Reassessing the European Neighbourhood Policy

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By Rosa Balfour and Antonio Missiroli

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ENLARGEMENT AND NEIGHBOURHOOD EUROPE

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About the authors

Rosa Balfour is a Research Fellow, CeSPI (Centre for Studies in International Politics), Rome.
Antonio Missiroli is Director of Studies at the European Policy Centre.

Introduction

By Antonio Missiroli

There is no doubt that the enlarged European Union needs an effective and coherent common policy to deal with its numerous 'neighbours', old and new. Nor is there any doubt that since 2004, remarkable efforts have been put into developing what is officially called the European Neighbourhood Policy.

The question is: does the existing ENP meet the expectations, needs and demands of a common policy towards the EU's 'near abroad' (as the Russians call their own European neighbourhood)? It is a legitimate question, as arriving at a shared assessment of what needs to be done in common, in relation to the immediate periphery of the Union – and how to do it – is key to shaping both internal cohesion and external effectiveness.

As the German EU Presidency has set itself the task of revisiting and possibly reviewing the ENP during its term at the EU helm, it is appropriate and timely to raise a few issues in this respect.

The European Policy Centre began this work by publishing a Policy Brief entitled *The ENP three years on: where from and where next?* in March 2007, which included an analysis of the main stages in the development of the ENP to date.

This Issue Paper – conceived in the framework of the EPC's *Enlargement and Neighbourhood Europe* programme, run in cooperation with the King Baudouin Foundation – digs deeper into the issue and aims to contribute to the broader debate on the Union's external policies.

It focuses on two aspects of the issue, both of which go well beyond the specific scope of the existing ENP.

The first essay, by Rosa Balfour, Senior Research Fellow at the Centre for Studies in International Politics (CeSPI) in Rome, deals with the external impact of the EU on the development of human rights and democracy in neighbouring countries: from the inside out, so to speak. The second essay, by contrast, reviews the potential impact of the wider 'neighbourhood' on the EU itself in terms of broad issues of security: that is, from the outside in.

Finally, the Annex, prepared by EPC Junior Policy Analyst Sofie Thorin, provides basic reference data on the neighbours and their current relationships with the Union.

Where we stand

The aim of the ENP when it was launched in 2004 was to handle relations with all the EU's geographical neighbours - the "Outer 17", to paraphrase the label given by the six founding members of the EU to the seven countries that launched the rival European Free Trade Association (EFTA) in the late 1950s – through a single policy 'template', reminiscent of the (successful) experience of the 'Big Bang' enlargement.

It soon lost Russia, which rejected the offer, preferring to develop its relations with the EU on a bilateral and allegedly more 'equal' basis, although it remained open to accepting similar policies and actions to those implemented with other countries involved in the scheme.

Ever since, the ENP has gradually absorbed the existing TACIS and MEDA programmes – for the East and South, respectively – and defined more precise benchmarks and 'priorities for action for each and every neighbour. By doing so, it has gained focus but lost coherence, diluting the single template into a series of bilateral frameworks.

In terms of effectiveness, the neighbours which have performed best – notably Ukraine, Morocco and Jordan (Israel being a special case) – also happen to be those which were already convinced of the merits of reform.

Conversely, little or no progress has been made in and with those which were less so – starting with Egypt and Tunisia. Belarus and Libya remain nearly intractable, and Algeria hard to engage.

It is therefore virtually impossible to assess how 'successful' and 'effective' the ENP has been so far: at best, it has supported pre-existing reform processes but has struggled to have any impact on the non-existing or stalled ones.

In a way, the ENP still suffers from being neither enlargement nor foreign policy: it cannot exercise conditionality as effectively as the former, nor can it bring to bear all the tools and levers of the latter. It lacks a clear *finalité*, while being too sectoral and overloaded with policy goals that go well beyond the remit of the European Commission's Directorate-General for External Relations (DG Relex). It is also seriously under-funded – despite the 30% increase in the budget for 2007-13.

Moreover, the deal struck between the EU's Member States at the outset has resulted in Eastern 'apples' and Southern 'pears' being kept in the same basket. This creates tensions over policy priorities and financial allocations between these regions' respective mentors inside the EU, as goals and means may have to be adapted not only to individual recipients but also to regional peculiarities.

Still, if it did not exist already, a common EU policy vis-à-vis its various neighbours would need to be invented. Since one does exist, but is not really satisfactory, it needs to be adapted and improved – no easy task for the Union, given the conflicting demands on the ENP and the increasing difficulty in achieving consensus on policy change with 27 Member States.

Where next?

A first possible option would be to regroup the ENP countries in (sub-) regional 'clusters'.

The first of these would incorporate the Eastern countries 'proper', including those in the South Caucasus and the new geopolitical 'space' around the Black Sea. Such Eastern neighbours would be distinctively *European* (not least because they are all members of the Council of Europe). The priorities for action would be the same for all of them, and so would the relevant incentives and rewards offered by the EU. These could prove stronger in the realm of trade, as is already the case with Ukraine (and maybe soon Georgia), where it is easier for the Union to make concessions bilaterally than multilaterally.

The second main cluster would be for the *non-European* neighbours. Here, too, a common set of priorities, incentives and rewards would be in place. Differentiation based on performance should remain, and the greater commonality of these EU 'Southern neighbours' (Israel apart) could make it easier to enforce peer pressure and best practice, which are expected to act as important policy tools for the Union.

One could, in fact, envisage up to four distinct clusters of neighbours, based on regional proximity as well as internal homogeneity and comparability: Eastern Europe, the South Caucasus, the Middle East, and North Africa.

As a result, some elements of sub-regional cooperation and integration inside each one (including the Black Sea 'space') could become part of the overarching ENP 'template', and also increase the incentives and rewards that the EU could offer – following the example of the approach currently being tested with the Western Balkans.

The first main cluster could also help revive and give scope to the ailing 'European Conference', which was launched in 1997 to compensate Turkey for its initial exclusion from accession negotiations, but has been basically dead in the water ever since. Why not give new substance, in fact, to the status of "privileged partner" still presented and perceived only as a fallback option for excluded would-be EU members?

This would give such 'European partners' new incentives to align themselves to Common Foreign and Security Policy (CFSP) decisions; allow them special access to European Security and Defence Policy (ESDP) bodies and missions, well beyond the current generic involvement offered to 'third countries'; and even make it possible for them to participate directly in some EU specialised agencies, especially those that matter most for an effective neighbourhood policy, starting with the border agency Frontex.

The second main cluster, in turn, could usefully complement and even reinvigorate the Barcelona Process, which has lost momentum lately. While the official goal of a Mediterranean free trade area by 2010 should be acknowledged once and for all as unrealistic and even counterproductive, more emphasis and coherence should be put on devising realistic and acceptable objectives in terms of good governance, human rights and democracy (which may not be the same as those set for the countries in the first main cluster), managed migration and cooperation in the fight against terrorism.

To this end – as with the 'European Conference' mentioned above – a dedicated political framework could be useful. The new French President Nicolas Sarkozy has spoken of a "Mediterranean Union": the term "Union" may be slightly misleading, once again, but a standing Conference of all the relevant littoral countries may be worth exploring.

Thus in both cases, some sub-regional coherence and institutional *finalité* could help, regardless of what happens to the provisions enshrined in the ill-fated Constitutional Treaty - not so much those (Article I-57) devoted to "the EU and its neighbours", which say next to nothing, but rather the new architecture entailed in the creation of the 'Foreign Minister' supported by a European External Action Service.

It would be much better, of course, if the German EU Presidency managed to establish a connection between a readjusted and revamped ENP, on the one hand, and a more coherent design for the Union's common 'foreign policy' on the other – and if the ensuing Presidencies contributed to endowing both of them with resources commensurate to their goals, in the context of the overall budget review already planned for 2008-09.

Antonio Missiroli is Director of Studies at the European Policy Centre.

Promoting human rights and democracy in the EU's neighbourhood: tools, strategies and dilemmas

By Rosa Balfour

Introduction

The EU portrays itself as a global and regional promoter of human rights and, since the 1990s, has incorporated human rights in its various foreign policy strategies.

Although the origins of its human rights policy do not lie in the Union's enlargement process, but rather in its Member States' experience as donors of aid to the developing world, its reputation in this area stems largely from the enlargement 'laboratory'. It acted as a magnet – attracting, pushing and anchoring the transformation of Central and Eastern Europe in the 1990s, and is now seeking to do the same in South-eastern Europe and Turkey.

However, the EU's record in promoting human rights and democracy through enlargement does not necessarily imply a natural extension of this into foreign policy.

Some of the lessons learnt about supporting transition processes have been applied in the European Neighbourhood Policy (ENP), which offers countries on the borders of the enlarged EU many opportunities similar to those granted to those that were (and are) candidates for accession – with the exception of membership.

However, questions are now increasingly being asked about whether, and to what extent, the ENP can – and is – being used to promote human rights and democracy and stimulate political reform in the countries towards which it is directed, and what 'added value' it provides compared to previous policies.

So far, the EU's record in promoting human rights through its *foreign* policy has been, to say the least, mixed and marred by inconsistencies, contradictions, uncertainties and speculation about its real motives. The key question now is whether the EU can act as a transformative power in its neighbourhood without expanding its membership.

There are a number of ways to address this question, and not all of them can be tackled in this brief paper. So let us start with what it will not do. It will not directly address the *origins* of the EU's human rights and democracy policy, what determined its shape and the reasons given at the time for introducing it, nor the links between this and the Union's more general foreign policy priorities towards individual countries.

Instead, it takes as its starting point the EU's declared policy of promoting human rights and democracy in its neighbourhood, and examines the challenges and dilemmas policy-makers face with regard to *strategies* and *approaches*.

First, the paper takes a bird's eye view of the ways in which the EU has worked to promote human rights and democracy in neighbouring countries, especially within the framework of accession policies. It then highlights some of the problems encountered in those countries currently not eligible for membership, drawing on examples from policies developed towards Eastern Europe, and North Africa and the Middle East through the Euro-Mediterranean Partnership (EMP).

The paper addresses the main dilemmas facing policy-makers in three broad groups:

1. *Aims:* The EU has to strike a balance between stimulating political reform and change in its neighbourhood (with uncertain consequences) while, at the same time, pursuing other key objectives,

such as maintaining stability, avoiding conflict and promoting security. This is the sphere in which human rights policies can conflict with other strategic EU foreign policy interests in general.

2. *Method and means:* The EU has to strike a balance between remaining engaged with partner countries while putting pressure on them to implement political reforms.

3. *Credibility as an international actor:* The EU has to juggle between ensuring a degree of consistency in the principles it preaches, and allowing the degree of flexibility necessary to develop policies that address the specific conditions in the countries concerned.

Finally, this paper discusses the innovations introduced by the ENP, examining the tools and strategies developed in this context. As the policy is still being consolidated, any evaluation of progress to date must focus mostly on potential rather than performance. Does it have a more refined tool-box than previous policies which gives added value to the EU's efforts to promote human rights and democracy? Does it provide sufficient incentives for reform? To what extent does it succeed in addressing the dilemmas involved in promoting human rights and democracy, and what are its potential pitfalls and weaknesses?

The EU's record in its 'neighbourhood'

Since the late 1980s, the EU has developed a fairly broad range of political, diplomatic and economic tools to promote human rights and democracy.

These take various forms: direct approaches such as democracy assistance; indirect approaches that rely on persuasion through socialisation, political dialogue at the highest levels, and societal and cultural exchanges; and tools based on positive and negative conditionality – offering incentives and rewards in exchange for progress and, conversely, threatening or imposing penalties for backward steps.[1]

Table 1: European Commission and Common Foreign and Security Policy tools relevant to the promotion of human rights and democracy

Political and diplomatic tools	Economic tools
Possibility of accession	
Agreements with 'human rights clause'[2]	Agreements with 'human rights clause'
Political dialogue	Financial assistance
Joint actions	Aid
Common strategies	Human rights and democracy; aid
Démarches, statements and declarations	Suspension or delay of negotiations on agreements
Contributing to elections; observation missions	Reduction of cultural, scientific and technical cooperation programmes
Postponement of meetings; or official visits	Suspension or delay of aid; or financial assistance
Suspension of bilateral contacts	Targeted sanctions
Suspension of cooperation	Trade embargoes

Source: European Commission 1995[3]

As far as direct policies are concerned, the democracy component of regional aid budgets (such as the TACIS) democracy programme, has been supplemented since 1994 by the European Initiative for Democracy and Human Rights (EIDHR), a global fund which has disbursed more than €100 million per year.

The EU's record in exercising conditionality in its neighbourhood through a mixture of incentives and negative measures has been uneven, although the enlargement process has provided many lessons for policy-makers in this area.

Using the carrot of accession, the Union has employed both positive and negative conditionality to push for reform in the candidate countries. It has intervened over minority-related issues in most of them and, in the case of Slovakia, delayed the start of accession negotiations because of concerns over human rights and democracy.

In South-eastern Europe, the EU has used virtually all the tools at its disposal. This was also the 'laboratory' in which the Union developed specific instruments, such as the selective sanctions imposed on representatives of the Milosevic government in Belgrade after the 1999 NATO intervention. It also established an informal dialogue with the opposition while launching targeted programmes such as 'Energy for Democracy' – an unprecedented step given the EU's normal reluctance to 'take sides' in domestic political affairs.

In Central and South-eastern Europe, EU efforts to promote human rights and democracy were supported by other strategic considerations. After the wars in former Yugoslavia, this was considered an integral aspect of a conflict prevention and stabilisation strategy.[4] It was also justified by the standards required for EU accession once Central European countries were offered the prospect of membership in the second half of the 1990s and South-eastern European countries in the 2000s. In applicant countries, these objectives underpinned the overall reform process, which was legitimised by the membership incentive.

Even if the current enlargement strategy is no insurance against abuses of human rights and democracy in the Balkans and Turkey, the 2004 expansion and the virtuous process of political transformation it entailed are generally seen as a genuine success story. However, looking further afield, the EU's performance has been far more debatable, attracting criticism from analysts, international NGOs and the media, amid accusations of ineffectiveness, double standards, inconsistency and a tendency to back down on human rights issues when more pressing interests are at stake.

The Union's external human rights policy often falls victim to other concerns, especially when these relate to 'strategic partners' (such as Russia or China) or key interests (such as energy supplies). Some leading NGOs also claim that the fight against terrorism and irregular migration has increased the abuse of human rights within Europe, thus undermining the EU's credibility and legitimacy in promoting such principles abroad.[5]

Given the diversity of factors driving EU policies to promote human rights and democracy, it is helpful to identify the three main dilemmas facing policy-makers:

- the extent to which the EU is prepared to push for reform in its neighbourhood, especially if this clashes with other interests. This leads to the question of whether Member States really support the priorities identified by the ENP;
- the way in which such change is pursued, and the costs and benefits of positive and negative conditionality, which in turn raises the question of whether the ENP aims to promote a 'ring of friends' or a 'ring of well-governed' countries;
- the balance between promoting human rights with reference to universal standards and developing appropriate strategies to address specific country-by-country situations. This leads to the tension inherent in the ENP between a regional, 'holistic' framework and more *ad hoc* policies.

Dilemmas in human rights promotion: stability and change

"Our task is to promote a ring of well-governed countries to the East of the European Union and on the borders of the Mediterranean with whom we can enjoy close and cooperative relations," states the European Security Strategy endorsed by EU leaders at their summit in December 2003. "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."[6]

The notion that democracy produces stability underpins many of the Union's strategies. Enlargement has proved to be a transformative policy, providing a goal and standards to aim at, backed up by technical and economic assistance to support the dramatic transition process in the candidate countries.

In foreign policy, the EU has defined "structural stability" as being based on "democracy and respect for human rights, viable political structures [… and] the capacity to manage change without resort to conflict".[7] In other words, in areas where democracy and human rights are lacking, transformation is seen as the key to achieving stability.

Rather than pursuing 'regime change', the EU has tended to take a dual and gradual approach: socialising elites through political dialogue and institutionalising relations; and a 'bottom up' socio-developmental approach, focusing mainly on supporting those elements of civil society which are seen as important agents of change.

For example, the bulk of aid is directed towards NGOs dedicated to human rights training and awareness-raising in civil and military services such as the judiciary, police and military, but also to providing social services and combating poverty.

EIDHR funding has tended to focus on empowering women, fighting social exclusion or discrimination against minorities, and supporting campaigns against the use of torture or the death penalty. Efforts have been made to tie this 'bottom up' approach to the more 'politically-led' aspects of EU human rights and democracy promotion,[8] but the Union has shied away from direct interventions which could trigger regime change.

In contrast to the US, the EU has been extremely reluctant to offer financial support to opponents of authoritarian regimes. While this may reflect a desire to ensure that its aid is impartial, it has prompted criticism that it failed, for example, to support the 'coloured' revolutions in some of the former Soviet Union countries in 2003-2004.[9]

This policy also reflects fears that political change and democratisation can, in the short term, create instability and have uncertain consequences, especially in the EU's Southern neighbourhood, where the balance between transformation and stability has led to a political standstill, especially in relation to the promotion of human rights and democracy.

Granted, the EU did succeed, albeit with difficulty, in persuading partner governments to accept the 'human rights clause' in the Association Agreements (AAs) signed within the framework of the Euro-Mediterranean Partnership, and to accept that human rights and democracy were a matter for discussion at Association Councils (ACs).

However, EU governments never showed any commitment to moving beyond tackling specific human rights abuses to discussing political reform as a whole. Even aid channelled through the MEDA Democracy programme focused overwhelmingly on civil society projects and NGO funding, and did not address more controversial issues which might prompt accusations of undue interference, such as supporting institution building or civilian control over the military.[10]

The dilemma over balancing stability and change has been most acute in North Africa and the Middle East, and the most blatant contradictions in the EU's approach towards human rights and democracy have been most evident where political change has resulted in Islamist parties gaining power through elections: for instance, in Algeria in the 1990s and, most recently, Hamas' victory in the 2006 Palestinian elections.

Dilemmas in human rights promotion: positive and negative conditionality

The debate about the balance to be struck between engagement and the use of coercive measures is, of course, not new to human rights and democracy promotion or to foreign policy in general. However it acquired new salience in the aftermath of the Cold War and in the context of the debate over whether military intervention can be justified in the name of democracy.

The two paths are not incompatible: most EU policies focus strongly on engagement, but with 'strings attached'.[11] Leaving aside the military dimension, the EU has a fairly broad range of coercive diplomatic and economic tools at its disposal (see Table 1). However, even when its leverage power has been strongest (through enlargement or in the Balkans after the 1999 intervention in Yugoslavia), the EU has put a fairly consistent emphasis on positive encouragement.

Although the EU 'punished' Slovakia by delaying the start of accession negotiations, and warned Romania and the Baltic states that they were heading away from the required path, it has only resorted to negative measures such as sanctions or the suspension of aid in its neighbourhood in Belarus, Croatia, Libya, Russia and Serbia.

Seeking engagement with third countries, institutionalising relations to ensure regular political dialogue and partnership-building have all been characteristics of the EU's approach to developing foreign relations, at both the multilateral and bilateral level.

This reflects both the experience of EU integration and its foreign policy objectives. It is no accident that the other priority of the European Security Strategy (aside from the 'ring of well-governed countries') is the pursuit of multilateralism as the best way to manage global politics.

In her study of Western human rights policies towards Egypt, Turkey and Iran, Katarina Delacoura found that coercive policies were counterproductive in promoting political reform when relations were already tense.[12] Engagement does not necessarily pay off from a human rights and democracy standpoint either.

Notwithstanding the asymmetry of power between the EU and its partners, partnership building has not always succeeded in 'socialising' partners through persuasion. Indeed, critics of this approach have suggested that the EU indulges or even connives with non-democratic regimes.

Efforts to engage with third countries can also hide the fact that EU Member States are *de facto* turning a blind eye to human rights abuses, which can have a potentially detrimental impact on the internal as well as external legitimacy of EU foreign policy.

Internally, it runs counter to the importance European citizens attach to the EU's role in promoting human rights. In 2006, various surveys found strong support for policies to promote human rights and/or democracy: according to a Eurobarometer poll, 77% of EU citizens believe the Union (rather than national governments) should promote democracy and peace in the world,[13] with the Transatlantic Trends survey putting this figure at 71%.[14]

Externally, using conditionality as an instrument in this way affects partners' willingness to comply with human rights standards, adding to problems of consistency and differential treatment, and undermining the EU's external human rights policy.

The EU's experiences in Ukraine and Belarus illustrate the practical problems that the two sides of this coin can cause.

Prior to Ukraine's Orange Revolution, the EU did not go much beyond a 'declaratory' policy of publicly condemning the deterioration of weak democratic structures in this strategically-placed country between Europe and Russia. By contrast, it pursued a 'principled' policy in Belarus by suspending negotiations on the PCA in 1997 and freezing relations in response to President Alexander Lukashenka's continued disrespect for fundamental political rights and basic democratic practices.

The differential treatment of these countries suggested that human rights and democracy priorities were inextricably tied to a variety of other considerations, ranging from the EU's relations with other powers (in this case, Russia and its role in the former Soviet 'space') and the need to ensure that governments cooperated in managing regional security.

But the two cases also raise more practical considerations about the potential impact of different forms of conditionality and the evaluation of specific conditions.

The EU continued to engage with Ukraine not least because, before 2002, President Leonid Kuchma was perceived in European capitals as the 'lesser evil', amid fears that isolating the country might throw it into the hands of home-grown oligarchs or Communist nostalgics. The price of isolating Belarus was lower for the EU (as Belarus was less strategically important than Ukraine) and for Belarus itself (as there was no better or worse alternative to President Lukashenka available at the time).

In both cases, neither strategy did much to further the cause of human rights and democracy, and standards continued to deteriorate. In October 2004, President Lukashenka fraudulently won a referendum allowing him to stand in equally fraudulent elections (held in spring 2006) for another term as President of Belarus, and Ukraine held the most clearly corrupt and bitterly fought elections in its history without even bothering to pretend to respect basic standards of electoral democracy.

Up to that point, neither approach appeared to have any positive impact on democracy in either country, or on the EU's credibility. Thereafter, however, while the policy of isolating Belarus limited the EU's capacity to influence domestic developments, continuous engagement with Ukraine undoubtedly helped legitimise EU foreign policy chief Javier Solana's intervention in the Orange Revolution negotiations.

The Belarusian case also further illustrates the EU's problems in attempting to apply human rights principles. Last winter, the European Commission's proposal to punish the country by suspending it from the Generalised System of Preferences (GSP) was only agreed by a very slim majority of Member States. Opponents of the 'mini' trade sanctions were concerned that this could have a negative impact on the livelihoods of those who depended on cross-border trade with some EU Member States and feared the potential damage to the EU's image in Belarus.[15]

For engagement and partnership approaches to be credible, they need to be accompanied by a system of positive conditionality based on rewards rather than punishments. But, here too, the EU's record has been poor, as aid flows have reflected security and strategic interests or the preferences of certain Member States.

Richard Youngs has suggested that the EU's Mediterranean policy was "the most significant deviance from rewards-based conditionality".[16] For instance, although Morocco was richly rewarded by the Commission in 1999 for its reform efforts, Egypt was the Commission's biggest aid recipient that year without having made any such progress.

Since then, efforts have been made to redress the balance: the 2003 'Communication on human rights in the Mediterranean' recognised the failure to apply rewards-based conditionality in the region, and the ENP attempts to address this issue as well.

Dilemmas in human rights promotion: consistency and flexibility

Consistency is a key issue for the EU's entire foreign policy. In this paper, this issue is addressed essentially in relation to the consistency between the principles the EU upholds and its general performance, especially when these principles run up against specific problems in particular countries.

Consistency would help legitimise the EU's global human rights and democracy policies both internally and externally, although, of course, this requires EU Member States to be the first to apply the principles they preach to avoid being accused of 'double standards'.

By appealing to the universal principles codified in international treaties and covenants signed by all United Nations members, the EU is seeking to avoid accusations that it is trying to impose Western or European-based values on third countries at the expense of cultural diversity.

It has also made efforts to improve the equality of treatment of the countries with which it has established relations. For instance, from 1995 onwards, it began standardising the 'essential element' clauses in agreements with third countries, setting out the human rights and democracy principles on which the agreement was based and mechanisms for dealing with breaches of these principles.

Yet there is still an element of discretion in how these clauses are applied, because of the complexities of the joint Commission/Council decision-making process and the fact that there must be unanimous agreement in the Council for suspension mechanisms to be invoked.

This differential treatment of countries and the *ad hoc* way in which these principles can be applied could have an extremely negative impact on other countries, and undermine the EU's credibility and legitimacy as a promoter of human rights and democracy.

It would, however, be naïve to imagine a policy solely governed by UN principles. The question of which fundamental rights and democratic principles should serve as a basic 'threshold' is contentious among human rights theorists, and transition analysts disagree over the sequencing of political reform in the democratisation process. In other words, consistency could be at the expense of the effectiveness and impact of EU policies in individual countries.

A degree of flexibility is necessary to address the specific conditions in the countries concerned and to avoid a 'one size fits all' approach. The Commission has been trying to achieve this since 2001 by giving its delegations abroad a much greater role in managing democracy and human rights promotion programmes.

Also, as stated above, the choice of aims and methods for promoting human rights and democracy depends on a wide variety of factors: the relative importance of the country to the EU and whether it has other key interests that might 'trump' human rights aims; and *vice versa*, the EU's importance to the country concerned and thus the degree of leverage it can exercise.

In other words, a flexible approach does not necessarily mean that the EU is being hypocritical about the principles it preaches, but rather that it depends on strategic arguments (how human rights objectives interact with other interests), pragmatic considerations (such as the possible impact of positive or negative conditionality), and the specific characteristics of the country concerned (whether, for example, certain ways of promoting democracy could be considered culturally insensitive or irrelevant).

Having identified some of the problems and dilemmas that have so far characterised the EU's efforts to promote human rights and democracy beyond its borders, it is time to turn to the European Neighbourhood Policy and evaluate the extent to which it provides answers to the problems outlined above. Before doing so, however, it is necessary to examine briefly the policy set-up and the tools at the ENP's disposal, and how it addresses human rights and democracy issues.

The European Neighbourhood Policy

The European Neighbourhood Policy, launched in spring 2003,[17] attempts to deal with the expanding EU's diverse neighbourhood by providing an alternative to accession: offering countries bordering the Union the benefits of greater integration with the EU, enhanced political dialogue and additional financial assistance – 'everything but institutions', as former Commission President Romano Prodi put it. The underlying logic reflects the EU's own experience of integration as a means of fostering security, without expanding its membership.

The obvious key difference between enlargement and the ENP is the absence of any prospect of admission to the EU club. Nonetheless, the tools developed in the ENP originate mostly from the enlargement experience. Not only is the ENP a consequence of the 2004 expansion – an attempt to address the growing multiplicity of challenges on the enlarged EU's borders – but much of its logic also derives from it.

The policy was developed in the Commission Directorate-General (DG) for Enlargement and only later transferred to the DG External Relations, some of the officials involved came from DG Enlargement, and some of the new mechanisms introduced to strengthen existing policies stem directly from experiences gained in accession negotiations.[18]

The assumption was that lessons learned through enlargement and policies in the Western Balkans could produce a tool box that was as relevant to policies supporting transition as it was to those concerning the accession process.

As far as its geographical scope is concerned, the ENP was initially conceived mostly for Ukraine and the EU's Eastern neighbourhood, as a way of enhancing relations that were stagnating under the Partnership and Cooperation Agreements (PCAs) negotiated in the mid-1990s. The inclusion of North Africa and the Middle East (under pressure from the EU's Mediterranean states) and the Southern Caucasus in 2004 satisfied those Member States which wanted to make it clear to countries in Eastern Europe with aspirations to join the EU that the ENP was not a waiting room for membership.

At the time, this was not welcomed in countries like Ukraine, which has been demanding a European 'prospect' for the past decade and contests the terminology itself: Ukraine does not see itself as a 'neighbour' but rather as a 'European' country. Russia, which also rejects the neighbourhood terminology, declined to participate, preferring instead to pursue a bilateral relationship through the 'strategic partnership'.

But there were also pragmatic reasons for developing a new approach towards these regions, stemming from the problems encountered with existing policies.

The PCAs signed with the countries of Eastern Europe and the Southern Caucasus focused on a limited and outdated range of fields for action, without any indication of the priorities to be addressed or the sequencing of reforms. Nor did they reflect individual countries' diverse needs or the challenges they faced. It is also generally acknowledged on all sides that, ten years after the Barcelona signing ceremony, the Euro-Mediterranean Partnership has been ineffective and unsatisfying on many fronts.

In the Common Foreign and Security Policy (CFSP) arena, the most comprehensive tools developed up to that point – the Common Strategies towards Russia, Ukraine and the Mediterranean – had long been criticised by Mr Solana himself as a "Christmas tree" on which a long list of objectives had been hung without any notion of how and when to address them.[19]

The various assistance tools have also failed to meet their objectives in terms of impact, and have run into a plethora of bureaucratic and implementation problems. The European Court of Auditors' monitoring report on TACIS funds, for instance, heavily criticised some of the projects developed in Russia as a waste of European taxpayers' money.[20]

Learning from best practice in the more successful programmes developed for enlargement and the Balkan countries, rationalising external assistance programmes[21] and merging them into one instrument called the European Neighbourhood Policy Instrument (ENPI), governed by a single regulatory framework, will contribute greatly to improving the EU's performance in this area.

Finally, the internal issues of bureaucratic and inter-institutional politics which supported the ENP's creation might not bode well for its future. The ENP represents an attempt by the Commission to muscle its way into EU foreign policy, by emphasising the 'knowledge capital' it acquired through the enlargement process. But the Commission's bid was thwarted by the 2007-13 financial package, with ENP receiving less funding than the Commission had asked for.

Good working relations between the Council and Commission have been crucial in determining the success or otherwise of EU foreign policies: put simply, the Council has the political mandate while the Commission has the purse.

Good personal relations between Mr Solana and the then External Relations Commissioner Chris Patten, for example, helped to improve the EU's track record in the Balkans. But current relations between the Council and the Commission appear less positive. Furthermore, until the French and Dutch rejected the EU's Constitutional Treaty, External Relations Commissioner Benita Ferrero-Waldner's mandate was semi-provisional, as the Constitution envisaged merging her portfolio with that of Mr Solana's and creating the post of EU foreign minister – a job promised to Mr Solana.

The ENP thus seeks to update and enhance relations which, in most cases, were previously stagnating. In the Southern Mediterranean, 'differentiation' allows some countries to progress towards closer ties with the EU faster than others and helps to emancipate them from the regional framework established in the Euro-Mediterranean Partnership (EMP). The ENP consists of a macro-regional umbrella framework which allows greater flexibility and differentiation for those countries most interested in participating. Its two main innovations were the introduction of Action Plans, and increased and more efficient funding.

The Action Plans are the principle policy tool used to manage differentiation. They do not introduce new legal instruments to govern relations between the EU and partner countries, but are policy documents designed to identify the priorities for action and the objectives of reform.

These plans are negotiated between the Commission (on the basis of a Country Strategy Paper drawn up by the Commission with input from its delegations abroad and the Member States) and the partner government. They outline the reform priorities for the short and medium term (three to five years, depending on the country) and take a far more hands-on approach than previous agreements between the EU and its neighbours.

The fact that they are jointly negotiated with the governments concerned is supposed to strengthen, in the Commission's terminology, the ENP's 'partnership' dimension and the country's 'ownership' of the reform process. However, in order to make the package attractive to partner countries, it must include incentives and, in drawing these up, the Commission has to take account of the priorities set by the Council and individual Member States.

Since the ENP was launched, its most generous and ambitious aspects have been substantially scaled down, signalling a more haphazard commitment to the process.

Divisions between the Member States over the priorities (mirroring the traditional 'East versus South' division) have historically led to compromises in the 'middle ground'. In 2004, the Council extended the list of priorities, with a stronger focus on security issues (illegal migration, illegal trafficking and cooperation on security threats), and reduced the incentives for economic integration into the EU and the potential funding available.[22]

The current aid package is nonetheless an improvement on the 1999-2006 budget for TACIS and MEDA (which together totalled approximately €8.5 billion). Although EU leaders did not give the Commission the €15 billion it asked for, the total ENPI budget (just under €12 billion) is a 30% increase on the previous level of funding.[23] Of this, €300 million will be used to reward the countries that make most progress in improving governance, and €700 million to support additional lending from international financial institutions.

During the negotiations on the first seven Action Plans,[24] and again in the following five,[25] it became clear that some Member States are reluctant to develop new agreements once the Action Plans' aims have been achieved, and to make real progress on visa issues – two incentives of great importance to partner countries. Indeed, incentives relating to mobility, the EU's role in solving long-standing conflicts in some countries (Moldova, the Southern Caucasus, and the Middle East), and trade and economic benefits – three crucially important areas for both the EU and its neighbours[26] – are widely recognised as the ENP's weak spots.

Finally, internal political dynamics, and in particular the delicate and much-debated balance between further enlargement and institutional reform, could have consequences for the ENP. Rising public hostility towards enlargement, seen as one of the reasons for the French and Dutch votes against the Constitutional Treaty in 2005, has also made Member States extremely cautious about raising undue expectations among the EU's neighbours, especially in the East.

Human rights and democracy in the ENP

The May 2004 Strategy Paper and the European Council conclusions the following month placed greater emphasis on broad security issues, while strengthening the requirement for a commitment to 'shared values' – human rights, the rule of law, good governance and political reform. However, reducing the financial incentives on offer from the EU could undermine its efforts to promote political reform in its neighbourhood.

Regions in the broad and diverse area surrounding the enlarged EU (Eastern Europe, the Southern Caucasus, the Middle East and North Africa) have few things in common, but they tend to share an extremely poor record on democracy and respect for human rights (with the exception of Israel), as Table 2 indicates.

Table 2: Freedom House human rights and democracy ratings in the EU neighbourhood, 2006

	Overall ratings	Political rights (Scale: 1-7)	Civil liberties (Scale: 1-7)
Belarus	Not free	7	6
Ukraine	Free	3	2
Moldova	Partly free	3	4
Georgia	Partly free	3	3
Armenia	Partly free	5	4
Azerbaijan	Not free	6	5
Syria	Not free	7	7
Lebanon	Partly free	5	4
Israel	Free	1	2
PA	Not free	5	5
Jordan	Partly free	5	4
Egypt	Not free	6	5
Libya	Not free	7	7
Tunisia	Not free	6	5
Algeria	Not free	6	5
Morocco	Partly free	5	4

Note: 1 is the highest rating and 7 the lowest.

Source: Freedom House (2007) Freedom in the World. Chapters on each country, www.freedomhouse.org

Despite criticisms that the ENP Action Plans resemble 'shopping lists' for reform,[27] the EU does now go into more detail in some cases about what it expects from partner countries. The Action Plans contain both general priorities and a long list of 'actions', including those related to democracy and human rights, which are in turn divided into short- and medium-term objectives.

In some areas, fairly clear goals are set which are easier to monitor and evaluate, especially when compared to the vagueness of the human rights and democracy objectives in existing AAs or PCAs. This suggests a stronger EU commitment to pursuing human rights and democracy goals, reinforced by a greater awareness that democratisation provides the best available insurance against instability.

In some cases, the aims set out reflect partner governments' own reform plans. Jordan, for example, has presented plans for reforming its governance, public and judicial sectors which have been incorporated into its Action Plan; as have Moldova's National Human Rights Action Plan and Morocco's plans for more decentralised government, modernising the prison system and reforming the Family Code. In the case of Ukraine, the roadmap prepared by the government in 2005 to meet the Action Plan priorities is the closest thing to a government programme that the country has ever had.[28] In these cases, the Action Plans provide external legitimacy and an anchor for domestic reform.

However, in other plans, the human rights and democratic priorities are far less clear-cut, with the path towards reform seemingly mired in the traps the EU has already encountered in promoting human rights and democracy in its neighbourhood.

First of all, the Action Plans use the ratification and implementation of international law conventions and instruments, and recommendations from other institutions such as the Council of Europe or United Nations, as the reference point for the standards to be achieved. This legitimises the EU's pursuit of human rights and democracy as universal principles rather than as an attempt to export 'European values', but ratification and implementation are two separate issues and the definition and implementation of international standards can be harder to agree and monitor.

Secondly, many of the aims set out in the Action Plans are still articulated only vaguely, indicating areas for action – the 'development of civil society', 'ensuring freedom of the press' or 'strengthening the involvement of political parties in the democratic process' – without clarifying the measures required to achieve these goals. This is particularly evident in the Action Plan negotiated with Tunisia, where the government has been notoriously reluctant to pursue political liberalisation.

In other words, the innovations introduced by the Action Plans might be useful in cases where there is a domestic 'constituency' in favour of reform, but they are less likely to have an impact on governments which are more reluctant to change.

The EU's current insistence on the principles of ownership and partnership is motivated by its past experience in supporting political reform in its neighbourhood, which demonstrated the limits of its leverage and the importance of domestic dynamics in favour of or against such reforms.

As numerous recent EU documents have recognised, human rights and democracy cannot be exported from the outside but require endogenous processes and the support of key segments of society.[29]

The Commission sees boosting partner countries' 'ownership' of the Action Plans through joint negotiations as a strength: the negotiations on reform priorities suggest that partner governments are 'serious' about their commitments and unwilling to sign up to objectives they are not prepared to meet.

However, the issues which make it into the Action Plan may not necessarily be those which are actually the most problematic in relation to human rights and democracy in the country concerned.

In the enlargement process, the combination of an endogenous commitment to reform and the carrot of accession proved strong enough to persuade the countries of Central and Eastern Europe to respect democratic and human rights principles. However, in the EU's neighbourhood, the first part of this equation is weak and differs widely from country to country, while the second is, by definition, absent.

The EU's leverage is severely limited by the fact that the ENP has no *acquis communautaire* which partner countries must work towards implementing in exchange for the ultimate prize of membership of the club. Nor can Brussels wave a stick if political reform falters or fails to take off at all. With its emphasis on ownership and partnership, the ENP is instead essentially based on positive and rewards-based conditionality.

Studies on political conditionality have shown that in order to produce results, it must be based on clear objectives and transparent methods of implementation. Under the ENP, progress in meeting those objectives is assessed by joint bodies established under the agreement between the EU and the partner country (for example, the EU-Jordan Association Council). However, the EU has the upper hand as it controls both the incentives and rewards.

The Commission's 2003 'Wider Europe' paper suggested using benchmarks to monitor countries' progress in specific areas, but these have not been agreed. Thus, the detailed path which is supposed to tie progress to further incentives remains unclear.

The 'governance' facility within the ENPI was created to provide additional assistance to those countries which undertake political reform. The notion of rewarding countries for improvements in human rights and democracy is certainly a welcome development, but the main carrots for partner governments are still economic.

The ENP enables partner countries to 'cherry pick' the sectors with the greatest potential for integration into the EU's internal market. These are, however, limited by protectionist barriers in areas of key interest (visa concessions for Ukrainian citizens after the revolution were, for example, blocked for months by domestic problems in Germany).

The partnership concept is thus undermined by the asymmetry of power between the EU and its neighbours. Furthermore, tying political reform to economic benefits complicates the decision-making progress, especially at Council level, where foreign ministers have to find consensus with trade, industry, agriculture ministers, etc.

Evaluating progress and deciding on the rewards to be given is thus likely to be influenced by other considerations or constraints: as a result, some countries may be given greater priority than others, or there may be specific interests within the EU itself which hamper efforts to make progress in its relations with its neighbours.

Finally, the rewards-based approach and the emphasis on partnership and ownership do not offer any clues as to how to persuade governments which are hostile to external interference and political reform to participate in the process. For example, strenuous efforts were required to persuade Egypt to start negotiating an Action Plan, and most of the progress so far has been in economic cooperation, with efforts to encourage political reform running into considerable resistance.

The Commission hopes that the introduction of differentiation will stimulate competition between partner countries for EU aid and benefits, and initiate a virtuous process of reform. But this is not a strategy.

There are also problems with the countries which have already negotiated Action Plans. One result of the ownership and negotiating process is that, in some cases, the plans are less incisive in identifying political and human rights priorities than the Country Strategy Papers which the Commission used to develop its negotiating position.

The results of this are now becoming apparent. The Commission's 2006 progress reports show that there are big differences in the importance that partner countries attach to promoting human rights and political reform, with those most willing to deepen relations with Brussels drawing up clearer and longer lists of political reform proposals.

Among the three Southern Caucasus countries, for example, Georgia – led by a government which is committed to European integration – places the strongest emphasis on political reform and human rights standards.

The priorities agreed with Egypt underestimated some of the most serious human rights problems identified in the Country Paper, such as torture and unfair detention under the Emergency Law. The priority list seems to have been watered down to avoid the possible consequences of failing to agree an Action Plan at all, or of engaging a key country like Egypt in the ENP.

The picture in relation to aid for human rights and democracy is more positive. Pressure from the European Parliament ensured that the European Initiative for Democracy and Human Rights (EIDHR) launched in 1994 was not merged with the EU's geographical and thematic aid budgets, but instead continued to support activities under improved regulations and with additional funding.

The Regulation that was finally agreed[30] did not include all the European Parliament's recommendations[31] but it did make some important changes. As well as ensuring that such external assistance policies continue, funding has increased from an average of €100 million a year to more than €1 billion for 2007-2013.

The EIDHR also allows funds to be channelled directly to civil society and non-governmental actors, regardless of the attitude of the governments in the countries concerned, and it broadens the spectrum of actors eligible for funding to include those which are not legally recognised by the government. This is particularly important as many undemocratic countries have used national laws to limit the impact of aid intended to support democracy and human rights by curbing the development of civil society organisations or by channelling external funds through local NGOs chosen by the government.

The EU shies away from directly funding political parties or opposition groups, but broadening the category of eligible organisations (including an explicit reference to human rights groups) is more likely to foster respect for human rights locally than externally-led projects.

Nonetheless, EIDHR is a drop in the ocean given the many challenges to democracy and human rights in the neighbourhood countries. As the Regulation itself repeatedly underlines, a specific budget line is needed for Action Plan priorities and to pursue aims consistent with other EU activities in each country. This will be an important determinant of its impact.

The ENP and the dilemmas of human rights and democracy promotion

How does the ENP address the three main dilemmas raised by human rights and democracy promotion?

In terms of balancing the need for stability with that for political change, the ENP does suggest a stronger commitment to the latter and a broader recognition of the interrelationship between stability and democracy, reflecting an awareness that the *status quo* was not producing satisfactory results.

However, the extent to which human rights and political reform are genuine ENP priorities is far more questionable. The 2003 Wider Europe paper put little emphasis on political reform, focusing more strongly on dismantling barriers to create a space of 'proximity' to the Union within which to develop stronger relations with its 'ring of friends'.

Subsequent documents have put greater emphasis on the participating countries promoting political reform, and the Action Plans have identified the priorities for each country. But it is not clear how partner countries

will be rewarded if they do reform or will be 'punished' if they do not, because of the reduction in incentives and the *de facto* abandonment of the benchmarking method initially proposed by the Commission.

This ambiguity between 'friendly' and 'well governed' neighbours raises doubts about how successful the ENP will be in transforming the regions surrounding the Union and the extent to which the priorities which have been identified for each country are shared by the two main EU institutions involved.

The fact that the ENP has borrowed a number of tools from EU enlargement policy which aim to support transition processes suggests that it is seen as a transformative policy.

The balance between pursuing change while maintaining stability is supposedly found by focusing more strongly on those countries which are already on the path of gradual political reform – even if such reform is a 'top down' process carefully managed by the elites currently in power, and thus may not necessarily result in a transition to democracy.

On the other hand, the ENP is by no means a revolutionary policy, either in terms of its aims or its impact on EU foreign policy-making.

While the Commission has tried to gain a bigger stake in the foreign policy arena, where its role has hitherto been largely technical, it remains a secondary actor in the decision-making process. It has acquired a greater role through negotiations on the Action Plans, but the final decisions still rest with Member States.

In the future, managing the incentives on offer will be a key aspect of the ENP. If the EU succeeds in delivering incentives of interest to its neighbours, such as concessions on agriculture, textiles and visas, it will be able to combine the Commission's experience in supporting transition with a political vision of its neighbourhood.

Conversely, if the EU focuses more strongly on containment, this will inevitably undermine the ENP's entire philosophy, which is based on creating 'common spaces' between the EU and its neighbours. In other words, specific interests would continue to threaten the ENP and progress on human rights and democracy.

The degree to which the Council and Commission succeed in ensuring coherence between their respective strategies (the ENP and the European Security Strategy (ESS)) will be important in determining the success or failure of the EU's neighbourhood policy.

The ENP has overwhelmingly been devised and communicated as a policy based on rewards and positive conditionality in relation to promoting human rights and democracy. This reflects the EU's recognition that exporting democracy does not work and that the Commission does not have the means to apply negative conditionality.

It also masks the fact that the ENP is not a strategy for dealing with recalcitrant countries. A rewards-based approach would certainly help to overcome the stalemates which resulted from previous policies towards these countries, but it requires some fine-tuning.

Firstly, the types of rewards given for achieving specific results need to be spelt out more clearly. The Action Plans highlight priority areas for reform, but do not attach 'prizes' to the reform process. Secondly, the EU must tie political reform to *economic* incentives – an area in which it has been particularly inefficient – as well as to the planned additional aid from the governance facility.

The ambiguities highlighted throughout this paper also suggest that the EU is raising the stakes on political reform and human rights standards as a safeguard to justify withholding incentives.

As far as the dilemma between consistency and flexibility is concerned, the ENP has so far built on both aspects. The EU is striving for greater consistency by harmonising its tools and aid instruments,

simplifying procedures and reducing regulations. However, it has done so by artificially creating a category of 'neighbours' which have little in common except for the fact that they all border the Union.

These 'neighbours' are stomaching this approach for now, but some are likely to demand elevation to the status of potential candidates for accession as soon as the first Action Plans expire (in 2008 for Ukraine[32] and Moldova). In other words, this exercise may make sense to policy-makers in Brussels, but not necessarily to those outside.

The EU has enhanced its flexibility by introducing differentiation and the hub-and-spoke approach. This has allowed some countries to make significant steps forward and to select the issues to be dealt with in their partnership with Brussels. The Southern Caucasus countries, for instance, want the EU to play a greater role in conflict management.

But with regard to human rights and democracy, the relationship between consistency and flexibility may well become problematic. It would be hard to justify demanding certain standards in some countries and not in others.

Whereas, in the enlargement process, the *acquis communautaire* provided a crucial standard for countries to work towards, beyond the much-vaguer Copenhagen criteria, the ENP has no such *acquis* to act as a reference point. This issue has already arisen during the negotiations on the second group of Action Plans, with greater resistance emerging to Brussels' insistence on human rights and democracy standards. Should the EU be prepared to sacrifice some of these principles in order to make progress on the Action Plans, or should it insist that they be fully addressed?

The answer to the question of whether countries will be rewarded for progress towards a common or individually-assessed standard will therefore probably determine how the ENP develops as much as the EU's policies on human rights and democracy.

A more general question is whether the ENP is a regional policy or a country-by-country policy?

The Action Plans points towards country-specific approaches, which do indeed provide some benefits. But a lack of common standards applying to all countries undermines the EU's legitimacy and credibility. On the other hand, the EU has placed considerable emphasis on 'holistic' approaches and on developing relations with groups of countries. However, its neighbourhood is both highly heterogeneous and includes countries with very different expectations.

No matter how much Ms Ferrero-Waldner stresses that the ENP is not an ante-chamber to accession, some countries still have high expectations that the EU will eventually make a stronger commitment to them. People in Kiev and Tbilisi are asking themselves why, if Turkey can join, should the door be closed to Ukraine and Georgia?

It currently seems unlikely that they will get their way, but if they did, all that would remain of the ENP would be the Action Plans agreed with a few (but not all) of the countries participating in the Euro-Mediterranean Partnership.

From this point of view, the ENP has not provided any answers to the current impasse over the relationship between enlargement (and the question of what the ultimate borders of the Union may be) and its future institutional and political set-up.

Conclusions

This paper has assessed the ways in which the ENP could contribute to, and enhance, the EU's efforts to promote human rights and democracy in the countries which now surround it, particularly in comparison with previous policies.

It has done so by addressing three issues: the ENP's aims (stability versus change in the neighbouring countries); the tool box which has been put in place to achieve them (focusing on positive incentives and negative conditionality); and the impact it might have in terms of the EU's credibility as an international promoter of universal standards, by addressing the tension between pursuing consistent principles across a broad and heterogeneous neighbourhood and developing policies that respond to country-specific situations.

The main innovations introduced by the ENP have been modest, though not insignificant. They relate to the way in which the EU pursues such principles. The most important of these are the introduction of Action Plans, the increase in aid, and the maintenance and improvement of the EIDHR.

The Action Plans and aid could help underpin the reform process in countries which see the advantages of responding to what the EU has to offer. But, apart from a qualitative assessment of the nature of those reforms (the degree to which they are cosmetic or substantial), the EU still needs to clarify how it will make those incentives available and offer more which are likely to be of interest to partner countries.

EIDHR funding granted in the face of opposition from central governments in the countries concerned can support groups and organisations active under the most authoritarian regimes, although it would be naïve to expect this to trigger democratic transformation. However, the ENP is still only likely to have an impact on those countries most interested in deepening relations with the EU, many of which are hoping for eventual membership, however distant a prospect that may be.

It can only really support democratic transformation in the EU's neighbourhood in those countries which already have some commitment to going down that road. The ENP does not have the political leverage to persuade reluctant governments to embark on political reform and has few tools to do so.

In trying to persuade some of these governments to act, the EU risks falling into the trap of contradictory aims: the ENP is a transformative policy for some, but a *status quo* policy for others; it aims to build upon 'shared values' (a short slogan of debatable content) but requires different standards from different countries; the degree to which the EU is prepared to push for these 'values' is far from clear; and it has not resolved the ambiguity between creating a 'ring of friends' and a 'ring of well-governed' countries.

In other words, although the ENP reflects an awareness of the need for greater commitment, it does not compensate for two key weaknesses: the dilemmas of foreign policy-making in a hybrid polity, and the dividing line between enlargement and foreign policy.

Endnotes

1. This categorisation is drawn from Federica Bicchi (2004) 'L'Unione europea e la promozione della democrazia', in Federica Bicchi, Laura Guazzone and Daniela Pioppi (eds.) *La Questione della Democrazia nel Mondo Arabo. Stati società e conflitti*, Monza: Polimetrica, pp.143-170; Karen E. Smith (2003) *European Union Foreign Policy in a Changing World*, Cambridge: Polity Press, chapters 1 and 3; K. J. Holsti (1995) *International Politics: A Framework for Analysis*, Englewood Cliffs, NJ: Prentice-Hall.
2. Currently, existing agreements with neighbouring countries are: the Accession Partnership with Turkey, and the Stabilisation and Association Agreements with the Western Balkans; with the countries of the Southern Mediterranean the EU has signed Association Agreements; with the WNIS Partnership and Cooperation Agreements. Since 1995 all agreements include an 'essential element clause', usually Article 2, that includes the democratic and human rights principles underpinning the agreement based on international and regional conventions and standards. Another article defines the mechanisms to undertake the 'appropriate measures' to address any breach of such principles.
3. 'On the inclusion of respect for democratic principles and human rights in agreements between the Community and third countries, Brussels: 23 May', COM(95) 216 final, Annex 1.2, approved by the Council on 29 May 1995.
4. Rosa Balfour (2006) 'Principles of Democracy and Human Rights: a Review of the European Union's Strategies towards its Neighbours', in Sonia Lucarelli and Ian Manners (eds.) *Values and Principles in European Union Foreign Policy*, London: Routledge, pp.114-129.

5. See for instance, Amnesty International (2006) 'The search for a coherent and credible EU human rights policy – Amnesty International's ten-point programme for the Finnish Presidency of the European Union', EU Office, Brussels: 28 June, retrievable from www.amnesty-eu.org

6. European Council (2003) *A Secure Europe in a Better World. European Security Strategy*, Brussels: 12 December, quotes on p.8 and p.10.

7. European Commission (2001) 'On Conflict Prevention', COM(2001) 211 final: Brussels: 11 April.

8. Richard Youngs (2003) 'European approaches to democracy assistance: learning the right lessons?', *Third World Quarterly*, Vol.24, No.1, pp.127–138.

9. Timothy Garton Ash criticised the EU for not matching US efforts in supporting the mobilisation of Ukrainian civil society groups in 'Freedom's front line', *The Guardian*, 25 November 2004. On the other hand, methods close to exporting democracy also attracted criticism. See Jeremy Bransten, '"Orange Revolution": part homegrown uprising, part imported production?', *Radio Free Europe/Radio Liberty.* Belarus and Ukraine Report, Vol.6, No.47, 23 December 2004.

10. Richard Youngs (2001) *The European Union and the Promotion of Democracy. Europe's Mediterranean and Asia Policies*, Oxford: Oxford University Press, especially chapter 3.

11. See Richard Youngs (ed.) (2005) *New Terms of Engagement*, and especially Karen E. Smith, 'Engagement and Conditionality: Incompatible or Mutually Reinforcing?', pp.23-30.

12. Katerina Delacoura (2003) *Engagement or Coercion? Weighing Western Human Rights Policies towards Turkey, Iran and Egypt*, London: Royal Institute of International Affairs.

13. European Commission (2006) 'The Future of Europe, Special Eurobarometer 251', Brussels: May. National differences range from 93% support in Cyprus to 63% in the UK.

14. Transatlantic Trends (2006) *Key Findings 2006.*

15. Andrew Rettiman 'Commission suffers setback on Belarus trade move', *EUObserver*, 26 September 2006. The proposal was opposed in September, but then approved in December 2006.

16. Youngs (2001), p.81.

17. The first document outlining what was to become the ENP was European Commission (2003), 'Wider Europe – Neighbourhood: A new Framework for Relations with our Eastern and Southern Neighbours', COM(2003) 104 final, Brussels: 11 March. This was followed by many documents of which the most important are: European Commission (2004), 'European Neighbourhood Policy. Strategy Paper', COM(2004) 373 final, Brussels, 12. May, and European Commission (2006), 'On strengthening the European Neighbourhood Policy', COM(2006) 726 final, Brussels: 4 December. All documents are retrievable from http://ec.europa.eu/comm/world/enp/index_en.htm

18. Judith Kelley (2006) 'New Wine in Old Wineskins: Promoting Political Reforms through the New European Neighbourhood Policy', *Journal of Common Market Studies*, Vol.44, No.1, pp.29-55.

19. The Secretary General/High Representative (2000) Common Strategies Report, Brussels: 21 December, reprinted in Antonio Missiroli (2001) (ed.) 'Coherence for European Security Policy: Debates – Cases – Assessments, *Occasional Papers*, No.27, Paris: Institute for Security Studies, Western European Union, May, Annex E.

20. Court of Auditors (2006) 'Special Report No 2/2006 concerning the performance of projects financed under TACIS in the Russian Federation together with the Commission's replies', (2006/C 119/01), Official Journal of the European Union C 119/1.

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

22. General Affairs and External Relations Council (2004), Conclusions, Luxembourg: 14 June. For a comparison of the aims of the ENP proposed by the Commission and those approved by the Council, see Rosa Balfour and Alessandro Rotta (2005) 'Beyond Enlargement. The European Neighbourhood Policy and its Tools', *The International Spectator*, Vol. XL. No.1, pp.7-20.

23. This calculation, however, does not include the additional funding that these countries received through budget lines other than PHARE and TACIS. The increase is therefore less substantial than it appears.

24. The first Action Plans with Jordan, Israel, Moldova, Morocco, the Palestinian Authority, Tunisia and Ukraine were published in December 2004.

25. The Action Plans with Armenia, Azerbaijan and Georgia were approved towards the end of 2006; with Lebanon in January 2007, with Egypt in March 2007. Algeria appears far less interested in the opportunities offered by the ENP and thus has not started negotiations. Prospects for the three most problematic countries, Belarus, Libya and Syria are still uncertain.

26. European Commission (2006).

27. Marise Cremona (2004) 'The European Neighbourhood Policy: Legal and Institutional Issues', *CDDRL Working Papers* No.25, November; Karen E. Smith (2005) 'The outsiders: the European neighbourhood policy', I*nternational Affairs*, Vol.81, No.4, pp.757-773.

28. Kataryna Wolczuk 'Domestic Reforms and European Integration in Ukraine', Paper presented at the Conference organised by CeSPI and IAI, 'The EU and the Eastern Neighbours: Democracy and Stabilisation without Accession?' Rome: 29-30 May 2006. The paper, alongside the others presented at the conference, is available at www.cespi.it

29. See, for instance, the Annex reviewing the ten years of the EMP in European Commission (2005) 'Tenth Anniversary of the Euro-Mediterranean Partnership. A Work Programme to Meet the Challenges of the Next Five Years', published in *Euromed Report*, No.89, 14 April 2005, and European Council (2003) 'A Secure Europe in a Better World – The European Security Strategy, Brussels: 12 December.'

30. Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights world wide, 'Official Journal of the European Union', L 386/1, 29 December 2006.

31. European Parliament (2006) 'Report on the proposal for a regulation of the European Parliament and of the Council on establishing a financing instrument for the promotion of democracy and human rights world wide, FINAL A6-0376/2006', 24 October.

32. During 2007 Ukraine and the EU started negotiations on an enhanced agreement.

The EU neighbourhood as a source of 'threats' – a reappraisal

By Antonio Missiroli

It is commonly assumed that the enlarged EU is no longer threatened by large-scale direct military aggression. Any new 'threat' assessment must therefore assume, in turn, that there are *other* factors which could threaten, if not the physical existence of the Union and its Member States, at least the ordinary functioning of European societies and/or the daily lives of their citizens.

This is why a preliminary discussion of both the terms 'geographical neighbourhood' and 'threats' is required, three years after the launch of the European Commission's 'Wider Europe' blueprint and the elaboration of the European Security Strategy (ESS).[1]

What 'neighbourhood'?

There is an accepted institutional definition of 'neighbourhood' that basically coincides with the list of countries involved in the European Neighbourhood Policy (ENP), as implemented since 2004. These are:

a) the Union's Eastern neighbours: Belarus, Ukraine, Moldova – but not Russia, which opted out of the ENP framework from the outset;
b) the three South Caucasus republics, incorporated into the ENP in June 2004: Armenia, Azerbaijan, and Georgia;
c) the ten Southern Mediterranean countries already involved in the Barcelona Process: Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, the Palestinian Authority, Tunisia, and Syria.

With the entry of Bulgaria and Romania into the EU in January 2007 and the ongoing accession negotiations with Turkey, an additional autonomous 'space' could be added, encompassing the broader Black Sea region.

However, as long as Turkey is not a full member of the EU, it could be considered as part of the enlarged Union's geographical (though not strictly institutional) 'neighbourhood', as it lies at the juncture between the Balkans, the Black Sea, the South Caucasus and the Middle East.

Similarly, and not just because of the accession negotiations with Croatia, the Western Balkans could be included. The fact that they have a clearer prospect of joining the EU than a), b) and, obviously, c) does not exclude them from this assessment – on the contrary.

Furthermore, one could go as far as to extend such a wider 'neighbourhood' to Iraq, Iran and possibly even Afghanistan, taking into account not only the situation on the ground but also the presence of European military and civilian personnel in those areas.

For the purpose of this paper, however, the specific threats posed by the 'arc of instability' that goes from Iraq to Pakistan and Central Asia will be considered only indirectly; i.e. for their possible ramifications and repercussions in the areas mentioned above.

Finally, it is a moot point whether those countries which the European Commission defines as "the neighbours of the neighbours" – most notably in Central Asia – should be included in this assessment. They are expected to be the object of a distinct policy initiative on the part of the current German EU Presidency, but their direct potential impact on the Union remains questionable.

What 'threats'?

For the definition of 'threats' in this particular context, it seems appropriate in the first instance to resort to that used in the ESS approved by the European Council in December 2003.[2] This identified five

"key threats" – all new, and also "more diverse, less visible and less predictable" than the traditional military ones:

- international terrorism;
- the proliferation of Weapons of Mass Destruction (WMD);
- regional conflicts;
- state failures;
- organised crime.

These key threats may also emerge in various combinations, with an evident 'multiplier' effect in terms of their impact.

The literature on international security now tends to break down the broad notion of 'threat' into *threats* proper and *risks* and *hazards*, which, in turn, may well turn into threats in their own right.

The difference is mainly one of intensity and urgency: risks and hazards leave more room (and time) for prevention, mitigation and containment, whereas threats tend to require an immediate response. Taken all together, they define the level of vulnerability of a given state, society, or region.[3]

Last but not least, the ESS also mentioned a number of "global challenges" linked, at least in part, to the process of globalisation: poverty and deprivation, disease, energy dependence, competition for natural resources, and the peculiar link between security and development.

A first assessment

By combining all these geographical and functional criteria, it is possible to come up with a first definition and assessment of the possible threats stemming from the Union's 'neighbourhood'.

The following considerations are, however, mainly based on indirect sources, 'qualitative' considerations and personal evaluations, and only aim to offer a bird's eye view of the issue, without claiming full objectivity or completeness.

Terrorism does not seem to originate exclusively or primarily from the Union's immediate geographical neighbourhood, although the threat is present inside such countries as Morocco, Algeria, Tunisia and Egypt (not to mention Turkey). Its root causes are, at the same time, broader and narrower, and external and internal: it is not just about Al-Qaida-related networks, and 'franchises' so to speak, and its proponents often combine local and global 'causes' in order to recruit and operate more effectively.

Unresolved conflicts in the wider Middle East (the 'cradle' of international terrorism, though not directly adjacent to the EU's territory); failing states in delicate areas (Afghanistan, Sudan, Somalia); ethnically, politically and/or religiously rooted tensions; fundamentalism coupled with radicalism; and social or cultural exclusion inside the EU itself have all been earmarked as potential sources, often intertwined and overlapping with one another.

On the other hand, neither the Balkan wars of the past decade nor the persistent ethnic tensions in the wider Caucasus region have had an identifiable impact on domestic terrorism in the EU, some of which has been traced to specific indigenous sources within some Member States.

More worrying is the possibility that the EU becomes – by virtue of its internal freedoms – an area of transit and possibly training for actual and potential terrorists coming from its broader neighbourhood (as defined above), as well as a breeding ground for home-grown ones.

The *proliferation of WMD* has only come to be seen as a concrete risk for (if not a direct threat to) Europe in recent times, after at least a decade of relative strategic 'safety' following the end of the Cold War. Yet the appreciation of such a risk tends to vary significantly, whether in relation to Iran's nuclear

enrichment programme, North Korea's nuclear tests, or terrorist groups carrying biological weapons and even 'mini-nukes'.

As a consequence, the need to protect the EU's 'homeland' from these risks or threats is also controversial, as the recent disputes over the anti-missile 'shield' in Poland and the Czech Republic showed.

In this case – whatever one may think of the desirability, feasibility and/or effectiveness of missile defence – protecting the Euro-Atlantic area from quintessentially strategic threats seems more a role for NATO than the EU as such in military, political and legal terms.

However, the EU's strategic interest in preventing and/or containing the proliferation of WMD goes well beyond actual or possible threats to its own territory and society: it is rather part of the Union's global commitments and responsibilities, much as a possible nuclear arms race in the Middle East (involving both state and non-state actors) would certainly change perceptions of this threat.

Regional conflicts are arguably less of a direct threat to Europe today than they were in the last decade of the 20th century, but they are still a reality which needs to be dealt with.

On the one hand, the eventual solution to the dispute over Kosovo's final status may re-activate ethnic violence in the Western Balkans, with potential ripple effects onto and within the EU itself, exacerbated by the presence of numerous expatriate communities.

On the other, such quintessential 'frozen' conflicts as those concerning Transdnistria, Abkhasia and South Ossetia – and also Nagorno-Karabach (and Western Sahara for that matter) – could well degenerate into violence at any time, thus exporting instability into the Eastern and South-eastern 'rims' of the enlarged EU (including Turkey).

The overall situation in the wider Middle East is still worrying both *per se* and for the ripple effects it could have elsewhere, including within the EU: what has happened in Lebanon since last summer offers sufficient evidence of the overall fragility of the region and its destabilising potential.

Finally, conflicts may generate risks even when they occur in faraway regions, as they can trigger waves of refugees, asylum seekers or illegal immigrants trying to enter the EU via its neighbouring countries, East and South. Recent analyses have shown how far (East) the trail that brings 'boat people' to the Canary Islands in Spain via Mauritania tends to stretch, making it all the more difficult to identify its ultimate source.

State failure in itself does not seem to be a relevant feature in the EU's immediate neighbourhood, at least not in the form it has taken in Somalia or Liberia. Still, 'frozen' conflicts may produce such an effect, and weak and fragile states abound on the Union's periphery, from the Western Balkans to the South Caucasus.

Lebanon and Iraq, too, are now major sources of concern in this respect, while the semi-authoritarian regimes in the Maghreb and the Mashrek – although hardly classifiable as weak or fragile at first sight – appear quite vulnerable to religious fundamentalism and to radical movements that could resort to terrorism.

Weakness and fragility result from several factors, including a lack of resources, legitimacy, accountability and even, to some extent, the absence of freedom, human rights and democracy. These, in turn, may contribute to corruption and illegality – all potentially dangerous for the neighbouring EU.

This may create a favourable setting for *organised crime*, which is widespread on both sides of the Union's frontiers. Cross-border trafficking of drugs, women, migrants, weapons and all sorts of stolen goods is a major threat to our societies, although not necessarily a violent one.

Criminal networks extend well beyond the current EU and can operate effectively inside it, in its immediate neighbourhood and worldwide: their activities often have a legal cover and are hardly traceable without the

active cooperation of state authorities in neighbouring countries (which, in turn, is very hard to obtain in the presence of widespread corruption and complicity).

Finally, organised crime is often intertwined with all the other risks and threats listed above – of which it can be a cause, an effect or just a collateral phenomenon.

Russia and energy

Still, the geographical and functional criteria outlined above do not cover the whole spectrum of potential threats – or rather vulnerabilities – that may stem from the EU's actual neighbourhood.

Firstly, although technically not part of the official 'neighbourhood', Russia is an awkward and at times worrisome neighbour for the EU. Moscow is a key player in a number of controversial issues, from the final settlement for Kosovo to the 'frozen' conflicts in Transdnistria and the South Caucasus, as well as the Israeli-Palestinian peace process and Iran's nuclear enrichment programme.

It is also a force to be reckoned with in the Intermediate-Range Nuclear Forces (INF)-related dispute over the anti-missile 'shield' in Poland and the Czech Republic, regardless of its actual objectives in this context.

Numerous cross-border activities that entail smuggling and trafficking originate from Russia (as does the risk of a 'bird flu' pandemic), with organised crime gangs tending to use other neighbouring countries of the EU as transit areas.

Yet the decisive factor in determining the perception of Russia as a worrisome neighbour has been energy; namely the way in which the supply of oil and especially gas to Central Europe was disrupted and became hostage to bilateral controversies first between Russia and Ukraine (January 2006) and then between Russia and Belarus (December 2006).

On both occasions, entire regions in Central Europe felt themselves to be, once again, at the mercy of Moscow – and in the middle of winter – while Russia's reliability as a provider was also questioned by some EU Member States.

Whatever the specific reasons for the two crises, the combination of these and Moscow's increasing assertiveness on a number of foreign policy issues (especially Kosovo and Iran) has strengthened the perception of a 'hostile' Russia lurking on the borders of the enlarged EU, exercising political pressure on Kiev and Minsk, blackmailing the Union and, more recently, even questioning the long-standing deals with Washington.

Finally, the bilateral spat between Russia and Estonia – prompted by the removal of the so-called "bronze statue" in Tallinn in early May – has only confirmed (no matter what one may think about the specific issue at stake) that perception.

As a result, Poland's newly-elected leaders went so far as to propose a "NATO for energy" and, later on, NATO itself raised the fear of a sort of "gas OPEC" being formed among the main providers.

Russia and its recent conduct may not amount to a fully-fledged threat, despite the recurrent talk in the international media of a "cold peace" between Moscow and the West. Yet the EU's dependency on external energy sources, which the ESS already referred to as a "challenge", has recently moved higher up the Union's broader security policy agenda, while also underlining the high level of exposure and vulnerability of European societies.

In addition, the increasing dynamism and ruthlessness of both India and (especially) China in securing the resources needed for their fast-growing economies has highlighted the risk of ever-sharper international competition for energy – a competition in which the EU could well find itself at a disadvantage.

Although energy markets are increasingly global, much of the world's gas and oil reserves lie in unstable and often undemocratic states and regions. Resource-rich countries are more prone to internal tensions, instability, authoritarianism and even conflict, as has been demonstrated abundantly by events in the past two decades.

This is the so-called 'resource curse' highlighted by the literature on security and development, whether in relation to timber in Burma, copper in New Guinea, diamonds in Sierra Leone, minerals in Congo or, of course, oil in many places.[4]

Some of these countries – notably those crucial for the Union's supplies – lie in its neighbourhood as either provider or transit countries: to the East, the South-east (the Black Sea/Caucasus 'hub'), the Middle East itself and the Maghreb, not to mention Sudan.

On top of this, terrorists may well target pipelines, pits and natural reservoirs, thus raising the question of how to secure supply lines and infrastructures physically. All this may require energy supply shortages to be upgraded to the rank of a *risk*, if not yet a direct *threat* proper.

Other risks and hazards

The EU's overall exposure and vulnerability, however, are not limited to the factors and players mentioned above. If one takes a broader approach to security – one that also encompasses the ability of our societies and systems to function properly and in an orderly way – the number of variables and contingencies to be considered increases significantly.

Some of these fall, once again, into the "global challenges" category as defined in the ESS.[5] This is the case with the risk of pandemics striking the EU's territory and population.

For example, AIDS increased spectacularly a few years ago in Western Russia and the areas of Eastern Europe bordering more directly with Belarus and Ukraine (not to mention Kaliningrad).

More recently, a growing number of cases of 'bird flu' have occurred inside the EU as a result of cross-border poultry trade from regions (including Russia, Ukraine and Romania) in which veterinary controls and standards are comparatively low. The risk is not limited to animal health as, in these conditions, the H5N1 virus may easily mutate and spread among humans before a vaccine is tested.

Finally, illegal migrants from sub-Saharan Africa and elsewhere in the world who land on Southern European beaches may be carriers of viruses still absent from the EU's territory (although no specific cases have been officially registered so far).

When it comes to climate change, it is difficult to assess precisely to what extent this has been to blame for the rise in natural disasters and calamities in Europe over the past few years.

Earthquakes have long been a familiar phenomenon in certain parts of Europe (Italy, Greece and Turkey). More recently, however, urban heat waves, forest fires (in the Mediterranean regions), floods (in Central Europe) and environmental degradation (almost everywhere) have increasingly become emergencies that, due to their cross-border nature and impact, require coordinated attention and action.

Some of them may well stem from the EU's immediate neighbourhood: for example, water pollution in the Baltic, the Black and the Caspian Seas. But environmental degradation, natural and man-made disasters in other parts of the world may also have an impact on the EU by generating instability, chaos and uncontrollable collateral effects on the movement of people and goods in the Union's periphery.

More generally, climate change is likely to generate a number of environmental stress factors, including rising sea levels, soil degradation and water scarcity. These, in turn, may well affect crops, biodiversity and people's living conditions in Europe and beyond, making entire regions inhabitable and triggering mass migration.

Dramatic climate change may generate many losers, along with a few apparent winners. Many experts underline, for instance, that human migration currently occurs mainly within the African continent and only marginally from Africa to Europe. In a couple of decades, however, the effects of climate change may force people to move north on a massive scale.

By contrast, global warming may actually improve living conditions in the North, albeit only temporarily: a country like Russia could benefit from its rich water reservoirs and, as the ice melts in the Arctic Sea, even gain easy access to new oil fields for drilling.

Finally, climate change could become a more or less direct source of conflict: water scarcity in the Middle East is already a major destabilising factor, and some analysts have gone as far as to describe the situation in Darfur as the first crisis triggered by the effects of global warming.

Similar considerations apply to man-made industrial incidents, such as oil spills, chemical leaks or nuclear explosions, be they inside or just outside EU territory: oil spills know no maritime borders, toxic waste spreads easily and quickly, and so does nuclear radiation. Neighbouring countries with lower standards, and looser control and monitoring systems, may therefore constitute wild cards for the security of European societies.[6]

Last but not least, technological glitches, IT piracy and cyber-crime (including so-called 'malware', malicious software) could well threaten the regular day-to-day functioning of the Union's economic and administrative systems, generating cascading effects that could have a tangible impact on the (actual and perceived) security and safety of EU citizens.

Power grids and electronic networks are increasingly interconnected: hostile and harmful activities could therefore come from anywhere in the world. It is a well-known fact, for example, that Russian-based hackers and Islamic fundamentalist organisations have repeatedly tried to penetrate and undermine all sorts of command and control systems in EU countries.

What response(s)?

If the array of security hazards/risks/threats potentially coming from the Union's 'neighbourhood' is so wide (and fuzzy), and the vulnerability of the EU as a community of interwoven states and societies is so high, the policy responses – in terms of prevention, mitigation and reaction proper – should be equally complex and varied.

In this respect, the European Neighbourhood Policy (ENP) launched by the EU in 2004 does not seem able, on its own, to address and reduce the Union's exposure or vulnerability significantly.

The impact assessment made by the European Commission in its 4 December 2006 Communication showed that positive results have only been achieved by those countries that were already improving their overall performance regardless of the ENP: Jordan, Morocco and Ukraine (Israel being a special case).

With other countries – such as Algeria, Egypt, or Tunisia – there has been no progress worthy of the name, while Belarus and, to a lesser extent, Libya remain basically disengaged.

Whatever one may think of the ENP in its own right, the kind of incentives it can offer to EU neighbours can hardly make a significant difference in reducing security threats, although they can certainly contribute to supporting positive developments in the direction of better governance in the medium to long term.

Insofar as it is still mainly a policy of good neighbourly relations backed up by economic assistance, the ENP (or 'ENP-plus', as it has been recently re-branded) has limited scope and a low impact on the set of risks/threats described above. At best, it can be part of a broader effort to prevent violent conflicts, but only if associated with robust conditionality.[7] Insofar as its ambitions are wider and stronger, however, it appears to lack the means to fulfil them.

On the one hand, incisive domestic political and economic reforms in neighbouring countries can hardly be fostered without the biggest incentive of all, namely the prospect of EU membership in the foreseeable future. On the other, an effective fight against terrorism, illegal immigration and organised crime in and from the 'neighbourhood' can hardly be carried out without engaging all the resources of both the Commission (not just DG Relex) and the Member States themselves, as well as other Europe-based and international players.

For its part, the ENP must link incentives and rewards to performance more explicitly, and also differentiate more clearly, in particular, between Eastern and South-eastern neighbours (who are more distinctly 'European', so the partnership can be closer and deeper, and raise specific challenges), and Southern and Middle Eastern countries (whose 'mix' of problems is markedly different).

The overall package of actions and initiatives (whether Community- or Council-driven) that fall within the category of Security Sector Reform (SSR) may also have an impact on certain aspects of the problem.

It can contribute to state-building and better governance, thus tackling issues such as organised crime and corruption in the public sector – especially in the Balkans, where NATO is also a key player, and arguably also in the EU's immediate Eastern 'neighbourhood'. Indeed, a factual and pragmatic division of labour between the Union and NATO has taken shape in the region, and the expectation is that it can eventually deliver – on condition that the prospect of future membership is credibly put on the table by both organisations.[8]

Similarly, civilian and military missions conducted within the framework of the European Security and Defence Policy (ESDP) have had – and can still have – a tangible preventive and/or mitigating effect on some of these issues.

This certainly applies, once again, to the Western Balkans, as demonstrated by the EU's operational record to date in the former Yugoslav Republic of Macedonia and especially Bosnia-Herzegovina.

Needless to say, the already planned EU FOR civilian operation in Kosovo will prove crucial to stabilise the region and make it more secure; it could even prepare the ground for an EU takeover of NATO's KFOR, following the example of SFOR in Bosnia. Still, it will be crucial to integrate ESDP missions proper with other forms of EU intervention in terms of administrative and economic support, and SSR-related actions carried out by the Commission.

In other words, the ESDP alone is unlikely to solve all the issues which make this particular 'neighbourhood' a source of risks and possibly even threats to the EU. A comprehensive, coherent and long-term approach is required, including effective coordination with other players and organisations (essentially, NATO and the United Nations) both centrally and on the ground.

Here, too, the ultimate guarantee of an EU membership prospect appears essential to having the desired security policy impact.

Similarly, the ESDP can also make a difference in the Union's Eastern neighbourhood, where border monitoring and rule-of-law operations have helped contain trafficking-related risks. However, much more can be achieved in this region, especially if it becomes politically possible to deploy more substantial teams of custom officers and to train civil servants, backed up with appropriate schemes to curb corruption and smuggling.

Yet the problem here may lie, once again, with Russia. At one and the same time, it represents both part of the solution (as an indispensable partner whose agreement is often required to carry out actions in the region) and part of the problem, either because of its foreign policy positions or because it acts as a sanctuary for criminal gangs operating across borders.

As for the Middle East, European engagement on a number of fronts is providing a tangible contribution to reducing threats, and the ESDP is now also part of this picture, most notably in the Palestinian Territories. In the specific case of South Lebanon, UNIFIL-2 is, in fact, a sort of ESDP operation in disguise. It also highlights both the flexibility that may be needed to launch such missions and the potential constraints

that the current legal set-up (including the rules for involving 'third countries' in EU-led operations) imposes on the Union's foreign policy.

The ESDP's relative impact in the region remains modest, however, and is not particularly well-connected to other forms of EU external action (including the Commission's Stability Instrument). Yet again, there are problems of coherence and coordination with Community-related activities which still await a solution – and this is all the more urgent given the complex nature of the 'threats' described above.

In the Mediterranean, the ESDP activities that appear most feasible and effective so far are those connected to military training for, and exercises with, some regional partners. However, their impact remains limited and uneven, and depends very much on the level of cooperation the EU has established with each relevant country.

In some cases, it proves easier to resort to forms of bilateral cooperation with individual EU countries, as local leaders often still see the ESDP *per se* as a 'threat'. In a way, therefore, the ESDP tends to come up against the same problems as the ENP in this area.

Meanwhile, the fight against terrorism is not primarily conducted through EU bodies and institutions. Even surveillance activities tend to be carried out by other actors (for example, by NATO during the 2004 Olympics in Athens) – although intelligence cooperation also occurs at the EU level, in part through the Council's Situation Centre (SITCEN) and in part within the dedicated Working Groups. Europol, based in The Hague, contributes to this as well.

The Commission's Directorate-General for Justice, Liberty and Security is in charge of the exchange of personal data across the Atlantic, while other common EU bodies oversee and monitor financial transactions. Still, a fair share of the work in this area is done in *ad hoc* fora, either bilateral or 'mini-lateral', and well beyond the European setting alone.

Regarding the other 'risks and hazards' mentioned above, both the Commission (virtually all DGs) and the Council Secretariat have set up situation centres to identify and monitor potential crises, and to connect rapidly with the relevant professional experts and administrative bodies in the Member States.

Some of these have already proved effective in their own policy area – be it the environment, animal health, consumer protection or external relations proper – but they all have done so separately from one another, without any coordination or common 'design'.

Recently, the Commission set up an internal communication network (ARGUS) to address this issue, but it remains largely untested. Joint simulations and exercises in responding to cross-border emergencies have also been conducted, but more are probably required, preferably involving the closest of the EU's current neighbours, where such emergencies may well originate in the first place, with a view to enhancing awareness and preparedness.

Finally, the EU's ill-fated Constitutional Treaty offered at least two institutional avenues that could allow for a more effective and coherent response to the security hazards, risks and threats that may stem from the Union's neighbourhood at large.

One is, of course, the creation of the 'Union Minister for Foreign Affairs' (with a dedicated European External Action Service), whose double Council and Commission 'hat' would, in principle: a) facilitate synergy and coordination between the Commission, Council and Member States' means and capabilities; and b) help contain internal bureaucratic turf battles and competition for funding.

All the problems of coherence and coordination mentioned above, which are particularly important for dealing with the multi-faceted risks and threats described in this paper, would be framed in a much more favourable context, although not necessarily solved overnight.

The other is the so-called 'solidarity clause' enshrined in Articles I-43 and III-329 of the Constitutional Treaty. Although not binding, if it was taken seriously by everyone it could allow for national and common resources and capacities to be 'joined up', and for the development of shared approaches to most of the new hazards and risks coming from both inside the Union and its neighbourhood.

Interestingly, the 'clause' assigns operational responsibility for mobilising and coordinating joint efforts in this area – whether carried out inside the Union's territory or just outside – to the Political and Security Committee, thus expanding significantly (albeit somewhat indirectly) the ESDP's remit.

By contrast, the new article (I-57), which is explicitly dedicated to "the EU and its neighbours", says next to nothing in this respect, so its usefulness remains questionable.

Conclusion

The main challenge in achieving a common assessment of the possible threats stemming from the EU neighbourhood is about perceptions. These currently differ markedly among the Member States (and their respective citizens), shaped as they are by a mix of hard evidence and specific historical and geopolitical factors.

It matters a great deal whether one is in Poland, Slovenia, Spain or the UK when it comes to determining what may constitute a risk or a threat. In part, this is because such risks/threats are different in, for example, the East and the South, and create specific vulnerabilities that largely transcend the existing borders. In part, however, they overlap and highlight common trends across the continent.

Finding a balance between such different perceptions and the various policy responses required has already proved to be a very demanding task for all the players involved.

In this respect, arguably, the most recent enlargements have widened the spectrum of perceptions inside the Union even further, and probably made it more difficult to reach a shared assessment. Energy supply shortages and climate-related emergencies have added to this, as well as the dramatic increase in illegal immigration from the South and human trafficking from the East (which follow distinct patterns and avenues).

All this may well require some trade-offs among the Member States. To facilitate this, it could be useful to launch a targeted review of the 2003 ESS in a couple of years' time. This could possibly turn into a final Joint Report by the Commission (as a whole) and the High Representative for CFSP just before the end of their current mandates, in the spring of 2009.

A joint report would help to clarify that neither Community policies (under whatever rubric) nor CFSP/ESDP-related ones alone can effectively tackle – or solve, for that matter – the intricate web of issues that make the EU as a whole still 'vulnerable', although in ways that differ greatly from the past.

Endnotes

1. This essay is an adapted version of a Briefing Paper prepared for the Sub-Committee on Security and Defence of the European Council published in April 2007.
2. 'A Secure Europe in a Better World', www.iss.europa.eu
3. For an overview see T. Terriff et al. (1999) *Security Studies Today*, Cambridge: Polity Press.
4. I. De Soysa 'The Resource Curse: Are Civil Wars Driven by Rapacity or Paucity?', in M. Berdal, D. Malone (eds.) (2000) *Greed and Grievance: Economic Agendas in Civil Wars*, Boulder: Lynne Rienner, pp.113-135.
5. See A. Missiroli (ed.) (2005) 'Disasters, Diseases, Disruptions: A New D-Drive for the EU', *Chaillot Paper* No.83, Paris: European Union: Institute for Security Studies (EUISS). For a much broader and long-term assessment cf. N. Gnesotto, G. Grevi (eds.) (2006) *The New Global Puzzle: What World for the EU in 2025?* Paris: EUISS.
6. The notion was first coined by O. Waever, 'Societal Security: The Concept', in O. Waever et al. (1993) *Identity, Migration, and the New Security Agenda in Europe*, Copenhagen, Pinter, London: CPCRC, pp.17-40.
7. See F. Cameron (2006) 'The European Neighbourhood Policy as a Conflict Prevention Tool', *EPC Issue Paper* No.47.
8. See H. Haenggi, F. Tanner (2005) 'Promoting Security Sector Governance in the EU's Neighbourhood', *Chaillot Paper* No.80, Paris: EUISS.

ANNEXES

Chart 1. EU association with the ENP partners

EU association with the ENP partners	Contractual basis	Action Plan Consultations	Action Plan Adopted
Partnership and Cooperation Agreements			
Armenia	PCA 07/1999		14/11/2006
Azerbaijan	PCA 07/1999		14/11/2006
Belarus	PCA (not in force)		--
Georgia	PCA 07/1999		14/11/2006
Moldova	PCA 07/1998		02/2005
Ukraine	PCA 02/1998 to be replaced by an enhanced agreement, with negotiations starting in 2007		02/2005
Association Agreement			
Algeria	AA		--
Egypt	AA 06/2004	Started 09/2005	
Israel	AA 06/2000		04/2005
Jordan	AA 05/2002		06/2005
Lebanon	AA 04/2006		19/01/2007
Libya	--		--
Morocco	AA 03/2000		07/2005
Syria	AA		--
Tunisia	AA 03/1998		07/2005
Interim Association Agreement			
Palestinian Authority	Interim AA 1997		Endorsed 05/2005

Source: The European Commission; European Neighbourhood Policy website: http://ec.europa.eu/world/enp/documents_en.htm (2007)

Chart 2. Total ENP population figures

Country	Population in millions (2004)
Armenia	3.1
Azerbaijan	8.4
Belarus	9.9
Georgia	5.1
Moldova	4.3
Ukraine	48.2
Total:	**79.0**
Algeria	32.3
Egypt	73.4
Israel	6.6
Jordan	5.6
Lebanon	3.7
Libya	5.7
Morocco	31.1
Palestinian Authority	9.4*
Syria	18.2
Tunisia	9.9
Total:	**195.9**
ENP Total:	**274.9**

estimate

Source: The Economist (2006) Pocket World in Figures, 2007, London: Profile books Ltd.

Chart 3. EC assistance 2006 and 2007

Country	EC assistance in in million euro (2006)	Expected EC assistance in million euro (2007)
Armenia	17	21
Azerbaijan	22	19
Belarus	n/a	n/a
Georgia	20	24
Moldova	42*	40
Ukraine	100	120
Algeria	n/a	n/a
Egypt	127	137
Israel	n/a	2
Jordan	67	62
Lebanon	16	50
Libya	n/a	n/a
Morocco	275	162
Palestinian Authority	330	n/a
Syria	n/a	n/a
Tunisia	72	72

(2005-06)

Source: The European Commission (December 2006) 'The European Neighbourhood Policy Fiches on Partners', European Neighbourhood Policy website: http://ec.europa.eu/world/enp/pdf/enp-country-2006_en.pdf

Chart 4. Comparison table intensity of priorities

Eastern	MED
All Action Plans belonging to the Eastern group included these four priorities:	All Action Plans belonging to the Mediterranean group included these four priorities.

Eastern	MED
• **Investment/business climate improvement** • **Democracy development** • Fight against corruption (MED none) • Conflict resolution	• **Investment/business climate improvement** • **Encouragement of democracy** (if Israel: shared values political coop.) • Fight against terrorism • Develop transport and infrastructure
Most Action Plans belonging to the Eastern group included these six priorities (each priority occurs in four out of five action plans):	Most Action Plans belonging to the Mediterranean group included these five priorities (each priority occurs in four out of five action plans):
• **Justice, freedom and security** • **Energy sector development** • Cooperation in border management • Judicial reform • Regional cooperation (security related) • Socio-economic development/ poverty reduction	• **Justice, freedom and security** • **Promotion of energy sector development** • Cooperation on migration flows • Electricity integration • Environment concerns and sustainable development
Most Action Plans belonging to the Eastern group included these four priorities (each priority occurs in three out of five action plans):	Most Action Plans belonging to the Mediterranean group included these seven priorities (each priority occurs in three out of five action plans):
• **Promotion of human rights and fundamental freedoms** • Rule of law • Convergence of economic legislation • Environment concerns and promotion of sustainable development	• **Promotion of human rights and fundamental freedoms** • Judicial reform • Socio-economic development/poverty reduction • Relaxing visa regulations • Conflict resolution • Regional cooperation (security related) • Security cooperation with the EU (various forms)

Notes:

The priorities embolden indicate the priorities in each set of Action Plans, and which are shared by the Eastern and MED programmes.
Analysis is based on the ten Action Plans agreed up to December 2006 and thus excludes Lebanon's Action Plan agreed in January 2007, and Egypt's Action Plan agreed in March 2007.

Source: The European Commission; European Neighbourhood Policy website:
http://ec.europa.eu/world/enp/documents_en.htm (2006)

Executive summary

Three years after its launch, the EU's European Neighbourhood Policy is in need of a reassessment.

It has brought a number of previously existing instruments and regional approaches together under the same institutional and budgetary 'roof', and improved their implementation. It has provided a single 'template' for bilateral relations between the EU and its individual 'neighbours' (except Russia), based on the example of enlargement policy. In some cases – for example, Ukraine, Morocco and Jordan – it has also reinforced reform processes that were already under way.

Its overall balance sheet, however, is still mixed. In fact, the ENP still suffers from the original 'deal' made with the EU Member States to include such diverse areas as Eastern Europe, the South Caucasus, the Middle East, and North Africa in the same policy basket. As a result, the individual Action Plans are hardly comparable with one another, thus rendering peer pressure and best practice virtually pointless and bringing into question the usefulness of having a single policy framework at all.

Moreover, the ENP's impact in terms of promoting human rights and democracy in the partner countries has been very modest and has often generated contradictions, dilemmas and even negative unintended consequences. The instruments at its disposal have also proved insufficient to tackle effectively the security threats, risks and hazards that can originate from Europe's wider neighbourhood.

In sum, the ENP is still affected by a quintessential gap between the goals it sets and the expectations it raises, on the one hand, and the results and outcomes it can deliver, on the other.

While further adjustments are still possible, it is likely that only the creation of the "EU Minister for Foreign Affairs" (or whatever this position is eventually called) envisaged in the ill-fated Constitutional Treaty can help bring together all the tools required for a truly effective and coherent common EU policy towards its numerous 'neighbours'.