

The 2015 ENP Review: A policy in suspended animation

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1 December 2015

One year after the Juncker Commission took office, the long-awaited official review of the European Neighbourhood Policy (ENP) was published.¹ Given the turbulence in the neighbourhood in the past five years, EU policy-makers have had to instil more realism into what now looks like a rather naive treaty obligation. In Article 8(1) TEU member states pledged that:

The Union shall develop a special relationship with neighbouring countries, aiming to establish *an area of prosperity and good neighbourliness, founded on the values of the Union* and characterised by close and peaceful relations based on cooperation. (emphasis added)

At the presentation of the new ENP with High Representative Mogherini, Commissioner Hahn offered a sobering reality check:

Our most pressing challenge is the *stabilisation* of our neighbourhood. Conflicts, terrorism and radicalisation threaten us all. But poverty, corruption and poor governance are also sources of insecurity. That is why we will *refocus relations with our partners* where necessary *on our genuinely shared common interests*. In particular economic development, with a major focus on youth employment and skills will be key. (emphases added)

Hahn's statement encapsulates the essence of the 2015 ENP Review: greater emphasis on stability (in security and economic terms); more differentiation in relations with neighbouring countries (i.e. doing more with 'partners'); and greater emphasis on shared interests rather than on the Union's own values.

Having abandoned the idealistic goals set out at its launch in 2004 and codified in the 2009 Lisbon Treaty, the new ENP represents little more than an elegantly crafted fig leaf that purports to be a strategic approach to the EU's outer periphery, but masks an inclination towards a more hard-nosed *Realpolitik*. However, in the absence of the necessary funding to tackle the region's multiple crises, and without a strategic vision to guide relations with the

¹ Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, "Review of the European Neighbourhood Policy", JOIN(2015) 50 final, Brussels, 18 November 2015.

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neighbours of the EU's neighbours, the new ENP remains in suspended animation. In order to shape relations and meet more realistic objectives that are shared with individual neighbours, Union policy will now turn to pragmatism (the new 'P' in ENP).

The old ENP: Neither enlargement nor security policy

The old ENP was designed for fairer weather, at a time when EU confidence was high and the neighbourhood was mostly stable. Economically strong and confident about the process that was intended to put the EU on a firm constitutional basis and serve the reunited halves of the continent, the EU set out a policy to "prevent the emergence of new dividing lines between the enlarged EU and its neighbours". Yet, in the absence of a clear membership prospect for ENP countries, the EU's demands and prescriptive methods of harmonising legal frameworks and reforming institutions and economies have largely failed to inspire the neighbours, especially those who do not share the Union's values. Inadvertently, new borders have now materialised.

On a more fundamental level, the old ENP did not manage to tackle the root causes of the protracted conflicts in the region: poverty, lack of education, and unemployment. The Russo-Georgian war of 2008, the Arab uprisings of 2011, the war in Syria and the waves of refugees that it has propelled into Jordan, Lebanon, Turkey and the EU have made it painfully obvious that the old ENP did not offer any real value in terms of conflict prevention or crisis management.

On the contrary, the Association Agreements (AAs) and Deep and Comprehensive Free Trade Areas (DCFTAs) with the EU, the highest form of contractual relations under the ENP, even ended up inciting violence, as was shown in Ukraine in 2013 after President Yanukovich pulled the plug on the conclusion of the country's AA/DCFTA. In spite of a remarkable pro-EU revolutionary wave that swept out the *ancien regime* and managed to keep most of the country united in its determination to sign the agreement, the ENP – and in particular the Eastern Partnership – suffered a serious blow as a result of the EU's collective lack of strategic foresight about Russia's belligerence in Crimea and the Donbas.

With assistance packages and trust funds too small to make a difference, the ENP has also had precious little impact in terms of longer-term peacebuilding. Arguably, the only successful 'Arabellion' – the one in Tunisia – has been achieved in spite of rather than thanks to the increasingly conditional ("more for more") support introduced in the 2011 review of the ENP. As far as the DCFTAs are concerned, the jury is still out with regard to their administrative, regulatory and economic impact on Ukraine, Moldova and Georgia.

The new ENP: An anti-climax

In light of the above, and in line with the publication in March of the traditional ENP package and a consultation paper that recognised past failures and called for fresh ideas to inject sense into the policy, it comes as no surprise that the 2015 ENP Review has abandoned the enlargement methodology in favour of managing relations with all of its neighbours. New working methods include the abolition of the annual package of country reports to measure progress (or lack thereof) in reforms aimed at approximating to the EU model. Instead, reporting is set to become more tailor-made to the nature and working calendar of each relationship. In addition to the country-specific reporting, regular thematic reports will track developments in the neighbourhood, for instance on the rule of law, fundamental rights and gender equality.

In a similar vein, it was to be expected that the European Commission and the High Representative would place more emphasis on 'stabilisation' – the buzzword of the new

ENP and a political priority of the Juncker Commission for the remainder of its mandate. The concept is translated in at least five ways. First, more focus on cooperation in security sector reform, mainly in the areas of conflict prevention, border protection/management, counter-terrorism and anti-radicalisation policies. Second, greater efforts to support inclusive economic and social development, with the creation of job opportunities for youth among the key objectives of “economic stabilisation”. Third, greater crisis-response capacities by deploying the available financial resources in a more flexible manner. Fourth, safe and legal mobility on the one hand, and tackling irregular migration, human trafficking and smuggling on the other. And finally, greater attention to working with partners on energy security and climate action.

The joint communication hits the right notes in prioritising these pathways to solve the many crises in the neighbourhood, and in supporting the development and growth of the poorest areas, thereby addressing the root causes of migration, but the billion-euro² question is whether the EU (institutions and member states) and its partners will be able to muster the extra resources and political will to work together to implement the measures that are recommended in the 2015 ENP Review.

The proposed basis for effective implementation of the new ENP is increased differentiation and greater mutual ownership. The Review recognises that “not all partners aspire to comply with EU rules and standards” and reflects “the wishes of each country concerning the nature and scope of its partnership with the EU”. Rather than insisting on a one-size-fits-all approach based on the EU’s own values, the Union is instead offering to refocus relations with its neighbours, seeking “more effective ways” to promote “universal values” like democracy, human rights, fundamental freedoms and the rule of law, and to address the political priorities regarded by both sides as the basis of the partnership. As such, the new ENP debases the obligation of Article 8 TEU to build a “special relationship with neighbouring countries (...) founded on the values of the Union”. While EU spin doctors may insist that adherence to universal values is a step toward the longer term goal prescribed by Article 8, autocratic rulers in Baku, Cairo and Minsk will welcome the new ENP because it caters for a less ideological and more transactional relationship with the EU. The losers in this game are to be found in the circles of political activists and independent journalists.

As a result of the desire expressed by neighbouring countries and member states alike to keep the multilateral frameworks of the Eastern Partnership (EaP) and the Union for the Mediterranean (UfM), the new ENP envisages strengthening these vehicles for regional cooperation. With regard to the UfM - a glorified framework for project-based cooperation, specific ENP Review proposals are in short supply: the EU merely commits itself to “give priority, wherever suitable, to the UfM in its regional cooperation efforts”.

The priority lies in AA/DCFTA partners’ comprehensive approximation with the EU’s *acquis* as a means to their gradual economic integration into the EU internal market. As such, the ‘enlargement lite’ fiction is kept up. This is nevertheless symbolic for the ‘European’ states of the EaP that might one day meet all EU membership conditions. It has a rather more practical meaning for non-European countries like Morocco and Tunisia, with which DCFTA talks have been launched.

For partners who do not wish to pursue the preferred model of concluding and implementing an AA/DCFTA, “the EU will offer more flexibility where possible, with lighter options, going beyond existing preferential or non-preferential trade agreements” (e.g. Agreements on Conformity Assessment and Acceptance, which allow for free

² €15 billion have been reserved for 2014-20. Arguably, much more is needed.

movement of industrial products in specific sectors). This approach is believed to “contribute to the long-term goal of a wider area of economic prosperity based on World Trade Organisation (WTO) rules and sovereign choices throughout Europe and beyond”. The implicit reference here is to the possibility of striking up relations with the Eurasian Economic Union, once it becomes WTO-compliant.

After all the fanfare about the need to take the interests of countries like Russia, Turkey, Iran and Saudi Arabia into account when defining relations with the ‘in-betweens’, the attention paid in the ENP Review to the neighbours of the EU’s neighbours falls below expectations. The main message in the joint communication is that the new ENP “will seek to involve other regional actors, beyond the neighbourhood, where appropriate, in addressing regional challenges”. Bilateral relations with Russia can only materialise “when conditions allow”; with regard to Iran “as [soon as] the recent [nuclear] deal is implemented”. China’s “One Belt One Road” initiative has to be read between the lines. In its effort to strike a more pragmatic tone, it seems that ENP Review nevertheless falls short of recognising significant realities. Without a clear picture of how the EU should relate to the neighbours of its neighbours, the new ENP cannot (hope to) define a solid strategic basis for the countries on its borders. Given the uncertainty over the redefinition of relations with, for instance, Russia, it is uncertain whether the High Representative will be able to make amends in the EU Global Strategy on Foreign and Security Policy, which she is expected to submit to the European Council by June 2016.

That said, the ENP Review does include a laudable proposal to develop cross-cutting partnerships between the EU, individual member states, accession countries like Turkey, other third countries and international organisations with the aim of supporting growth, employment and economic modernisation in the neighbourhood. By way of “thematic frameworks” on issues like energy, transport and migration, the EU will finally mobilise sub-, trans- and interregional connections and interdependencies in a functional fashion.

In-built obsolescence

In sum, the 2015 ENP Review represents neither a complete overhaul of the old ENP nor a fully fledged strategic (re)vision of the EU’s relations with its neighbours. Instead, it continues the break-up of former Commission President Prodi’s proverbial “ring of friends”. The 2011 Review had already split the unitary concept of the ENP by creating the Eastern Partnership and the Union for the Mediterranean. The 2015 Review offers parallel organic forms of regional cooperation that will sound the death knell to the static formations of countries that were artificially lumped together in the EaP and the UfM. The stated need to stabilise the ‘ring of fire’ that surrounds the EU denotes a pragmatic realistic approach that will further atomise relations with the neighbouring countries, to the point where the successor to the Juncker I Commission may wish to admit that it just wants to conduct traditional foreign policy, without the pretence of acting under the banner of a so-called European Neighbourhood Policy.