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BUILDING SECURITY IN ITS NEIGHBOURHOOD THROUGH THE EUROPEAN NEIGHBOURHOOD POLICY?

by Michele Comelli

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Introduction

"Building security in our neighbourhood" is one of the three objectives of the European Security Strategy (ESS)[1]. This document, which was approved by the European Council in December 2003, defines the major threats and security objectives of the European Union. The three objectives identified addressed the key threats (terrorism, proliferation of weapons of mass destruction, regional conflicts, state failure, and organised crime), building security in the neighbourhood, and building an international order based on effective multilateralism. Among the three, two of them are linked to the EU's neighbourhood. The objective of addressing the key threats only indirectly relates to the areas surrounding the EU. Not all of these security challenges coming from the EU's neighbourhood area are specific to the region; however, the impact of these challenges on EU security, either real or perceived, can still be greater because of geographical proximity.[2] On the other hand, the objective of building security in the neighborhood is directly related to the areas surrounding the EU.

This paper analyses whether the EU can be effective in building security in the Neighbourhood through the policy initiative that was launched specifically to achieve this goal: the European Neighbourhood Policy (ENP). In particular, this paper analyses whether the ENP is succeeding in meeting the security (sub)objectives laid out in the ESS and finally makes some policy recommendations designed to make the ENP more effective in meeting these objectives.

1. What does "Building security in the Neighbourhood" mean?

With regard to the objective of building security in its neighborhood, the ESS states that, "even in era of globalisation, geography is still important. It is in the European interest that countries on our borders are well-governed. Neighbours who are engaged in violent conflict, weak states where organized crime flourishes, dysfunctional societies or exploding population growth on its borders all pose problems for Europe"[3]. Later on in the document, the ESS better defines the concept of building security and identifies a number of sub-objectives, that are at the same time meant to achieve the main objective. The sub-objectives identified by the ESS are the following:
- promoting a ring of well-governed countries to the East of the European Union and on the borders of the Mediterranean with whom to enjoy close and cooperative relations;
the integration of acceding States (notably the Balkan countries);

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[1] European Council, *A Secure Europe in a Better World. European Security Strategy*, Brussels, 12 December 2003.
[2] See S. Biscop, *European Security Strategy. A Global Agenda for Positive Power*, p. 35.
[3] *A Secure Europe in a Better World…*, p.7.

- avoiding the creation of new dividing lines in Europe; extending the benefits of economic and political cooperation to our neighbours in the East while tackling political problems in the area;
- resolving the Arab/Israeli conflict; and
- resolving the problems of economic stagnation, social unrest and unresolved conflicts in the Mediterranean area.

Over the years, the EU has developed a number of regional initiatives aimed at ensuring stability and prosperity in its neighbourhood. First comes enlargement, which has been rightly heralded as the best success of European foreign policy, since it allowed the re-unification of Europe under the peaceful and free EU flag and brought stability and prosperity to Central and Eastern European Countries (CEECs). The EU has also put in place the Stabilisation and Association Process (SAP) targeting the Western Balkan countries (Albania, Bosnia-Herzegovina, Macedonia, Montenegro and Serbia) that have been granted by Brussels a future in the EU, once they have completed the SAP and comply with the enlargement criteria. Since 1995 the EU has also engaged the Southern Mediterranean countries (Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestinian Authority, Syria and Tunisia) in a broad initiative, the Euro-Mediterranean Partnership (EMP), better known as the Barcelona process, that aims at enhancing the cooperation between the EU and the Southern rim of the Mediterranean in the areas of security, economy, trade and culture. However, the most comprehensive regional initiative launched by the EU to deal with security in its proximity is the European Neighbourhood Policy (ENP)[4]. This initiative was first devised by the Commission in 2003-2004[5], and later approved by the Council. According to one of the Commission documents, the 2003 "Wider Europe" Communication, the main goals of the ENP are twofold:
- to avoid drawing new dividing lines in Europe;
- to develop a zone of prosperity and a friendly neighbourhood – a "ring of friends" - with whom the EU enjoys close, peaceful and co-operative relations.

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[4] There is an ever-growing literature on the ENP. See, for example: R. Dannreuther, "Developing the Alternative to Enlargement: The European Neighbourhood Policy", *European Foreign Affairs Review,* vol. 11, issue 2, summer 2006, pp.183-201; R. Del Sarto and T. Schumacher, "From EMP to ENP: What's at Stake with the European Neighbourhood Policy towards the Southern Mediterranean", *European Foreign Affairs Review*, vol. 10, issue 1, spring 2005, pp. 17-38; M. Emerson, *The Wider Europe* Matrix, Centre for European Policy Studies, Brussels, 2003; H. Grabbe, How the EU should help its neighbours, *CER Policy Brief*, Centre for European Reform, London, June 2004; H. Haukkala and M. Arkady, "Beyond 'Big Bang': The Challenges of EU's Neighbourhood Policy in the East", *FIIA report 2004,* n.9, Ulkopoliittinen instituutti (UPI-FIIA), Finnish Institute of International Affairs, Helsinki; J. Batt, D. Lynch, A. Missiroli, M. Ortega and D. Triantaphyllou (eds), "Partners and Neighbours: a CFSP for a Wider Europe, *Chaillot Papers,* no.. 64, Institute for Security Studies, Paris, 2003; Karen E. Smith, "The Outsiders: The European Neighbourhood Policy", *International Affairs, Vol. 81, issue 4, 2005, pp. 575-773*; M. Comelli, "The Challenges of the European Neighbourhood Policy", *The International Spectator,* Vol. 39. no. 3, July-September 2004, pp. 97-110.

[5] 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. <http://europa.eu.int/comm/world/enp/pdf/com03_104_en.pdf> .

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>.

2. The security objectives of the ENP

These two ENP objectives are also among the main sub-objectives of the ESS. In fact, the ESS does not explicitly refer to the ENP as a means to build security in the EU's neighbourhood. However, it is clear that the ENP is the main instrument through which to pursue the objective of achieving security in the areas surrounding the EU[6]. It is no coincidence that both the ESS and the ENP were conceived in the same period: the former was first outlined in June 2003 and finally approved by the European Council in December 2003, while the latter was first proposed by the Commission in March 2003 and shortly after that was approved by the Council, while its Strategy Paper was approved a little more than one year later, in May 2004.

First of all, let us consider the question whether or not avoiding the creation of new dividing lines and developing a zone of prosperity and stability can be effective ways to achieve security. Surely they are in line with the EU's multi-dimensional concept of security, according to which security is multi-faceted and it is achieved by a panoply of different means: military and civilian, including political, diplomatic, trade and development activities. Europe, after the end of the Cold War, is not facing a direct military threat, and therefore it needs to address its new security challenges (international terrorism, proliferation of weapons of mass destruction, regional conflicts, state failure and organised crime) with different means and instruments. In addition, the EU has a successful history of achieving security through these means.

Since its inception, regarding the issue of dividing lines, European integration has altered the nature and function of borders within the Community/Union itself, i.e., borders between member states and tried to make them an area of interchange (borderland), rather than an area of separation (boundary)[7]. For much of its history, European integration has been about free circulation between member states, and thus about loosening intra-Community borders. This was first limited to trade. It then developed into the goal of an internal market, intended as a space without internal frontiers, where free circulation of workers, goods, services and capital would be allowed and encouraged. Further still, the creation of the Schengen system in the 1990s was aimed at allowing the free circulation of citizens within the EU. In view of these successive policy changes, internal EU borders have acquired different meanings over time. More specifically, while internal EU borders continue to exist, delimiting spaces of sovereignty and accompanying citizenship rights and obligations, European integration has eroded some of the functions traditionally performed by borders. Moreover, differentiated integration in policy areas such as monetary policy and the free movement of people has also created a system of internal functional borders that does not coincide with the EU's external borders. In view of the changing nature of the EU, the question of external borders has also been at the forefront of the European debate.

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[6] As for the security dimension of the ENP and the links between the ENP and the ESS, see G. Bonvicini, "The European Neighbourhood Policy and its Linkage with European Security" in F. Tassinari, P. Joenniemi and U. Jakobsen (eds), *Wider Europe. Nordic and Baltic Lessons to Post-Enlargement Europe*, Danish Institute for International Studies, Copenhagen, 2006, pp. 21-28.

[7] M. Comelli. E. Greco and N. Tocci, "From Boundary to Borderland: Transforming the Meaning of Borders through the European Neighbourhood Policy", *European Foreign Affairs Review,* Vol. 12, issue 2 summer 2007, pp. 203-218. See in particular pp. 204-206.

However, the transformation of borders was limited to the countries that during the Cold War period belonged to the so called Western Europe and that were friends or allies of the United States. The integration of a country that was subject to the Soviet sphere of influence was not even conceivable at that time.

A similar reasoning can be applied to the creation of a ring of stable and prosperous friends. The European integration process was designed to create a group of countries within which the high level of integration would make war among them an unthinkable way of solving conflict, creating something similar to what Karl Deutsch referred to as a "security community"[8]. According to Deutsch, security communities are likely to be formed among states that share strong cultural similarities, which favour the growth in communication flows and social transactions through the creation of ad hoc institutions that manage in a cooperative manner the common problems and the reciprocal relations in ways that exclude the final resort to armed conflict. In addition, one of the aims of the European Communities was also to create prosperity for the countries that decided to join the European integration project. The European Communities successfully pursued the objective of creating a zone of prosperity and stability, but that zone was exclusive for the European countries that could join the European integration project. Previously Eastern neighbours, that is the countries of Central and Eastern Europe, were under the sphere of influence of the Soviet Union and had limited political and no contractual relations with Western European countries, with the exception of Yugoslavia and Romania[9]. Therefore, the creation of a zone of stability and prosperity had only an internal dimension. It was limited to the countries of the European Communities not only because of the lack of competence to develop a regional security policy, but also because the geopolitical scenario of the Cold war did not allow it. On the contrary, a number of agreements, mainly about trade and cooperation, were signed with African, Asian and Latin American countries, often former colonies with which Member States wanted to maintain preferential relations.

It was only with the end of the Cold War and the creation of the Common Foreign and Security Policy (CFSP) that the EU started to forge a security approach to its neighbourhood, mainly to the east. Since then, as Antonio Missiroli effectively argues, the EU has pursued mainly two distinct approaches and policies vis-à-vis its neighbourhoods[10]:
- an approach aimed at stabilisation, mainly based on fostering regional cooperation and broad partnerships (regionalism);

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[8] Karl W. Deutsch et al., *Community and the North Atlantic Area: International Organization in the Light of Historical Experience*, Princeton, Princeton University Press, 1957.
[9] The opening of official relations between the European Communities and the Council for Mutual Economic Assistance (CMEA) that grouped the Soviet Union and the Communist countries of Central and Eastern Union took place only in June 1988 with the Council Decision of 22 June 1988 on the conclusion of the Joint Declaration on the establishment of official relations between the European Economic Community and the Council for Mutual Economic Assistance (88/345/EEC). Official Journal L 157/34, 24.6.1988
See also I. B. Neuman,, Soviet Perceptions of the European Community, 1950-1988, Oslo, Norsk Utenrikspolitisk Institutt, 1989.
[10] A. Missiroli, "The EU and its changing neighbourhoods: stabilisation, integration and partnership", in J. Batt, D. Lynch, A. Missiroli, M. Ortega and E. Triantaphyllou (eds.), Partners and Neighbours: a CFSP for a Wider Europe, *Chaillot Paper* no. 64, Institute for Security Studies, p.9.

- an approach aimed at integration proper, i.e. at bringing neighbouring countries directly into the EU through a bilateral process based on strict conditionality.

The first approach, which implied stabilisation as a goal and regionalism as a means was first tentatively adopted towards the dissolving Federation of Yugoslavia in the early 1990s, but it was basically unsuccessful[11]. It had more success when it was applied to the Central European countries and to the Baltic States (the Balladur pact of 1993-95 and the first Stability Pact). The second approach, based on integration into the EU as a goal and conditionality as a means, has achieved better results. Enlargement became a security policy, both by other means and by its own right[12]. In addition, the enlargement approach put stronger emphasis on avoiding the creation of new dividing lines and extending the zone of economic prosperity and democratic peace[13]

However, continuing to use enlargement to achieve security in the neighbourhood poses some problems. First of all, the EU has for a few years been suffering from the so called "enlargement fatigue". In Brussels, as well as in the Old Member States, enlargement is becoming less and less popular, and is the cause of widespread fear for the public. The concern for a bigger and therefore less effective EU, with a long and cumbersome decision-making process, as well as the concern for an insufficient readiness of the new Member States have been voiced in particular within a small group of people aware of the functioning of the EU mechanisms. On top of that, there is the more widespread and popular fear that enlargement automatically implies a free movement of workers from the new to old Member States, which might make it more difficult for the citizens of the latter to find a job[14]. Linked to these different fears, some political leaders have asked for a slowing down of the enlargement process and for a clear definition of the EU's borders for a number of different reasons: in order to make the Union function in a more effective way, to avoid diluting the process of political integration in Europe (Romano

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[11] A. Missiroli, cit., p.10.

[12] Missiroli rightly argues that enlargement is a security policy "by other means because extending the Union's norms, rules, opportunities and constraints to successive applicants has made instability and conflict on the Continent decreasingly likely. And it is a security policy in its own right, too, because the entrants have brought in interests and skills that have broadened the scope of common policies and strengthened the EC/EU as an international actor". A. Missiroli, cit., p. 17.

[13] As Cristopher Hill has rightly argued, enlargement "can be seen as a commitment to a major new foreign policy on the part of the EU, that of changing the map of Europe to the East and to the South… the aim is to extend the zone of economic prosperity and democratic peace as a prophylactic against war, nationalism and autocracy". C. Hill, "The Geo-Political Implications of Enlargement", in J. Zielonka (ed.), *Europe Unbound: Enlarging and Reshaping the Boundaries of the European Union*, 2002.

[14] Actually, the reality is different, since old Member States were very reluctant concerning the free movement of workers. For example, of the 15 old Member States, only three of them (United Kingdom, Ireland and Sweden) allowed citizens from new Member States unrestricted access to their labour markets after the May 2004 enlargement. It was only during the summer 2006 that Finland, Greece, Italy, Portugal and Spain decided to follow suit. Nonetheless, the fear of a massive influx of jobseekers from Central and Eastern Europe has significantly increased in the past few years, in some countries in particular. According to Eurobarometer "The future of Europe" of May 2006, in 2003 43 % of people in the EU-15 feared that enlargement would result in an increase of unemployment in their countries. In 2006 that figure went up to 63%. In Germany the figure increased from 56% to 80% during the same period, in France 72% and in Austria 75% fear that enlargement is a threat to their jobs. C. Grant, *Europe's Blurred Boundaries. Rethinking enlargement and neighbourhood policy*, Centre for European Reform, London, 2006, p.23.

Prodi[15]) and to avoid compromising the political and cultural identity of Europe (Angela Merkel[16]). Whatever the reasons, it has become increasingly clear that despite the success of enlargement, or precisely because of it, the EU cannot indefinitely rely on the same instrument in order to achieve security in the neighbourhood. By doing so, the EU would be unable to provide the very benefits that have induced its neighbours to join it[17]. It is interesting to note that in this climate, and particularly following the failed referenda on the Constitutional Treaty in France and the Netherlands in May-June 2005, the EU, while not officially changing the objectives and instruments of the ENP, has begun to present it in a different way, with the focus on its usefulness for EU citizens as an instrument to achieve security by fighting threats coming from beyond the external borders of the Union, such as illegal immigration and other security problems[18].

Indeed, the many activities carried out within the framework of the ENP designed to pursue these goals do strengthen border controls, and are therefore apparently not in line with the aim of avoiding the creation of new dividing lines. At the same time, some measures aimed at fighting illegal immigration, such as the readmission agreements with the countries of origin and/or transit of the illegal immigrants are coupled with an agreement on the facilitation of visa regime for some categories of people, such as academicians, students and athletes. A similar quid pro quo between Brussels and the neighbouring countries has already been agreed upon with the Ukraine and is being finalised also with Morocco.

3. Principles and instruments of the ENP: similarities and differences with enlargement

Let us now analyse the principles and the instruments used by the ENP to try to achieve its security objectives.
First of all, according to the EU's narrative, one of the principles underlying the ENP – and therefore making possible an effective co-operation between the EU and its neighbours - is partnership: both the EU and its neighbours are supposed to share the same values, and "In return for concrete progress demonstrating shared values and effective implementation of political, economic and institutional reforms, including aligning legislation with the acquis, the EU's neighbourhood should benefit from the prospect of closer economic integration with the EU."[19] Leaving rhetoric aside, one can read between the lines that values are not really shared in practice, otherwise there

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[15] 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, December 5, 2002

[16] European Policy Statement by Federal Chancellor Angela Merkel in the German Bundestag, Berlin, May 11, 2006.

[17] W. Wallace, "Looking After the Neighbourhood: Responsibilities for EU-25", *Policy Papers* no.4, Paris, Notre Europe, 2003.

[18] According to the Commissioner for External Relations and European Neigbourhood Policy Benita Ferrero Waldner, "ENP has enabled us to tackle some of our citizens' most pressing concerns, like energy supplies, migration, security and stability. B. Ferrero-Waldner, "The European Neighbourhood Policy: The EU's Newest Foreign Policy Instrument", *European Foreign Affairs Review*, vol. 11, issue 2, summer 2006, p. 140.

19 Commission Communication "Wider Europe…", cit., p. 10.

would be no need for asking the governments for reform commitments that show these values in exchange for some benefits. [20]

Similarly, it can be said about the concept of joint ownership, that the EU indicates as one of the ENP's main feature. Indeed, according to the 2004 Commission Strategy Paper on the ENP, "joint ownership of the process, based on the awareness of shared values and common interests, is essential. The EU does not seek to impose priorities or conditions on its partners."[21]However, while the language used by the Commission in the 2004 Strategy Paper emphasises the concept of joint ownership, it seems that the policy is framed in terms of conditionality, in ways that remind of the enlargement process, and notably of the pre-accession strategy (see below).

Secondly, another feature of the ENP is differentiation, meaning that "…the priorities agreed with each partner will depend on its particular circumstances. These differ with respect to geographic location, the political and economic situation, relations with the European Union and with neighbouring countries, reform programmes, where applicable, needs and capacities, as well as perceived interests in the context of the ENP."[22] While the first ENP official documents emphasised both regional integration[23] and bilateral relations, the latter is predominant. In particular, the ENP is operationalised through the Action Plans that are negotiated between Brussels and the single neighbouring country. The Action Plans resemble the Accession Partnerships[24] that were negotiated between the EU and the candidate countries within the pre-accession strategy. Formally, the Action Plans are political documents that are agreed through a simplified procedure by the two parts in order to enhance and speed up a number of political objectives. They are not legally binding international agreements, as the contractual relations between the two parts are already regulated by other formal international agreements that are the Partnership and Cooperation Agreements (PCAs)

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[20] Similarly, Also the Article III.293 of the Constitutional Treaty states that the European Union should develop relations with third countries that share its values. However, the same article also states that the EU's external action should promote those values beyond its borders. The point is: if third countries already share the values of the EU, what need is there for the EU to promote them? See M. Cremona, "The European Neighbourhood Policy: Legal and Institutional Issues", CDDRL Working Papers, Number 25, 2 November 2004, available at http://iis-db.stanford.edu/pubs/20738/Cremona-ENP_and_the_Rule_of_Law.pdf and N. Tocci, "Does the ENP Respond to the EU's Post-Enlargement Challenge?", The International Spectator, Volume XL, No. 1, January-March 2005, p. 26.

[21] Communication from the Commission *European Neighbourhood Policy. Strategy Paper*, cit.

[22] Communication from the Commission *European Neighbourhood Policy. Strategy Paper*, cit., p.8.

[23] The Wider Europe Communication states that it encourages regional and sub-regional integration: in the context of a new EU neighbourhood policy, further regional and sub-regional cooperation and integration amongst the countries of the Southern Mediterranean will be strongly encouraged. New initiatives to encourage regional cooperation between Russia and the countries of the Western NIS might also be considered. These could draw upon the Northern Dimension concept to take a broader and more inclusive approach to dealing with neighbourhood issues. Commission Communication "Wider Europe…", cit., p.8.

[24] According to E. Tulmets, the Commission relied on the experience of the Accession Partnerships to propose the first Action Plans and on the National Programme of the Adaptation to the Acquis for the Country Strategy Papers with neighbouring countries. E. Tulmets, "Adapting the Experience of Enlargement to the Neighbourhood Policy: The ENP as a Substitute to Enlargement?" in The European Union and Its Neighbourhood: Policies, Problems and Priorities, Institute of International Relations, Prague, 2006, p. 42.

or the Euro-Mediterranean Association Agreements in the case of the ENP[25], and were the Europe Agreements in the case of the candidate countries from Central and Eastern Europe throughout the 1990s. The relationship between the contractual agreements and the Action Plans can be compared to the relationship between the train tracks and the timetable[26]: while the former delimits the policy areas of co-operation, the latter emphasise the political priorities.

Table 1. State of play of ENP Action Plans

ENP partner countries	Entry into force of contractual relations with EC	ENP Country Report	ENP Action Plan	Adoption by EU	Adoption by partner country
Algeria	AA – Sept 2005	--	--	--	--
Armenia	PCA – 1999	March 2005	Agreed autumn 2006	13.11.2006	14.11.2006
Azerbaijan	PCA – 1999	March 2005	Agreed autumn 2006	13.11.2006	14.11.2006
Belarus	--	--	--	--	--
Egypt	AA – Jun 2004	March 2005	Largely agreed autumn 2006	06.03.2007	06.03.2007
Georgia	PCA – 1999	March 2005	Agreed autumn 2006	13.11.2006	14.11.2006
Israel	AA - Jun 2000	May 2004	Agreed end 2004	21.02.2005	11.04.2005
Jordan	AA - May 2002	May 2004	Agreed end 2004	21.02.2005	11.01.2005 02.06.2005
Lebanon	AA - April 2006	March 2005	Agreed autumn 2006	17.10.2006	Pending
Libya	--	--	--	--	--
Moldova	PCA - Jul 1998	May 2004	Agreed end 2004	21.02.2005	22.02.2005

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[25] The PCAs regulate the relations between the EU and the Eastern and South-Caucasus Neighbours, while the Euro-Mediterranean Association Agreements regulate the relations between the EU and the South-Mediterranean Neighbours. For the complete list of Action Plans and contractual relations with neighbours see table 1.

[26] Interview with an official from the Commission, Directorate General External Relations and Neighbourhood Policy, September 2006.

Morocco	AA - Mar 2000	May 2004	Agreed end 2004	21.02.2005	27.07.2005
Palestinian Authority	Interim AA - Jul 1997	May 2004	Agreed end 2004	21.02.2005	04.05.2005
Syria	--	--	--	--	--
Tunisia	AA – Mar 1998	May 2004	Agreed end 2004	21.02.2005	04.07.2005
Ukraine	PCA – Mar 1998	May 2004	Agreed end 2004	21.02.2005	21.02.2005

* AA: Association Agreement
** PCA: Partnership and Cooperation Agreement
Source: update by the author of a table elaborated by the European Commission. Press release Strengthening the European Neighbourhood Policy Reference: IP/06/1676   Date: 04/12/2006

Indeed, the ENP borrowed some of its concepts and instruments from enlargement policy, as some authors have rightly argued[27]. According to Judith Kelley, the ENP is a policy that, like enlargement, combines conditionality and socialisation strategies[28]. The "Wider Europe" Communication explicitly offered a quid pro quo to neighbouring countries: "in return for progress demonstrating shared values and effective implementation of political, economic and institutional reforms… the countries… should be offered a stake in the EU's Internal Market and further integration and liberalization to promote the free movement of persons, goods, services and capital"[29]. Similarly, the 2004 Strategy Paper drafted by the Commission[30] stated that "the ambition and the pace of development of the EU's relationship with each partner country will depend on its degree of commitment to common values, as well as its will and capacity to implement agreed priorities"[31]. However, while positive conditionality (providing of assistance and benefits to the neighbouring countries willing to implement reforms, exists in ENP[32], negative conditionality (suspending a benefit when reforms are not being carried out) does not[33].

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[27] See, for instance: J. Kelley, "New Wine in Old Wineskins: Promoting Political Reforms through the New European Neighbourhood Policy", Journal of Common Market Studies, Volume 44, Number 1, pp. 29-55; R. Del Sarto and T. Schumacher, "From EMP to ENP:…", cit. ; E. Tulmets, "Adapting the Experience of Enlargement…", cit.

[28] J. Kelley, cit., p.30.

[29] Commission Communication "Wider Europe…", cit..

[30] Commission of the European Communities, European Neighbourhood Policy Strategy Paper, COM(2004) 373 final, Brussels, May 12, 2004.

[31] Commission Communication ENP Strategy Paper, cit.

[32] According to the Commissioner B. Ferrero Waldner, "ENP is based on the same kind of positive conditionality that underpins the enlargement process… In addition, progress is rewarded with greater incentives and benefits. Only as our partners fulfil their commitments to strengthen the rule of law, democracy and respect for human rights; promote market-oriented economic reforms; and cooperate on key foreign policy objectives such as counter-terrorism and non-proliferation of weapons of mass destruction. Will we offer an even deeper relationship". B. Ferrero-Waldner, "The European Neighbourhood Policy:…", cit., p. 140.

[33] For a comprehensive analysis of how conditionality was applied during the latest enlargement round, see K. Smith, "The Evolution and Application of EU Membership Conditionality" in M. Cremona, The Enlargement of the European Union, Oxford University Press, 2003, pp. 105-139.

As for socialisation[34], the emphasis put by the EU on dialogue and contacts at multiple levels[35], is reminiscent of enlargement strategy, when EU officials travelled to candidate states to negotiate but also to stimulate domestic debates on issues such as democracy, ethnic minority politics and human rights.

4. How effective can ENP be?

Since enlargement is considered to have been extremely effective as a means to stabilise and make democracy and prosperity amongst the Central and Eastern European countries more democratic and prosperous - it is often considered to be the most successful case of European foreign policy – and since the ENP has borrowed many features from the enlargement strategy, we will try to analyse whether or not the ENP can be effective in pursuing the objective of building security in the EU's neighbourhood, just as the enlargement policy has done.

Although it is certainly too early to assess whether the ENP is effectively pursuing its objectives, it is worth taking into consideration the indications provided in the December 2006 Communication from the Commission "On Strengthening the European Neighbourhood Policy"[36], that is the first general review of the implementation of the ENP since its inception. The December 2006 Communication reaffirms that "greater economic development and stability and better governance in its neighbourhood"[37] is the premise of the ENP. However, it concedes that the policy needs to be strengthened, particularly in light of the fact that if the EU fails to support the reforms efforts of its neighbours, there will be for the EU a "prohibitive potential cost [in terms of security]"[38]. The Commission suggests making the policy more attractive to neighbours by offering them more and better benefits, such as more EU involvement in addressing frozen conflicts, more funding possibilities and the facilitation of visa requirements for the neighbouring countries' citizens that wish to visit EU countries. In addition, the Communication introduces a distinction between the "willing" and the "hesitant" countries. With regard to the former, the Commission suggests that the EU help their reform process and make it "faster, better and a lower cost to their citizens"[39]. As for the latter, they should be convinced and be provided with more incentives.

One can easily read between the lines that while the ENP is not working effectively with hesitant countries, it also shows shortcomings with regard to willing countries.

The point is: which neighbours are willing and which ones are hesitant? First of all, it should be considered that some of the countries included in the ENP still do not have an Action Plan with the EU. Even ignoring the case of Russia, which refused since the inception of the ENP to be part of this framework, since it felt that being a big power it

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[34] According to I. Johnston, "Socialisation is when actors generate behaviour changes by creating reputational pressures through shaming, persuasion and other efforts to socialise state actors", I. Johnston, "Treating International Institutions as Social Environments", *International Studies Quarterly*, Vol. 45, No.4, pp. 487-516, cit. in J. Kelley, cit., p. 39.

[35] J. Kelley, cit., p.39.

[36] Commission of the European Communities, Communication from the Commission to the Council and the European Parliament on Strengthening the European Neighbourhood Policy, Brussels, 4 December 2006, COM(2006)726 final.

[37] Commission Communication "On Strengthening the European Neighbourhood Policy, cit., p.2.

[38] Ibidem.

[39] Ibidem.

had to be treated by the EU as such and chose to conduct strictly bilateral relations with Brussels, some of the neighbouring countries do not have an Action Plan because they do not have a contractual relationship with the EU (Belarus, Libya, Syria), others because they are not interested in negotiating an AP (Algeria), or because the negotiations still have to be concluded. Let us consider the countries that have agreed on an AP with the EU (Israel, Jordan, Moldova, Morocco, Palestinian Authority, Ukraine and Tunisia throughout 2005; Armenia, Azerbaijan and Georgia in November 2006; Lebanon in January 2007; Egypt in March 2007).

The outcome is mixed: some neighbours, such as Ukraine, Georgia, Moldova and, partially, Armenia are carrying out a considerable reform package, even though progresses are not being made uniformly in all areas. The most interesting case is certainly Ukraine for its important geostrategic positioning, between the EU and Russia and on the Black Sea, for its status as transit country for gas and oil pipelines from the East to the West and for its notable size, with about 50 million inhabitants. Certainly, the first points of the Action Plan with Ukraine, that envisaged the holding of free and fair elections (presidential in autumn 2004 and legislative in spring 2006) have been finally fulfilled. Other important goals have also been met, such as maintaining a free media; co-operating with the EU border assistance mission in Transdnistria; signing a memorandum of understanding on energy co-operation, and approximating laws, standards and norms to the EU level. In addition, the EU granted market status economy to Ukraine and a facilitation of the visa regime, in exchange for the signing of a re-admission agreement. On the other hand, progress is still badly needed in areas such as administrative and judicial reform, the fight against corruption, and the effort to improve the climate for business and investment[40]. Moreover, a new electoral law still needs to be approved that will enable the political system to function better than it does today, with recurrent crises and turf wars between the President and the Prime Minister. If the Ukraine continues to show a good record of implementing its Action Plan, the EU has promised that it would negotiate an "enhanced agreement" to replace the current Partnership and Cooperation Agreement with the EU in 2008.

While Ukraine shows an overall good record in ENP implementation, it is controversial to what extent the EU has contributed to avoiding the creation of new dividing lines and to ensuring stability and prosperity. With the entry of Poland into the EU in 2004, the imposition of the Schengen acquis to the border movements between Poland and Ukraine led to a reduction in the cross-border traffic by a factor of seven[41]. The problem was partially solved with the introduction of the so called L-type visas for local border traffic for residents living within 50 kilometres from the EU's external border.

Even the EU's decisive role in the Orange Revolution in late 2004 was a success, but was more the result of strong pressures and personal initiatives by the leaders of Poland and Lithuania than the achievement of ENP.

Turning from the East to the South, the "best pupil" among Southern Mediterranean countries is certainly Morocco, which no longer aspires to EU membership after its application to the EC was rejected by the Commission in 1987, but nonetheless wishes

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[40] C. Grant, "Europe's Blurred Boundaries…", p. 54.

[41] M. Comelli, E. Greco and N. Tocci, "From Boundary to Borderland…", cit., p.12.

to integrate more with the EU today[42]. The progress of Morocco on the Action Plan is considerable, especially with regard to economic and trade issues[43]. Progress in civil and political reforms is slower: Morocco, which is the North African country that has scored better in the field – the Monarchy has made important reforms, from the family code to decentralisation – is still far from being a democracy.

Also, Tunisia is doing well in the area of economic reforms, but much less in that of political reforms. However, considering its reluctance to actively engage in the field of human rights, its acceptance of a sub-committee on political dialogue and human rights is considered an important achievement for the ENP[44]. Jordan has also embarked on a programme of national reforms modelled on its Action Plan.

Leaving aside Israel, whose political and economic degree is more similar to that of a European rather than a South Mediterranean country, the other partners of the EU on the Southern rim of the Mediterranean all show reluctance to engage in reforms, particularly in the field of democracy and human rights. These should be two characteristic of a "well-governed" country (see above), but the EU seems more interested in favouring a partnership with the existing regimes - even when these regimes violate human rights, in order to maintain stability and avoid "surprises", such as the electoral success of Islamic political movements – rather than pressing them to make reforms. The Euro-Mediterranean Association Agreements did include elements of negative conditionality: in case of a material breach of the clauses of the agreement, which includes the respect of human rights, the agreements could be suspended. Even though the suspension of the agreements was never invoked by the EU, not even in cases of open violation of human rights, they were at least enshrined in the agreement. Such clauses are not even mentioned or referred to in the Action Plans.

This overview, though very brief, already gives us an important indication: aside from enlargement, it seems that the ENP cannot be very effective in pursuing its aims. Why? First of all, it should be stressed that the political and economic conditions of the then applicant countries from Central and Eastern Europe in the 1990s were better than those of the neighbours now. But the main difference is the willingness. In comparison with the CEECs, EU's Eastern neighbours are less willing to go through costly and long reforms for a number of reasons. Eastern neighbours like Ukraine, Moldova and Georgia would like at least a membership perspective as a reward for their efforts. Therefore, the leverage of the EU in triggering reforms without granting a membership perspective is less strong. In addition, the influence of Russia and of its traditional RealPolitik foreign policy is still strong and has an impact on surrounding countries, such as Ukraine.

With regard to the Southern neighbours, in the absence of any interest in an eventual future accession to the EU, and out of fear that political reforms and human rights improvements may lead to their fall from power, the authoritarian governments of

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[42] See M. Emerson, G. Noutcheva and N. Popescu, "European Neighbourhood Policy Two Years on: Time indeed for an ENP Plus", *CEPS Policy Brief no. 126,* March 2007, Centre for European Policy Studies, Brussels, p. 9.

[43] Interview with Commission official, Brussels, September 2006.

[44] Interview with Commission official, Brussels, September 2006.

Southern Mediterranean neighbours are generally unwilling to engage in political change and are in most cases prone to only carrying out economic and trade reforms. They consider that a genuine democratic system might be exploited by extremist political groups, and notably by radical Islamists. However, the concern that the advent of democracy might imply the rise to power of Islamic fundamentalist groups has also influenced the EU's behaviour in the area. On one part, the EU has continuously claimed that democracy and respect for human rights are conducive to stability, as it is clearly stated in the ESS: "The best protection for our security is a world of well-governed democratic states. Spreading good governance, supporting social and political reform, dealing with corruption and abuse of power, establishing the rule of law and protecting human rights are the best means of strengthening the international order"[45]. On the other part, the EU has been traditionally very cautious in pressing for a democratic change in these countries and denouncing the abuse of human rights perpetuated by political authorities.

Moreover, other related factors and perceptions influence an effective implementation of the ENP in the Southern and South-Eastern Mediterranean.
External factors are very important in this respect, notably the US-led war on terrorism that followed the terrorist attacks of September 11th, 2001 and since the 11 September and particularly the wars in Afghanistan and Iraq, as well as the stagnation of the Israel-Palestine conflict. These events and their perception by the Arab countries have encouraged an increasingly negative image of "Western" concepts of state, economy and social organisation[46]. As a consequence of this perception vis-à-vis the West, the defence of religious and cultural identity and the protection of national sovereignty have become prime concerns of different political groupings in North Africa and the Mashreq[47]. This reaction was further triggered by the US demands in 2002-2003 that the Arab countries democratise their political systems and by the negatively perceived effects of globalisation on the economy and social structures of these countries. Any external demand for reform is therefore seen by large layers of the population with suspicion. To sum up, in addition to the lack of adequate incentives, the implementation of the ENP in Southern and South-Eastern Mediterranean countries is strongly influenced by international factors, the unresolved conflicts in the Mashreq countries and the structural as well as economic, social factors within each country.

Finally, with regard to the South Caucasus, the Action Plans with Armenia, Azerbaijan and Georgia were adopted as lately as in November 2006, which makes it difficult to evaluate their level of implementation. Nevertheless, it appears clear that the success of the EU's engagement in the area strictly depends on its ability to become involved more effectively in conflict prevention and resolution[48]. In fact, so far the EU has been much more effective in post-conflict reconciliation and peacebuilding roles[49].

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[45] European Council, *A Secure Europe,* cit., p.10.
[46] S. Senyücel, S. Güner, S. Faath and H. Mattes, "Factors and Perceptions influencing the implementation of the European Neighbourhood Policy in selected Southern Mediterranean Partner Countries", Euromesco paper 49, October 2006, p.12.
[47] "Factors and Perceptions influencing the implementation of the European Neighbourhood Policy…", cit., p.13.
[48] V. Stritecky, "The South Caucasus: A Challenge for the ENP", in P. Kratochvil (ed.), *The European Union and Its Neighbourhood…",* cit., p. 64
[49] *Ibidem.*

5. The way forward

The EU cannot be very effective in building security in its neighbourhood through the ENP, in the same or in a similar way as it has done with the European integration process first and with the Eastern enlargement afterwards. In order to secure a real and effective process of political and economic reforms – which, in its turn, would contribute to avoiding new dividing lines in Europe and to creating a ring of well-governed countries - the EU should promise more tangible benefits to its neighbours, as the Commission itself has acknowledged in the December 2006 Communication (see above). In the difficulty of replicating the enlargement method, *mutatis mutandis*, to the neighbours, the EU should also look for other methods, resorting more to the instruments available in the area of CFSP and ESDP. Ukraine and Moldova already subscribed to most of CFSP declarations. Other neighbours should follow suit. In addition, neighbours should be consulted more frequently on foreign and security policy issues, notably when the discussion involves a security issue that is of direct concern to them (for example Moldova and Ukraine when the issue of the frozen conflict in Transdnistria is discussed). They could take part in the discussions taking place at the margins of the Council of General Affairs and External Relations (Gaerc), though unable to vote as non-EU members . They could also be invited to contribute troops and assets for EU missions (even without being integrated in the ESDP decision-making structure), as Ukraine and Morocco have already begun to do, although on a limited scale. On the contrary, the EU should be more flexible and realistic when asking for the adoption of the long and complex acquis communautaire. A selective approach would help the neighbours to be effective at least in a few areas that need to be considered as a priority.

While the EU should not abandon the valuable aims of the ENP, it should try to be more creative when it comes to the instruments and resort more to foreign policy instruments.
This is particularly true in the case of the Southern Mediterranean, where the objective of ensuring security and stability are more difficult to achieve, also as a result of the unresolved conflicts in the area. In this case, it is necessary that the ENP tools be accompanied by the use of a more proactive foreign policy role (starting from a more assertive diplomatic dialogue) for the EU in the region, especially with regard to the Israel-Palestine East and Southern Caucasus conflicts.