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THE APPROACH OF THE EUROPEAN NEIGHBOURHOOD POLICY (ENP): DISTINCTIVE FEATURES AND DIFFERENCES WITH THE EURO- MEDITERRANEAN PARTNERSHIP

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THE APPROACH OF THE EUROPEAN NEIGHBOURHOOD POLICY (ENP): DISTINCTIVE FEATURES AND DIFFERENCES WITH THE EURO- MEDITERRANEAN PARTNERSHIP

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Abstract

This paper will analyse the European Neighbourhood Policy (ENP) and highlight the differences with the Euro-Mediterranean Partnership (Barcelona process). The potential impact of the ENP on the EU's relations with the Southern Mediterranean countries will also be analysed. In particular, the paper will look at the origin and rationale of the ENP in order to argue that this policy was conceived only for the Eastern neighbours of the EU.

In fact, the origin of the ENP is linked to the 2004 "big bang" enlargement, which brought into the EU new neighbours on its Eastern borders, involving both new opportunities and new challenges. It was mainly in order to address these challenges that the EU decided to launch a new policy, the ENP, that was later extended to the southern neighbours under pressure from Southern EU Member States.

Even though it is too early to assess the ENP, which has just entered the implementation phase, the paper will evaluate the potential pros and cons of this approach, with special attention to its overlap with the Barcelona process and, more in general, on the impact on the EU's relations with Southern Mediterranean countries.

Introduction

In an international conference on the European Neighbourhood Policy, a diplomat from a Southern Mediterranean country said that it was difficult for him to understand why his country, whose Euro-Mediterranean Association Agreement with the EU had just entered into force, had to embark upon a new different negotiation with the EU in order to conclude an Action Plan within the framework of the European Neighbourhood Policy. The question asked by the diplomat reflects wider doubts, shared by policy-makers and analysts. Basically, the point is: why undertake another EU policy initiative *vis-à-vis* Southern Mediterranean countries? how will the European Neighbourhood Policy impact on the strategy of the Barcelona process and, more generally, on the EU's relations with the Southern Mediterranean countries?

The innovative approach of the European Neighbourhood Policy and its relationship with the Euro-Mediterranean Partnership is a subject of great relevance for both researchers and policy-makers, because it is a broad attempt to redefine the EU's relationship with its neighbours. The ENP is still a policy in the making, and it has just started to be implemented. It is therefore not possible, at the moment, to evaluate its results. However, its logic and rationale can already be analysed, and it is possible to try to identify its potential impact on a previous policy such as the EMP and, more in

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general, on the EU's relations with its Southern neighbours. Some of the studies devoted to the EU's policies towards its neighbouring areas (M. Emerson, 2004; W. Wallace, 2003; A. Missiroli, 2003) have also tried to explain the origin, rationale, potential for development as well as the shortcomings of the ENP. In general, most authors are critical of the idea of putting Eastern as well as Southern neighbours in a single basket.

Diverse studies have been devoted to the Euro-Mediterranean Partnership, and some scholars have tried to give an overall assessment (E. Philippart, 2003) or evaluated some aspects, such as the political and security dialogue (R. Balfour, 2004) and analysed its origin and the model adopted (F. Bicchi, 2004; K. Smith, 2005). The relationship between the ENP and the EMP has not yet been the object of much research, as it is an issue that has emerged recently. However, some scholars (R. A. Del Sarto and T. Schumacher, 2004; K. Smith, 2005) have already compared the two policy initiatives and emphasised the change from the EMP to the ENP. One of the major critiques is that the EU, in its shift from the EMP to the ENP is departing from a logic of multilateralism and regional co-operation in the Mediterranean to a logic of differentiated bilateral relations. However, the prospects for the impact of the ENP on the Mediterranean are not wholly negative. Some literature (M. Emerson and G. Noutcheva, 2005) claims that the ENP approach, based on conditionality and bilateralism, might inject new driving force into Euro-Mediterranean relations and be positive for the role of the EU in the Mediterranean.

The challenge for the EU would be to combine the European Neighbourhood Policy and the Euro-Mediterranean Partnership in a way in which they can both generate positive effects in the Mediterranean area: regional co-operation mainly through the Euro-Mediterranean Partnership and political and economic reforms mainly through the European Neighbourhood Policy.

1. The launch of the European Neighbourhood Policy

The idea behind the European Neighbourhood Policy – to have a single framework of relations for all the Eastern (Belarus², Moldova, Ukraine) and Southern neighbours (Algeria, Egypt, Israel, Jordan, Lebanon, Libya³, Morocco, Palestinian Authority, Syria and Tunisia) – was officially launched by the EU in 2003⁴. However, as will be explained later, the ideas underlying the ENP gradually emerged as a result of a debate that involved a number of political actors and started before the completion of the 2004 enlargement. The main objective of the ENP is to ensure the creation of a secure, stable and prosperous environment in the EU's Eastern and Southern

² Belarus is not officially part of the ENP, but it will benefit from some programmes that will be carried out in the framework of this policy.

³ Libya will be able to become part of the ENP if it first adopts the entire *acquis* of the Euro-Mediterranean Partnership.

⁴ More precisely, the ENP was officially adopted by the Thessalonica European Council of June 20-21, 2003 which endorsed the Conclusions on the European Neighbourhood of the General Affairs and External Relations Council (GAERC) of June 16, 2003. These conclusions in turn, drew mainly on the Commission Communication “*Wider Europe – Neighbourhood: a new Framework for Relations with our Eastern and Southern Neighbours*” released on March 11, 2003. The Commission Communication “*European Neighbourhood Policy Strategy Paper*” of May 12, 2004 reformulated some of the objectives of the ENP, as also did subsequent Council Conclusions.

neighbourhood as well as in the Southern Caucasus (Armenia, Azerbaijan, Georgia)⁵ without necessarily integrating these neighbouring countries into the European Union. This “ring of friends”, as the “Wider Europe – Neighbourhood” Commission Communication⁶ defined these countries situated at the Eastern and Southern periphery of the Union, would in this way upgrade their political, economic and trade co-operation with the EU to the point of “sharing [with it] everything but not the institutions”⁷.

In the past, the European Union adopted two distinct approaches towards its immediate neighbourhood (A. Missiroli, 2003)⁸: 1) one aimed at stabilisation, mainly focused on regional cooperation and broad partnership (regionalism); 2) another aimed at integration and based on conditionality. There can be no doubt that the second approach, applied to the countries from Central and Eastern Europe that joined the EU on May 1, 2004 was greatly successful. Enlargement proved to be the most effective instrument for stabilising Central and Eastern Europe countries during the 1990s because the prospect of acceding to the EU and thus benefiting from membership led these countries to reform their political and economic systems as well as their administrations. In practice, “the aim of Central and Eastern countries’ relations with the EU was transition [from an authoritarian-totalitarian Communist regime to full-fledged democracy and from a command economy to a free-market system]; the reward for achieving transition was accession to the EU”⁹.

On the other hand, the “stabilisation” approach was completely unsuccessful when applied to the former Yugoslavia in the 1990s, but it finally worked when it was associated with the second approach that envisaged integration, albeit not as an immediate or proximate goal, for the Western Balkan countries¹⁰.

In view of the post-2004 enlargement, the EU had to square the circle, and try to stabilise its neighbourhood area without resorting to the most successful approach, that is enlargement, at least not in the short-to-medium term. The 2003 Commission Communication “Wider Europe-Neighbourhood”¹¹ stated that, in return for their progress, neighbouring countries would “be offered 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 capitals”. However, both the Council conclusions that followed the Communication “Wider Europe” and the 2004 Commission Communication “European Neighbourhood Policy Strategy Paper”¹² downgraded the

⁵ The three Southern Caucasus countries were included in the ENP only in June 2004.

⁶ 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*, COM (2003) 104 final, Brussels, 11 March 2003. The document is available at http://europa.eu.int/comm/world/enp/pdf/com03_104_en.pdf.

⁷ 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.

⁸ A. Missiroli, “The EU and its changing neighbourhoods: stabilisation, integration and partnership” in Judy Batt, Dov Lynch, Antonio Missiroli, Martin Ortega and Dimitrios Triantaphyllou, *Partners and neighbours: a CFSP for a wider Europe*, Chaillot Paper 64, Institute of Security Studies of the European Union, Paris, September 2003, p.11. The text is available at <http://www.iss-eu.org/chaillot/chaill64e.pdf>

⁹ Interview by the author with a member of the European Neighbourhood Policy Directorate, European Commission, Brussels, September 2005.

¹⁰ A. Missiroli, cit., p.11.

¹¹ COM (2003) 104 final, Brussels, 11 March 2003, cit.

¹² Communication from the Commission European Neighbourhood Policy. Strategy Paper, COM (2004), 373 final, Brussels, 12 May 2004. The document is available at http://europa.eu.int/comm/world/enp/pdf/strategy/Strategy_Paper_EN.pdf

rewards promised and no longer mentioned the “four freedoms”. The rewards promised instead of the four freedoms remain generic and not very generous: economic and aid incentives, the possibility of participating in EU programmes, and EU support for the neighbours' WTO accession and financing from other bodies such as international financial organisations. Several factors account for the removal of the four freedoms, above all the free movement of people, from the incentives offered to neighbouring countries. On the one hand, Member States are reluctant to allow greater freedom of movement for the citizens of surrounding countries due to fears of illegal immigration and trafficking in illegal goods and people (H. Grabbe, 2004)¹³. In the case of the Southern Mediterranean countries, the fear is of terrorist networks.

On the other hand, it has to be considered that implementing the four freedoms is an extremely difficult task. How can neighbouring countries, which generally have very weak economic and administrative systems be asked to comply gradually with the *acquis communautaire* in order to have a chance to participate in the internal market, when even the EU member states are reluctant to implement the four freedoms across the EU? It seems paradoxical, in fact, that France and other Member States opposed the Bolkenstein directive on liberalisation of services, proposed by the Commission on the grounds of its potentially negative impact on their national social model. Actually, the aim of the directive – liberalisation of services – was nothing more than an objective already envisaged by the Treaty of Rome back in 1957.

As just said, the European Neighbourhood Policy does not grant neighbouring countries integration in the EU as a reward for their “virtuous” behaviour. As the “Wider Europe-Neighbourhood” Communications put it, the aim of the ENP is “the development of a new relationship which would not, in the medium term, include a perspective of membership or a role in the Union’s institutions”. In addition, the document makes clear that the co-operation under the ENP “should be seen as separate from the question of EU accession”. It is interesting to note that in the early 1990s the position of the Commission *vis-à-vis* the Central and Eastern European countries¹⁴ – which were neighbours of the EU at the time and aspired to accede into the Union – was very similar to the one it takes nowadays *vis-à-vis* the new neighbours by keeping the issue of accession separate from that of practical co-operation.

This idea of separating ENP and accession has been confirmed by the re-organisation of the services within the Commission and by the proposed rationalisation of the external relations financial instruments. With regard to the former, the Commission has moved the “Wider Europe task force”, which was composed mainly of officials coming from DG Enlargement, into the DG External Relations¹⁵. With regard to the latter, the Commission has proposed a single financial instrument for all neighbouring countries, the European Neighbourhood and Partnership Instrument

13 H. Grabbe, *How the EU should help its neighbours*, Centre For European Reform Policy Brief, London, 2004, p.2.

14 Cfr. U. Sedelmeier, Eastern Enlargement, in H. Wallace, W. Wallace and M. A. Pollack, *Policy-Making in the European Union*, Oxford University Press, 2005, p. 410.

15 In addition, the task force has become a permanent Directorate and is now called “European Neighbourhood Policy Directorate”. Interview of the author with an official from the Commission, Brussels, September 2005.

(ENPI), while both candidate countries and potential candidate countries – such as the Western Balkan countries – will be covered by a Pre-Accession Instrument (IPA)¹⁶.

The launch of the ENP has caused frustration in some Eastern neighbours. The Ukraine, for example, has tended to regard the ENP as an attempt by the EU to postpone indefinitely any decision on eventually granting it right to be considered as a candidate state by putting it in a wider framework which includes countries that are *a priori* excluded from EU membership¹⁷. As for the South Mediterranean countries, the situation is different. In fact, the 2003 “Wider Europe” Communication explicitly declared that “accession has been ruled out ... for the non-European Mediterranean countries”¹⁸. Actually, neither the Commission nor any EU institution has ever explained what is “European” and what is “not European”. Rather than defining the meaning of “European” in advance, the Commission seems just to use the concept to justify whether a country is eligible for prospective membership in the EU or not. In this case, for example, it seems that by non-European Mediterranean countries, the Commission means all the countries participating in the Euro-Mediterranean Partnership, with the exclusion of Cyprus and Turkey. The former was a candidate country at the time of the drafting of the Communication and is now a member, the latter has been a candidate country since 1999¹⁹. The criterion of “European-ness” was also used by the Commission in 1987, when it rejected Morocco's application for membership in the EU.

Actually, apart from this case, none of the so-called non-European Mediterranean countries now aspires to EU membership. These countries are undoubtedly more interested in improving their trade and economic co-operation with

¹⁶ More in detail, in a Communication dated 14 July 2004, followed by another dated 29 September 2004, the Commission proposed setting up of a new financial instrument, the European Neighbourhood and Partnership Instrument (ENPI), that will “promote progressive economic integration and deeper political co-operation 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”. This instrument will become effective with the new financial perspectives (2007-2013) and replace all the existing 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 neighbouring countries, that is the Action Plans. This financial instrument is not only intended 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, the new financial instrument will finance “joint programmes” combining regions of Member States and partner countries sharing a common border. See *Communication from the Commission to the Council and the European Parliament Financial Perspectives 2007-2013*, COM (2004) 487 final, Brussels, 14 July 2004. In addition, the Commission proposes setting up a Pre-Accession Instrument (IPA) covering candidate (Turkey and Croatia) and potential candidate (the other Western Balkans) countries and superseding existing instruments (PHARE, ISPA, SAPARD and Turkey pre-accession Regulation) and a Development Cooperation & Economic Cooperation Instrument, thereby becoming the main vehicle for support of developing countries in their efforts to progress towards the Millennium development goals.

¹⁷ Cfr. M. Comelli, “The Challenges of the European Neighbourhood Policy”, in *The International Spectator*, Vol. 39, no. 3, July-September 2004, p.107. It should be noted, however, that the new Ukrainian government has adopted a more pragmatic attitude vis-à-vis the EU during 2005, and is more seriously engaged in reforming the political and economic system, rather than asking for EU accession.

¹⁸ Cfr. COM(2003) 104 final, cit., p. 5.

¹⁹ On October 3, 2005 the Council opened accession negotiations with Turkey. See General Affairs and External Relations Council, *Presidency Conclusions*, 3 October 2005.

the EU rather than engaging in a political dialogue with the EU, and even less in reforming their political systems in order to qualify for EU membership²⁰.

2. Southern Neighbours and the Euro-Mediterranean Partnership

While the neighbourhood initiative filled a “policy vacuum” in the Eastern neighbourhood, where the EU did not have a strategy, the situation is completely different in the south. Here, the EU’s relations with the Mediterranean countries were already framed in the Euro-Mediterranean Partnership. This paragraph will briefly outline this partnership, before going on to analyse relations between the ENP and the EMP.

The Euro-Mediterranean Partnership (EMP), also known as the “Barcelona process”, was launched at the Barcelona conference on November 27-28, 1995, at a time when the Middle East peace process (MEPP) seemed to be working, and the threat of Islamic terrorism was not considered imminent. The states represented at the Barcelona conference were, on the one part, the then 15 members of the EU and, on the other, the following South Mediterranean countries: Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Morocco, Palestinian Authority, Syria, Tunisia and Turkey. The founding document of the EMP, the Barcelona Declaration, called for the establishment of a “multilateral and lasting framework of relations based on a spirit of partnership”²¹ by means of three pillars:

- 1) a strengthened political dialogue on a regular basis;
- 2) the development of economic and financial co-operation;
- 3) a greater emphasis on the social, cultural and human dimension.

The objectives of the partnership were ambitious. With regard to the security pillar, for example, the Barcelona Declaration called for the establishment of a “mutually and effectively verifiable Middle East Zone free of weapons of mass destruction, nuclear, chemical and biological weapons, and their delivery systems”²² and of a Euro-Mediterranean Pact. As for the economic pillar, the most ambitious aim was the creation of a free-trade area by 2010. In spite of the high initial ambitions, the first objective has yet not been achieved and for the second various steps have not yet been taken to allow it to be achieved on schedule. The innovation of the EMP with regard to the previous EU policy *vis-à-vis* the Mediterranean is that it puts all the countries from the Southern and South-Eastern rim of the Mediterranean together in a single framework as if they form a distinct region. In addition, it features a multilateral dimension, meaning that it envisages multilateral meetings – such as the Euro-Mediterranean Conference of Ministers of Foreign Affairs and the Euro-Mediterranean Committee for the Barcelona Process (the Euro-Med Committee) involving all the 15 EU Member States and the 12 Southern Mediterranean ones, including Israel and the Palestinian Authority.

The MEPP, as was made clear on various occasions, was formally kept separate from the Barcelona process. However, it is interesting to note that the multilateral

²⁰ Interview of the author with an official from the Council Secretariat, Brussels, September 2005.

²¹ *The Barcelona Declaration*. Adopted at the Euro-Mediterranean Conference on 27-28 November 1995.

²² *Idem*.

framework of the Barcelona process provided the only international forum in which both Israel and the Palestinian Authority could sit at the same table.

3. Relationship between the European Neighbourhood Policy and the Euro-Mediterranean Partnership: how compatible?

The Council states that the European Neighbourhood Policy will not override the Euro-Mediterranean Partnership²³, and the same applies to the other forms of regional co-operation, such as the Northern Initiative. The Commission ENP Strategy Paper makes clear that the ENP relating to the South Mediterranean will be implemented through the Barcelona process and the bilateral Association Agreements with each Southern Mediterranean country²⁴. The June 2004 Council also decided that, within the framework of the ENP, the EU will negotiate an Action Plan with each neighbouring country that will include the following areas: political dialogue and reform; 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 and innovation; social policy and people to people contacts. These areas are more or less the same as those contained in the Euro-Mediterranean Association Agreements, the bilateral treaties that each Southern Mediterranean countries has stipulated on a bilateral basis with the EU in the framework of the Euro-Mediterranean Partnership. The Association Agreements remain the legally binding documents regulating the Southern Mediterranean countries' contractual relations with Brussels. However, the Action Plan will be, or should be, the political document highlighting the areas where bilateral co-operation should proceed faster and so on. As one Commission official put it, the Association Agreement is like the track, while the Action Plan gives you the time when the train will leave²⁵.

While the legal relationship between the ENP – and its instruments, the Action Plans – and the Barcelona process – and its instruments, the Association Agreements – is clear, the real question is the political overlap between the two policy initiatives. What impact will the ENP have on the Barcelona process and, more in general, on the EU's relations with Southern Mediterranean countries? Will the two processes really be as compatible and complementary as the EU states?

Actually, as some studies have rightly pointed out, the European Neighbourhood Policy represents a completely different policy, based on different principles and conceived in a different context. What is even more important, the ENP was not initially conceived for the EU's relations with the Southern Mediterranean (R. A. Del Sarto and T. Schumacher)²⁶, but for the EU's relations with the Eastern ones and was only later extended to the former.

²³ “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.” General Affairs and External Relations Council, *Presidency Conclusions*, June 2003. The document is available at http://europa.eu.int/comm/world/enp/pdf/cc06_03.pdf

²⁴ COM (2004) 373 final, cit., p.6.

²⁵ Interview by the author with an official from the Commission, Brussels, September 2005.

²⁶ In particular, see R. A. Del Sarto and T. Schumacher (2005), “From EMP to ENP: What’s at Stake with the European Neighbourhood Policy towards the Southern Mediterranean?”, *European Foreign Affairs Review*, n. 10, pp. 17-38.

The first element of discontinuity is the shift from the principles of multilateralism and regionalism that characterise the Barcelona process to the principle of differentiated bilateralism that characterises the ENP²⁷. On the one hand, the main innovation brought about by the Barcelona process, as the Commission itself acknowledged²⁸, was its regional focus. Although the Barcelona process also included a bilateral dimension, through the Association Agreements²⁹, its main objectives were to be achieved at the multilateral level: from the creation of an “area of peace and stability in the Mediterranean”, to the establishment of a free trade zone in the Mediterranean in 2010. The final aims were presented as collective, indivisible. On the contrary, the ENP privileges a bilateral, differentiated dimension. While the general aim of the ENP refers to the setting up of an area of security, stability and prosperity on the eastern and southern periphery of the EU, the ENP ends up operating on an individual basis. What counts is the kind of bilateral relationship that each neighbouring country is willing and able to establish with the EU. For its part, the EU offers some benefits³⁰ to the countries that commit themselves the most to reforming their political and economic systems and gradually aligning themselves with the *acquis communautaire*.

The second peculiar feature of the ENP relates very much to the differentiated bilateralism: the principle of conditionality or, rather, the principle of positive conditionality. In general, “political conditionality entails the linking, by a state or international organisation, of perceived benefit to another state, to the fulfilment of conditions relating to the protection of human rights and the advancement of democratic principles” (K. Smith, 1998)³¹. In particular, positive conditionality entails the promise of a benefit in exchange for the fulfilment of some pre-determined conditions. The “Wider Europe-Neighbourhood” Communication explicitly endorsed the principle of positive conditionality, saying that “in return for concrete progress demonstrating shared values and effective implementation of political, economic and institutional

²⁷ Cfr. R. A. Del Sarto and T. Schumacher, cit. The shift from multilateralism to differentiated bilateralism has been emphasised by many scholars. For example, see E. Lannon and P. Van Elsuwege, “The EU’s emerging Neighbourhood Policy and its potential impact on the Euro-Mediterranean Partnership”, in P. G. Xuereb (ed.), *Euro-Med Integration and the “Ring of Friends”: The Mediterranean’s European Challenge*, vol. IV, European Documentation and Research Centre, University of Malta, pp. 21-84; E. Lannon, *Le Traité Constitutionnel et l’avenir de la politique méditerranéenne de l’UE élargie*, Euromesco papers, n. 32. June 2004. R. Aliboni has warned of the risk that the ENP could be detrimental to sub-regional co-operation in the Mediterranean. See R. Aliboni, “Dove va il Partenariato euro-mediterraneo? Vicinato, Medio Oriente allargato, strategia euro-araba”, in *Italiamondoarabo*, no. 2, 2004. K. Smith, on her part, argues that the adoption of a bilateral approach by the EU in the context of the ENP has marked a departure from its traditional focus on regional co-operation, which has always been one of the EU’s typical features. See K. E. Smith, “The outsiders: the European Neighbourhood Policy” in *International Affairs*, Volume 81, number 4, July 2005, pp. 757-773.

²⁸ 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.

²⁹ According to E. Philippart, in addition to the multilateral and bilateral dimensions, the Euro-Mediterranean Partnership also includes a unilateral (EU) dimension, meaning the MEDA funding programme, which is mainly a matter for internal EU decision. See E. Philippart, *The Euro-Mediterranean Partnership: Unique Features, First Results and Future Challenges*, CEPS Working Paper, no. 10/2003.

³⁰ For the benefits promised by the EU see note 8. Please note again that the four freedoms of the internal market are no longer mentioned among the benefits.

³¹ K. Smith, “The Use of Political Conditionality in the EU’s relations with Third Countries: How effective?”, *European Foreign Affairs Review*, Vol. 3, No. 1, pp. 256.

reforms, including aligning legislation with the *acquis*, the EU's neighbours should benefit from the prospect of closer integration with the EU³². Subsequently, ENP documents tended to downgrade the principle of positive conditionality, which does not even appear among the ENP principles in the Commission Strategy Paper. On the contrary, the document cites joint ownership and differentiation among the principles on which the ENP is based. In particular, the joint ownership principle entails that the EU and neighbouring countries "share values and common interests"³³, and that the former "does not seek to impose priorities or conditions"³⁴ on the latter. In actual fact, the EU is not capable to impose priorities or conditions in this case, as it successfully did with the candidate countries, because neighbouring countries do not have the prospect of EU accession. However, even though the leverage of a neighbouring country in negotiating an Action Plan is surely greater than that of a candidate country negotiating EU accession³⁵, the two parts are still not on an equal footing. Thus, even if not explicitly admitted, positive conditionality is there. The point is that without the prospect of membership for neighbouring countries, making conditionality work will not be easy. Some authors, such as R. A. Del Sarto and T. Schumacher, argue that, while ENP is based on the principle of positive conditionality, the Barcelona process actually contained the principle of negative conditionality³⁶. In fact, Euro-Mediterranean Association Agreements contained a clause calling for suspension of agreements in the event the partner state violated the respect for human rights, even though the EU has never used this clause, not even in the most evident cases³⁷.

Therefore, the ENP's scheme can be summarised as follows:

- 1) within the ENP framework, the EU and neighbouring states have predominantly bilateral relations;
- 2) The specific terms of relations are negotiated by the two parts in the Action Plan;
- 3) The more commitment to reform a neighbouring country shows, the more benefits it will receive from the EU, the benefit being received on an individual basis. However, the incentive that in the past proved to be decisive – EU accession – is not envisaged by the EU, at least in the short-to-medium term

While the scheme of the Euro-Mediterranean Partnership can be summarised as follows:

- 1) within the EMP framework, the predominant dimension is the multilateral one, even though the contractual relations linking the EU and individual Southern Mediterranean countries is bilateral (the Association Agreement),

³² COM (2003) 104 final, cit., p. 10.

³³ COM (2004) 373 final, cit., p.8.

³⁴ *Idem*.

³⁵ Interview by the author with a Commission official, Brussels, September 2005.

³⁶ R. A. Del Sarto and T. Schumacher, cit., p.22.

³⁷ R. A. Del Sarto and T. Schumacher reported the case of Sa'ad Eddin Ibrahim, a sociology professor who was conducting a MEDA-sponsored human rights project. He was imprisoned by Egyptian authorities who accused him, among other things, of embezzling EU funds, which the EU itself denied. However, the European Union did not suspend bilateral funding to Egypt following this case. See R. A. Del Sarto and T. Schumacher, cit., p.22 that quote M.A. Weaver, "Egypt on trial", *New York Times Magazine*, 17 June 2001, pp. 46-55.

2) Specific arrangements are negotiated by the EU and the South Mediterranean countries on a bilateral basis, but important political decisions are taken at multilateral level in the *ad hoc* meetings;

3) the main aims (a Mediterranean region free of weapons of mass destruction, common security for the entire region, a free trade area) involve the whole region, not just the individual countries.

4. Why such a different approach?

As has just been explained, the ENP introduced deep changes in the EU's relations with the Southern Mediterranean countries. The fundamental reason for this sea-change in the EU's approach is principally that the ENP was not conceived for them. The ENP was mainly thought out as a strategy to cope with the effects of the "big bang" enlargement, and notably:

4) the changed geopolitical landscape on its eastern borders: EU borders with new, difficult neighbours, which pose numerous challenges;

5) the need for stabilisation of its new neighbourhood – while enlargement proved the most successful instrument for stabilising Central and Eastern European countries, the EU cannot enlarge forever;

6) more and more difficult internal decision-making – since the new member states will bring new visions, ideas and interests, it is important to set out clear and uniform principles in relations with all neighbours; EU foreign policy needs to become more coherent and effective.

In fact, the origin of the ENP is strictly linked with the eastern enlargement and its (perceived) consequences. The ENP principles were first officially laid down in the Commission's "Wider Europe-Neighbourhood" Communication. The ideas contained there came both from member states and from inside the Commission.

As for the proposals coming from the Member States, the first official contribution came from the UK: Foreign Minister Jack Straw sent a letter to the then Spanish Presidency of the EU in early 2002. In this document, Straw expressed his concern for the situation in Belarus, Ukraine and Moldova and suggested that the EU offer "clear and practical incentives"³⁸ to these countries "in return for progress on political and economic reforms"³⁹. His proposal included granting these countries a "special neighbour" status based on a commitment to democratic and free market principles. The Southern Mediterranean countries were thus not taken into account in this proposal. It was following a proposal by Swedish Foreign Minister Anna Lindh and Trade Minister Leif Pagrotsky that the Commission decided to extend the geographical scope of the new policy in order to include Russia as well as the Southern Mediterranean countries, according to the formula "from Russia to Morocco"⁴⁰. They suggested that the EU's relations with its neighbours – on the East as well as on the

³⁸ See the letter sent by the British Minister of Foreign Affairs Jack Straw to the Spanish Presidency of the EU on January 28, 2002 mentioned in M. Comelli, "The Challenges of the European Neighbourhood Policy", in *The International Spectator*, Vol. 39, no. 3, July-September 2004, p.2.

³⁹ *Idem*.

⁴⁰ See the letter sent by the Swedish Minister of Foreign Affairs Anna Lindh and the Swedish Minister for Trade Leif Pagrotsky to the Spanish Presidency of the EU on March 8, 2002 mentioned in M. Comelli, "The Challenges of the European Neighbourhood Policy", in *The International Spectator*, Vol. 39, no. 3, July-September 2004, p.2.

South – be dealt within in a single, comprehensive approach – the approach that the Commission eventually chose. According to the Swedish proposal, the new kinds of relations with the new neighbouring countries should not replace, but complement, the cooperation initiatives already under way, such as the Euro-Mediterranean Association Agreements and the Partnership and Cooperation Agreements (PCAs) with Moldova, Russia and Ukraine. Nevertheless, neither the Swedish proposals nor the subsequent documents elaborated by the Commission were able to find a satisfactory way to ensure complementarity and compatibility between the two different policy initiatives.

The decision to include the Southern Mediterranean countries in the new policy was induced by the pressure exerted by some EU Mediterranean states (France, Spain and Italy). These countries actually feared that eastward enlargement would definitively shift the centre of gravity of the EU eastwards, thus neglecting the countries on the southern rim of the Mediterranean basin. In addition, an active cooperation of the EU with these countries was deemed all the more necessary in the context of post 11 September, characterised by the threat of Islamic terrorism coming from Southern Mediterranean countries.

Therefore, the initial ideas put forward by the Commission mainly concerned the Eastern neighbours. What is even more interesting is that the idea originated in the Directorate General (DG) for Enlargement⁴¹. Not only was the scheme that appeared in the “Wider Europe” Communication drawn up in the DG Enlargement under the guidance of former Enlargement Commissioner Gunther Verheugen, the DG External Relations (Relex) and in particular the desks in charge of the Mediterranean and the Middle East were not even involved in the formulation of the ENP (R. A. Del Sarto and T. Schumacher, 2004)⁴².

The working mechanisms of the ENP have also been taken from enlargement mechanisms: from the differentiated approach to the principle of positive conditionality. In addition, as noted supra, even the decision to keep the question of accession separate for the moment was taken by the EU in the early 1990s in regard to the countries from Central and Eastern Europe.

While the ENP ‘s “single framework” of relations is a new idea, its method and instruments are quite like those of enlargement. Therefore, the origin of the ENP reveals an institutional dependency (path dependency) on previous policies, notably enlargement.

The application of the ENP to Southern Mediterranean countries appears artificial, and the relationship between the ENP and the EMP seems difficult because of the two initiatives' different origins and rationales. The EMP, in fact, saw the light in a different international scenario, with the Middle East peace process (MEPP) apparently moving ahead and without the threat of Islamic terrorism. Different models have been suggested to account for the set up of the Euro-Mediterranean Partnership, but they have all emphasised the regional model of co-operation. In particular, some authors have claimed that the EMP follows the model provided by the EU itself. F. Bicchi⁴³, for example, has argued that the EU has replicated itself with the EMP. “The EMP - she contends – is downloaded from the EU model” and “the idea of promoting region

⁴¹ Interview by the author with an official from the Commission, Brussels, September 2005.

⁴² R. A. Del Sarto and T. Schumacher, cit., pp. 26-27.

⁴³ F. Bicchi, *The European Origin of Euro-Mediterranean Practices*, Paper 040612, Institute of European Studies, University of California, Berkeley, 2004.

building is definitely a European idea". As K. Smith put it⁴⁴, "If there is one objective (...) which clearly derives from the nature of the EU itself, it is the promotion of regional co-operation".

Other authors, like E. Adler, suggest that the model for the EMP has been the Organisation of Security and Cooperation in Europe (OSCE), which can be defined as a security community based on shared understanding and practices (E. Adler, 1998)⁴⁵.

5. What impact will the ENP have on EU relations with the South Mediterranean?

The ENP entered the implementation phase this year, with the entry into force of the first Action Plans, among them, five with South Mediterranean countries: Israel, Jordan, Morocco, Palestinian Authority and Tunisia. It is therefore too early to evaluate its impact on the EU's relationship with Southern Mediterranean countries. What appears likely at this time is the downgrading of the Barcelona process' regional dimension and the strengthening of bilateral relations between the EU and single Mediterranean countries. On the one hand, this is likely to result in a slowdown in intra-regional co-operation, at political, security and trade level. Thus, the ENP might hinder some of the main aims of the Euro-Mediterranean Partnership. However, the ENP could also have positive effects in some other respects. For example, even though the incentives promised by the EU are not considerable, they might still induce the most reform-willing countries to go ahead, without concern for the progress made in the slower countries. While the EMP has been able to provide an important institutional improvement in EU-Mediterranean relations and confidence building measures on a large scale, it has lacked sufficient driving force to advance reforms in the Southern Mediterranean countries (M. Emerson and G. Noutcheva, 2005)⁴⁶. Actually, it should not be forgot that while the EMP set very ambitious objectives, it has so far failed to achieve most of them, both with regard to the regional co-operation and to the bilateral relations with the EU. With a differentiated approach, it will be up to each country to determine the extent of its bilateral relationship with Brussels. Countries like Morocco and Tunisia, which have shown a strong willingness in the past to upgrade their relations with the EU might be favoured by a differentiated bilateral approach. Even though the Southern Mediterranean countries are extremely willing to upgrade their trade relations with the EU and far less willing to upgrade their political dialogue with Brussels⁴⁷, the bargaining process has seen some positive developments, such as the acceptance, by some Mediterranean countries, of the setting up of joint committees on human rights⁴⁸.

With regard to the EU's role in the Middle East Peace Process, some authors⁴⁹ argue that the ENP's individual benchmarking approach could compromise the EU's ambition of being an even-handed broker in the peace process. However, it seems premature to assess the impact of the ENP's approach on such a complex and difficult

⁴⁴ K. Smith, *European Union Foreign Policy in a Changing World*, Cambridge, Polity Press, 2003.

⁴⁵ E. Adler, Seeds of peaceful change: the OSCE's security community-building model in E. Adler and M. Barnett (eds.), *Security Communities*, Cambridge University Press.

⁴⁶ M. Emerson and G. Noutcheva (2005), *From Barcelona Process to Neighbourhood Policy*, CEPS Working document n. 220, Centre for European Policy Studies, Brussels, p.1.

⁴⁷ Interview by the author with an official from the Council Secretariat, Brussels, September 2005.

⁴⁸ Idem.

⁴⁹ R. A. Del Sarto and T. Schumacher, cit., p. 24.

subject, which depends on so many variables and where the EU's role has never been very relevant.

Conclusions

The European Neighbourhood Policy was conceived to tackle the challenges coming from the post-enlargement adjustments in the EU's eastern neighbourhood. Nevertheless, the EU decided to extend it to the South Mediterranean countries where, unlike in the Eastern neighbourhood, where there was a sort of policy vacuum, it added to the Euro-Mediterranean Partnership. The logic underlying the two policies is very different and testifies to the different origins. The ENP was invented as a means to stabilise the post-enlargement eastern neighbourhood and it actually takes many features from the enlargement policy. In a sense, there was some kind of institutional inertia in devising the policy. The EMP was conceived at a time when setting up a Mediterranean co-operative region seemed more feasible and reflects the values at the origin of some supra-national organisations and, some argue, of the EU itself.

Moreover, the EMP privileges the multilateral dimension and has created a complex set of multilateral institutions to achieve its over-ambitious goals of creating a kind of Mediterranean "security community" and a free trade area by 2010. The ENP, on the other hand, is based on a bilateral relationship between Brussels and the single neighbouring country. While there is the risk of abandoning regional and sub-regional co-operation in the Mediterranean, the ENP could give new impulse to the process of reform in the area. The new approach is (partially) based on conditionality: the more a country is willing to reform its political and economic system and align itself with the EU, the more benefits it will receive from the EU. The point is that the benefits offered by the EU are rather modest compared with the expectations of those countries, which mostly aspire to exporting agricultural and textile products to the European market tariff-free and travelling to and in the EU visa-free.

The EU should try to square the circle: to help these countries reform their political and economic systems through the Action Plans, but not abandon the most innovative ideas of region-building and regional co-operation contained in the Euro-Mediterranean Partnership. In fact, these ideas still have to be put into practice.

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