

The 2015 ENP Review: Beyond Stocktaking, the Need for a Political Strategy

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Executive Summary

- > The 2015 ENP Review offers the most extensive revision of the European Neighbourhood Policy ever since it was launched.
- > The Review signals a welcome shift in the EU's policy approach. It overcomes the initial EU-centric approach focussing on the EU's own experience and previous policies (first and foremost enlargement) and places partner countries' aspirations and needs at the core of the revised neighbourhood policy.
- > However, the Review falls short of sketching out a real and much-needed strategic vision and of providing political impetus to the neighbourhood policy.
- > It remains also unclear how the EU intends to strike a balance between values and interests in the revised policy.
- > All this needs to be addressed in the next steps, either in the forthcoming discussions with the partner countries or in the upcoming positions of the EU's institutions and policy-makers.

A decade after the European Neighbourhood Policy (ENP) was launched, and in sharp contrast to the policy's initial assumptions, the neighbourhood has not turned into a more prosperous, stable, secure and democratic area. Instead, it is, according to the EU's High Representative for Foreign and Security Policy, Frederica Mogherini, a "region in flames, both to the East and to the South". Based on the March 2015 Joint Consultation Paper's observation that the EU has "not always been able to offer adequate responses to developments in its

neighbourhood", the 2015 ENP Review has sought to assess what has and what has not worked. However, while the Review signals a major shift of paradigm in the EU's approach to its neighbourhood, it is unlikely to result in drastic improvements in the EU's "special relationship" (Art. 8 (1) TEU) with its neighbours as such.

A neighbourhood in turmoil: the reasons behind the 2015 ENP Review

Since its inception, the European Neighbourhood Policy has been subject to regular reviews by the European Commission in cooperation, since 2011, with the European External Action Service (EEAS). Compared to these previous reviews, and in terms of its scope, the Review released on 18 November 2015 offers the most extensive re-assessment of the policy ever since its launch. It does not only re-examine the instruments and sectors based on which the cooperation between the EU and its neighbours has developed over the past decade, but also goes into depth by scrutinising the validity of the assumptions upon which the ENP was based.

The far-reaching scope of the 2015 Review was primarily prompted by the wide-ranging changes that have affected the neighbourhood in recent years. Since the last major review of the policy in early 2011, which had been triggered by the 'Arab Spring', rising political tensions and socio-economic inequalities have been compounded by major security challenges in the EU's Eastern and Southern neighbourhood. These include new conflicts (for instance in Libya, Syria and Ukraine) as well as a growing terrorist threat from Da'esh – developments which add to the many structural problems faced by the EU's neighbouring countries. The security threats emerge as important obstacles to the EU-demanded reform process and put at risk the few examples of successful (even if fragile and unfinished) transformations in the neighbourhood (for instance Tunisia). Overall, these developments underscore that the EU has only partially

been able to take up the challenge of fostering stability, prosperity and security in its neighbourhood. As a consequence, the EU itself is increasingly affected by the events unfolding in the Southern Mediterranean and Eastern Europe, as recently illustrated by the growing inflows of refugees and the terrorist attacks in Paris.

While it responds primarily to the growing external challenges in the EU's neighbourhood, the ENP Review also had to take into account changes within the EU, including institutional developments. The previous review was prepared in early 2011, shortly after the EEAS was launched. At the time, the process of drafting the review was complicated by the emergence of new institutional configurations and practices. By contrast, while the EU's foreign policy is currently undergoing deep substantial changes, including the preparation of a 'Global Strategy' on foreign and security policy, these developments unfold in a more stable institutional context.

The scale and pace of political and geopolitical upheavals at the EU's borders prompted a response at the highest political level within the EU. A few weeks after taking office, European Commission President Juncker called for defining the way forward for the ENP within the first year of the new Commission's mandate. However, in sharp contrast to the initial strategic documents and revisions of the European Neighbourhood Policy, the 2015 Review is not merely the fruit of the preparatory work by the European Commission and the EEAS.

In 2010 already, shortly before the EEAS became fully operational, the European Commission launched a general consultation procedure as a basis for its forthcoming review of the policy. The procedure used at that time was significantly expanded and formalised for the 2015 Review. Like many other EU policies, the current Review is thus grounded in a wide-ranging public consultation process launched in early March 2015 by High Representative Federica Mogherini and the ENP Commissioner Johannes Hahn. Between March and June 2015, this process sparked 250 responses from partner governments, EU institutions (among others, a resolution by the European Parliament), EU member states (with Council conclusions issued in April 2015 and initiatives such as a non-paper prepared jointly by Germany, France and Poland), non-governmental organisations, social partners and think tanks. In addition, the Review was discussed in the framework of the two sub-regional components of the ENP, the Union for the Mediterranean (during the Euro-Mediterranean Partnership informal ministerial meeting that took place in April 2015) and the Eastern Partnership (during the Riga Summit at the end of May 2015).

The review process *per se* hence mirrors a shift toward greater inclusiveness in the EU's policy approach. It is the first time since the ENP was launched that stakeholders are given a say to such an extent regarding both stocktaking and defining the way forward for the policy. This is a welcome development in a policy that has frequently been criticised for being too EU-centric. However, given the variety of stakeholders involved in the ENP, it is not surprising that their views differ significantly regarding the priorities of the revised policy. Also as a consequence of this, and while maintaining a single geographical framework, the Review fails to steer the debate toward a long-term project for the neighbourhood.

A shift of paradigm or 'much ado about nothing'? Assessing the Review's outcomes

The Review reflects a major and welcome shift in the EU's approach toward greater inclusiveness of partners' own aspirations. Nonetheless, they fall short of providing a much needed strategic vision for, as well as political impetus to, the future neighbourhood policy.

A shift away from the 'shadow of enlargement'

The Joint Communication on the ENP Review drastically alters both the assumptions and the instruments upon which the policy has been premised. In the early 2000s, the European Neighbourhood Policy was largely inspired by the perceived success of recent enlargement waves and the toolbox of accession policy. This translated into the increasing use of conditionality combined with extensive monitoring and benchmarking and the wholesale export of EU rules and standards, especially under the Deep and Comprehensive Free Trade Areas (DCFTAs). A decade later, the ENP Review implicitly acknowledges that the assumptions underpinning the use of the enlargement toolbox have turned out to be erroneous, due to two intertwined factors.

First, the enlargement-inspired approach has proven ill-suited to the economic, social and political context in both the Eastern and Southern neighbourhood. In particular, the massive approximation efforts required from partner countries under the DCFTAs entail very high costs for the EU's partners, given their lower level of development as compared to the candidate countries in the 1990s. This is compounded by the comparatively much lower level of funding allocated to the ENP countries under the European Neighbourhood (Partnership) Instrument.

Second, political conditionality – the linchpin of domestic change in the accession process – has only yielded limited results in the neighbourhood. As acknowledged in the Review, the EU has not been able to effectively influence political developments where local elites resisted change. In a similar vein, sector-specific conditionality – mostly based on EU rules and standards – has only worked in reform-minded countries. However, the EU's leverage through this instrument has also been limited because it was not consistently applied. A case in point is the different treatment of Belarus, which is subjected to EU sanctions, and of Azerbaijan, although both countries are authoritarian regimes and have shown limited interest in cooperating with the EU.

The 2015 Review clearly moves away from the enlargement toolbox. It does not mention conditionality and abandons the reporting framework that was modelled after the progress reports used during the accession process. It also decentres the EU *acquis*, rules and standards. This shift in the EU's approach offers an unprecedented opportunity to tailor the EU's offer to the neighbourhood context. Yet it also calls for re-thinking the EU's transformative power, as the latter has traditionally been premised on the EU's own rules combined with conditionality and, before the ENP, a clear accession perspective.

The 'new' neighbourhood policy: 'as you like it'?

The second major change brought about by the ENP Review is the emphasis on differentiation, defined as a hallmark of the future policy. In fact, differentiation on the basis of partner countries' aspirations, commitments to 'shared values' and implementation of reforms has been regarded as a key principle of the ENP ever since the policy was launched. However, the EU has fallen short of translating it into practice. For instance, it has offered a similar package (Association Agreements and DCFTAs) to Eastern partners, subsequently extended to some Southern partners.

In recent years, however, developments in both the Eastern and Southern neighbourhood have blatantly exposed the baffling discrepancies between partners' responses to the EU. The Review acknowledges this increasing diversity and departs from a 'one-size-fits-all' approach both in the ENP and within its sub-regional components, the Union for the Mediterranean and the Eastern Partnership. In fact, the EU adopts a reversed perspective as compared to the top-down, prescriptive approach that has prevailed thus far. The new neighbourhood policy is expected to start not from the EU's offer and experience, but from partner countries'

needs and elites' expectations *vis-à-vis* the EU, even though these may not necessarily coincide. While this is promising in terms of joint ownership, the emphasis on differentiation could ultimately result in a policy *à la carte*, with partner countries cherry-picking those parts of the EU's offer that meet their needs. To mitigate potential negative effects stemming from diversity, the EU needs to embed the new neighbourhood policy more firmly in a long-term strategic vision.

Quo vadis? An apparent lack of a strategic vision for the neighbourhood

Yet this is precisely what the Review fails to offer. This gap is especially glaring in three respects.

First, the Review reflects a significantly less ambitious project than was the case in the initial neighbourhood policy. This is partly a downside of adjusting the EU's offer to partners' aspirations. In particular, the Review brings little added value for those partner countries that have expressed membership aspirations and have committed themselves to substantial reforms as part of the Association Agreements/DCFTAs, such as Georgia, Moldova and Ukraine. Clearly, the EU's offer is by no means set in stone, with discussions foreseen with partner countries expected to shape future relations. However, in the Review the EU explicitly acknowledges the limits to its leverage, thereby breaking with any expectations regarding a 'grand design' for its neighbourhood.

Second, the Review fails to strike an appropriate balance between values and interests. As it argues, both are tightly entangled in the EU's foreign policy. For instance, the clear priority given to stabilisation in the neighbourhood obviously coincides with the EU's own interests; yet, to be sustainable, stability should be built – just like inside the EU – on democracy, human rights and the rule of law. However, the Review falls short of translating this approach into the concrete substance of EU policies. It says little, if anything, on how potential tensions between the EU's interests and values will be addressed. In a policy prioritising partner countries' aspirations, this suggests that the neighbours' preferences may shape the extent to which the EU actually promotes values, if the Union does not provide closer political guidance.

Third, while pointing out the connections between economic, societal and political challenges and their joint impact on stabilisation, the Review also envisages to step up cooperation with neighbours on security-related issues (e.g. security sector reform, conflict prevention

and counter-terrorism). Yet, the Review says little about how the EU could ensure better coherence between the ENP and its relations with the neighbours of its neighbours. In the past, it has failed to factor regional interdependences into the ENP – despite the fact that some neighbours of the neighbours, primarily Russia, have played a pivotal role in the security situation of ENP countries. This is a major challenge to be addressed by the forthcoming Global Strategy on foreign and security policy, which is to be coordinated with the ENP Review.

Overall, the ENP Review has done a very solid job in terms of stocktaking. It has rather adequately identified the policy's shortcomings and limitations, not least those deriving from its EU-centric nature. However, it falls short of defining a clear way forward. This is because the

document is only an intermediate step. Ultimately, the contours of the 'new' neighbourhood policy hinge crucially on discussions to be conducted both with partners and within the EU. The Council Conclusions to be adopted in December 2015 are a first important step, while discussions will be held with ENP countries throughout 2016. In light of the challenges identified in the Review, it is also especially important that a tight coordination be ensured with the forthcoming Global Strategy and that EU member states, who remain the key players in the EU's foreign and security policy, become substantially more active in the ENP policymaking and implementation.

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