

Consolidation in Times of Crisis: The European Neighbourhood Policy as Chance for Neighbours?

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Abstract

The ratification crisis of the European Constitution is accompanied by an increased enlargement fatigue, prompting a revision of the EU's foreign policy choices. The paper shows that the development of the EU's relations with its neighbours over the past 15 years has facilitated this process. Whereas enlargement policy has long been the Union's most efficient foreign policy tool, the European Neighbourhood Policy (ENP) is about to assume this position by incorporating central enlargement policy elements. Although the incentives offered by the ENP are of particular interest to eastern partners, development perspectives for the Mediterranean have also been enhanced.

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1. Introduction: The Possible Function of Crises

The perspective of a European Constitution initially seemed to fulfil the dreams of some of the founding-fathers of the European integration project. The EU would finally be able to act more coherently and united than ever before, endowed with a legal personality that so far was only attributed to the European Communities. The failed French and Dutch referenda on the Constitution in May and June 2005, however, have left little of the enthusiasm and optimism present during the European Convention. Instead, the EU now faces one of its most severe crises, hardly to be resolved easily as the prolongation of the “reflection period” up to 2008 suggests. The current crisis was less caused by the constitutional project itself – most commentators agree that it is not the philosopher’s stone but nonetheless an important step forward – but mainly by a general lack of information and more or less concrete fears and uncertain perspectives.¹ A look back at European integration history, however, also teaches that crises have frequently generated new momentum for further development (Kühnhardt 2006: 12f), because the EU as often somewhat inert actor seems to have a tendency to be in need of challenges or even crises in order to come up with new approaches. Accordingly, crises can indeed function as catalysts for the further elaboration of the European integration project and its particular policies.

2. Consequences of the Current Crisis

The current crisis implies particular problems for the internal development and functioning of the EU, because long-awaited reforms have been postponed. Already the Amsterdam Treaty generated so-called “left-overs” of very central nature, because the Treaty failed to readjust the voting-powers in the Council, to agree on a workable size of the Commission after enlargement and on the scope of qualified majority voting. Solutions to these three aspects were generally deemed necessary to keep the Union working after the anticipated enlargement. These “left-overs” could not be resolved with the

¹ See *Flash Eurobarometer 171*, 2005 (for France) and *Flash Eurobarometer 172*, 2005 (for the Netherlands).

Treaty of Nice either. Now that the Constitution offers – at least partially – a solution, the ratification crisis has thwarted hopes for fast remedy. This situation makes the EU re-focus on itself and thereby causes the EU to minimise any additional negative potentials. The Union therefore consolidates and further develops given policies in non-sensitive areas to assure itself and its citizens of the Union's continuing capacities. On the other hand, it is forced to exclude sensitive aspects in its policies as far as possible and therefore needs to review critical policies.

In European publics' perceptions, the Union's enlargement policy is one of the prominent critical policies, with opposition constantly increasing and support declining.² Even before the ratification crisis, a generally noticeable enlargement fatigue has already pushed many European governments to increasingly respond to public demands and to be much more reluctant in this regard without, however, totally committing themselves: France, for example, did not only announce to submit future enlargements to national referenda, the *loi constitutionnelle* of 1 March 2005 even added this clause to the French Constitution.³ The orange revolution in Ukraine in 2004/05 did not – despite clearly articulated membership aspirations – generate a positive response on behalf of the EU since many governments seem to regard the current candidates and the Western Balkan states as the only ones to be given a membership perspective at the moment. There exists an evident hesitation or even halt to admit new candidates.⁴ Another indication for the more and more spreading enlargement fatigue is the pronouncement of more or less vague concepts that are mainly perceived as obstacles on the way to Europe by candidates or aspirants. Last year's call to specify the concept of "absorption capacity" – also in geographical terms – dis-

² See *Eurobarometer 65. First Results*, 2006: 26ff.

³ Art. 88-5: „Tout projet de loi autorisant la ratification d'un traité relatif à l'adhésion d'un Etat à l'Union européenne et aux Communautés européennes est soumis au référendum par le Président de la République.“

⁴ Cf. for example the German position: The Merkel government agreed to pursue negotiations with the current candidates but is decidedly opposed to any new admissions of candidates at present.

plays reluctance to move forward on the way to an ever larger Union.⁵

If it comes to the European Neighbourhood Policy, it is not without reason that the initially used term “wider Europe” has been replaced by “European neighbourhood” in order to prevent people thinking of the ENP as pre-enlargement strategy (Stetter 2005: 1). When it comes to recognising the “European aspirations” of particular countries, the rhetoric used in Action Plans hints in the same direction. The wording leaves enough room for interpretation because it does not clearly answer “whether the aspirations refer to EU membership or European values in the metaphysical sense.”⁶

Since the accession perspective, on the other hand, is generally regarded as being the number one incentive for reform and stability in the respective countries and therefore one of the Union’s most efficient foreign policy tools, the EU is eager to transfer the assets of this policy for the formulation of relations with its neighbours into another policy, i.e. to create a true alternative to enlargement.

Since the EU prefers to use existing policies rather than to create totally new ones, the strategy applied towards neighbours tries to consolidate existing mechanisms without taking new risks. The newly created ENP therefore combines two elements: It excludes enlargement for the time being (thereby responding to European publics’ demands) and it enhances the incentives for partners (thereby consolidating existing neighbourhood policies and responding to partners’ demands).

3. Responding to European Demands – The Creation of a “Ring of Friends”

⁵ This has been reaffirmed in the Presidency Conclusions of the Brussels European Council, 14/15 December 2006 (16879/06): 2, by underlining that enlargement depends on “the EU’s capacity to integrate new members”. Currently, the Polish government, pushing for further eastern enlargement, is quite alone with its position.

⁶ “EU gives glimmer of enlargement hope for South Caucasus states”, <http://euobserver.com/9/22183>, quoting a Finnish official.

By excluding enlargement for the time being for ENP-partners, the EU does in fact create an area of privileged relationships around its borders. Although the designation of the neighbourhood as it is today has not necessarily been intended from the very beginning (Stetter 2005: 4), the evolution of the EU's relations with eastern Europe and the Mediterranean over the past fifteen years has created certain path dependencies that have facilitated the finalisation of the "ring of friends".

Since the end of the Cold War, Western Europe has paid particular attention to its neighbours. As it formed itself to become the European Union, it soon created mechanisms to support and stabilise the countries of the former Eastern Bloc. The EU soon offered an accession perspective to these and to the Baltic States. In addition, it also established special relations to the newly formed Commonwealth of Independent States (CIS), inaugurated to minimise the further drifting apart of former Soviet republics. With its Technical Assistance to the CIS (TACIS), the EU created a special instrument to assist the newly created states. Even though not having been part of the Soviet Union, TACIS also provided assistance to Mongolia.

With the Eastern enlargement of the EU approaching, Mediterranean EU-members voiced the demand to also enhance relations to southern and eastern Mediterranean countries by developing a unique European policy for the region. After all, Southern EU-members were much more closely linked to most of these countries than to countries of East Europe or Central Asia. Accordingly, the Euro-Mediterranean Partnership, launched in Barcelona in 1995, was perceived as some sort of geographic compensation (Chevènement 1996: 49) for the EU's prospective eastern enlargement. All Mediterranean countries – with the exception of the Western Balkans and Libya – were founding members of the EMP. Jordan, without direct access to the Mediterranean, was also included from the very beginning. Libya followed in 1999 as associated member. At the end of 1995, the EU had consequently established special, albeit different foreign policy approaches to govern relations in its neighbourhood, a neighbourhood still stretching far into Asia. In the meantime, the geographic spaces between these neighbours and the EU had been reduced as well. Finland, Austria and Sweden had joined the EU in January 1995, which meant that all western Euro-

pean countries – with the exception of Switzerland, Norway and the European micro-states – were now members in the EU or in NATO – most of them even in both. This facilitated the identification of distinct groups of countries in the region: Besides the EU and western European countries a large group of future EU-members became identifiable – including the not yet appeased countries of the Balkans – as well as the CIS-countries to the east and the Mediterranean Partner Countries (MPCs) to the south. All these were surrounded by the “periphery” to which the EU did not establish comparable privileged relations.

The classification into different groups still constituted the political reality at the turn of the century. However, with the biggest ever enlargement approaching, the development of a special policy to govern relations with the future direct neighbours in the east became more and more urgent. However, the eventually developed ENP was not only designed to encompass the “new neighbours” Belarus, Ukraine and Moldova, but the Southern neighbours as well.⁷ By doing so, the EU had made a significant move to harmonise its policies towards the east and the south by the establishment of the ENP framework, without – yet – touching on the existing financial instruments MEDA and TACIS, although some TACIS-beneficiaries like the South Caucasus and the Central Asian CIS-countries were not included in the ENP. As for the Mediterranean, the acceding countries Malta and Cyprus as well as Turkey, having been granted candidate status in 1999, were not included on the partner side of the scheme, because all three of them had reached a higher level of affiliation to the EU than the ENP could possibly offer since they no longer only concerned foreign policy strictly speaking.

With the enlargement from 15 to 27 members in May 2004 and January 2007, political geography changed once more. Only the Western Balkans and Turkey remain between the EU and the “new neighbours”, all – at least potential – candidates, and possibly to be seen on the EU-side of the equation in the short- to medium-term. In addition, a final distinction was made between the remaining

⁷ In more detail see Comelli 2004: 98-101. Relations with Russia remained on a bilateral basis.

TACIS-beneficiaries that could become future neighbours and those that would even remain peripheral with all of the potential candidates joining the EU. The three South Caucasus states, considered peripheral in the beginning of the ENP (Coppieters 2003: 164-168), were officially transferred to the ENP in June 2004, due to their strategic importance and their relevance for European access to energy resources. On the other hand, assistance for Mongolia was no longer provided via TACIS but via the Union's instrument to assist Asian and Latin American countries. This implied that Mongolia was degraded from a privileged relationship to the EU back to development co-operation. The same holds true for the Central Asian CIS-countries Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan. In 2007 the instruments TACIS and MEDA have been merged into the European Neighbourhood and Partnership Instrument (ENPI) and the TACIS-beneficiaries not participating in the ENP are transferred to the instrument for development cooperation and economic cooperation.⁸ Accordingly, the privileged relationship between the EU and the Central Asian CIS-countries has come to an end.

With these geographic specifications the ENP-countries now form a clearly defined ring around the EU. The vague concept of neighbourhood has thereby been reduced to the neighbourhood strictly speaking – especially by revising the extension to Central Asia. The ring does not only surround the enlarged EU of 2004 and 2007 but all current candidates as well. By doing so, it effectively seems to pre-decide on the ins and outs, i.e. the Union's *finalité géographique*.⁹ In the current situation, in which the geographic consolidation of the ring coincides with the EU's crisis and the spreading enlargement fatigue, the ENP seems to be the natural vehicle to transfer practical aspects of enlargement policy in order not to give up some of the EU's most efficient tools. Accordingly, the ENP – by the incorporation of a certain set of countries and the exclusion of others – is not just forming an arbitrary circle of countries, but has been assigned certain functions.

⁸ See for the new classification and establishment of instruments COM(2004) 626 final.

⁹ See for a similar assessment Tocci 2005: 28.

From a European perspective, the ENP can indeed serve as premier demarcation of the Union's outer borders. In a certain sense, this implies a "hegemonic strategy" (Masala 2006: 130) because it creates a semi-periphery, or privileged buffer, between the EU and the "periphery":¹⁰ Besides geographically forming a ring around the EU, ENP-countries are socio-economically located between the EU and the "periphery". Their GNI/capita is almost equal to the GNI/capita of (potential) candidates. With their joining the EU, the ENP-countries will remain the only group – apart from Russia – socio-economically located between the EU and the "periphery" (Marchetti 2006: 19). This might help to at least slow down migratory movements from abroad, a perspective the EU is probably not very inclined to give up easily. This aspect also clearly shows in European discussions on plans to establish refugee camps on the soil of ENP-countries,¹¹ a sort of policy externalisation that strongly hints at the ENP's buffering logic.

4. Responding to Partners' Demands – Chances for Neighbours?

Despite its intrinsic logic, the ENP does not necessarily imply a mere walling off of the EU. Due to increased interdependencies in international relations the EU can only succeed in assigning a semi-periphery role to neighbours by offering them substantial development perspectives, thereby creating potential for a true win-win-game. Accordingly, the Union's policy towards its neighbours combines excluding *and* including elements. The enlargement fatigue – aggravated by the ratification crisis – brings additional attention to the "ring of friends" around the EU and its future members. Since enlargement policy can no longer serve as the Union's first foreign policy choice in its vicinity, the EU tries to transfer some of its reform-prompting and stabilising tools to other policies. The ENP seems to be the natural framework to take over this task by further attaching partners to the EU, even without a membership perspective.

¹⁰ Del Sarto, Schumacher 2005: 26f also identify a „buffering logic“ and a „centre-periphery approach“ in the ENP.

¹¹ See *Frankfurter Allgemeine Zeitung*, 6 December 2005: 5.

As a consequence, the ENP, having been conceptualized in DG Enlargement and only been transferred to foreign policy at a later stage (Del Sarto, Schumacher 2005: 11), displays some central features of enlargement policy. Accordingly, it is also conceptualised along the logic of conditionality: Incentives are granted under certain conditions, after meeting agreed targets.¹² However, the ultimate goal – “everything but membership” – is particularly less attractive to many eastern partners than the prospect of future membership.¹³ For MPCs, however, this connection is less problematic as their prospects for membership in the EU are just as low as their official ambitions in this respect. But with a constant decrease in the number of candidates, the competition between the EU’s enlargement policy and its neighbourhood policy is losing its bite – in favour of neighbourhood policy. Since enlargement policy seems to phase out, neighbourhood policy has the chance to emancipate and to detach from the domination of enlargement policy. Hence, it has the potential to become the Union’s number one foreign policy tool in its neighbourhood – after enlargement policy has been in this position for the past 15 years.

In order to especially keep eastern partners on track, the EU has been prompted to significantly increase the attractiveness of the ENP. As the ENP constitutes one framework for the Union’s current “neighbourhood schemes”, the improvement will not only profit the east but also the south. This enhancement is clearly highlighted by the increase in status as well as of incentives.¹⁴

1. The legal foundation envisaged for the ENP is more exclusive than for its predecessors. The Euro-Mediterranean Partnership is based on Title V TEU (CFSP) and particularly on Art. 133 TEC (trade and tariffs), Art. 310 TEC (Association Agreements), and Art. 308 TEC (MEDA). Analogously, relations with Russia and countries formerly part of the Soviet Union are governed by Title V TEU as well and particularly by Art. 133 TEC, Art. 300 TEC (Partnership and Co-operation Agreements), and Art. 308 TEC (TACIS).

¹² Cf. especially COM(2003) 104 final (*Wider Europe*), p. 16.

¹³ In a positive sense, this has at least put an end to the „open-endedness“ of the ENP for the time being. This might contribute to its further consolidation as well.

¹⁴ For additional proposals to boost the ENP see Lippert 2006.

Most TEC articles referred to also constitute the foundation for the EU's development policy, that is particularly based on Art. 177-181 TEC, as well as Art. 133 TEC (Generalised Scheme of Preferences and Co-operation Agreements), Art. 310 TEC (Cotonou and Association Agreements), and Art. 308 TEC (ALA). In the Constitution for Europe (CEU), however, the neighbouring states have been elevated to a higher level in comparison to other third countries: The "Union and its neighbours" are exclusively dealt with in Art. I-57 CEU. Until now, there has been no particular mention of ENP-countries within the Treaties. The fact that this is envisioned in the constitutional treaty of 2005 provides strong evidence that neighbours are now considered particularly relevant.

2. The special commitment to neighbours manifests itself in newly introduced denominations. The official title of the Commissioner for External Relations, Benita Ferrero-Waldner, has been changed to "Commissioner for External Relations and European Neighbourhood Policy", thereby attributing particular attention to neighbours.

3. One of the major concrete incentives is the significant rise in funds made available to assist partners. The TACIS and MEDA programmes combined had a volume of approximately 8.5 billion € in the period 2000-2006. For the ENPI, almost 11.2 billion € are foreseen for 2007-2013.¹⁵

4. Development perspectives of the ENP go well beyond the prospects so far formulated in Association Agreements or Partnership and Cooperation Agreements. The Union now does not only offer preferential trade or participation in a customs union, but also "the prospect of a stake in its Internal Market and of further economic integration."¹⁶ The Action Plans substantiate this even more by envisaging to move "beyond co-operation to a significant degree of integration, including [...] a stake in the EU's Internal Market, and the possibility [...] to participate progressively in key aspects of EU

¹⁵ Art. 29, Regulation (EC) 1638/2006. In addition, TACIS beneficiaries Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan then will be covered by the Development Cooperation and Economic Cooperation Instrument.

¹⁶ The phrase cited is included in all 12 Country Reports so far published, p. 3; see as well COM(2003) 104 final (*Wider Europe*), p. 10 and COM(2004) 373 final (*ENP Strategy Paper*), p. 5.

policies and programmes.”¹⁷ As the EU at present is not officially proposing EU-membership to neighbours, these perspectives and the increase in funds made available constitute the strongest incentives so far.¹⁸

Since eastern and southern partners are now pooled in one framework, incentives have also been increased for MPCs. Provided that the ENP can develop or keep up a certain momentum in the east as alternative to enlargement policy, the Mediterranean might be able to adhere to the accelerated momentum and profit from the new opportunities offered. Although based on increased differentiation, the EU intends to establish a quite coherent framework. Otherwise, the merger of MEDA and TACIS into the ENPI would not have been necessary. In addition, the ENP-process has largely been conducted simultaneously with eastern as well as with southern partners since its inauguration. Country Reports or Action Plans have often been published simultaneously. The perspective of Neighbourhood Agreements¹⁹ to replace the older Association Agreements or Partnership and Cooperation Agreements as a new, common basis also highlights the EU’s determination to harmonise its policy towards its neighbours from the Maghreb to Belarus.

Table 1: State of relations of the EU with ENP countries

Country	Contractual basis			Country Report	Action Plan
	type	agreed	in force		
Algeria	AA	12/2001	03/2005	-	-
Armenia	PCA	04/1996	07/1999	03/2005	11/2006
Azerbaijan	PCA	04/1996	07/1999	03/2005	11/2006
Belarus	PCA	03/1995	-	-	11/2006
Egypt	AA	06/2001	06/2004	03/2005	-
Georgia	PCA	04/1996	07/1999	03/2005	-

¹⁷ The phrase can be found in all 10 Action Plans so far adopted, p. 2; Georgia is even granted the perspective of a gradual extension of the four freedoms, even though the Union has avoided to include this perspective in any ENP-document ever since the Wider Europe communication.

¹⁸ Dannreuther 2006: 190f points out that the perspective to grant the four freedoms – as given in COM(2003) 104 final (*Wider Europe*), p. 10 – has not been maintained; evidently because this could have implied a pre-enlargement strategy within ENP.

¹⁹ COM(2004) 373 final (*ENP Strategy Paper*), p. 5.

Israel	AA	11/1995	06/2000	05/2004	04/2005
Jordan	AA	11/1997	05/2002	05/2004	06/2005
Lebanon	AA	06/2002	03/2003*	03/2005	-
Libya	-	-	-	-	-
Moldova	PCA	11/1994	07/1998	05/2004	02/2005
Morocco	AA	02/1996	03/2000	05/2004	07/2005
Palestinian Authority	AA*	02/1997*	07/1997*	05/2004	05/2005
Syria	AA	10/2004	-	-	-
Tunisia	AA	07/1995	03/1998	05/2004	07/2005
Ukraine	PCA	06/1994	03/1998	05/2004	02/2005

Legend: AA - Association Agreement; PCA - Partnership and Co-operation Agreement; * Interim Agreement.

Data retrieved from: <http://europa.eu>.

On the other hand, the ENP assembles a set of very heterogeneous countries – even the MPCs alone cannot be regarded as a homogeneous entity (Pace 2005). Considering individual countries' development perspectives, Schmid (2006: 123f.) stresses the danger, that MPCs might be de-coupled, because eastern partners might well constitute a very strong competition, attract the vast majority of funds and leave not more but less to MPCs. However, so far the EU has strictly indicated the funds to be allocated to neighbours and the “fiches on partners”²⁰ released in December 2006 show that globally MPCs will not lose. Nonetheless, the increase for the east will be more substantial. On the other hand, European Investment Bank lending, totalling €12.4 billion for ENPI-countries, will largely go to MPCs with €8.7 billion earmarked for the Mediterranean alone.²¹ Another indication for the EU's determination to prevent any severe de-coupling within the neighbourhood lies in the maintenance of the regional elements of the EMP within the dominantly bilateral ENP framework.

Since the economic and structural position of MPCs makes it unrealistic for them to join the internal market in the near future (Schmid 2006: 122) they should rather regard the EU's offer as a perspective and the potential accomplishment by eastern partners

²⁰ See the “Fiches on Partners” at http://ec.europa.eu/world/enp/pdf/enp-country-2006_en.pdf.

²¹ Cf. “Council agrees on renewed mandate for external lending by the European Investment Bank”, 15787/06 (Press 339), Brussels, 28 November 2006.

might at least induce new momentum into the building of the Mediterranean free trade area, a project that has not yet come close to realisation. Certainly, no partner should be overcharged, but the ENP's overall development can surely highlight the possibilities of how far countries can go with this policy. The EMP as unique framework for Mediterranean partners did not get the chance to fully display its potential. Now people can better evaluate the performances of different countries in the new framework. Achievers will be recognised and non-achievers will have to increasingly explain themselves abroad and at home. What holds true for the EU therefore holds true for neighbours as well: Increased challenges can be the source for further development.

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