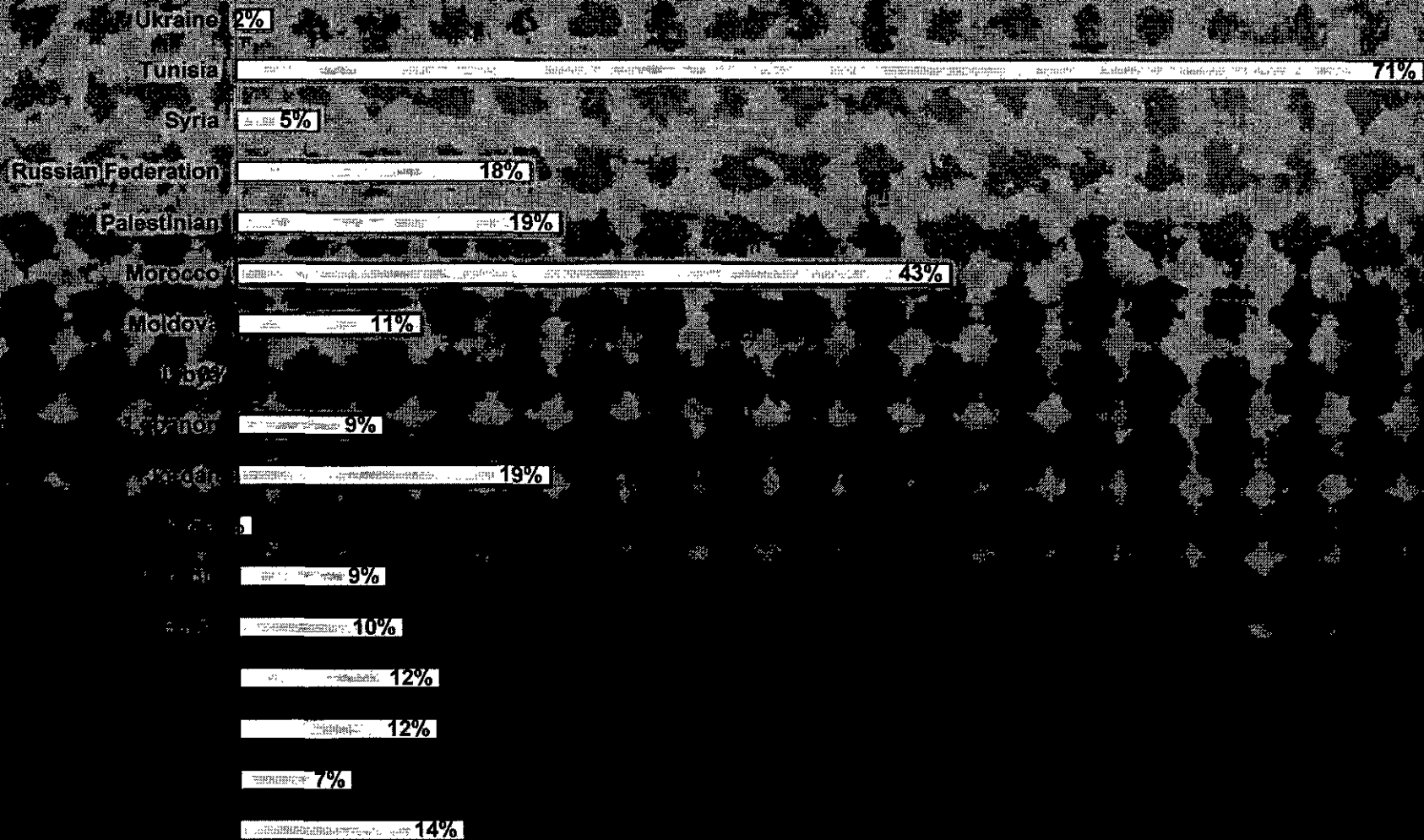
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<b>Algeria</b>	97,8	25,8	123,6	185,1	79%	53%
<b>Armenia</b>	10,2	36,4	46,6	198,4	22%	5%
<b>Azerbaijan</b>	12,8	12,5	25,3	232,1	51%	6%
<b>Belarus</b>	3,2	11,7	14,9	39,2	21%	8%
<b>Egypt</b>	71	386,8	457,8	1256,7	16%	6%
<b>Georgia</b>	23,5	35,8	59,3	300	40%	8%
<b>Israel</b>	23,4	-42,8	-19,4	172,4	0%	14%
<b>Jordan</b>	44,6	97,6	142,2	432,6	31%	10%
<b>Lebanon</b>	9,1	41,3	50,4	240,8	18%	4%
<b>Libya</b>	0	0	0	0	0%	0%
<b>Moldova</b>	4,6	24,2	28,8	122,4	16%	4%
<b>Morocco</b>	132	248,9	380,9	518,6	35%	25%
<b>Palestinian</b>	118,5	129,2	247,7	869,6	48%	14%
<b>Russian Federation</b>	98	197,5	295,5	1111,8	33%	9%
<b>Syria</b>	4,4	110,6	115	155,3	4%	3%
<b>Tunisia</b>	189,8	113	302,8	377,7	63%	50%
<b>Ukraine</b>	97,4	71,6	169	519,2	58%	19%
<b>Total</b>	940,3	1500,1	2440,4	6731,9	39%	14%

<b>Total oda net 2002 (\$)</b>	<b>ec</b>	<b>eu members</b>	<b>ec+eu members</b>	<b>total</b>	<b>ec/(ec+eu) %</b>	<b>ec/total %</b>
<b>Algeria</b>	82,7	115,5	198,2	361	42%	23%
<b>Armenia</b>	28,9	39,4	68,3	293,5	42%	10%
<b>Azerbaijan</b>	22,4	18,8	41,2	349,4	54%	6%
<b>Belarus</b>	1,3	15,3	16,6	39,4	8%	3%
<b>Egypt</b>	91,2	247	338,2	1286,1	27%	7%
<b>Georgia</b>	10,9	48	58,9	312,6	19%	3%
<b>Israel</b>	4,2	-38,6	-34,4	754	0%	1%
<b>Jordan</b>	75,5	76,2	151,7	454,3	50%	17%
<b>Lebanon</b>	25,1	48,7	73,8	406,7	34%	6%
<b>Libya</b>	0	0	0	0	0%	0%
<b>Moldova</b>	11,3	19,9	31,2	141,7	36%	8%
<b>Morocco</b>	274,3	185,4	459,7	636,2	60%	43%
<b>Palestinian</b>	170,9	187,1	358	1378,9	48%	12%
<b>Russian Federation</b>	114,1	194,4	308,5	1300,9	37%	9%
<b>Syria</b>	9,7	8	17,7	55,3	55%	18%
<b>Tunisia</b>	287	99,6	386,6	475	74%	60%
<b>Ukraine</b>	58,5	82,7	141,2	483,8	41%	12%
<b>Total</b>	1268	1347,4	2615,4	8728,8	48%	15%

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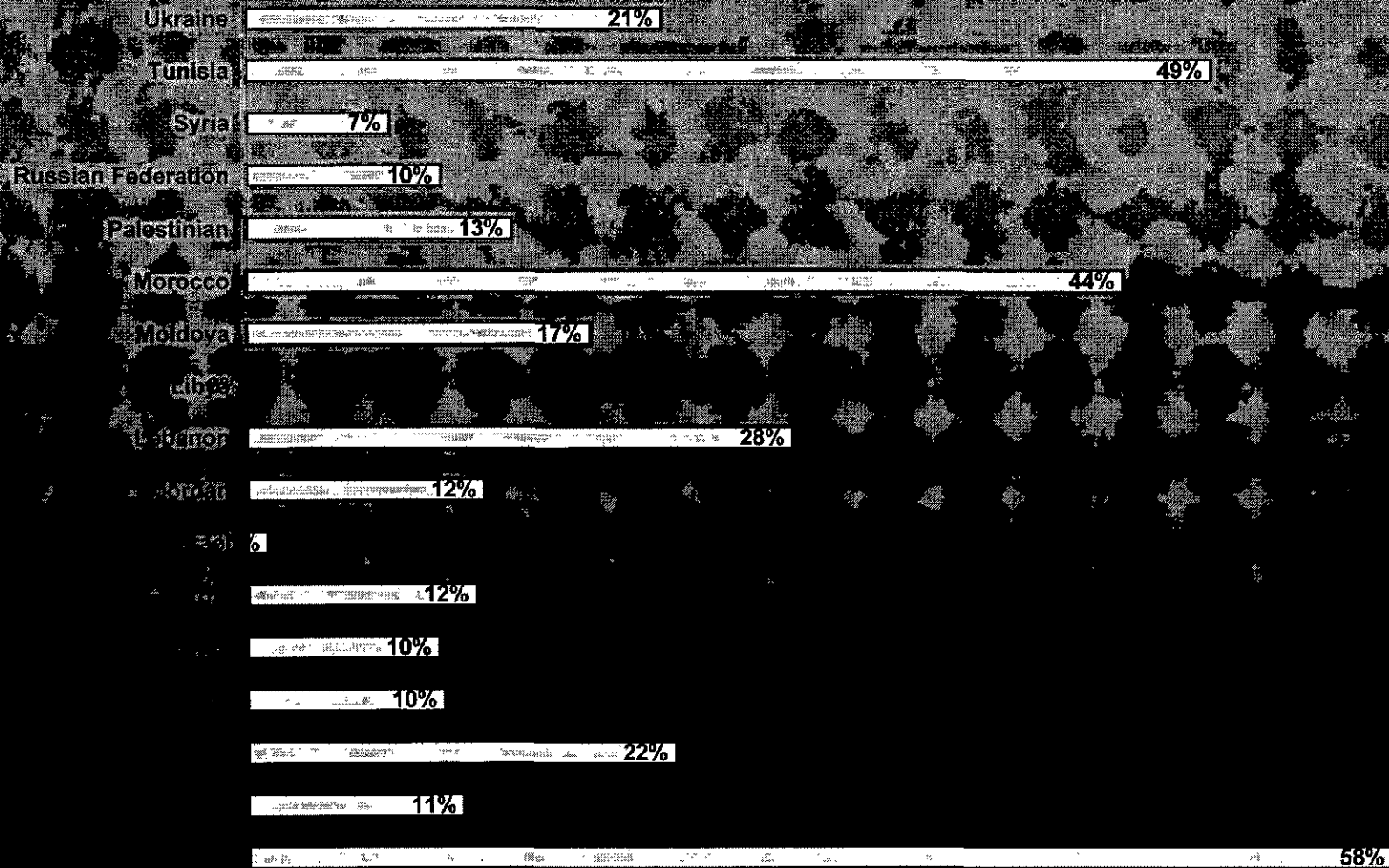
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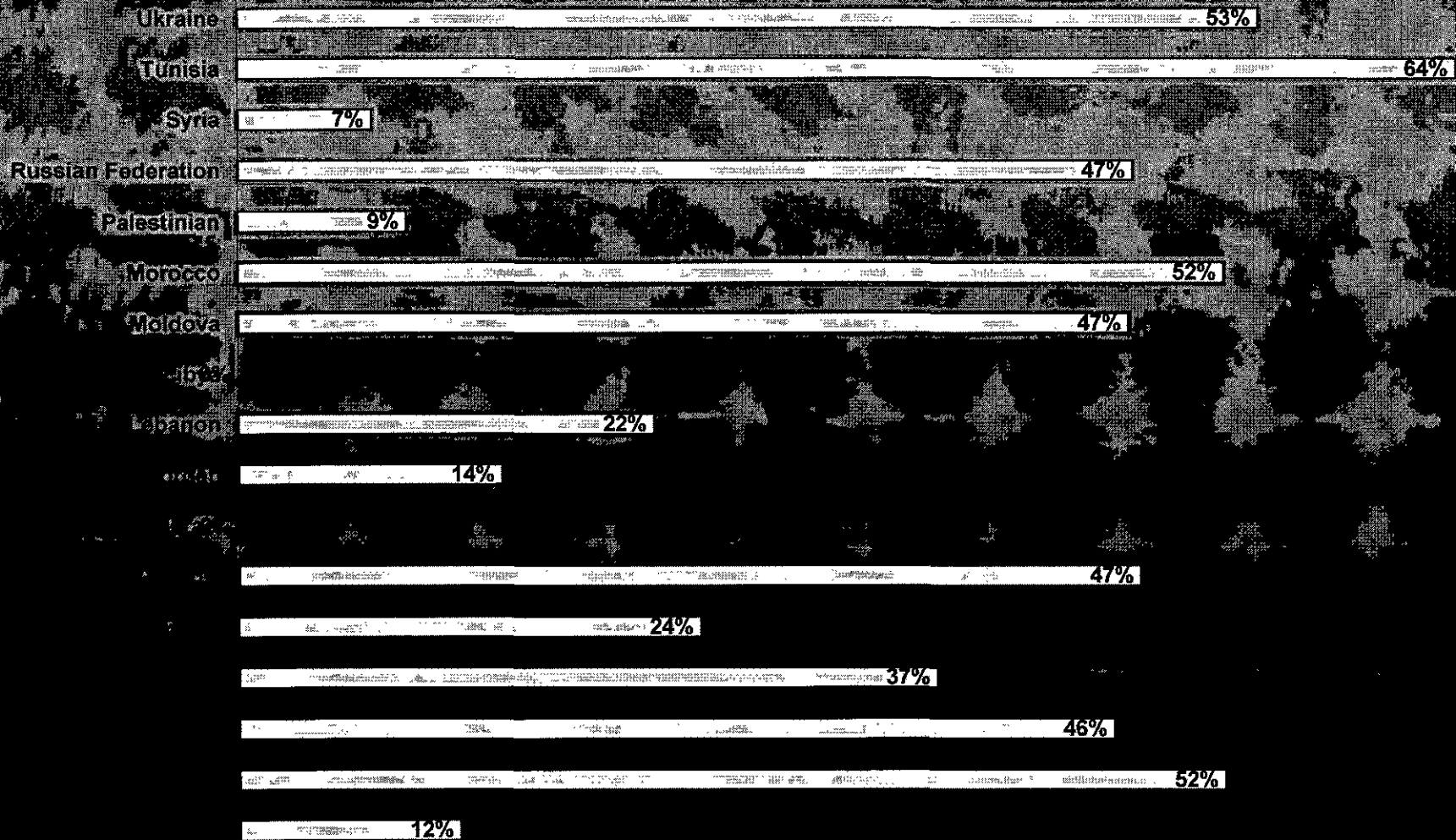
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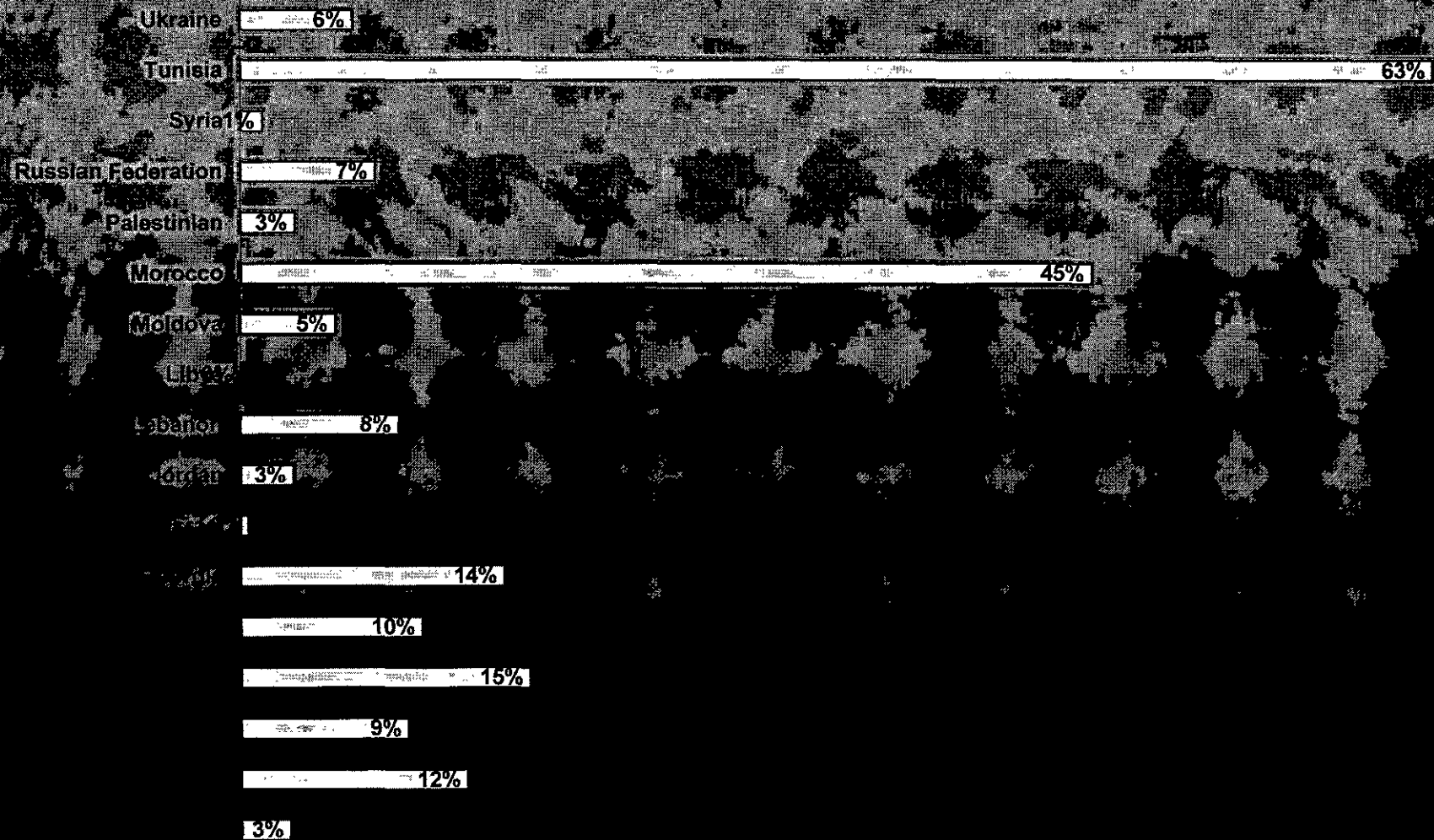


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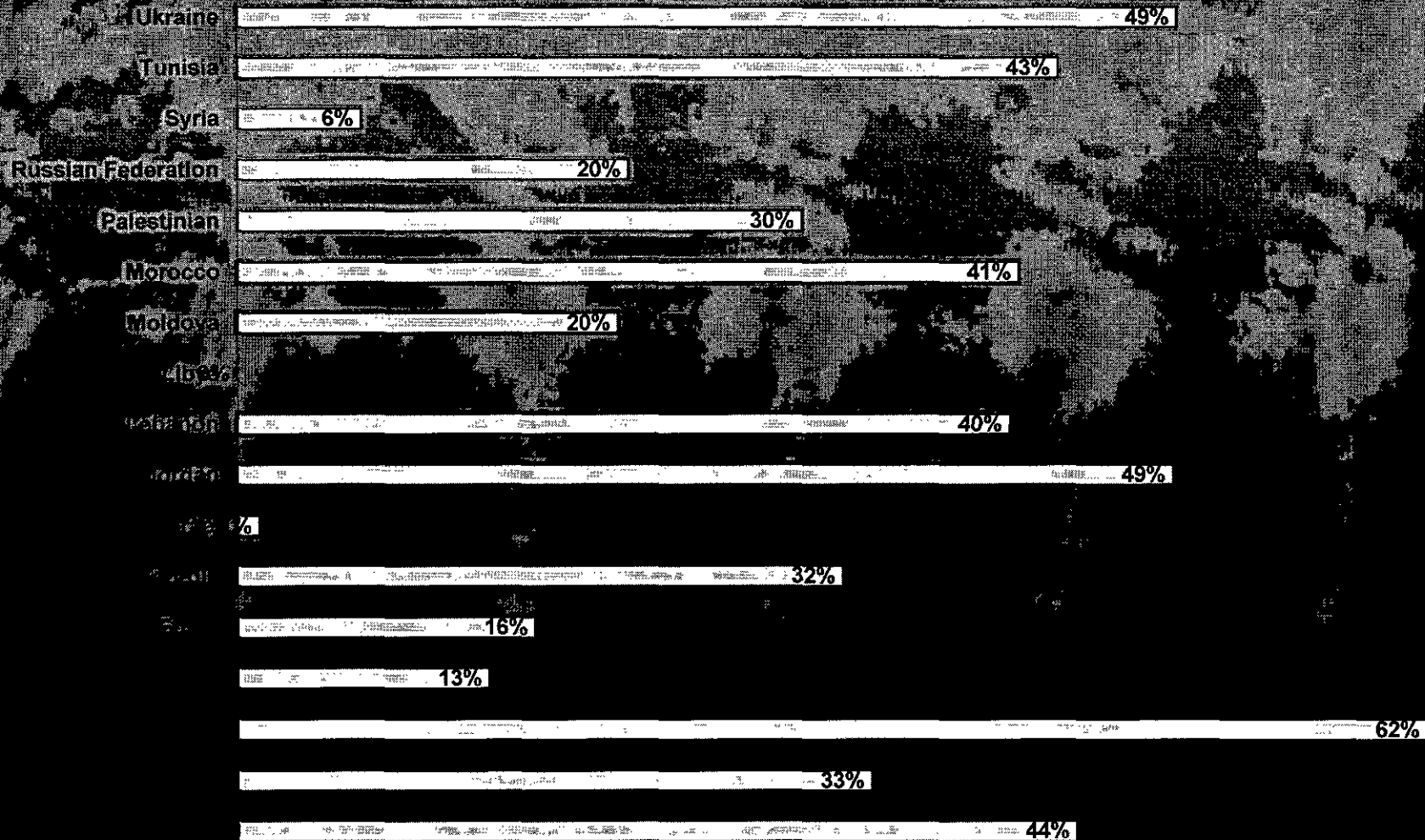


ac/tot 1999

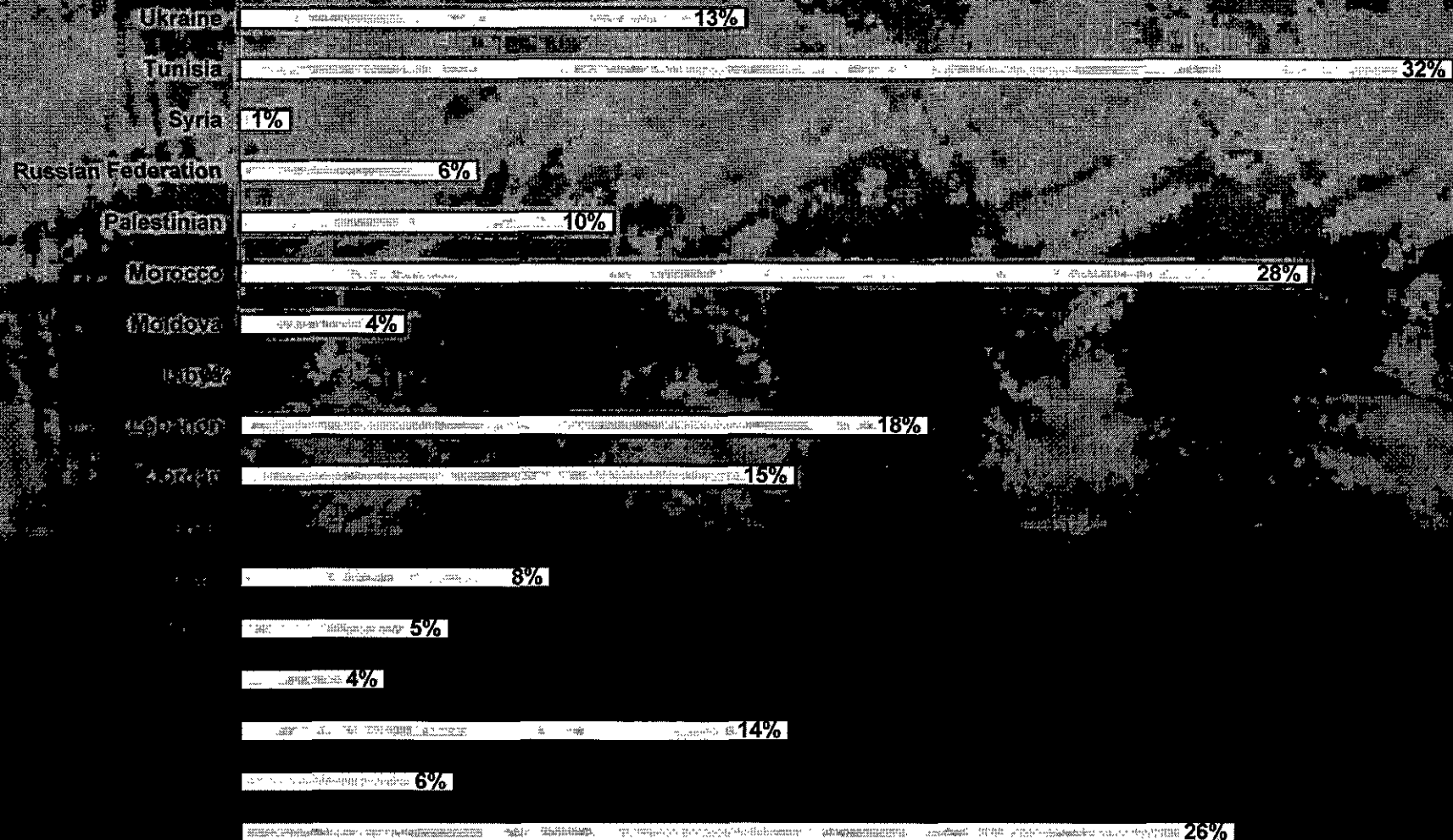




ec/ec+eu 2000



ec/tot 2000



ec/ec+eu 2001

Ukraine

58%

Tunisia

63%

Syria

4%

Russian Federation

33%

Palestinian

48%

Morocco

35%

Moldova

16%

Algeria

18%

31%

40%

16%

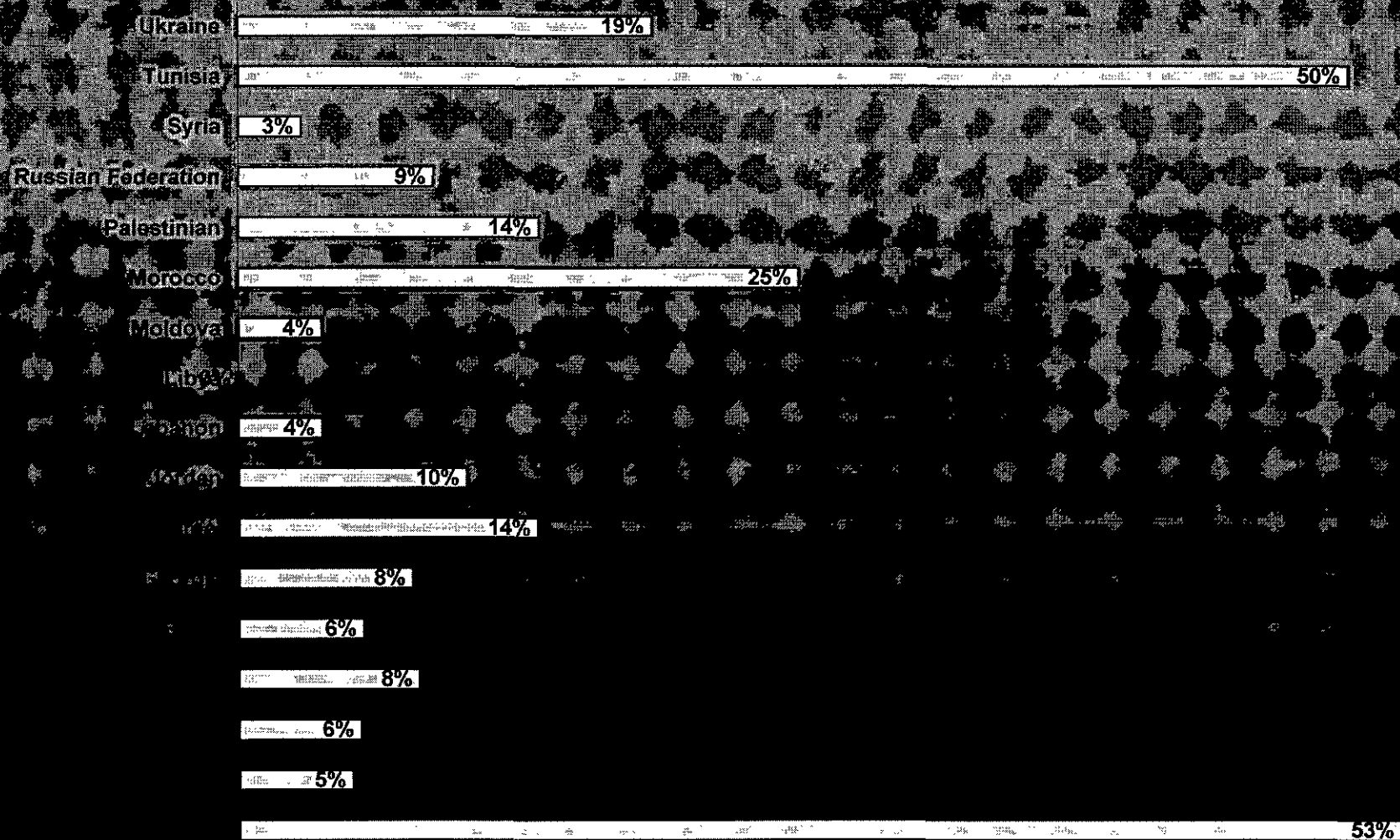
21%

51%

22%

79%

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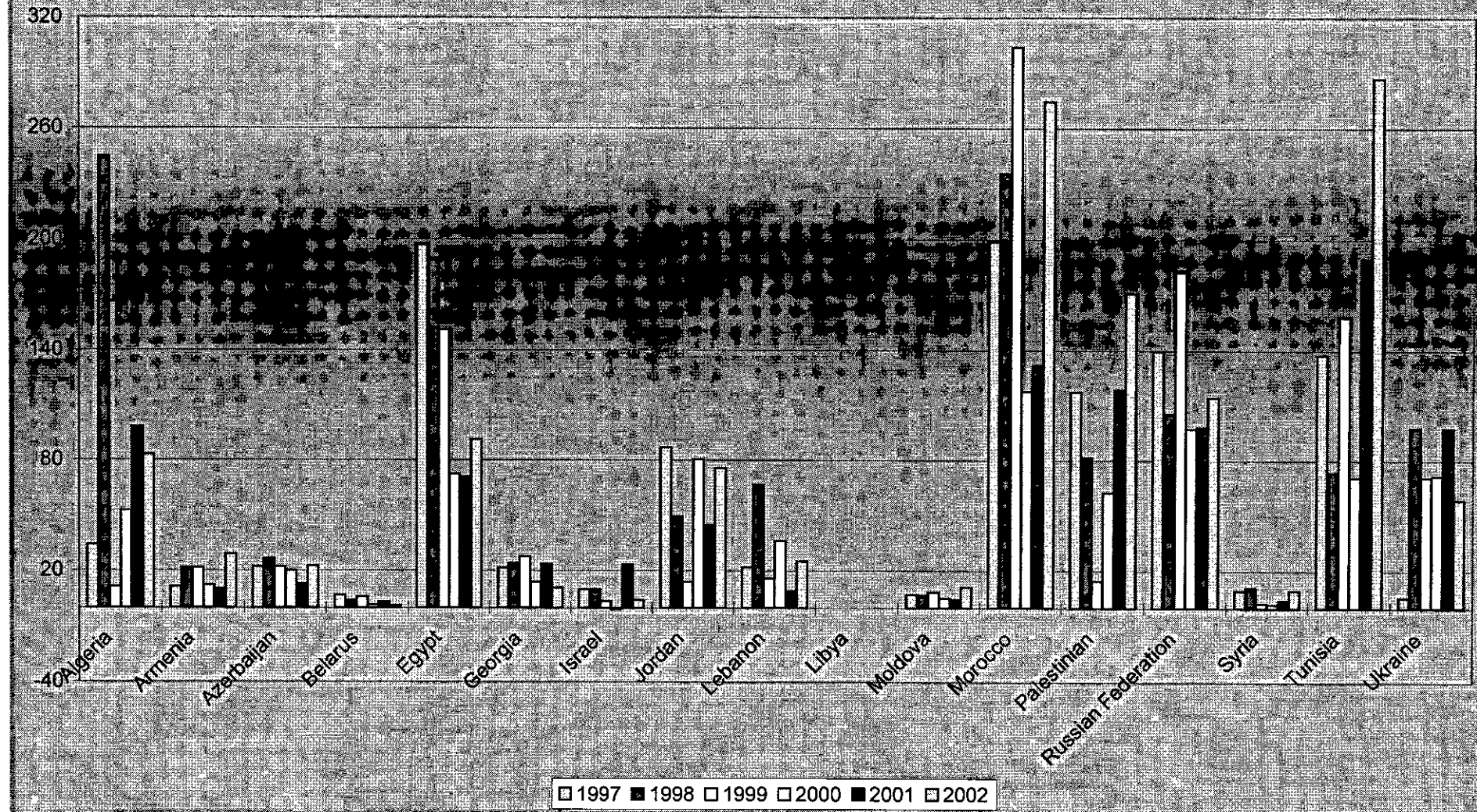




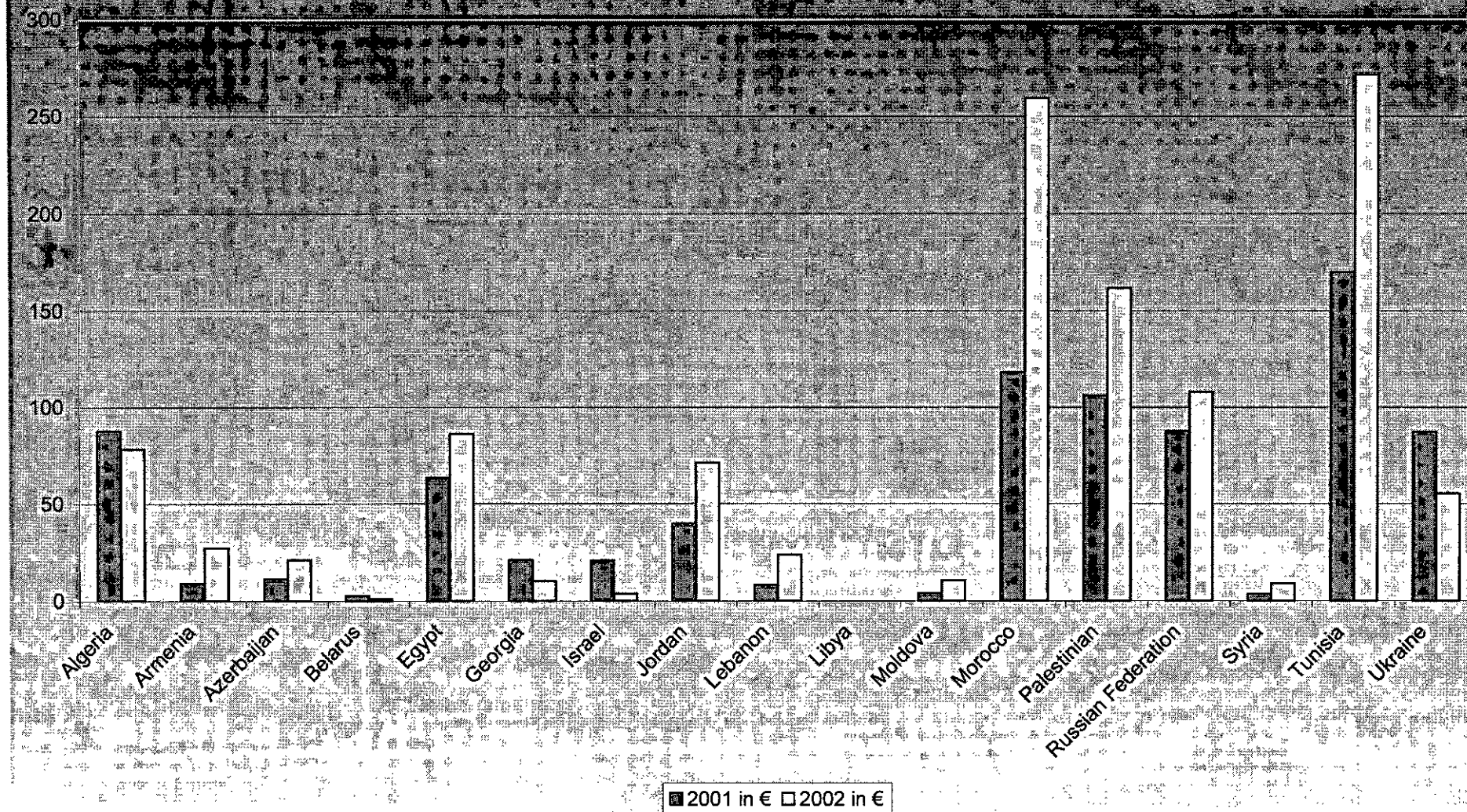
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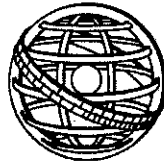


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# LA POLITICA EUROPEA DI VICINATO

- SAGGI

Michele Comelli, *The Challenges of the European Neighbourhood Policy*, The International Spectator  
3/2004

Riccardo Alcaro, *La Politica Europea di Vicinato fra l'allargamento e la politica estera e di sicurezza comune*

- Dossier informativo sulla politica di vicinato dell'Unione europea, a cura di Riccardo Alcaro

## The Challenges of the European Neighbourhood Policy

*Michele Comelli\**

Every enlargement of the European Union has had major effects not only on its internal policies, but also on its external relations. The latest and largest-ever EU enlargement, finalised on 1 May 2004, brought ten new members into the EU,<sup>1</sup> significantly changing the Union's external frontier. The European Union now borders with Belarus, Russia and Ukraine on the east,<sup>2</sup> while the entry of Cyprus and Malta has added to the EU's Mediterranean dimension, increasing the importance of relations with southern Mediterranean countries. After having successfully completed the enlargement, the Union is now confronted with the task of helping to establish an area of peace, stability and prosperity along its eastern and southern borders. This is exactly the aim of the European Neighbourhood Policy (ENP) as envisaged in the two main communications issued by the European Commission in March 2003 and May 2004<sup>3</sup> and in the various documents

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<sup>1</sup> The new members are Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovenia, Slovakia and the Czech Republic.

<sup>2</sup> With the likely accession of Romania into the EU in 2007, the Union will also border on Moldova, which is actually already considered a "neighbouring country".

<sup>3</sup> Communication from the Commission to the Council and the European Parliament, "Wider Europe - Neighbourhood: a new Framework for Relations with our Eastern and

approved by the European Council and the External Relations Council since late 2002.

This article examines, first, the origin and rationale of the European Neighbourhood Policy as part of a wider effort to make the EU's foreign policy - criticised for being inconsistent and mainly reactive - more coherent. It then goes on to examine the main developments of the ENP to date, taking into account that it is a policy in the making, still in its early stages of implementation. Finally, the article looks into the ENP's potential for development, as well as the problems and challenges that its implementation will pose.

### **Origin of the ENP**

The ENP was adopted by the Thessalonica European Council of 19-20 June 2003, endorsing the Conclusions of the General Affairs and External Relations Council (GAERC) of 16 June 2003.<sup>4</sup> However the ideas underlying the ENP had gradually emerged from a debate involving a number of political actors. The awareness that there was a need for an *ad hoc* policy towards the new neighbours that had no immediate prospect of being accepted as candidates for accession after the "big bang" enlargement started to emerge in early 2002. The main concern was to avoid creating new dividing lines in Europe. Among the first basic documents that outlined the need for such a policy were: 1) the proposals sent by member states to the Presidency of the European Union, at the time held by Spain; 2) the Work Programme of the European Commission for 2002<sup>5</sup> and a speech by Commission President Romano Prodi in late 2002;<sup>6</sup> 3) a joint paper by the Commissioner for External Relations Chris Patten and the High

Southern Neighbours", COM(2003) 104 final, Brussels, 11 March 2003 <[http://europa.eu.int/comm/world/enp/pdf/com03\\_104\\_en.pdf](http://europa.eu.int/comm/world/enp/pdf/com03_104_en.pdf)> and Communication from the Commission "European Neighbourhood Policy. Strategy Paper", COM (2004), 373 final, Brussels, 12 May 2004 <[http://europa.eu.int/comm/world/enp/pdf/strategy/Strategy\\_Paper\\_EN.pdf](http://europa.eu.int/comm/world/enp/pdf/strategy/Strategy_Paper_EN.pdf)>.

<sup>4</sup> Thessaloniki European Council, "Presidency Conclusions", 19 and 20 June 2003 <[http://europa.eu.int/comm/world/enp/documents/19062003\\_en.htm](http://europa.eu.int/comm/world/enp/documents/19062003_en.htm)>; General Affairs and External Relations Council, "Conclusions", 16 June 2003. <[http://europa.eu.int/comm/world/enp/pdf/cc06\\_03.pdf](http://europa.eu.int/comm/world/enp/pdf/cc06_03.pdf)>.

<sup>5</sup> Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions - "The Commission's Work Programme for 2002", COM (2001)620 final, Brussels, 5 December 2001.

<sup>6</sup> R. Prodi, "A Wider Europe - A Proximity Policy as the key to stability", speech given at the Sixth ECSA World Conference on peace, stability and security, Brussels, 5 December 2002.

Representative for the Common Foreign and Security Policy (CFSP) Javier Solana in August 2002.<sup>7</sup>

In a letter sent to the Spanish Presidency on 28 January 2002, British Foreign Minister Jack Straw expressed his concern for the situation in Belarus, Ukraine and Moldova and suggested that the EU offer clear and practical incentives to these countries in return for progress on political and economic reforms. His proposal included granting these countries a special neighbour status based on a commitment to democratic and free market principles. This status might grant them trade liberalisation, a closer relationship in the area of Justice and Home Affairs (JHA) and a privileged dialogue involving deeper cooperation in the CFSP domain. The letter sent by Swedish Minister of Foreign Affairs Anna Lindh and Swedish Minister of Trade Leif Pagrotsky on 8 March 2002 contained a similar proposal, but its geographic scope was extended to include Russia and the southern Mediterranean countries, in accordance with the "from Russia to Morocco" formula. They suggested that all EU relations with neighbours - in the east as well as the south - be dealt with in a single, comprehensive approach. The aim of the policy suggested by the Swedes was to send a strong political message reflecting the importance attached to the neighbouring countries and to encourage continued economic and political reform by way of opening up possible new relations and initiatives in the economic field. According to the Swedish proposal, setting up a new kind of relations with the new neighbouring countries was not meant to replace, but to complement the cooperation initiatives already underway, such as the Euro-Mediterranean Association Agreements and the Partnership and Cooperation Agreements (PCAs) with Moldova, Russia and Ukraine.

The Commission Work Programme for 2002 also called for a single-framework approach for EU relations with neighbouring countries. In the speech given in Brussels in December 2002, Commission President Romano Prodi spelled out the idea of a new policy that would make it possible "to share the advantages of enlargement with the EU's new neighbours". In Prodi's view, all countries surrounding the Union should become "a circle of friends" rather than a threat and, in order for this to happen, the EU should offer them concrete prospects, going as far as "to share everything but institutions".

Finally, the Patten-Solana paper recommended a policy directed towards

<sup>7</sup> Joint letter by EU Commissioner Chris Patten und the EU High Representative for the Common Foreign and Security Policy Javier Solana, August 2002 <[http://europa.eu.int/comm/world/enp/pdf/\\_0130163334\\_001\\_en.pdf](http://europa.eu.int/comm/world/enp/pdf/_0130163334_001_en.pdf)> .

Belarus, Moldova and Ukraine and the southern Mediterranean countries aimed at avoiding "new dividing lines in Europe while responding to needs arising from the newly created borders of the Union". This policy should focus on the following areas: reinforced political dialogue; economic cooperation and closer trade links; cooperation in JHA; financial assistance; integration into EU policies.

It can be argued that while the proposals coming from the member states were mainly intended to avoid the isolation of the new EU neighbours, the Commission's proposals were mostly designed to create a single framework of relations with all neighbours that might help the EU develop a more effective and credible foreign policy.

### The ENP's geographic scope

The Commission's 11 March 2003 "Wider Europe - Neighbourhood" Communication stated that the policy's aim was "to develop a zone of prosperity and a friendly neighbourhood - a 'ring of friends' - with whom the EU enjoys close, peaceful and cooperative relations". This document also specified that the countries forming this "ring of friends" were the "eastern" as well as the "southern neighbours". The former included Russia (now no longer a part of ENP) and the Western Newly Independent States (Western NIS), namely Belarus,<sup>8</sup> Moldova and Ukraine. The latter included the southern Mediterranean countries, that is Algeria, Egypt, Israel, Jordan, Lebanon, Libya,<sup>9</sup> Morocco, the Palestinian Authority, Syria and Tunisia, which share a sea rather than a land frontier with the EU. While the eastern neighbours could have the prospect of entering the EU in the long term, the southern neighbours are not eligible for EU membership because they are considered non-European countries. In fact, in 1987 the European Commission rejected Morocco's request to become an EU member on the basis that it was not a European country - a condition now set down in Article 49 of the Treaty on European Union. Taking some recent developments into account, notably the "rose revolution"<sup>10</sup> that took place in Georgia in November 2003, the

<sup>8</sup> The EU has decided to exclude Belarus from the ENP since it has an authoritarian regime. However, the EU will implement some ENP programmes focused on civil society.

<sup>9</sup> For the moment, Libya is also *de facto* outside the ENP because it has not yet developed contractual relations with the EU. The first step that Libya must take in order to be admitted to the ENP is to accept the full obligations required to become a member of the Euro-Mediterranean Partnership (Barcelona Process).

<sup>10</sup> The "rose revolution" led to the resignation of President Eduard Shevardnadze following protests of fraudulent parliamentary elections. The presidential elections on 4 January 2004 were won by Mikheil Saakashvili, who had led the November protests. President Saakashvili

June 2004 European Council decided to include Armenia, Azerbaijan and Georgia in the ENP as well.

Russia requires special mention. It perceives the ENP as being an unbalanced relation, in which the EU plays a leading role and its counterparts are given only limited room for action.<sup>11</sup> While Moscow recognises that the EU and Russia have "no other choice than coming closer to each other",<sup>12</sup> at the same time it prefers to develop its relations with the Union on a bilateral basis that takes its status as a regional power into account rather than take part in a multilateral framework such as the ENP. In fact, at the Saint Petersburg EU-Russia Summit of May 2003 it was decided that Europe and Russia would consolidate their bilateral framework of cooperation by concentrating on the goal of creating four common spaces.<sup>13</sup> For this reason, while the Commission explicitly mentioned Russia among the ENP countries in its first Communication on the ENP, the following statements were ambiguous in this regard. For example, the GAERC Conclusions of June 2003 stated that the EU intended to reinforce the strategic partnership with Russia, while at the same time trying to pursue the ENP with the other neighbouring countries. Currently, Russia is to be considered outside the ENP, even though it would be difficult to identify a precise moment when that became official. The EU has tried to downplay Russia's refusal to participate in the ENP by emphasising that, even on a bilateral basis, all cooperation programs agreed upon with Moscow can achieve their objectives.<sup>14</sup>

### **The contents of the ENP**

After the endorsement of the ENP at the Thessalonica European Council, the Commission, and the High Representative for CFSP where appropriate, were tasked at the GAERC Council of 13 October 2003,<sup>15</sup> with presenting proposals for the definition of a series of Action Plans (AP) with each

regards membership in the EU and NATO as long-term priorities. On the EU's relations with Georgia, see <[http://europa.eu.int/comm/external\\_relations/georgia/intro/](http://europa.eu.int/comm/external_relations/georgia/intro/)>.

<sup>11</sup> Interview by the author with an official from the Mission of the Russian Federation to the European Union, Brussels, 15 July 2004.

<sup>12</sup> *Idem*.

<sup>13</sup> Common economic space; a space of freedom, security and justice; a space of cooperation in the field of external security; a space of research and education, including cultural aspects.

<sup>14</sup> Interview by the author with officials from the European Council, Brussels, 14 July 2004.

<sup>15</sup> <[http://ue.eu.int/ueDocs/cms\\_Data/docs/pressData/en/gena/77597.pdf](http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/gena/77597.pdf)>.

targeted country. The APs focus on the following key priority areas: political dialogue and reform; economic and social reform and development; trade, market and regulatory reform (with gradual participation in the internal market being the long-term objective); justice and home affairs; networks (energy, transport, information society) and the environment; people-to-people contacts (including in the area of science and technology, culture and education). Thus, issues belonging to all three pillars of the Union are covered, attesting to the policy's comprehensive character.

The APs are political agreements, not legally-binding treaties, that is they do not need to undergo national ratification procedures. The specific contents of the Action Plans are discussed by the EU<sup>16</sup> and the countries concerned, in line with the principle of joint ownership which postulates that commitments have to be undertaken with the common consent of both parties and are not to be imposed unilaterally by the EU. Thus, each country can choose the degree of cooperation it wants to develop with the EU. Consequently, while the ENP's general approach is multilateral, it is implemented mostly bilaterally. The countries that have, as of this writing, negotiated an AP with the EU are Moldova and Ukraine<sup>17</sup> among the eastern neighbours, and Israel, Jordan, Morocco, the Palestinian Authority and Tunisia<sup>18</sup> among the southern ones. The latter have actually been engaged with the EU on some of the above mentioned priorities since 1995 in the framework of the Euro-Mediterranean Partnership, the so-called Barcelona Process, which has however not achieved major results so far. But the ENP will not entail abandoning the Barcelona Process, which will continue regularly.

As for the actual content of the APs, at the moment reference can only be made to the guidelines contained in the Commission's Communication on "European Neighbourhood Policy Strategy Paper" of 12 May 2004. They envisage the possible involvement of the neighbouring countries in some aspects of CFSP and ESDP, such as conflict prevention, crisis management and even EU-led crisis management operations.<sup>19</sup> Clauses on human rights and non-proliferation of weapons of mass destruction will in principle also be part of the APs, which could complicate negotiations with countries such

<sup>16</sup> The EU is represented by the Council Secretariat when issues concerning the political dialogue and related issues are being discussed, by the Commission in all other cases.

<sup>17</sup> These countries have all signed and ratified a Partnership and Cooperation Agreement (PCA) with the EU.

<sup>18</sup> These countries have all signed and ratified an Association Agreement with the EU.

<sup>19</sup> This would reassure the countries from the southern Mediterranean in particular, which have in the past not always viewed ESDP developments favourably.



as Israel. Economically, the key objective is the neighbouring countries' participation in the internal market. They are to adapt their economic legislation, open up their economies and reduce trade barriers in order to enter the internal market, although the modalities for this are not well defined. Another issue that interests neighbouring countries is the possibility of benefitting from the four freedoms, that is the freedom of circulation for people, goods, services and capital - in particular, as a long-term goal, the possibility of having visa-free access to the EU, at least for a few categories of citizens. Last but not least, with regard to people-to-people contact, the ENP envisages the progressive opening to neighbouring countries of a number of Community programmes, including Tempus and Erasmus Mundus, which have already proven instrumental in breaking down cultural barriers between students of different EU countries.

As seen, the area covered by the ENP is vast. As a result, implementation costs are likely to be considerable. In two Communications dated 14 July 2004 and 29 September 2004, the Commission proposed creating a new financial instrument, the European Neighbourhood and Partnership Instrument (ENPI), to "promote progressive economic integration and deeper political cooperation between the EU and partner countries" and "address the specific opportunities and challenges related to the geographical proximity common to the EU and its neighbours".<sup>20</sup> This instrument will become effective with the new financial perspectives (2007-13) and replace all financial instruments (TACIS and MEDA) that the EU is currently using to assist its neighbours. The ENPI will be used in the framework of the bilateral agreements between the Community and

<sup>20</sup> Communications from the Commission to the Council and the European Parliament on "Financial Perspectives 2007-2013", COM (2004) 487 final, Brussels, 14 July 2004 and on "The Instruments for External Assistance under the Future Financial Perspective 2007-2013", COM(2004) 626 final, Brussels, 29 September 2004. See also "Proposal for a Regulation of the European Parliament and of the Council laying down general provisions establishing a European Neighbourhood and Partnership Instrument" COM(2004) 628 final, Brussels, 29 September 2004. An instrument designed to finance the implementation of the ENP was first proposed in Commission Communication "Paving the way for a New Neighbourhood Instrument", COM (2003) 393 final, Brussels, 1 July 2003. The new wording of the instrument is the result of a compromise with Russia. In addition, the Commission proposes to set up a Pre-Accession Instrument (IPA) for candidate (Turkey and Croatia) and potential candidate (the other Western Balkan) countries that would supersede existing instruments (PHARE, ISPA, SAPARD and Turkey pre-accession Regulation) and a Development Cooperation & Economic Cooperation Instrument, that would be the main vehicle for supporting developing countries in their efforts to progress towards the Millennium development goals.

neighbouring countries, that is the Action Plans. This financial instrument is intended not only to fight poverty and foster sustainable development, but also to support measures leading to progressive participation in the EU's internal market. A peculiar feature of the ENPI is the cross-border component. In practice, it will finance "joint programmes" combining regions of member states and partner countries sharing a common border. The ENPI, which will adopt a "Structural Funds approach, based on multi-annual programming, partnership and co-financing" is expected to streamline procedures and increase efficiency. In the meantime, that is until 2007, APs will be financed through existing programmes.

### **The rationale behind the ENP - a new foreign policy approach?**

The ENP is designed mainly to create a zone of peace, prosperity and stability at the EU's borders to prevent the most recent enlargement from drawing new dividing lines in Europe. Indeed, implementation of the Schengen regime along the EU's new frontiers could considerably decrease transborder traffic and trade between the new member states and their neighbours, as is the case between Poland and Ukraine. The EU shuns adopting a "fortress Europe" attitude *vis-à-vis* these countries and seeks to tackle the threats that might emerge - illegal immigration, transnational crime, smuggling and trafficking in human beings - through cooperation. In practice, the Union promises these countries economic benefits, such as possible participation in the EU's internal market, provided they implement the economic and political reforms required to build a political system and market economy similar to those of EU member states. In the past, the most effective instrument that the EU had to encourage neighbouring countries to pursue reforms was the prospect of membership. In this case, however, the EU has chosen not to offer the prospect of membership, at least not in the short term. One reason is that the EU is already likely to suffer from what has been called "enlargement fatigue" as a result of the latest wave of enlargement, meaning that the Union will go through dramatic changes in terms of budget repartition, review of current policies, the working of institutions, foreign policy choices, etc. Add to that that the neighbouring countries are far from reaching EU standards and that public opinion is likely to oppose their accession to the EU. Moreover, there are already other countries on the list for the next wave of enlargement: Bulgaria and Romania are expected to join the Union in 2007 and Croatia may follow suit soon afterwards. As for Turkey, the European Council will decide in December whether to start accession negotiations with it. The Western Balkan countries, that is Albania, Bosnia and Herzegovina, Macedonia, and

Serbia and Montenegro also have the concrete prospect of joining the EU, although their timetable has yet to be decided and is bound to be long-term.<sup>21</sup> In this case, the prospect is part and parcel of the major role played by the EU since the mid-1990s in stabilising the Balkan area, which remains a geopolitical priority for the Union.

As has been pointed out,<sup>22</sup> in the past the European Union adopted two distinct approaches towards its immediate neighbours: one aimed at stabilisation, focused mainly on regional cooperation and broad partnership (regionalism); the other aimed at integration and based on conditionality. There can be no doubt that the second approach, applied to the countries of Central and Eastern Europe which joined the EU on 1 May 2004, was enormously successful. The prospect of EU entry led the acceding countries to reform their economies and political systems in a way that would not have otherwise been possible. The first approach, on the other hand, was a total failure in the former Yugoslavia in the 1990s, and only worked when associated with the second approach which envisaged integration, albeit not as an immediate or near-term goal.<sup>23</sup>

With respect to the new neighbouring countries, by ruling out accession for the time being, the EU has deprived itself of its key instrument of positive conditionality to encourage countries to reform and align with the EU *acquis*. Nevertheless, the ENP envisages other forms of positive conditionality. As seen, the Commission Communication on "Wider Europe - Neighbourhood Policy" clearly states that these countries should be offered the prospect of a stake in the EU's internal market as well as further integration and liberalisation in order to promote the free movement of persons, goods, services and capital.<sup>24</sup> As a consequence, the approach the EU is using towards its neighbours seems to lie somewhere between stabilisation and integration, as it uses both regionalism - the ENP encourages cross-border and regional cooperation among the neighbouring countries - and positive conditionality.

<sup>21</sup> The decision that the Western Balkan countries would enter the EU was reaffirmed by the Presidency Conclusions of the Thessaloniki European Council on 19-20 June 2003. <[http://ue.eu.int/ueDocs/cms\\_Data/docs/pressData/en/ec/76279.pdf](http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/76279.pdf)>.

<sup>22</sup> A. Missiroli, "The EU and its changing neighbourhoods: stabilisation, integration and partnership" in J. Batt, D. Lynch et al, *Partners and neighbours: a CFSP for a wider Europe*, Chaillot Paper 64 (Paris: Institute of Security Studies of the European Union, September 2003) p. 11 <<http://www.iss-eu.org/chaillot/chaill64e.pdf>>.

<sup>23</sup> *Ibid.*

<sup>24</sup> However, the exact meaning of "a stake in the internal market" or the extent of application of the four freedoms is still difficult to evaluate as it is expressed in rather vague terms and cannot be achieved overnight.

One clear innovation of the ENP is the single, all-encompassing framework covering all aspects of relations with the neighbouring countries, even if the existing regional framework for EU relations with these countries continue to be in force.<sup>25</sup> Previously, the EU used different frameworks and strategies for the various areas. The main policy instrument for framing a Union relationship with a particular area was the Common Strategy (CS).<sup>26</sup> As explicitly emphasised in an evaluation report by CFSP High Representative Solana,<sup>27</sup> one of the main drawbacks of Common Strategies was that they required long and detailed negotiation processes that had to be led by successive presidencies of the European Council. In this way, CSs suffered from lack of political impulse and the sense of priority from which they could have benefited had the European Council played a major role in their elaboration.<sup>28</sup> Solana also complained that each rotating EU Presidency had its own priorities in foreign policy which, in the end, resulted in the absence of "a consistent and coherent EU approach".<sup>29</sup> The introduction of a single approach for all neighbouring countries - be it Ukraine or Morocco, Moldova or Syria - should help define the principles guiding the EU's relationship with its entire neighbourhood. Within this framework, it will be up to the neighbours to decide what level of cooperation they want to establish with the EU. This would be a beneficial turn for EU foreign policy, even if member states would no doubt continue to push through their own interests in relations with individual

<sup>25</sup> The Conclusions of the General Affairs and External Relations Council of June 2003 read: "The new neighbourhood policies should not override the existing framework for EU relations with Russia, the Eastern European countries, and the Southern Mediterranean partners, as developed in the context of the relevant agreements, common strategies, the Northern Initiative and the Barcelona Process <[http://europa.eu.int/comm/world/enp/pdf/cc06\\_03.pdf](http://europa.eu.int/comm/world/enp/pdf/cc06_03.pdf)>."

<sup>26</sup> The Common Strategy introduced by the Treaty of Amsterdam was an instrument designed to define the Union's medium- to long-term global vision towards a specific area or issue. The EU has adopted three CSs: on Russia, in June 1999, on Ukraine in December 1999 and on the Mediterranean in June 2000. Given their poor record, a fourth on the Balkans was never adopted.

<sup>27</sup> The Secretary General/High Representative Javier Solana, Common Strategies Report, An evaluation report, Brussels, 21 December 2000, reported in A. Missiroli (ed.), *Coherence for European Security Policy: Debates-Cases-Assessments*, Occasional Paper 27 (Paris: The Institute for Security Studies, Western European Union, June 2001).

<sup>28</sup> Actually, from a formal point of view, the European Council was in charge of adopting CSs. However, their elaboration basically rested with the Presidency, which had to reach an agreement at the level of working group, Coreper and Council, with the result that the final text was a collection of the priorities of the member states. See *Ibidem*.

<sup>29</sup> *Ibid.*

neighbouring countries - often with little regard for such things as respect for human rights.

The attempt to effect a structural change in European foreign policy by introducing greater consistency in relations with third countries is confirmed by the inclusion of a reference to the fundamental principles of the ENP in the first part ("constitutional provisions"<sup>30</sup>) of the Constitutional Treaty approved by the European Council on 18 June 2004.<sup>31</sup> A similar aim can be found in the European Security Strategy drafted by the High Representative for CFSP Javier Solana and adopted by the European Council in Brussels on 12 December 2003.<sup>32</sup> One of the three strategic objectives set down in it is "to promote a ring of well governed countries to the East of the European Union and on the borders of the Mediterranean with whom we can enjoy close and cooperative relations".

### Problems with the ENP

On the one hand, the ENP is an attempt to bring more consistency and coherence into EU relations with its neighbours; on the other, it contains many contradictory aspects and faces diverse challenges. To start out with, the ENP addresses eastern, southern Mediterranean and Caucasian countries, irrespective of their differences and their possibilities of entering the Union. This could cause disappointment in those European countries that have clearly stated their desire to join the Union, even if only in the long term. The Ukraine is a case in point: Kiev actually tends to regard the ENP as an attempt by the EU to postpone indefinitely any decision on eventually granting it "the legitimacy/right to be a member" by placing it in a wider framework which includes countries that are *a priori* excluded from EU membership.<sup>33</sup> An enhanced partnership with the EU, ultimately leading to EU accession, would be preferable. Similarly, as mentioned, the single-framework approach was not well received by Russia, which is now outside the

<sup>30</sup> "The Union shall develop a special relationship with neighbouring States, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation". Art. I-56.1. Draft Treaty establishing a Constitution for Europe <<http://european-convention.eu.int/docs/Treaty/cv00850.en03.pdf>> .

<sup>31</sup> See E. Lannon, *Le Traité constitutionnel et l'avenir de la politique méditerranéenne de l'UE élargie*, EuroMeSCo papers (Lisbon: IEEL, June 2004) p. 22.

<sup>32</sup> "A Secure Europe in a Better World. European Security Strategy", Brussels, 12 December 2003. <<http://ue.eu.int/uedocs/cmsUpload/78367.pdf>> .

<sup>33</sup> Interview by the author with an official from the Ukraine Mission to the European Union, 15 July 2004.

ENP and is developing its relations with the EU on a bilateral basis.

A related problem is whether the Union should indicate a time horizon for the accession of at least some of its neighbours. This would constitute a further powerful incentive to induce those countries to engage in internal reform and to harmonise their practices and legislation with the Union's standards. For the moment, however, the Union has not reached any agreement on that - a stance reflected in the decision to rule out any formal commitment to promoting the accession of the ENP countries. Yet, the aspiration of some of them to join the Union will no doubt become a central issue of EU foreign policy debate in the coming years.

Another challenge the ENP will have to deal with is related to the benefits the EU is willing to grant neighbouring countries in exchange for their cooperation in carrying out economic and political reforms. It has been argued that the EU asks these countries to reform their economic legislation and open up their barriers - reforms that are likely to be difficult to carry through, considering the current legislative and administrative practices in those countries - but does not seem to offer much in return.<sup>34</sup> Neighbouring countries are interested in access to Europe's agricultural market, but it is not sure what the EU will be willing to concede, especially if one considers the non-tariff barriers these kinds of products face.<sup>35</sup> The EU, and particularly the member states, seem to be very reluctant to grant concessions in this field. Another request from countries such as Russia and Ukraine is that at least a few categories of their citizens, like students, academics and athletes be granted visa-free access to the EU. An EU concession in this area could facilitate these countries' cooperation with the EU in the fight against terrorism and illegal immigration - issues about which EU public opinion feels strongly.

A related problem is whether the conditionality principle can be applied to neighbouring countries, notably those in the southern Mediterranean, in the same way it was applied to the Central and Eastern European countries. More specifically, should the EU push the southern Mediterranean countries to respect democratic practices and human rights or should it support the *status quo* regimes in the area, irrespective of their democracy and human rights records? The fear is that pushing for structural regime changes could

<sup>34</sup> H. Grabbe, *How the EU should help its neighbours*, Policy brief (Brussels: Centre for European Reform, June 2004) p. 4.

<sup>35</sup> The Commission Communication on "European Neighbourhood Policy Strategy Paper" of 12 May 2004 reads: "For agricultural products, convergence with EU standards for sanitary and phyto-sanitary controls will greatly enhance reciprocal trade between the partner countries and the EU".

eventually undermine those countries, creating dangerous political instability in the area and playing into the hands of radical Islamic groups.

Another potential problem is the interaction with other multilateral cooperation initiatives undertaken by the EU in the past years with countries participating in the ENP. One example is the link between the ENP and the Barcelona Process in which all southern Mediterranean neighbours participate. The functional relationship between these different cooperation frameworks has to be clarified in order to minimize the risk of duplication and overlapping. Similarly, the relationship between the multilateral dimension of the ENP with the bilateral dimension of its implementation through the Action Plans should be carefully worked out.

Finally, there is the issue of the APs' financing. Despite the Commission's requests, there might not be much money available for implementing the policy in the next financial perspective (2007-13), especially considering that Austria, France, Germany, Sweden, the Netherlands and the United Kingdom, all net payers, have already sent a letter to incoming Commission President Manuel Barroso demanding that the EU budget ceiling be reduced from 1.24 to one percent of gross domestic product.<sup>36</sup> The problem is even more serious in that the new financial perspectives will have the task, among others, of redistributing structural funds between old and new Union members.

## Conclusion

The idea of establishing an ad hoc policy for the EU's neighbouring countries should be welcomed, since it seeks to strike a balance between two necessities: 1) granting concrete benefits to its neighbours and tackling the threats that might spill over from them without indulging in a "fortress Europe" logic; 2) avoiding enlargement to countries that are currently far from EU standards, at a time when the EU is already struggling to adapt to the "big bang" enlargement. Thus the new approach chosen by the EU falls somewhere between the traditional logics of integration and stabilisation. However, in this case the EU seems to have deprived itself of the single incentive that proved decisive in ensuring the success of its past integrationist approach: the concrete prospect of accession to the EU. Moreover, the other concrete incentives that the EU is ready to offer its neighbours have not yet been clearly defined, even though it seems unlikely that the EU will concede what the others are most interested in, that is access to Europe's agricultural market and visa-free access for some categories of citizens.

<sup>36</sup> "Germany says no to Barroso on EU budget", *EU Observer*, 26 August 2004 <<http://www.euobserver.com>>.

The idea of a single framework for the EU's relations with its neighbours - be they eastern or southern - could provide a decisive contribution to the search for a coherent and consistent EU foreign policy. But it still has to pass the test of implementation, which will surely be tough for a number of reasons. First of all, the idea of a single framework has met with opposition from Russia, which prefers a bilateral relationship with the EU. Russia is in fact an important regional player, to be taken into consideration when dealing with eastern neighbours. Secondly, Ukraine would rather establish an enhanced partnership with the EU, which would ultimately lead to accession to the Union, and considers the ENP framework - which puts it in the same basket with countries that are non-European and will never be able to enter the EU, such as the southern Mediterranean countries - a downgrade of its relationship with the Union. Thirdly, the ENP's multilateral approach will likely turn into a bilateral one during the implementation stage: in fact, each country will have to work out its own AP with the EU on a strictly bilateral basis. Finally, the success of this policy will to some extent depend on the commitment of the neighbours, which is likely to vary from country to country.

Above all, the policy requires a significant financial commitment from the EU - something that many member states, and particularly the net payers, might be reluctant to support.



# **La Politica Europea di Vicinato fra l'allargamento e la politica estera e di sicurezza comune \***

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## *Introduzione*

L'iniziativa dell'Unione Europea nota come "Politica Europea di Vicinato" (PEV) viene lanciata l'11 marzo 2003, quando la Commissione Europea, in una Comunicazione al Consiglio e al Parlamento europeo, traccia le linee guida di una nuova strategia per i rapporti con gli Stati a ridosso dei confini dell'UE a 25.<sup>1</sup> Nel corso dell'anno seguente tutte le istituzioni europee concorrono nel definire con maggiore chiarezza la portata, gli scopi e i beneficiari dell'iniziativa di vicinato. Nel maggio 2004 la Commissione pubblica un documento di orientamento strategico che viene approvato a giugno dal Consiglio Affari Generali e Relazioni Esterne.<sup>2</sup>

La nuova iniziativa ha grandi ambizioni. L'idea fondamentale è la creazione di un'ampia area di sicurezza, prosperità e cooperazione ai confini dell'Unione allargata. L'Unione si dice pronta a proporre forme di collaborazione sempre più strette, aprendo la via verso l'integrazione delle economie dei paesi vicini nel mercato unico. La stabilità dell'area del vicinato infatti è ritenuta da tutte le istituzioni europee di fondamentale importanza strategica, e per questo l'Unione offre ai paesi vicini "la prospettiva di una partecipazione al mercato unico europeo e un'ulteriore liberalizzazione e integrazione per promuovere il libero movimento di persone, beni, servizi e capitali"<sup>3</sup>. Il Presidente della Commissione Romano Prodi si è spinto ad affermare che gli Stati vicini e l'UE potranno "condividere tutto, fuorché le istituzioni"<sup>4</sup>.

La PEV è rivolta ai paesi della costa sud e sudest del Mediterraneo, alle repubbliche del Caucaso del sud e agli Stati occidentali dell'ex Unione Sovietica.<sup>5</sup> Ad ognuno di loro l'Unione Europea offre la possibilità di elaborare congiuntamente un accordo, detto Piano d'Azione, che fissi obiettivi e priorità e indichi le misure volte ad instaurare una collaborazione sempre più stretta in tutti i settori compresi nella PEV (dialogo politico,

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<sup>1</sup> Cfr. la Comunicazione della Commissione al Consiglio e al Parlamento Europeo, *Wider Europe-Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours*, COM (2003) 104 final, 11.3.2003 (d'ora in poi solo 'Comunicazione *Wider Europe*'). Il testo integrale della Comunicazione è disponibile nel sito [http://europa.eu.int/comm/world/enp/pdf/com03\\_104\\_en.pdf](http://europa.eu.int/comm/world/enp/pdf/com03_104_en.pdf).

<sup>2</sup> Fr. la Comunicazione della Commissione *European Neighbourhood Policy – strategy paper*, COM (2004) 373 final, 12.5.2004 (d'ora in poi solo *strategy paper*; il testo integrale è disponibile sul sito [http://europa.eu.int/comm/world/enp/pdf/strategy/Strategy\\_Paper\\_EN.pdf](http://europa.eu.int/comm/world/enp/pdf/strategy/Strategy_Paper_EN.pdf)); le Conclusioni finali del Consiglio Affari Generali e Relazioni Esterne del 14.6.2004 ([http://europa.eu.int/comm/world/enp/pdf/040614\\_GAERC\\_Conclusion\\_on\\_ENP\\_\(provisional\\_version\).pdf](http://europa.eu.int/comm/world/enp/pdf/040614_GAERC_Conclusion_on_ENP_(provisional_version).pdf)).

<sup>3</sup> Cfr. la Comunicazione *Wider Europe*, p. 4.

<sup>4</sup> Cfr. il discorso di Prodi "A Wider Europe – A Proximity Policy as the Key to Stability", tenuto a Bruxelles il 6-12-2002 in occasione della Sesta Conferenza mondiale dell'ECSA.

<sup>5</sup> I paesi "vicini" sono quindi i seguenti: Bielorussia, Ucraina, Moldavia, Georgia, Armenia, Azerbaigian, Siria, Libano, Giordania, Israele, Egitto, Tunisia, Algeria e Marocco. Anche l'Autorità Nazionale Palestinese beneficerà dell'iniziativa. La Libia potrà partecipare dei programmi PEV solo una volta adottato l'*acquis* di Barcellona e regolate tutte le questioni pendenti con gli Stati membri dell'UE.

rispetto dei diritti umani, regolamentazioni economiche e commerciali, integrazione infrastrutturale, scambi culturali ecc.).

Già prima della pubblicazione della Comunicazione *Wider Europe* la questione dei rapporti con i paesi vicini era stata sollevata da più parti. Anzi un interesse specifico nei confronti del “vicinato” data fin dai primi anni Novanta, quando vennero identificati i tre fattori chiave sulla base dei quali individuare aree geopolitiche prioritarie per gli interessi dell’Unione Europea: le aree in questione devono essere geograficamente prossime, socialmente e politicamente stabili e libere di minacce per gli Stati membri dell’UE.

L’avvicinarsi del grande allargamento ad est ha portato la questione all’ordine del giorno. Invece di otto Stati disciplinati, con istituzioni democratiche giovani ma stabili e politiche tutte volte alla convergenza con la legislazione comunitaria, a partire dal primo maggio 2004 il confine orientale separa l’Unione da paesi problematici sotto vari punti di vista. Sparito il cordone dei paesi candidati, questioni una volta distanti – come, per fare qualche esempio, la crisi della Transnistria, o la sicurezza degli impianti nucleari in Ucraina – sono divenuti improvvisamente più urgenti.<sup>6</sup>

La pressione proveniente da est non sembra inoltre avere distolto l’attenzione dell’Unione dalle sfide, non certo nuove, poste dall’area del Mediterraneo meridionale e sud-orientale. Complice l’ingresso di Malta e Cipro, l’Unione appare decisa ad attivare per mezzo della PEV forme di collaborazione che il Partenariato Euromediterraneo non è riuscito a promuovere o sostenere efficacemente.<sup>7</sup>

L’iniziativa di vicinato ha quindi raccolto largo sostegno nell’Unione, tanto nelle istituzioni quanto nell’opinione della maggior parte degli analisti. Dappertutto si è ammonito sul rischio di nuovi muri sorti a dividere ancora l’Europa e ribadita la necessità che l’UE dia un segnale chiaro, soprattutto a quei paesi con evidenti aspirazioni all’adesione (l’Ucraina e la Moldavia, ma anche il Marocco, che ha avanzato la richiesta di adesione la prima volta nel 1987), sul fatto che la nuova Unione non si trasformerà in una fortezza.<sup>8</sup>

<sup>6</sup> Sulla dimensione ‘orientale’ della PEV cfr. H. HAUKKALA, *A Hall in the Wall? Dimensionalism and the EU's "New Neighbourhood Policy"*, UPI Working Papers 41, 2003, e H. HAUKKALA e A. MOSHES, *Beyond "Big Bang": the Challenges of EU's Neighbourhood Policy in the East*, FIIA report 9/2004.

<sup>7</sup> Rispetto alla Dichiarazione di Barcellona, che inaugurò nel 1995 il Partenariato Euromediterraneo, le Comunicazioni della Commissione sulla PEV non offrono rilevanti novità strategiche. La differenza tra le due iniziative dell’Unione, pertanto, si misura non sui fini ma sui mezzi per conseguirli: la PEV privilegia la collaborazione bilaterale rispetto all’approccio multilaterale tipico del Partenariato, e sostituisce il criterio ‘one-size-fits-all’ con quello della *joint ownership*. Inoltre fissa un obiettivo ancora più ambizioso di quello, già molto ambizioso, del Partenariato: non solo l’instaurazione di una zona di libero scambio, ma l’integrazione, seppure settoriale, delle economie dei paesi vicini nel mercato unico. Sul rapporto tra il Partenariato Euromediterraneo e la PEV cfr. R. ALIBONI, *Dove va il Partenariato Euromediterraneo? Vicinato, Medio Oriente allargato, strategia Euro-Araba*, *Italiamondoarabo* no. 2, 2004, e E. LANNON, *Le Traité constitutionnel et l’avenir de la politique méditerranéenne de l’UE élargie*, *EuroMesco papers*, n. 32, giugno 2004.

<sup>8</sup> Sulla necessità di evitare nuove linee divisorie in Europa, cfr. la lettera scritta nel settembre 2002 dal Commissario alle Relazioni Esterne Patten e dall’Alto Rappresentante per la PESC Solana (la lettera è pubblicata su *Uniting Europe* del 9 settembre 2002). Sulla politica di vicinato in generale cfr. W. WALLACE, *Looking after the neighbourhood: responsibilities for the EU-25*, *Groupement d’études et de recherches Notre Europe*, luglio 2003; M. EMERSON, *The Wider Europe Matrix*, CEPS, , 2003; M. BENEDEK, *From Neighbour to Member or Associate? The Future of the European Union's Neighbourhood Policy*, *EU Policy Network*, ottobre 2003; lo *Chaillot Paper* n. 64, ISS, settembre 2003.

Una volta riconosciuta l'opportunità strategica di una politica di vicinato per garantire o tentare di garantire stabilità all'area del "vicinato", molti analisti passano a considerare che cosa in effetti l'Unione Europea possa offrire ai paesi vicini per incentivarli a cooperare. Nonostante sembri estremamente generosa, la proposta della partecipazione (parziale) delle economie del "vicinato" al mercato unico europeo viene considerata in generale con grande scetticismo. L'impegno che l'Unione chiede in cambio in termini di allineamento legislativo a parti dell'*acquis*, di controllo delle frontiere e dei flussi migratori e di riforme liberali in campo politico, appare ad alcuni eccessivo. Il sospetto che in molti paesi vicini manchi la volontà politica di perseguirlo è diffuso. La discussione si è pertanto concentrata su quale sia il reale valore aggiunto di un'iniziativa che non ha sempre incontrato fra i suoi destinatari il favore sperato.<sup>9</sup>

Il tema è stato largamente dibattuto, anche se non sempre con la necessaria chiarezza.<sup>10</sup> Non altrettanto discusso invece è stato il tema del valore aggiunto della PEV per l'Unione Europea, al di là dell'accenno, fondamentale ma sempre vago, di creare una zona di stabilità politica e sociale a ridosso dei suoi confini. Non è quindi di scarso interesse considerare più approfonditamente quali vantaggi di lungo periodo possano venire all'UE dall'adozione di un'organica politica esterna come la PEV.

La politica di vicinato è un passo in avanti nella definizione di due questioni fondamentali per il futuro dell'Unione: i suoi confini geografici e la creazione di una politica estera comune. Questa è la tesi centrale sostenuta nel presente studio.

Certamente la risoluzione di questioni così importanti riposa sulla volontà politica degli Stati membri e non sull'adozione di una politica settoriale. E tuttavia la PEV, se darà almeno in parte i risultati sperati, offrirà in entrambi i casi un valido contributo: in primo luogo, perché la dimensione politica del "vicinato" fornirà un'alternativa accettabile per i paesi che coltivano ambizioni di adesione; in secondo luogo, perché avrà dimostrato che la logica dell'allargamento, la politica esterna dell'Unione di maggiore successo, è almeno parzialmente replicabile fuori del contesto dell'allargamento.

### *La PEV e i confini dell'Unione Europea*

Non esiste un criterio universalmente sostenibile per determinare fin dove l'Unione dovrebbe estendersi. Essa non ha un profilo sufficientemente definito per potere fornire

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<sup>9</sup> A parte il caso della Russia, infine uscita dal novero dei paesi "vicini", anche l'Ucraina ha reagito con un certa diffidenza, seppure per motivi opposti. Mentre la Russia non è disposta a trattare con l'Unione nessuna forma di collaborazione vincolata ad una qualsivoglia forma di condizionalità, l'Ucraina ha visto nell'iniziativa di vicinato un tentativo di scoraggiare le sue ambizioni di adesione. Solo recentemente l'Ucraina sembra essersi rassegnata al fatto che non esistono nel breve-medio periodo reali possibilità di una sua accessione all'UE (cfr. le dichiarazioni del presidente Koutchma del 27 luglio scorso, riportate sul *Bulletin Quotidien Europe* n. 8756 del 28 luglio 2004).

<sup>10</sup> Heather Grabbe, vice direttrice del CER di Londra, una delle commentatrici più lucide, ha giustamente sottolineato come ai considerevoli impegni che la partecipazione alla PEV richiede ai paesi vicini si debba accompagnare uno sforzo altrettanto considerevole da parte dell'Unione nel venire incontro alle loro richieste. In particolare, nota Grabbe, una graduale liberalizzazione dei mercati agricoli europei e una politica di immigrazione meno restrittiva e più cooperativa costituirebbero senza dubbio un super incentivo a partecipare ai programmi della PEV e ad aumentare la convergenza verso gli standard dell'Unione (cfr. H. GRABBE, *How the EU should help its neighbours*, articolo on line del Centre for European Reform, giugno 2004).

da sé questa discriminante. Non esiste una tradizione politica unitaria in Europa, e i suoi confini geografici non coincidono con un'area geopolitica omogenea. Anzi, da questo punto di vista, l'Europa è un intreccio di aree differenti, che in parte si sovrappongono, per le quali l'Unione costituisce senza dubbio un polo d'attrazione, ma con un grado di intensità variabile e non uniforme.<sup>11</sup>

Una conseguenza di tutto ciò è l'impossibilità di definire chi debba e chi non debba fare parte dell'Unione basandosi su un'opinione largamente condivisa. E' vero che l'articolo 49 del Trattato UE, stabilendo le condizioni per l'adesione all'Unione, parla genericamente di "Stati europei". Si può presumere pertanto che la geografia fornisca, se non un criterio, almeno un limite.

Di questa opinione è Michael Emerson del Centre for European Policy Studies di Bruxelles, il quale è persuaso che l'Europa geografica condivida un destino comune, quello della c.d. "europeizzazione" (*Europeanisation*).<sup>12</sup> Questo concetto indica una forma specifica di modernizzazione caratterizzata ideologicamente dall'enfasi sulla vita democratica, sull'economia di mercato, sulla tolleranza interculturale, sulla libertà dei costumi ecc.. Più che un fenomeno culturale di cui l'intero continente sarebbe partecipe, però, l'"europeizzazione" è una raccolta empirica di elementi che caratterizzano l'Unione Europea in quanto soggetto politico-istituzionale. Può pertanto valere come schema interpretativo dell'influenza ideologica dell'Unione sul suo ambiente circostante e come orientamento di base delle sue politiche esterne, non però come un criterio analitico credibile per definire chi può far parte dell'Unione.

Al di là di queste considerazioni di carattere teorico, il criterio 'geografico' è stato in ogni caso messo in crisi dall'ingresso di Cipro e dal conferimento dello status di candidato alla Turchia.

Se dunque è piuttosto complicato stabilire chi possa fare parte dell'UE, è più facile individuare chi non può non farne parte: un nucleo di paesi democratici, con un alto tasso di industrializzazione e sviluppo tecnologico, una tradizione comune e soprattutto un interesse perdurante ad una stabilità strutturale di tutte le aree nelle quali esercitano i loro affari. Gli allargamenti del 1973 e del 1995 sono coerenti con questi presupposti. Quelli del 1981, 1986 e 2004 lo sono soprattutto con l'ultimo elemento indicato. Alla stessa logica risponde il previsto allargamento ai Balcani.

Sulla base di queste premesse, la questione dei limiti dell'Unione acquisisce una fisionomia più precisa: il recente ingresso nell'UE di dieci Stati strutturalmente poco rodati ed economicamente molto più deboli dei vecchi membri, e il futuro allargamento ai Balcani (e forse alla Turchia) sembrano spingere al limite la capacità dell'Unione di conseguire gli obiettivi della stabilità e della prosperità all'interno di una cornice istituzionale comune. Ciò vuol dire che, almeno nel breve-medio termine, l'Unione ha materialmente possibilità minime di espandersi ulteriormente. Più che una chiara strategia a lungo termine (come l'idea di un'unione politica), sulla quale non c'è accordo sufficiente nelle cancellerie né nell'opinione pubblica europee, sono i fatti che impongono un criterio per definire fin dove l'UE può allargarsi. E' un criterio pragmatico, e non potrebbe essere altrimenti: le condizioni economiche e politiche dei

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<sup>11</sup> Michael Emerson, del CEPS di Bruxelles, concepisce la "matrice" dell'Unione allargata come l'intreccio di indirizzi geopolitici diversi, di cui l'UE è a volte il promotore unico, a volte in collaborazione/competizione con gli USA e la Russia (cfr. M. EMERSON, *The Wider Europe Matrix*, cit.).

<sup>12</sup> Cfr. M. EMERSON, *The Wider Europe Matrix*, cit., pp. 2-3.

paesi ai confini dell'UE a 25 non offrono la garanzia che gli obiettivi della creazione stessa dell'Unione e di ogni suo allargamento, cioè la stabilità e la pace, possano essere mantenuti in un'Unione superallargata. Al contrario, l'effetto – credo sia questa l'opinione dei più – sarebbe contrario: instabilità invece di stabilità.

Alcuni esempi bastano a convalidare questa conclusione: come conciliare le politiche cooperative e distensive di Bruxelles e degli Stati membri verso la Russia con la prospettiva di un'adesione all'UE di Ucraina e/o Moldavia? Mosca sarebbe disposta a vedere chiudersi le frontiere con le ex repubbliche sovietiche o ad accettare un Mar Nero 'europeo'? E, procedendo sempre in ordine sparso, come conciliare l'adesione di alcuni paesi mediterranei, che porterebbe le frontiere dell'UE nel cuore dell'Africa sahariana, con l'esigenza sempre più sentita di un controllo efficace delle frontiere? Senza contare naturalmente gli effetti di una dilatazione del genere sui processi di *decision-making* e sull'efficacia della burocrazia europea.

Chiarito che l'adesione non è una prospettiva credibile, il problema di come impostare i rapporti di prossimità rimane sul tavolo. Qui sta l'importanza della politica di vicinato: rivolgendosi a determinati paesi e non ad altri, essa certifica una situazione di fatto, in cui i paesi indicati come vicini sono esclusi dalla possibilità di aderire all'UE (per lo meno nel breve-medio periodo); ma dall'altro lato non rinuncia a perseguire gli obiettivi chiave dell'Unione, la pace e la stabilità, offrendo loro un elevato grado di cooperazione, vicino a volte all'integrazione.

### *La PEV e la politica estera europea*

Nei documenti pubblicati dalle istituzioni comunitarie relativi alla politica di vicinato, il contributo che essa può offrire nel dare una risposta alla domanda ancora aperta sui confini dell'Unione non viene certo enfatizzato. Al contrario viene più volte ribadito che la qualifica di "vicino" non preclude definitivamente la via ad un'eventuale adesione. Si tratta di una questione delicata, e del resto non è in questo contesto che deve essere presa una decisione finale al riguardo. Opportunamente le istituzioni comunitarie sottolineano un altro genere di vantaggi che la PEV porterebbe all'UE.

Il primo posto nell'elenco di tali vantaggi riportato dallo *strategy paper* del 12 maggio 2004 è occupato dal contributo che la PEV offrirà nel "sostenere e portare avanti gli obiettivi di politica estera dell'UE".<sup>13</sup> Al di là del tono enfatico, il punto merita attenzione. Per capire quali possono essere i vantaggi che la PEV porterà alla "politica estera dell'UE", bisogna tenere fermo questo, che la politica di vicinato è legata a filo doppio al recente allargamento. E' di qui quindi che bisogna prendere le mosse.

L'impatto dell'allargamento sulle politiche esterne dell'Unione ha una duplice natura: da una parte i nuovi paesi membri metteranno sul tavolo questioni di interesse più marcatamente nazionale; dall'altra però il loro ingresso impone all'Unione nel suo complesso di elaborare una strategia coerente verso i suoi nuovi confini esterni.

E' del tutto logico che una sua espansione comporti per l'UE una moltiplicazione di obiettivi di politica estera e allo stesso tempo una chiarificazione dei suoi interessi di

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<sup>13</sup> Cfr. *strategy paper* del 12.5.2004, cit., p. 8.

base.<sup>14</sup> Mentre i primi sono variabili e dipendono dai singoli Stati membri, i secondi, legati come sono alla nascita stessa dell'Unione, sono invece più uniformi: garantire la sicurezza, promuovere la prosperità e mantenere la pace. Gli allargamenti, con riferimento soprattutto al "round mediterraneo" e a quello del 2004, si sono dimostrati mezzi efficaci per conseguire questi obiettivi. Oggi, dopo l'ingresso di dieci nuovi Stati molto più poveri dei vecchi e con la prospettiva di includerne altri ancora più poveri, l'allargamento è un'opzione sempre più problematica e comunque non praticabile nel breve periodo.

Che la si consideri una strategia di lungo termine oppure di ripiego, la politica di vicinato è quindi il tentativo di perseguire i fini strutturali dell'Unione anche fuori dell'immediato contesto dell'allargamento. Date le condizioni attuali, essa appare come il 'naturale' propagarsi all'esterno degli interessi propriamente 'europei'.

Proprio questa conformità tra gli scopi fondanti dell'UE e gli obiettivi della PEV spiega perché il modo in cui è impostata la PEV ricorda più da vicino le pratiche dell'allargamento che quelle di una politica estera tradizionale. Rispetto a quest'ultima, la politica di vicinato ha un profilo di più basso livello: infatti trova un primo limite nel suo indirizzo regionale ed una seconda barriera nei margini di autonomia delle politiche dell'Unione, più ristretti rispetto a quelli di uno Stato sovrano. Pur considerando tutto ciò, tuttavia, bisogna riconoscere che almeno sulla carta il fine strumentale della politica di vicinato è di qualità superiore rispetto a quelli tipici della politica estera degli Stati: non tende all'instaurazione di intese cordiali, accordi commerciali o alleanze strategiche, bensì ad una cooperazione a tutto campo che, in alcuni settori, sfocia in una parziale integrazione.

Questi due livelli, quello di una politica estera tradizionale e quello di un'azione esterna che riproduce parzialmente le pratiche dell'allargamento, vanno tenuti distinti, se si vuole dare una risposta alla domanda: quale vantaggi porta la PEV ad una politica estera comune?

Al livello di una politica estera tradizionale i nuovi Stati membri aggiungono interessi nazionali particolari (nuovi) a interessi nazionali particolari (vecchi). Il dibattito in sede di Politica estera e di sicurezza comune (PESC) mira poi a trovare un minimo comune denominatore sul quale ci sia unanime consenso. La PEV invece rappresenta un'evoluzione coerente delle attività esterne dell'Unione Europea in quanto tale. Questi due aspetti conseguono in pari grado dall'allargamento e in parte si intrecciano. Tuttavia riflettono logiche diverse: la prima segue dinamiche intergovernative, la seconda dinamiche comunitarie.

Questa 'sfasatura' tra il livello 'comunitario' rappresentato dalla PEV e quello intergovernativo è resa evidente tanto dal basso profilo della politica di vicinato quanto dalla logica che ne detta i criteri, che è quella integrativa e non concorrenziale dell'allargamento. Si può aggiungere che anche la difficoltà di distinguere tra azione interna ed azione esterna, una caratteristica che la politica di vicinato ha ereditato dall'allargamento, è tipica dell'approccio 'comunitario'. Ciò deriva dal fatto che gli

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<sup>14</sup> Sulle opportunità e le sfide dell'allargamento ad est e nel Mediterraneo, cfr. H. GRABBE, *The Constellations of Europe. How Enlargement will transform the EU*, Centre for European Reform, Londra, 2004; sull'allargamento in generale, cfr. N. NUGENT (a cura di), *European Union Enlargement*, Palgrave Macmillan, Basingstock e New York, 2004.

interessi di base dell'UE – pace stabilità prosperità – possono essere conservati in modo integrale solo se vengono perseguiti anche all'esterno dei confini.<sup>15</sup>

Ora, se considerazioni del genere sembrano eccedere l'ambito specifico di un'iniziativa importante ma settoriale come la PEV, e se anche il buon senso invita alla cautela riguardo alle sue possibilità reali di successo e all'importanza che gli stessi governi dell'UE le accordano nelle loro agende, si risponderà che tali obiezioni sono corrette nella sostanza, ma non centrano il punto. Il quale consiste in effetti nel sottolineare come l'Unione Europea, quando agisce come soggetto unitario e non come somma di unità differenti, tende a servirsi anche all'esterno dei mezzi con i quali si è nel tempo costruita all'interno. Da questo punto di vista la PEV potrebbe rappresentare nel lungo periodo un elemento importante nella definizione dell'Unione come *global player*. Infatti la politica di vicinato non ha solo a che fare con obiettivi esterni concreti e specifici, com'è naturale, ma contribuisce anche a delineare più marcatamente la fisionomia dell'approccio dell'UE verso paesi terzi. I rapporti di vicinato sono, o sarebbero, o saranno, l'esemplificazione più progredita (ad eccezione dei rapporti di pre-adesione, che pure ne hanno fornito la matrice) del 'modo europeo' di intrattenere relazioni esterne. Poiché questo punto è ciò che in questa sede preme di più sottolineare, sono opportune alcune chiarificazioni.

#### *I criteri metodologici della PEV*

Lo strumento operativo della PEV è l'accordo bilaterale chiamato Piano d'Azione. Nonostante si basi in parte su accordi giuridici già esistenti (gli Accordi di Associazione e quelli di Partenariato e Cooperazione), il Piano d'Azione è un accordo di natura politica e non un trattato internazionale. Beneficia pertanto di una maggiore flessibilità grazie al carattere non vincolante delle sue disposizioni. E' possibile inoltre che alcuni Stati vicini dovendo firmare accordi giuridicamente non vincolanti mostrino più disponibilità a collaborare in settori come le riforme democratiche o il rispetto dei diritti umani.

Basandosi sui Piani d'Azione, la PEV tende dunque a privilegiare l'approccio bilaterale rispetto a quello multilaterale. Essa risponde all'esigenza di accelerare e migliorare la cooperazione già esistente con gli Stati vicini, e un approccio bilaterale diretto è giudicato più funzionale al perseguimento degli obiettivi della PEV. Seguire costantemente un approccio multilaterale potrebbe infatti andare a discapito degli sforzi verso una maggiore convergenza dei paesi vicini più interessati a cooperare. Quello che conta non è intestardirsi su un multilateralismo poco fecondo, ma raggiungere risultati concreti.

L'Unione Europea preferisce l'opzione multilaterale là dove è persuasa che costituisca uno strumento più efficace nel perseguimento o nella difesa dei propri interessi. Si tratta pertanto di una scelta strumentale, certamente prudente nel trattare grandi questioni

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<sup>15</sup> Non è casuale che una delle principali novità operative che la PEV vuole introdurre è una riforma degli strumenti finanziari esterni, tesa ad eliminare i vincoli geografici e permettere di finanziare i programmi con un'unica linea di budget (o con due coordinate) da impiegare indistintamente all'interno e all'esterno dei confini dell'UE. Cfr. in ogni caso la Comunicazione della Commissione al Consiglio e al Parlamento europeo, *Financial Perspectives 2007-2013*, COM (2004) 487 final, del 14.7.2004, in cui viene delineato il nuovo quadro dei futuri strumenti esterni dell'UE: la PEV sarà dotata di uno strumento finanziario ad hoc, detto ENPI (*European Neighbourhood and Partnership Instrument*).

politiche, poco efficace però nella gestione di quelle di più basso profilo come la PEV. Ad ogni modo è la logica integrativa e non l'approccio multilaterale ciò che contraddistingue il 'modo europeo' di intrattenere relazioni esterne.

Inoltre la PEV non dispone affatto l'abbandono dell'approccio multilaterale. Al contrario si propone di mantenerlo e, dove possibile, svilupparlo. In particolare alcuni settori di collaborazione di fondamentale importanza, come la cooperazione transfrontaliera o lo sviluppo della rete infrastrutturale tra l'Unione e l'Europa dell'est e il Mediterraneo, possono essere gestiti esclusivamente favorendo la cooperazione regionale e sub-regionale.

I Piani d'Azione e, più in generale, la politica di vicinato poggiano su tre criteri fondamentali:

- la *joint ownership* (traducibile con "responsabilità condivisa"). I Piani d'Azione vengono negoziati e quindi redatti congiuntamente da entrambe le parti. Tutto ciò che un Piano d'Azione contiene è pertanto frutto di un'intesa reciproca, e la responsabilità dell'applicazione delle misure decise ricade ugualmente sull'Unione come sugli Stati vicini.
- La differenziazione. Poiché frutto di un'intesa, ogni Piano d'Azione deve riflettere le diverse esigenze dei diversi paesi vicini, compatibilmente con le sue necessità materiali, i suoi interessi economici e la sua volontà politica di collaborare.
- Infine l'incentivazione, che fornisce gli elementi propulsivi della PEV, garantendo vantaggi (per lo più in campo economico) in cambio di intese (soprattutto nel settore delle riforme politiche e del rispetto dei diritti umani).

Il principio della *joint ownership* e quello della differenziazione costituiscono le novità metodologiche più rilevanti della PEV. Il primo è stato introdotto nel tentativo di superare le difficoltà legate all'uso della condizionalità fuori del contesto dell'allargamento. Quando l'adesione non è sul piatto, infatti, l'efficacia della condizionalità si attenua. Non c'è ragione, o ci sono meno ragioni, per uno Stato terzo di sottoporsi alla morsa dell'adeguamento strutturale alle condizioni imposte dall'UE, se non ha la prospettiva di condividere un giorno tutti i diritti e i vantaggi della *membership*, di divenire cioè pari agli altri Stati membri. Tolta la prospettiva dell'accessione, l'UE non può permettersi un approccio troppo rigido nei confronti degli Stati terzi. La *joint ownership* offre una valida alternativa, perché presuppone un compromesso laddove la condizionalità solo obbedienza.

Il principio della differenziazione si fonda in parte sulle stesse ragioni. E' ragionevole supporre infatti che i paesi vicini siano più o meno disponibili a concordare obiettivi comuni e a condividere la responsabilità del loro perseguimento a seconda di quanto l'Unione è in grado di venire incontro alle loro esigenze. I paesi dell'arco del "vicinato" sono molto diversi fra loro da tutti i punti di vista. Adottare un approccio pragmatico, modulato su problematiche specifiche, sembra una scelta ragionevole. Del resto non bisogna dimenticare che l'obiettivo di lungo termine della PEV è una larga convergenza degli interessi dell'Unione e di tutta l'area circostante. Per questo motivo la differenziazione viene praticata comunque all'interno di un quadro unico di riferimento, articolato in diverse aree di cooperazione politica, culturale, economica e nel settore della sicurezza.



Qui interviene il terzo criterio, l'incentivazione, che in un certo senso chiude il cerchio: se la *joint ownership* ripartisce le responsabilità e la differenziazione salvaguarda la specificità di ogni paese, l'incentivazione traccia le linee guida fondamentali di ogni tipo di collaborazione. L'Unione si dichiara disponibile a discutere gli accordi congiuntamente e ad assumere un atteggiamento flessibile, ma in ogni caso sono i *suoi* standard che essa offre, nella ferma convinzione che un avvicinamento ai suoi regimi giuridici costituisca un vantaggio a prescindere. Quest'ultimo criterio rende più degli altri manifesto il carattere sbilanciato della PEV, che rimane nonostante tutto una politica che riproduce, in forma più sfumata, un sistema di relazioni internazionali di tipo *hub-and-spokes*.

I tre criteri restituiscono in modo sufficientemente chiaro la logica dei rapporti di vicinato. E' interessante notare come i primi due ne marchino la differenza dalla logica dell'allargamento, mentre il terzo ne sottolinea la continuità. Alcuni hanno parlato in proposito di logica dell'"interdipendenza".<sup>16</sup> Vi sono buoni argomenti per essere d'accordo: la PEV sostituisce l'approccio *one-size-fits-all* dei negoziati di adesione e la rigida condizionalità collegatavi con la duplice opzione della *joint ownership* e della differenziazione. Ciò nonostante, la definizione di "interdipendenza" con riferimento ai rapporti di vicinato va presa con le molle. In primo luogo perché l'incentivazione è una forma di condizionalità mascherata – la si può chiamare, senza imbarazzo, "condizionalità positiva".<sup>17</sup> In secondo luogo perché "interdipendenza" non coincide con "uguaglianza": a prescindere da come siano impostate le relazioni reciproche, l'enorme sbilanciamento di forze nei rapporti bilaterali tra l'UE e i paesi del vicinato non verrà meno. L'UE rimarrà il partner dominante, e non solo in termini di risorse. Per quanto possa essere generosa, la Politica Europea di Vicinato resta un'iniziativa strategica fondata su rapporti di forza e di opportunità. E' vero che viene declinata diversamente da una politica di potenza, che l'UE non è in grado comunque di sviluppare. Le relazioni esterne dell'Unione sono invece legate strutturalmente all'espansione commerciale, da cui risulta che lo strumento esterno di maggiore efficacia è stato ed è tuttora il mercato unico. E' questo elemento che caratterizza la PEV, molto di più anche di criteri metodologici pur rilevanti come la *joint ownership*. Per questo motivo la continuità con la logica dell'allargamento non va misconosciuta, anche se i rapporti di vicinato dovessero ridursi ad un'ombra dei rapporti di pre-adesione.

La dimensione del "vicinato" fornisce un'alternativa all'adesione e istituisce nello stesso tempo un referente politico, il paese "vicino" appunto, dotato di uno status privilegiato nel sistema delle relazioni esterne dell'Unione. Lo status di "vicino" esclude quindi quello di candidato, ma implica una possibilità di un'integrazione con l'Unione preclusa agli altri paesi terzi.<sup>18</sup>

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<sup>16</sup> Cfr. D. LYNCH, *The European Neighbourhood Policy*, paper presentato al workshop "European Neighbourhood Policy: Concepts and Instruments", organizzato a Praga il 9-10.6.2004 dalla Commissione Europea in collaborazione con DGAP, CEFRES e IIR.

<sup>17</sup> Cfr. T. SCHUMACHER e F. NEUGART, *Thinking about the EU's Future Neighbourhood Policy in the Middle East: From Euro-Mediterranean Partnership to "Barcelona Plus"*, in C-P. HANELT, G. LUCIANI e F. NEUGART (a cura di), *Regime Change in Iraq: The Transatlantic and Regional Dimensions*, Robert Schuman Centre for Advanced Studies, European University Institute, Firenze, 2004, p. 188.

<sup>18</sup> Fanno eccezione i paesi membri dell'Area Economica Europea e dell'Area Europea di Libero Scambio.

### Conclusione

Nella prima Comunicazione della Commissione lo status di “vicino” veniva offerto sulla base della prossimità geografica.<sup>19</sup> Nel corso dei dibattiti successivi in seno alle istituzioni europee la categoria del “vicinato” ha progressivamente perso questa connotazione empirica per assumerne una più politica. Determinante in questo senso è stata la reazione della Russia che ha rifiutato quasi con sdegno l’eventualità di impostare i rapporti con l’Unione vincolandoli a forme sia pure mascherate di condizionalità. In seguito all’autoesclusione della Russia nessuno dei paesi “vicini” ha la caratura di un attore globale in grado di competere con l’Unione Europea. Questo potrebbe accentuare lo sbilanciamento delle parti nei rapporti di vicinato, nello stesso tempo però favorire la crescita dell’UE a potere regionale.

Messerlin ha scritto che la politica commerciale dell’Unione è pesantemente influenzata da considerazioni politiche “because the EC has no other way (foreign policy or army) to express its political views”<sup>20</sup>. In effetti l’ampia gamma di opzioni fornite dalla PEV alla collaborazione tra l’UE e il vicinato poggia sull’offerta commerciale, che è ciò che rende la PEV appetibile. Sulla scorta dell’argomento di Messerlin si può pertanto definire la politica di vicinato come un’iniziativa commerciale a forte connotazione politica. La PEV è coerente con il sistema di accordi commerciali preferenziali che l’UE ha costruito nel tempo, e anzi ne costituisce la forma più sviluppata. Un rischio che si corre nell’adottare una definizione del genere è perdere di vista la dimensione geopolitica dell’iniziativa. Di nuovo è il caso di sottolineare che la PEV risponde agli interessi dell’UE non solo in quanto sono un compromesso tra gli interessi nazionali degli Stati membri, ma anche e soprattutto in quanto ne sono la sintesi. Questi interessi di base propriamente ‘europei’ sono intrinsecamente legati alla prossimità geografica per aspetti come la sicurezza, i flussi migratori, le politiche energetiche ecc., e possono essere difesi e promossi solo all’interno di un quadro di cooperazione più ampio.

Il profilo dell’UE che viene fuori da una considerazione ‘teorica’ della politica di vicinato è più complesso di quello di un attore puramente commerciale. Giudicata sulla base degli interessi che difende e promuove, la PEV è più simile alla politica di allargamento che ad una politica commerciale. Infatti le “political views” della PEV, di cui l’offerta di integrazione nel mercato unico costituisce l’asse portante, sono molto simili alle “political views” che hanno motivato l’espansione dell’Unione.

La logica della PEV, che risponde alle stesse esigenze strategiche dell’allargamento, contribuisce a definire la natura dell’UE come potere regionale e *global player*: i paesi vicini vengono invitati a condividere i vantaggi di una graduale integrazione in un mercato unico di cui non hanno scritto e non scriveranno mai le regole.

Letta in profondità, l’espressione usata da Prodi “*everything but institutions*” si rivela più di uno slogan enfatico. Infatti contiene tutti gli elementi che caratterizzano la PEV.

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<sup>19</sup> Non senza qualche forzatura. La Moldavia infatti non confina con l’UE, ed è stata inserita nel novero dei paesi vicini in virtù del fatto che condivide una frontiera con la Romania, paese candidato all’adesione.

<sup>20</sup> P. MESSERLIN, *Measuring the costs of protection in Europe*, International Institute for Economics, Washington D.C., 2001, citato da A. VAN DEN HOVEN, *The European Union as an International Economic Actor*, in N. NUGENT (a cura di), *European Union Enlargement*, cit., p. 221.

# **LA POLITICA DI VICINATO DELL'UNIONE EUROPEA**

## **DOSSIER INFORMATIVO\***

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### **SOMMARIO**

#### **Cos'è la politica di vicinato dell'Unione Europea**

- gli obiettivi
- lo spazio geografico
- le aree di collaborazione
- gli strumenti operativi
- gli strumenti finanziari

#### **Breve storia della PEV**

- prima della Comunicazione *Wider Europe*
- nasce la Politica Europea di Vicinato
- il dibattito nel Coreper
- la Comunicazione della Commissione del 12 maggio 2004 e le decisioni del Consiglio Affari Generali e Relazioni Esterne del 14 giugno 2004
- lo stato attuale della PEV\*\*

#### **Documentazione essenziale**

#### **Bibliografia**

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\*\* Aggiornato al 16 novembre 2004.

## Cos'è la politica di vicinato dell'Unione Europea

### *Gli obiettivi*

L'idea a fondamento della Politica Europea di Vicinato (PEV) consiste nella creazione di una grande area di sicurezza, prosperità e cooperazione a ridosso dei confini dell'Unione allargata. La 'visione' che anima la politica di vicinato è la sostituzione di 'una frontiera che separa' con 'una frontiera che tiene insieme'. L'Unione è pronta ad offrire forme di collaborazione sempre più strette, aprendo la via verso l'integrazione delle economie dei paesi vicini nel mercato unico. La stabilità dell'area del vicinato, infatti, è ritenuta da tutte le istituzioni europee di fondamentale importanza strategica, e per questo l'Unione si spinge ad offrire ai paesi vicini "la *prospettiva di una partecipazione al mercato unico europeo* e a un'ulteriore liberalizzazione e integrazione per promuovere il libero movimento di persone, beni, servizi e capitali"<sup>1</sup>. Il presidente della Commissione Romano Prodi si è spinto ad affermare che gli Stati vicini e l'UE dovranno "condividere tutto, fuorché le istituzioni"<sup>2</sup>.

### *Lo spazio geografico della PEV*

La PEV è indirizzata a tutti gli Stati vicini che non hanno nel medio periodo prospettive di adesione all'Unione Europea. Per questo motivo la PEV non coinvolge gli Stati candidati ufficialmente, Bulgaria, Romania, Croazia e Turchia, né i Balcani occidentali (per i quali è prevista un'adesione futura).

La PEV è rivolta ai c.d. WNIS (*Western Newly Independent States*), ovvero gli Stati occidentali della Confederazione degli Stati Indipendenti (CSI): Bielorussia, Ucraina e Moldavia; alle tre repubbliche transcaucasiche: Georgia, Armenia e Azerbaigian; ai paesi del Mediterraneo orientale e meridionale: Siria, Libano, Israele, Autorità Nazionale Palestinese, Giordania, Egitto, Libia, Tunisia, Algeria, Marocco.

La *Bielorussia* potrà partecipare dei vantaggi offerti dalla PEV solo quando avrà avviato rilevanti riforme democratiche e allentato il laccio stretto attorno alle libertà civili.

La partecipazione della *Libia* alla PEV è subordinata all'adozione dell'*acquis* del Partenariato Euro-Mediterraneo e alla risoluzione di ogni contenzioso pendente con uno qualsiasi degli Stati membri dell'UE.

La base dei rapporti tra l'UE e la *Russia* non sarà la PEV, bensì la strategia comune decisa a S. Pietroburgo nella primavera del 2003 e articolata nei Quattro Spazi Comuni. Tuttavia la Commissione suggerisce di coinvolgere la Russia in alcuni Programmi di vicinato (in particolare nei settori della cooperazione sub-regionale e transfrontaliera) e di offrirle conseguentemente la possibilità di avvalersi dei finanziamenti erogati dal futuro strumento di vicinato e partenariato.

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<sup>1</sup> Cfr. la Comunicazione della Commissione al Consiglio e al Parlamento europeo dell'11 marzo 2003 *Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours*, COM(2003) 104 (d'ora in poi solo Comunicazione *Wider Europe*).

<sup>2</sup> Cfr. il discorso di Prodi "A Wider Europe – A Proximity Policy as the Key to Stability", tenuto a Bruxelles il 6-12-2002 in occasione della Sesta Conferenza mondiale dell'ECSA.

### *Le aree di collaborazione*

La politica di vicinato si pone degli obiettivi ambiziosi. Il rapporto del Parlamento europeo<sup>3</sup> sulla Comunicazione dell'11 marzo 2003 che ha lanciato il progetto, distingue tre grandi aree di collaborazione:

- il settore del *dialogo politico e della difesa dei diritti umani* comprende: intese per valorizzare un effettivo multilateralismo che contemplino anche l'ipotesi di coinvolgere i paesi partner in attività legate alla Politica Estera e di Sicurezza Comune (PESC) e alla Politica Europea di Sicurezza e Difesa (PESD) come la prevenzione dei conflitti e/o la gestione delle crisi; misure che garantiscano il rispetto dello Stato di diritto; azioni a tutela dei diritti umani e delle libertà fondamentali; misure per l'adozione dei più elementari diritti sociali e del lavoro; condivisione di programmi di ricerca e di approfondimento professionale e di dialogo interculturale.
- il settore della *cooperazione economica e commerciale* vuole favorire la creazione di vere e proprie economie di mercato, quindi incentivare riforme economiche strutturali, sviluppare il settore privato, aumentare il flusso di investimenti esteri diretti, porre le basi infine per una zona di libero scambio e per una integrazione parziale nel mercato unico europeo. In questo ambito rientra anche la collaborazione nel settore delle politiche infrastrutturali (trasporti, energia, tutela ambientale).
- il settore della *sicurezza interna ed esterna* riguarda tanto la cooperazione regionale per affrontare congiuntamente le minacce esterne, quanto la collaborazione bilaterale e multilaterale in materia giudiziaria e di polizia. La lotta alla criminalità organizzata e al terrorismo da una parte e la gestione dei flussi migratori dall'altra sono le priorità di questa area di collaborazione.

Il fine remoto della PEV è integrare tutta l'area a ridosso dei confini dell'UE a 25 nel mercato unico europeo, consentire quindi nel tempo la piena circolazione dei cittadini, dei beni, dei capitali e dei servizi. L'integrazione nel mercato unico appare anche lo strumento di maggiore efficacia per raggiungere gli standard di libertà e benessere indicati come obiettivi. L'integrazione solleciterà infatti considerevolmente le legislazioni dei paesi vicini (così com'è accaduto per i nuovi membri) per un'adozione sempre più larga dell'*acquis communautaire*.

### *Gli strumenti operativi*

Gli strumenti della politica di vicinato sono racchiusi in una serie di documenti di carattere strategico (lo *strategy paper*), di *situational analysis* (i *country reports*), di programmazione operativa (i Piani d'Azione) e finanziaria (lo strumento europeo di vicinato e partenariato).

Lo *strategy paper* o documento di orientamento strategico<sup>4</sup>, che la Commissione ha pubblicato il 12 maggio 2004, presenta il quadro d'insieme della politica di vicinato, indicandone i principi e gli obiettivi e ponendo le basi per l'elaborazione degli strumenti.

Ora, secondo le disposizioni dello *strategy paper*, l'Unione deve:

- definire con ogni paese vicino (con il quale sia già in vigore un Accordo di Associazione o di Partenariato e Cooperazione)<sup>5</sup> un set di obiettivi primari, con riferimento ad ognuna delle grandi aree di collaborazione indicate sopra.

<sup>3</sup> Cfr. il "Rapporto del Parlamento europeo sulla Comunicazione della Commissione *Wider Europe*, A5-0378/2003, del 5 novembre 2003, redatto da Pasqualina Naipoletano.

<sup>4</sup> Cfr. la Comunicazione della Commissione del 12 maggio 2004 *European Neighbourhood Policy – Strategy Paper*, COM (2004) 373.

- Elaborare congiuntamente un Piano d'Azione dove vengono determinate più concretamente le priorità fissate con il paese vicino e indicate passo dopo passo le modalità d'esecuzione.
- Definire le condizioni per istituire una nuova generazione di accordi internazionali, i c.d. Accordi di Vicinato, in modo da conferire ai rapporti di vicinato una loro specifica cornice istituzionale.

I *country reports*, preparati dalla Commissione, illustrano la situazione di ogni paese vicino in merito alle aree di potenziale collaborazione e forniscono il quadro dei rapporti con l'UE. Questi documenti di *situational analysis*, piuttosto sintetici a dir la verità, funzionano solo come base preparatoria per la stesura, in una fase successiva, di un Piano d'Azione congiunto.<sup>6</sup>

Il Piano d'Azione è propriamente lo strumento operativo della politica di vicinato, ed è effettivamente ciò che ne contraddistingue metodi e pratiche rispetto ad altre politiche dell'Unione già esistenti. Viene negoziato direttamente dalle istituzioni comunitarie e dalle autorità dei paesi partner. Si dà così corso alle novità metodologiche più rilevanti introdotte dalla politica di vicinato, che si fonda essenzialmente su tre criteri:

- la *joint ownership*<sup>7</sup>: entrambi i partner si riconoscono in una determinata politica e la fanno propria. Questo vuol dire che la responsabilità dell'elaborazione e dell'attuazione dei Piani d'Azione ricade egualmente sull'UE e il paese partner.
- La *differenziazione*. I Piani d'Azione sono documenti *tailor-made* con riferimento alla peculiare condizione politica, sociale ed economica dei paesi vicini.
- Infine l'*incentivazione*. Pur non vincolando i partner ad obiettivi stabiliti preventivamente per proprio conto, l'Unione esorta i partner ad allinearsi ai suoi standard.

I Piani d'Azione non sono trattati internazionali, bensì accordi tecnici o politici che si basano in parte su alcuni punti fondamentali degli Accordi di Associazione o di Partenariato e Cooperazione. Inoltre, al contrario di questi ultimi, che o hanno durata illimitata o tendono a durare indeterminatamente,<sup>8</sup> i Piani d'Azione hanno un raggio d'azione molto limitato nel tempo, non inferiore ai tre anni ma non superiore ai cinque. Sono soggetti quindi ad una continua revisione e ad un costante aggiornamento.

I Piani d'Azione vengono negoziati congiuntamente dalla Commissione,<sup>9</sup> con la partecipazione di rappresentanti della Presidenza del Consiglio e dell'Alto Rappresentante per la PESC, e dalle

<sup>5</sup> Gli Accordi di Cooperazione e Partenariato sono in vigore con l'Ucraina dal febbraio 1998 e con la Moldavia dal luglio 1998, mentre quello con la Bielorussia è stato sospeso. Accordi di Partenariato e Cooperazione sono in vigore anche con l'Armenia, la Georgia, l'Azerbaijan (dal luglio 1999 in tutti e tre i casi). L'accordo con la Bielorussia, firmato nel 1995, è stato sospeso. Per quanto riguarda i paesi del Mediterraneo meridionale e orientale, sono in vigore Accordi di Associazione Euromediterranei con il Marocco (dal marzo 2000), la Tunisia (dal marzo 1998), la Giordania (dal marzo 2002), l'Anp (ad interim, dal luglio 1997) e Israele (dal giugno 2000), e dal giugno 2004 anche con l'Egitto. Con il Libano è in vigore dal 2003 un Accordo di Associazione ad interim, limitato a questioni commerciali, ed è in corso di ratifica l'Accordo di Associazione, così come con l'Algeria. I negoziati per l'Accordo di Associazione con la Siria si sono conclusi nel dicembre 2003.

<sup>6</sup> Il 12 maggio scorso, contestualmente allo *strategy paper*, la Commissione ha pubblicato anche sette di questi *country reports*, relativi all'Ucraina e alla Moldavia, ad Israele e all'Anp, alla Giordania, al Marocco e alla Tunisia.

<sup>7</sup> La versione italiana dello *strategy paper* traduce *joint ownership* con "collaborazione".

<sup>8</sup> Gli Accordi di Partenariato e Cooperazione hanno una durata di dieci anni, ma si rinnovano automaticamente anno per anno a meno che una delle parti non denunci per iscritto il trattato entro sei mesi dalla data di estinzione. Gli Accordi di Associazione Euromediterranei hanno invece durata illimitata. Gli Accordi di Associazione ad interim, nonostante indichino una data entro la quale dovrà essere stipulato un Accordo di Associazione vero e proprio, rimangono in vigore fino alla conclusione dello stesso anche successivamente a quella data.

<sup>9</sup> Finora la *task force* istituita appositamente per la politica di vicinato, diretta dal vicedirettore della Direzione Generale Relex (Relazioni esterne) Michael Leigh, ha fatto riferimento al Commissario per l'Allargamento Günther Verheugen. Nella nuova Commissione Barroso la politica di vicinato diventerà invece competenza esclusiva della DG Relex e del Commissario per le relazioni esterne Benita Ferrero-Waldner.

autorità dei paesi partner. Il testo che risulta dai negoziati è la bozza o proposta di Piano d'Azione, che nell'UE deve essere sottoposta al Consiglio Affari Generali e Relazioni Esterne (CAGRE). Una volta approvato, il testo del Piano d'Azione viene formalmente adottato dai Consigli di Associazione o di Cooperazione, a seconda che si tratti di un paese parte del Processo di Barcellona o di un paese orientale.

L'attività di monitoraggio verrà svolta nella cornice degli organi creati nell'ambito del Processo di Barcellona o del sistema di Accordi di Partenariato e Cooperazione, in modo da salvaguardare il principio della *joint ownership* anche nella fase successiva ai negoziati. Fra l'altro è previsto che ogni modifica che una delle parti ritenga necessaria possa essere discussa e concordata nella fase di preparazione delle decisioni dei Consigli di Associazione o di Cooperazione.

Tenendo in considerazione le valutazioni fornite dai paesi partner, la Commissione ha il compito di stilare periodicamente dei rapporti per certificare lo stato di avanzamento della cooperazione. I Piani d'Azione possono infatti essere modificati e adattati alla luce dei risultati raggiunti in vista dell'adempimento delle misure concordate. Lo *strategy paper* suggerisce la presentazione di un rapporto di medio termine entro due anni dall'intesa sul piano d'azione, a cui dovrà seguire un altro rapporto entro tre anni.

Oltre alla ovvia funzione di aggiornamento, questi rapporti possono servire al Consiglio per valutare l'opportunità di coinvolgere i paesi partner più 'virtuosi' in una nuova generazione di trattati internazionali, gli Accordi di Vicinato, che sostituirebbero gli Accordi di Associazione e di Partenariato e Cooperazione. Finora, comunque, gli Accordi di Vicinato sono un'ipotesi o tutt'al più una prospettiva di lungo periodo. Il fulcro della politica di vicinato resta lo strumento flessibile del Piano d'Azione, cui vengono affidate le chiavi del successo della nuova iniziativa dell'Unione.

Articolata essenzialmente nei Piani d'Azione, la politica di vicinato tende a privilegiare l'approccio bilaterale. La PEV risponde all'esigenza di accelerare e migliorare la cooperazione già esistente con gli Stati vicini: un approccio bilaterale diretto è giudicato più funzionale al perseguimento degli obiettivi della PEV per quei vicini che mostrano più disponibilità alla cooperazione. Seguire costantemente un approccio multilaterale può andare a discapito dei loro sforzi verso una maggiore convergenza.

Ciò non vuol dire che l'approccio multilaterale viene abbandonato. Al contrario la PEV si propone di mantenerlo e, dove possibile, svilupparlo. In particolare alcuni settori di collaborazione di fondamentale importanza, come la cooperazione transfrontaliera o lo sviluppo della rete infrastrutturale tra l'Unione e l'Europa dell'est e il Mediterraneo, possono essere gestiti esclusivamente favorendo la cooperazione regionale e sub-regionale.

### *Gli strumenti finanziari<sup>10</sup>*

A tutt'oggi la cooperazione fra l'UE e gli Stati membri e fra l'UE e i paesi vicini si fonda su una numerosa serie di strumenti di finanziamento e programmazione, ognuno istituito da un Regolamento specifico. Gli strumenti attuali dell'UE nella cooperazione transfrontaliera e subregionale/transnazionale sono i seguenti:

- a) L'Iniziativa comunitaria INTERREG III<sup>11</sup>, finanziata con i Fondi strutturali (più precisamente dal Fondo europeo di sviluppo regionale, FESR), è diretta alla gestione della

<sup>10</sup> Cfr. la Comunicazione della Commissione al Consiglio e al Parlamento europeo del primo luglio 2003, *Paving the way for a New Neighbourhood Instrument*, COM (2003) 393; lo *strategy paper*; le Comunicazioni della Commissione al Consiglio e al Parlamento europeo del 14 luglio 2004 *Financial Perspectives 2007-2013*, COM (2004) 487 e del 29 settembre 2004 *On the Instruments for External Assistance under the Future Financial Perspectives 2007-2013*, COM (2004) 626.

<sup>11</sup> Regolamento del Consiglio (CE) n. 1260/1999 del 26 giugno 1999 (cfr. anche le INTERREG III *Guidelines*, OJ C143, 23 maggio 2000).

cooperazione transfrontaliera e transnazionale fra gli Stati membri e i paesi vicini. Il problema di INTERREG, dal punto di vista della PEV, è l'impiego obbligatorio dei Fondi strutturali solo all'interno dell'Unione. Per i programmi INTERREG che comportano attività esterne ai confini dell'Unione, è necessario quindi trovare di volta in volta diverse fonti di finanziamento.

- b) I programmi PHARE CBC<sup>12</sup> finanziano la cooperazione transfrontaliera tra gli Stati membri e gli Stati candidati e tra questi ultimi fra loro.
- c) Il programma TACIS CBC<sup>13</sup> finanzia i progetti relativi alla cooperazione transfrontaliera nelle regioni occidentali della Russia e nei NIS (*Newly Independent States*).
- d) CARDS<sup>14</sup> è lo strumento chiave di programmazione e di finanziamento nel Processo di Stabilizzazione e di Associazione dei Balcani occidentali, favorendo la cooperazione regionale e nazionale, transfrontaliera e interregionale fra i paesi dell'area e fra loro e l'Unione.
- e) Il programma MEDA<sup>15</sup> finanzia progetti di cooperazione regionale con i paesi della costa sud e sudest del Mediterraneo da parte dell'UE, ma non direttamente da parte dei suoi membri.

La diversità delle procedure contemplate nei Regolamenti dei vari strumenti ha in parte limitato il potenziale dell'impatto della cooperazione lungo le frontiere dell'Unione. Le difficoltà sorgono in prima istanza a partire dalla sostanziale divergenza dei sistemi di finanziamento e di gestione del budget, ciò che implica ancora differenti ruoli e responsabilità a seconda del programma per la Commissione europea e per le autorità nazionali e locali. In particolar modo bisogna segnalare le difficoltà in quanto segue:

- a) nei livelli di finanziamento;
- b) nel processo di programmazione (differenti fonti di programmazione);
- c) nella selezione dei progetti (cioè processi di valutazione e selezione separati dalle procedure di decisione);
- d) nella realizzazione dei progetti (sono diverse le regole che governano i processi di approvvigionamento esterno o interno);
- e) nel monitoraggio dei progetti (differenti procedure di *reporting*, monitoraggio e valutazione).

In altre parole, per realizzare un progetto che copra aree sia dentro che fuori i confini i beneficiari oggi devono presentare domanda per due diversi programmi, con evidenti problemi di coerenza, di allocazione di fondi e di ritardi. L'adozione della PEV favorirebbe una riforma degli strumenti finanziari in modo tale che le suddette difficoltà vengano superate o comunque attenuate considerevolmente. Nel quadro delle prossime prospettive finanziarie 2007-2013, la Commissione ha proposto l'introduzione di uno strumento finanziario ad hoc per la PEV, il c.d. "strumento europeo di vicinato e partenariato".

Poiché le procedure di selezione, decisione, implementazione e supervisione dei programmi di PHARE, CARDS, TACIS e MEDA sono state unificate, i problemi più grandi riguardano il coordinamento con INTERREG e, soprattutto, il vincolo posto all'uso interno od esterno delle risorse comunitarie. Per questo motivo, a prescindere dall'eventuale riforma degli strumenti

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<sup>12</sup> Regolamento del Consiglio (CE) n. 2760/98 del 18 dicembre 1998.

<sup>13</sup> Regolamento del Consiglio (CE, Euratom) n. 99/200 del 29 dicembre 1999.

<sup>14</sup> Regolamento del Consiglio (CE), n. 2666/2000 del 5 dicembre 2000.

<sup>15</sup> Regolamento del Consiglio (CE) n. 2698/2000 del 27 novembre 2000.



esistenti, lo strumento di vicinato verrebbe dotato in partenza di un budget utilizzabile indifferentemente all'interno e all'esterno dell'Unione Europea.

La Commissione prevede una strategia in due fasi: la prima, periodo 2004-2006, consiste in un generale coordinamento dei programmi già esistenti in modo da indirizzarli verso la maggiore convergenza possibile; la seconda la loro sostituzione con uno strumento di finanziamento ad hoc.

PRIMA FASE. Il coordinamento di programmi diversi non è una novità. La Commissione ha già sperimentato con successo la gestione condivisa – per mezzo di strutture di coordinamento e procedure di programmazione e selezione comuni – di INTERREG e PHARE CBC nel lungo processo di adesione dei nuovi Stati membri. Qualche progresso è stato fatto anche nel coordinare INTERREG a TACIS CBC, segnatamente alla frontiera russo-finlandese. Entrambi questi tentativi hanno incontrato difficoltà sia di carattere procedurale che legale: il già citato impiego obbligatorio dei Fondi strutturali di INTERREG solo all'interno dell'Unione ha limitato il raggio d'azione di queste misure. Le difficoltà, sia sul fronte del budget che su quello legale, non sono di poco conto e non si può sperare in un loro superamento a breve termine. E' necessario infatti affrontare la questione della separazione, oggi vigente, tra budget interno ed esterno.

Il primo passo è l'introduzione nel quadro dei Piani d'Azione di Programmi di vicinato che, nelle intenzioni, saranno elaborati congiuntamente dai soggetti coinvolti su entrambi i versanti delle frontiere. Il raggio d'azione dei programmi di vicinato è molto ampio: infrastrutture nei trasporti, ambiente, energia, telecomunicazioni e gestione transfrontaliera; investimenti nella coesione economica e sociale; collaborazioni e legami *people-to-people*; assistenza tecnica per l'*institution building* e altre riforme politiche, giudiziarie ed economiche; sicurezza interna ed internazionale.

Per creare Programmi di vicinato che possano fare capo ai vari MEDA, TACIS ecc. la Commissione ritiene necessario operare fin da subito i passaggi seguenti:

- L'allocazione di fondi per le aree coperte da ogni Programma di vicinato verrà effettuata nell'ambito degli strumenti esterni senza oltrepassare le prospettive finanziarie attuali. La quota per lo Stato membro o gli Stati membri verrà fissata dalla saranno fissati dalla Commissione nel quadro della decisione che adotta la componente "Fondi strutturali" del Programma.
- Le regole dei comitati preposti alla gestione dei Programmi dovranno assicurare una partnership bilanciata tra Stati membri e Stati vicini.
- Dovrà operare un singolo processo di selezione e applicazione sia per gli aspetti interni che per quelli esterni dei progetti di ogni Programma.
- Le procedure per la decisione finale sulle componenti esterne ed interne dei progetti selezionati congiuntamente, nonché per la contrattazione e i pagamenti, rimarranno quelle richieste dai Regolamenti dei vari strumenti.
- Saranno armonizzate le procedure per monitorare, documentare e valutare entrambe le componenti. Per questo si dovrebbe incoraggiare l'introduzione di un sistema per un regolare lo scambio di *best practices and experiences* sulla base dei risultati dei vari progetti.

Questa fase intermedia non richiede l'apertura di nuove fonti di finanziamento, né modifiche rilevanti alla base giuridica dei vari strumenti di finanziamento: i Fondi strutturali continueranno ad essere impiegati dentro i confini dell'UE, i fondi esterni al di fuori. Lo scopo è quello di permettere una selezione dei progetti (ognuno dei quali conterrà una componente interna ed una esterna) condivisa dalle autorità nazionali e regionali o locali sia degli Stati membri che degli Stati vicini. INTERREG continuerà a finanziare così la componente interna, mentre gli altri Regolamenti quella esterna. Dal punto di vista dei soggetti interessati però – ed è questo l'elemento rilevante – le due componenti opereranno nell'ambito di un unico processo.

Senza compromettere dunque i vincoli di budget correnti, la Commissione prevede, per il periodo 2004-2006, un'allocazione di fondi pari in tutto a € 955 milioni, di cui 700 per INTERREG, 90 per PHARE, 75 per TACIS e 45 sia per CARDS che per MEDA.

La prospettiva finanziaria della PEV, al contrario di quella politica, include anche i paesi dei Balcani occidentali. Nonostante non siano paesi ufficialmente "vicini", sono tuttavia Stati confinanti non (ancora) candidati riconosciuti<sup>16</sup>, e pertanto non sarebbe opportuno, ritiene la Commissione, escluderli dall'assistenza finanziaria coordinata prevista nell'ambito della PEV. Con l'introduzione delle nuove prospettive finanziarie però l'assistenza ai Balcani occidentali sarà delegata interamente al nuovo strumento di pre-adesione.

SECONDA FASE. Originariamente, la Commissione aveva previsto l'introduzione di uno "strumento europeo di vicinato" ad integrazione degli strumenti esterni esistenti (o dei loro successori). Il nuovo strumento avrebbe dovuto operare in due settori distinti, detti "finestre", dedicati alla cooperazione transfrontaliera il primo e alla cooperazione transnazionale il secondo.

Successivamente però le cose sono cambiate. Nel quadro della grande riforma degli strumenti esterni dell'Unione, le cui linee guida sono state abbozzate dalla Commissione in una Comunicazione pubblicata a metà luglio 2004 (a cui è seguita un'altra a settembre dedicata espressamente agli strumenti di assistenza esterna), si è resa evidente la necessità della PEV di disporre di uno strumento finanziario più a largo raggio, in linea con l'estensione e la caratura delle sue ambizioni.

La Commissione intende operare una drastica riduzione e razionalizzazione di tutti gli strumenti esterni dell'UE, che passeranno da circa 30 a tre solamente: lo strumento di pre-adesione (IPA, *Instrument for Pre-Accession*), lo strumento europeo di partenariato e vicinato (ENPI, *European Neighbourhood and Partnership Instrument*)<sup>17</sup> e lo strumento di "cooperazione allo sviluppo e cooperazione economica" (DCECI, *Development Cooperation and Economic Cooperation Instrument*). A questi si aggiungeranno i due strumenti di risposta alle crisi (lo strumento per la stabilità e lo strumento per l'aiuto umanitario) e l'assistenza macrofinanziaria (MFA, *Macro-Financial Assistance*).

IPA sostituirà PHARE e gli altri strumenti legati alle procedure di accessione, nonché CARDS, conseguentemente al prospettato futuro ingresso nell'Unione di tutti gli Stati dei Balcani occidentali.

Lo strumento europeo di vicinato e partenariato o ENPI sostituirà TACIS, MEDA e altri strumenti tematici (come l'Iniziativa europea per la democrazia e i diritti umani, EIDHR)<sup>18</sup> e sosterrà finanziariamente la cooperazione prevista con i paesi inseriti nel vicinato e la Russia. ENPI agirà nel contesto degli accordi bilaterali esistenti, ma sarà incentrato soprattutto sull'attuazione dei Piani d'Azione. Comprenderà il sostegno alle misure intese ad una progressiva integrazione economica e ad una più profonda cooperazione politica, inclusi il ravvicinamento delle legislazioni, lo sviluppo delle istituzioni, la partecipazione ai programmi e alle agenzie comunitari e lo sviluppo di infrastrutture comuni. L'obiettivo è rendere compatibili le economie dei paesi vicini con il mercato unico europeo, in vista di una futura (parziale) integrazione. Per rendere più efficace l'assistenza e

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<sup>16</sup> Secondo la definizione della Comunicazione di luglio sulle nuove prospettive finanziarie 2007-2013 gli Stati occidentali dei Balcani sono "candidati potenziali", qualifica usata per distinguerli dai "candidati riconosciuti" (Croazia e Turchia).

<sup>17</sup> Secondo una fonte della Commissione, la denominazione originaria di "strumento europeo di vicinato" è stata modificata in "strumento europeo di vicinato e partenariato" in seguito alle rimostranze della Russia, che da subito ha mostrato grande fastidio per essere divenuta 'oggetto' di un politica dell'Unione ed evidentemente preferisce qualificare le sue relazioni con l'UE come rapporti di "partenariato" più che di "vicinato".

<sup>18</sup> *European Initiative for Democracy and Human Rights*.

la cooperazione ENPI si baserà su alcune pratiche già rodiate nel processo di allargamento (come l'utilizzo del programma TAIEX<sup>19</sup>, per es.).

Una rilevante novità sia di ENPI che di IPA consiste nella possibilità di impiegare i fondi dello strumento in attività di cooperazione transfrontaliera da entrambi i lati delle frontiere esterne dell'Unione. In questo modo si intende superare una delle principali difficoltà legate all'attuale sistema di strumenti finanziari. IPA ed ENPI disporranno di componenti specifiche in grado di combinare obiettivi di politica di coesione con obiettivi di politica esterna, e pertanto le risorse saranno attinte tanto dalla rubrica "coesione" quanto dalla rubrica "politiche esterne" delle nuove prospettive finanziarie. Verranno adottate però una metodologia comune e una gestione armonizzata fondata sulla programmazione pluriennale, il partenariato e il cofinanziamento. Le risorse provenienti dalla rubrica "coesione" verranno distinte per ogni Stato beneficiario e contribuiranno alle risorse totali concesse dai Fondi strutturali e dal Fondo di coesione ai fini del rispetto del massimale del 4%.

Poiché i tre strumenti esterni dell'Unione copriranno ogni settore politico, non c'è bisogno di creare strumenti distinti per trattare aspetti esterni di politiche interne. I nuovi strumenti esterni saranno pertanto dotati di disposizioni specifiche in grado di preservare la coerenza e l'efficacia delle politiche da loro finanziate, senza incorrere nell'ostacolo dei vincoli geografici. All'interno degli strumenti pertinenti saranno inserite misure adeguate e complete "per assicurare che si tenga debitamente conto degli aspetti esterni delle politiche interne", precisa la Comunicazione. In particolare si fa riferimento alle politiche ambientali, di asilo e di immigrazione, dogane e fiscalità, trasporti e istruzione (soprattutto per ciò che riguarda il programma di istruzione superiore TEMPUS). In alcuni casi sarà necessario che i fondi vengano erogati su base esclusivamente tematica e non geografica, perché servono obiettivi multilaterali (come per es. consentire all'UE di promuovere i suoi interessi ambientali a tutto campo, senza riguardo per le priorità dei singoli paesi coinvolti nella cooperazione).

I programmi PEV potranno inoltre beneficiare dei fondi assicurati dall'assistenza macrofinanziaria, che ha dimostrato negli anni passati di essere un valido strumento di stabilizzazione economica e un motore di riforme strutturali per i paesi destinatari. Nonostante la MFA sia destinata a qualsiasi paese terzo, la Comunicazione ne enfatizza l'importanza per i paesi vicini (Stati occidentali di nuova indipendenza, Caucaso meridionale, Medio Oriente e Mediterraneo del sud).

La Commissione intende proporre un considerevole aumento della somma destinata ai nuovi strumenti finanziari.

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<sup>19</sup> *Technical Assistance Information Exchange Office*: è il programma di assistenza tecnica che l'UE ha messo a disposizione degli Stati aderenti per l'allineamento all'*acquis communautaire*.

## Breve storia della PEV

### *Prima della Comunicazione Wider Europe*

Un interesse specifico delle istituzioni europee nei confronti del “vicinato” data dal 1992, quando il Consiglio identificò i tre fattori chiave sulla base dei quali individuare aree geopolitiche di interesse primario per l'allora Comunità Europea: la *prossimità geografica*; l'*interesse* degli Stati membri *alla strutturale stabilità* dell'area in questione; la *possibilità di minacce alla sicurezza* della Comunità.

Nel corso degli Anni Novanta la necessità di instaurare relazioni ‘bilanciate’ con il vicinato è stata riproposta più volte,<sup>20</sup> ma è solo nel 2002 che l'idea di una effettiva “politica di prossimità o vicinato” prende corpo.

L'ipotesi è sostenuta per la prima volta in una lettera, datata 28 gennaio 2002, indirizzata dal ministro degli esteri britannico Jack Straw alla presidenza spagnola, in cui viene espressa preoccupazione circa le ripercussioni dell'allargamento ad est sulle tre repubbliche ex sovietiche occidentali (Ucraina, Bielorussia, Moldavia). In particolare si pone l'accento sulle difficoltà cui andrebbe incontro il costante flusso transfrontaliero con i futuri membri dell'UE in seguito all'adozione del sistema di Schengen. Straw invita già allora il Consiglio a prendere in considerazione l'idea di conferire alle repubbliche dell'est uno “status di vicino” e offrire loro assistenza in cambio di progressi sul fronte delle riforme politiche.

A quella di Straw segue di lì a poco una lettera scritta dall'allora ministro degli esteri svedese Anna Lindh e dal suo collega di governo, ministro dei trasporti Leif Pagrotsky, che ne riprende sostanzialmente i contenuti, estendendo però la copertura geografica dell'iniziativa alla Russia, al Medio Oriente e al Mediterraneo meridionale. L'idea è quella di dotare l'Unione di una piattaforma unica sulla quale impostare i rapporti di vicinato. La nuova iniziativa integrerebbe e non sostituirebbe le politiche dell'Unione già esistenti, come il Processo di Barcellona.<sup>21</sup>

Nell'agosto successivo viene pubblicato un paper scritto a quattro mani dall'Alto Rappresentante per la PESC Javier Solana e dal Commissario alle Relazioni Esterne Chris Patten,<sup>22</sup> incaricati dal CAGRE di tracciare le linee guida delle politiche dell'Unione nei confronti dei vicini. Patten e Solana suddividono il “vicinato” – ovvero l'area comprendente i paesi senza prospettive di breve-medio termine di accesso all'Unione – in tre aree: i *Balceni*, inquadrati nel Processo di Stabilizzazione e Associazione; i paesi del *Mediterraneo*, inseriti nel quadro del Processo di Barcellona; e gli *Stati occidentali dell'ex Unione Sovietica*: Russia, Ucraina, Bielorussia e Moldavia. Sono questi ultimi – ed in modo particolare l'Ucraina – che devono divenire oggetto di una “iniziativa di politica di vicinato” che tenda ad approfondire la collaborazione già esistente sulla base degli Accordi di Partenariato e Cooperazione. Patten e Solana, nonostante elenchino una lunga serie di possibili aree di cooperazione, preferiscono mantenere un profilo basso per evitare di suscitare in questi paesi immotivate speranze di adesione. Suggestiscono però di dotare la nuova iniziativa di uno strumento finanziario per la cooperazione transfrontaliera. La lettera accenna anche alla possibilità di concludere con questi paesi accordi di nuova generazione, detti “Accordi Europei di Vicinato”, fondati su valori politici ed economici condivisi. Per questo la Bielorussia viene indicata solo come potenziale candidato a partecipare dell'iniziativa di vicinato a causa del regime

<sup>20</sup> Il Consiglio europeo di Essen, dicembre 1994, preparando l'imminente Conferenza di Barcellona, ha riconosciuto esplicitamente la necessità di stabilire dei “rapporti bilanciati con i paesi vicini”; nel giugno 1995 il Consiglio di Cannes dichiarava “un'ambiziosa politica di cooperazione” con il Mediterraneo la necessaria controparte della politica di apertura verso l'est. Nella c.d. Agenda 2000, adottata il 15 luglio 1997, la Commissione ammoniva sul rischio di creare “nuove linee divisorie in Europa”.

<sup>21</sup> Cfr. la lettera del ministro degli esteri britannico Jack Straw alla presidenza spagnola il 28 gennaio 2002 e la lettera del ministro degli esteri e del ministro dei trasporti svedesi Anna Lindh e Leif Pagrotsky alla presidenza spagnola l'8 marzo 2002.

<sup>22</sup> La lettera è pubblicata su *Uniting Europe* del 9 settembre 2002.

autoritario instaurato da Lukashenko in quel paese. La Russia viene indicata più come partner 'esterno' che come un effettivo beneficiario dell'iniziativa in conseguenza delle sue aspirazioni globali. Avviare collaborazioni regionali senza includervi la Russia però non avrebbe senso, conclude la lettera.

Ad inizio dicembre 2002 infine il presidente della Commissione Romano Prodi può parlare espressamente della necessità di costruire attorno all'Unione un "anello di amici" con i quali "condividere tutto, fuorché le istituzioni"<sup>23</sup>.

### *Nasce la Politica Europea di Vicinato*

L'11 marzo 2003 la Commissione rende pubblica una Comunicazione sulla nuova iniziativa di vicinato o prossimità.<sup>24</sup> Qui si fa riferimento ad un'esplicita "politica di vicinato o prossimità" nei confronti non solo della Russia e degli Stati occidentali dell'ex URSS: Bielorussia, Moldavia e Ucraina, ma anche dei paesi del Mediterraneo del sud e dell'est, ovvero i membri del Partenariato Euromediterraneo ad eccezione dei paesi candidati (Malta, Cipro e la Turchia). Oltre alla maggiore estensione geografica, che mira ad affiancare in un unico quadro la "dimensione orientale" dell'Unione con la sua "dimensione meridionale", la Comunicazione mette chiaramente in luce l'obiettivo ultimo della politica di vicinato: offrire ai paesi vicini la partecipazione (settoriale) al mercato unico europeo sulla base di un dialogo politico in grado di assicurare la loro stabilità e promuoverne lo sviluppo. La politica di vicinato viene presentata come complementare e non sostitutiva delle politiche esistenti. Viene raccolto il suggerimento della lettera Patten/Solana di creare uno strumento finanziario ad hoc per la gestione transfrontaliera. La Comunicazione mette chiaramente in luce che essere "vicini" non comporta essere "candidati".

Il Consiglio Affari Generali e Relazioni Esterne del 16 giugno 2003 e successivamente il Consiglio europeo riunitosi a Salonicco il 20 e 21 giugno successivi accolgono con favore la Comunicazione *Wider Europe*. Nell'ottobre successivo il CAGRE incarica la Commissione e l'Alto Rappresentante per la PESC di avviare colloqui esplorativi con i paesi partner per la stesura di bozze di Piani d'Azione.

Il 5 novembre 2003 il Parlamento europeo pubblica un rapporto sulla Comunicazione *Wider Europe*.<sup>25</sup> In generale il rapporto valuta molto positivamente l'iniziativa di vicinato, e anzi suggerisce alcune ambiziose modifiche al progetto della Commissione.

In primo luogo, il PE propone una considerevole estensione della portata geografica della PEV, che dovrebbe includere le repubbliche transcaucasiche – Georgia, Azerbaigian e Armenia – nonché la Libia – "osservatore" del Partenariato Euromediterraneo – e la Mauritania. Inoltre secondo il PE andrebbe valutata con attenzione l'opportunità di inserire nei programmi della PEV anche i paesi del Consiglio di Cooperazione del Golfo (Arabia Saudita, Kuwait, Emirati Arabi Uniti, Bahrain, Qatar e Oman), nonché l'Iraq, l'Iran e l'Afghanistan (non però Pakistan e India). Inoltre il PE spinge per associare ai paesi vicini gli Stati europei non membri per dimensioni (i microstati), per scelta (Norvegia, Islanda e Svizzera) o per mancanza dei requisiti necessari (i Balcani occidentali).

In secondo luogo, il PE suggerisce di evitare di diffondere nei paesi vicini la percezione del "vicinato" come alternativa all'adesione. L'associazione degli Stati balcanici occidentali, destinati prima o poi ad entrare nell'Unione, darebbe un'importante segnale in questo senso.

In terzo luogo il PE suddivide la collaborazione prevista nell'ambito della PEV in tre aree: dialogo politico e difesa dei diritti umani; cooperazione economica; sicurezza. Questa articolazione è giudicata migliore della struttura a tre pilastri del Partenariato Euromediterraneo – partnership

<sup>23</sup> Cfr. il discorso di Prodi alla sesta conferenza mondiale dell'ECSA del 6 dicembre 2002.

<sup>24</sup> Cfr. la Comunicazione *Wider Europe*, cit..

<sup>25</sup> Cfr. il rapporto Napoletano, cit.

crisi, la non proliferazione di armi di distruzione di massa, la lotta al terrorismo e l'iniziativa per i diritti umani) nella PEV.

Per quanto concerne il secondo punto, il confronto fra chi ritiene necessario associare la Russia all'iniziativa di vicinato (in particolare la Svezia e la Lituania) e chi invece suggerisce di dotare le relazioni con la Russia di uno statuto privilegiato specifico, come i Paesi Bassi o la Danimarca, verrà risolto dalla Russia stessa con la sua auto-esclusione dalla PEV.

Infine, in merito al terzo punto, particolare importanza riveste la posizione del Regno Unito, lo Stato – lo si ricordi – che per primo ha sostenuto l'opportunità di elaborare una strategia di vicinato. I britannici favoriscono un approccio “modulare”, fortemente caratterizzato dalla condizionalità: ogni paese partner dovrebbe negoziare con l'Unione un set di obiettivi realistici e non passare ad ulteriori forme di collaborazione fino a quando gli obiettivi del primo set non sono stati raggiunti. Altri paesi, fra cui la Germania e l'Italia, sono invece contrari a porre l'accento sulla condizionalità, e favoriscono l'opzione più ‘morbida’, in base alla quale l'Unione dovrebbe fissare dei *benchmarks* solo nel quadro della joint ownership.

In generale, la politica di vicinato ha incontrato l'appoggio di tutti i governi, con la significativa eccezione dei Paesi Bassi, che nutrono forti dubbi sull'opportunità dell'iniziativa.<sup>27</sup>

#### *Lo strategy paper e le decisioni del Consiglio Affari Generali e Relazioni Esterne del 14 giugno 2004*

Il documento strategico pubblicato dalla Commissione il 12 maggio 2004 e le Conclusioni finali del CAGRE del 14 giugno successivo (raccolte poi dal Consiglio europeo del 17-18 giugno) riflettono il dibattito che ha animato le varie istituzioni europee.

- La Comunicazione non parla più propriamente di “condizionalità”, mentre pone un forte accento sulla “joint ownership” e sulla “differenziazione”. A prima vista, quindi, sembra che la posizione più ‘morbida’ sostenuta anche dall'Italia abbia prevalso su quella più rigida del Regno Unito.
- I Piani d'Azione, viene riconosciuto, sono accordi politici negoziati congiuntamente ai paesi vicini.
- Non viene fatto nessun accenno specifico alle priorità della PESC nelle regioni comprese nel vicinato, e tuttavia questo non esclude che la PEV possa sovrapporsi alla PESC riguardo ad alcune materie (come la sicurezza interna ed esterna, o la difesa dei diritti umani).
- Il novero dei paesi vicini comprende ancora la Federazione Russa.
- La posizione della Bielorussia viene ‘congelata’, viene cioè offerto aiuto alla società civile ma non al governo autoritario di Lukashenko.
- Non viene esplicitata nessuna connessione necessaria tra la conclusione dei Piani d'Azione e la risoluzione del conflitto israelo-palestinese.
- La questione dell'adesione all'Unione, infine, viene separata dal conferimento dello status di “vicino”. Le due cose non si elidono a vicenda.<sup>28</sup>

Il CAGRE del 14 giugno 2004 aggiunge delle significative modifiche alla posizione della Commissione:

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<sup>27</sup> Non a caso nella presentazione delle priorità della Presidenza olandese per il semestre luglio-dicembre 2004, nel corso del quale è peraltro prevista la presentazione delle prime sette bozze di Piani d'Azione, la politica di vicinato non è nemmeno nominata.

<sup>28</sup> Cfr. lo *strategy paper*, cit.

- ritiene che la PEV debba procedere in pieno accordo con la Strategia di difesa europea;
- sottolinea il fatto che la collaborazione con la Russia poggia sui Quattro Spazi Comuni decisi a S. Pietroburgo nella primavera 2003. Questa decisione sembra certificare una *esclusione di fatto della Russia dalla PEV* (sul sito web della PEV la Russia non è più indicata tra i partner);
- afferma che il livello della relazione con ogni paese vicino dipenderà dal grado di intensità con cui il paese in questione si sforzerà di realizzare le priorità fissate di comune accordo;
- fissa la durata minima dei Piani d'Azione a tre anni, con possibilità di rinnovo previo comune consenso;
- indica il termine di due anni per la prima valutazione del livello di implementazione dei Piani d'Azione, sulla base di rapporti preparati dalla Commissione in stretta collaborazione con il SG/AR per la PESC nelle materie di sua competenza, e tenendo conto anche degli 'input' dei partner;
- conferma che i negoziati per i Piani d'Azione possono essere conclusi solo con quei paesi con i quali sono già in vigore Accordi di Associazione o di Partenariato e Cooperazione;
- raccoglie l'invito di parte francese a integrare la PEV con la Partnership strategica con il Mediterraneo e il Medio Oriente, inclusa la risoluzione del conflitto israelo-palestinese;
- include nella PEV le repubbliche transcaucasiche (Armenia, Azerbaigian e Georgia);
- ricorda che la soluzione del conflitto in Transnistria costituisce la pietra angolare per ogni collaborazione futura con la Moldavia.<sup>29</sup>

#### *Lo stato attuale della PEV*

Nonostante le precise disposizioni del CAGRE del 14 giugno 2004, le proposte di Piani d'Azione per i paesi della "prima ondata": Ucraina, Moldavia, Israele, Anp, Giordania, Tunisia e Marocco non sono state presentate prima della pausa estiva. Con alcuni paesi sono subentrate alcune difficoltà, il che ha portato il Consiglio a ritenere più opportuno rimandare la presentazione delle proposte a dopo l'estate. Il CAGRE dell'11 ottobre 2004 ha incaricato la Commissione di presentare le proposte di Piani d'Azione il 20 ottobre 2004,<sup>30</sup> ma il termine non è stato rispettato. La data prevista oggi è fine ottobre, e non si esclude un rinvio a novembre.<sup>31</sup> E' volontà di tutte le istituzioni europee infatti che le proposte per i Piani d'Azione della "prima ondata" siano presentate contemporaneamente.

**UCRAINA.** Il vertice Ucraina-UE tenutosi a Yalta l'8 luglio 2004, non ha portato alla finalizzazione del Piano d'Azione. Le parti si sono limitate a "prendere atto" delle consultazioni in corso. L'Ucraina ha sempre posto in cima alle sue priorità l'integrazione nell'Unione. Per questo motivo, si è mostrata sempre diffidente nei confronti della PEV, che viene vista come un espediente per escluderla dalla possibilità di accesso.

Nelle settimane seguenti, però, le cose sembrano essere cambiate. L'Ucraina appare rassegnata a partecipare alla PEV, se non altro perché in questo modo allaccerebbe comunque dei rapporti più stretti con l'UE. Tanto che, il 26 luglio, il presidente Koutchma ha annunciato una svolta clamorosa: l'Ucraina non avrebbe più come obiettivo, neanche di lungo termine, l'adesione all'UE.

I negoziati con l'Ucraina sono conclusi.

<sup>29</sup> Cfr. le Conclusioni finali del Consiglio Affari Generali e Relazioni Esterne – Affari Generali del 14 giugno 2004 sulla politica di vicinato, 10189/04 (Presse 195).

<sup>30</sup> Cfr. le Conclusioni finali del CAGRE – Relazioni Esterne dell'11 ottobre 2004.

<sup>31</sup> Cfr. *Bulletin Quotidien Europe* n. 8806, 14 ottobre 2004 e n. 8808, 16 ottobre 2004.

Tra le priorità più immediate del paese ex sovietico figura la certificazione della sua economica come un'*economia di mercato* da parte dell'UE. L'Unione non sembra disposta a concederle questo status tanto facilmente. Prodi ha indicato i punti che il governo di Kouchma deve affrontare di petto: ridurre l'intervento dello Stato nell'economia e "migliorare" la legislazione in materia di fallimento di imprese.

Un altro punto a cui gli ucraini tengono molto è l'*obbligo del visto* per accedere all'UE. L'obiettivo di Kouchma è di "semplificare progressivamente la legislazione sui visti e abolire l'obbligo del visto".

Un banco di prova per le reali intenzioni dell'Ucraina saranno le elezioni del prossimo 31 ottobre.

**MOLDAVIA.** I negoziati con la Moldavia per la conclusione di un Piano d'Azione sono praticamente ultimati. Il governo di Chisinau è stato uno dei più entusiasti sostenitori della PEV, grazie anche alla prospettiva di un coinvolgimento diretto dell'Unione nella risoluzione del conflitto con i separatisti della Transnistria.

I negoziati con la Moldavia sono conclusi.

**GIORDANIA.** Anche con la Giordania la proposta di Piano d'Azione è oramai ultimata. Come la Moldavia, la Giordania ha accolto favorevolmente l'iniziativa di vicinato dell'Unione. Si tratta dopotutto di un paese che ha dimostrato un'elevata capacità di assorbire le risorse messe a disposizione dall'UE.

I negoziati con la Giordania sono conclusi.

**MAROCCO.** Al club dei paesi favorevoli alla PEV appartiene anche il Marocco. I negoziati per il Piano d'Azione sono quasi terminati. Rimangono ancora da decidere alcuni punti (dopo la pausa estiva), in relazione ai legami con l'OMC e alla forma di *dialogo politico* con l'UE (il Marocco è l'unico paese mediterraneo a beneficiare di un canale di dialogo politico rafforzato).

I negoziati con il Marocco sono conclusi.

**TUNISIA.** I negoziati per la conclusione del Piano d'Azione con la Tunisia sono quasi ultimati. Rimane però ancora da stilare la rubrica dedicata ai *diritti umani*, questione controversa per un governo autoritario come quello di Ben Ali.

I negoziati con la Tunisia sono conclusi.

**AUTORITÀ NAZIONALE PALESTINESE.** Anche in questo caso le parti hanno raggiunto un accordo. Data la situazione in cui versano i Territori e la loro disastrosa amministrazione, il Piano d'Azione per l'Anp non è potuto essere per forza di cose molto articolato. Inoltre non bisogna scordare che l'Unione è già molto impegnata nella regione (è il primo donatore di aiuti ai palestinesi).

I negoziati con l'Anp sono conclusi.

**ISRAELE.** Nonostante il favore con cui Israele ha accolto l'iniziativa di vicinato – Israele ha elevate aspettative sulle opportunità di cooperazione con l'UE – i negoziati hanno ricevuto una battuta d'arresto su tre questioni su cui il governo di Tel Aviv si mostra meno propenso a trattare: la *non proliferazione di armi di distruzione di massa*, la *lotta al terrorismo* e il *processo di pace*.

Non si è ancora arrivati ad un accordo sulle "formulazioni concernenti il processo di pace in Medio Oriente (MEPP) e le armi di distruzione di massa (WMD)". Le delegazioni tedesca, polacca e ceca invitano ad adottare una certa flessibilità nei confronti di Israele, in modo rendere possibile la conclusione dei negoziati. Le delegazioni francese, svedese e irlandese invece insistono sulla necessità di mantenersi coerenti con riguardo, da una parte, alle formulazioni già convenute con gli altri partner e, dall'altra, agli obiettivi e alle posizioni dell'UE. Il Regno Unito ha esortato il Consiglio a dare il suo accordo prima della formalizzazione dei Piani d'Azione per potere verificare la loro coerenza. La Svezia e in una certa misura la Spagna hanno dichiarato la loro disponibilità a



portare avanti lo stesso la presentazione dei sei Piani d'Azione, se davvero dovesse risultare impossibile la conclusione del negoziato con Israele.

La Commissione è intenzionata a presentare al CAGRE le bozze di Piani d'Azione per le repubbliche transcaucasiche, a cui l'Unione è legata da tre Accordi di Partenariato e Cooperazione; per l'Egitto, il cui Accordo di Associazione Euromediterraneo è entrato in vigore lo scorso giugno; e per il Libano (con cui è in vigore un Accordo di Associazione ad interim, limitato a questioni commerciali), il cui Accordo di Associazione è in corso di ratifica (da parte di alcuni Stati membri).

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