

Reappraisal of the European Neighbourhood Policy

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Streamlining Marked by “Priorities” and “the EU’s Political Interests”

In order to place the current reappraisal of the European Neighbourhood Policy (ENP) in context, we must briefly review its history. The European Neighbourhood and Partnership Instrument (ENPI), the ENP’s first financial instrument, was adopted for the 2007-2013 period. Its mid-term review (2010-11) was largely influenced by the outbreak of the Tunisian Revolution and its repercussions in the region.¹ This re-examination was, in fact, oriented towards fostering “deep and sustainable democracy,”² the long-term objective for “the most advanced partners” being a “close political association with the EU and economic integration into the internal market.”³ But thereafter, such reorientation has above all had an impact on the new European Neighbourhood Instrument (ENI, 2014-2020), based on the principle of “more for more,” that is, on stepping up so-called positive conditionality.

It was on 4 March 2015, just a year after the ENI was adopted, that Ms. Mogherini and Mr. Hahn launched the current consultation process intended

to lead up to the mid-term review of the ENI in 2017. To this end, a “joint consultation paper” entitled “Towards a New European Neighbourhood Policy” was published in order to set this process in motion.⁴ But reactions were mixed. Marc Pierini, for instance, regarding this green paper, wrote: “the paper is long on questions (74 of them) about policy proposals but much shorter on strategic thinking.”⁵ In April 2015, the Council of the European Union then delimited the future Communication of the European Commission and the EU High Representative for Foreign Affairs and Security Policy by clarifying several points.⁶ First of all, the 28 declared that the ENP “is key for both the EU’s Common Foreign and Security Policy and other areas of the EU’s external action.” The ENP has thus slipped into the inter-governmental framework of the Common Foreign and Security Policy (CFSP). Furthermore, the Council “affirms the four priority areas that the current ENP review seeks to address: ‘Differentiation’; ‘Focus’ (including inter alia security, economic development and trade, good governance, migration, energy and human rights); ‘Flexibility’; and ‘Ownership and Visibility,’” further indicating that “these areas reflect the key principles that should help define a more streamlined ENP, in line with the EU’s political priorities and interests.”

Finally, the Council invited “the High Representative and the Commission to develop a set of proposals

¹ European Commission and the High Representative for Foreign Affairs and Security Policy, Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: “A new response to a changing Neighbourhood,” Brussels, 25 May 2011, COM(2011) 303 final, https://eeas.europa.eu/enp/pdf/pdf/com_11_303_en.pdf.

² COM(2011) 303, p. 4.

³ COM(2011) 303, p. 19.

⁴ European Commission and the High Representative, Joint Consultation Paper: “Towards a new European Neighbourhood Policy,” Brussels, 4 March 2015, JOIN(2015) 6 final.

⁵ PIERINI M. “Is the EU neighbourhood model still relevant?”, *EUobserver*, Brussels, 6 March 2015, <https://euobserver.com/opinion/127910>

⁶ Council of the European Union, “Council conclusions on the Review of the European Neighbourhood Policy,” Press Release 188/15, 20 April 2015.

on ensuring coherence of the Policy with the security and foreign policy dimensions of the EU's actions abroad. The policy should contribute to promoting stability in the neighbourhood in line with the comprehensive approach and the external dimension of other relevant EU policies such as the area of Freedom, Security and Justice." The message could not have been clearer and left the Commission and High Representative with only limited room for manoeuvring.

We must understand that today's approach to security and migration policies, which fall within the scope of other EU procedures and competences, will serve as a framework for the ENP under the banner of the "stability/security imperative," now the top priority for the EU

The 18 November 2015 Communication proposes starting "a new phase of engagement with partners in 2016, consulting on the future nature and focus of the partnership"⁷ and indicates that "the EU will use the mid-term review of EU external financing instruments in 2017 to look at streamlining administrative procedures and, where required, proposals will be made to amend the underlying legal acts."⁸ As a consequence, "the new ENP will seek to deploy the available instruments and resources in a more coherent and flexible manner."⁹

The 2015 Joint Communication has six sections:

- Stabilizing the Neighbourhood
- Stronger Neighbourhood, Stronger Partnerships

- Good Governance, Democracy, Rule of Law and Human Rights
- Proposed Joint Priorities for Cooperation
- The Regional Dimension
- More Effective Delivery.

It is important to emphasize that the majority of elements mentioned in the communication are already in place. The aim of the majority of proposals is to refocus priorities and reorient or step up certain initiatives that are already underway.

A New Focus

According to the joint communication: "There will be a new focus on stepping up work with our partners on security sector reform, conflict prevention, counter-terrorism and anti-radicalization policies, in full compliance with international human rights law [...]" whereas "tackling irregular migration, human trafficking and smuggling are also priorities."¹⁰

In the 2011 review, the key words were: building "deep and sustainable democracy," "close political association with the EU" and "economic integration into the Internal Market." This remains valid for the most advanced partners with the political will to achieve these aims. However, we must understand that today's approach to security and migration policies, which fall within the scope of other EU procedures and competences, will serve as a framework for the ENP under the banner of the "stability/security imperative," now the top priority for the EU.

A New Methodology: Towards a Differentiated Conditionality?

In terms of methodology, conditionality – which had been stepped up through the new criteria of deep and sustainable democracy in 2014 – will now be

⁷ European Commission and the High Representative, 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," Brussels, 18 November 2015, JOIN(2015) 50 final, p. 5, http://eeas.europa.eu/enp/documents/2015/151118_joint-communication_review-of-the-enp_en.pdf.

⁸ JOIN(2015) 50 final, p. 23.

⁹ JOIN(2015) 50 final, p. 3.

¹⁰ JOIN(2015) 50 final, p. 3.

more bilaterally “adapted” according to the partner’s level of engagement. The Joint Communication stipulates that: “The incentive-based approach (‘More for More’) has been successful in supporting reforms [...]. However, it has not proven a sufficiently strong incentive to create a commitment to reform, where there is not the political will. In these cases, the EU will explore more effective ways to make its case for fundamental reforms.”¹¹

The November 2015 Communication proposes increasing the differentiation and flexibility of the ENP and refocusing priorities according to the imperatives of stability and security, but also that the political will of partner countries be taken into account

More specifically, “there will no longer be a single set of progress reports on all countries simultaneously. Instead the EU will seek to develop a new style of assessment, focusing specifically on meeting the goals agreed with partners. [...]. For those partners who prefer to focus on a more limited number of strategic priorities, the reporting framework will be adjusted to reflect the new focus.”¹² This means, a priori, that not only bilateral evaluations but also priorities could be widely diverging. This raises issues, since it could mean an approach based on double standards.

The Neighbours of the EU’s Neighbours

The matter of the neighbours of the EU’s neighbours (the Sahel, the Horn of Africa, the Arab/Persian Gulf and Central Asia)¹³ was considered on various levels. According to the Joint Communica-

tion, the EU is “committed to reinforcing cooperation with neighbours and beyond – not least with the Western Balkans, Turkey, countries of the wider Middle East, the Sahel region and the Horn of Africa.” This is certainly a good initiative that could be expanded to other areas of cooperation, with transnational and transregional matters (migration, security, energy) taking priority.

In this regard, the EU will use “Thematic Frameworks to offer cooperation on regional issues of concern to our neighbourhood to state and multilateral actors in the wider region, including accession and other partners. Thematic Frameworks will be used to provide a regular forum to discuss joint policy approaches, programming and investment that reach beyond the neighbourhood. These will be ad hoc meetings [...].”¹⁴ This is positive but the matter of areas of cooperation to be covered should be further expanded and an agenda should be established, with a precise calendar of meetings to prevent this initiative from being a dead letter.

The Security Dimension

What is striking is the importance attached to the dimension of security in general and to the Common Foreign and Security Policy (CFSP) in particular. Though some of the bridges between the CFSP and the ENP – such as the alignment of partner countries with the EU’s CFSP declarations or the participation of partner countries in Common Security and Defence Policy (CSDP) missions – were created after the establishment of the latter, the Joint Communication identifies no less than seven spheres in its section on security:

- Security sector reform
- Tackling terrorism and preventing radicalization
- Disrupting organised crime
- Fighting cybercrime
- Chemical, biological, radiological, and nuclear risk mitigation

¹¹ JOIN(2015) 50 final, p. 5.

¹² JOIN(2015) 50 final, p. 5.

¹³ See Erwan LANNON, “Introduction: The ‘neighbours of the EU’s neighbours’: The ‘EU’s broader neighbourhood’ and the ‘arc of crisis and strategic challenges’ from the Sahel to Central Asia,” in Sieglinde GSTÖHL & Erwan LANNON, *The Neighbours of the European Union’s Neighbours: Diplomatic and Geopolitical Dimensions beyond the European Neighbourhood Policy*, Farnham, Ashgate, 2014, pp. 1-25.

¹⁴ JOIN(2015) 50 final, p. 21.

- Common Security and Defence Policy (CSDP)
- Crisis management and response.

The idea of ensuring greater coherence between the CFSP and the ENP is certainly a good initiative, but it is important to understand that these are two separate policies that are contingent, for instance, on different decision-making procedures. Therefore, it is necessary to avoid excessive strengthening of the intergovernmental approach, which, by definition, would be based on the lowest common denominator and could thus influence the ENP's effectiveness per se.

The Migration Factor

The migration factor is likewise a key element. In the Migration and Mobility section, five elements have been put forth:

- Developing partnerships based on an integrated approach
- Promoting mutually beneficial migration and mobility
- Ensuring protection for those in need
- Tackling irregular migration
- Stepping up cooperation on border management.

The novelty consists mainly of consolidating improvements associated with the refugee crisis by taking into account the initiatives and decisions of the EU and its Member States. Attention should be paid, however, to the externalization of border controls, which often have the corollary of human rights violations.

Certain more innovative proposals, such as establishing a “platform of dialogue with businesses, trade unions and social partners [...] in order to better assess labour market needs”; creating a “start-up (Startback) fund” to promote “brain circulation”; and proposals relative to “circular migration” and “diaspora communities” can also be highlighted.¹⁵

¹⁵ JOIN(2015) 50 final, p. 19.

¹⁶ Regulation (EU) No. 236/2014 of the European Parliament and of the Council of 11 March 2014 laying down common rules and procedures for the implementation of the Union's instruments for financing external action, OJ L 77, 15 March 2014, pp. 95–108.

Conclusion

The November 2015 Communication proposes increasing the differentiation and flexibility of the ENP and refocusing priorities according to the imperatives of stability and security, but also that the political will of partner countries be taken into account. What is clear is that the ENP will become increasingly strategic and thus more intergovernmental. In any case, though more differentiation and flexibility are foreseeable, all forms of discrimination should be avoided. Hence, the reallocation of funds in the case of violation of conditionality clauses should be the rule, but the “value vs. interests” dilemma will render this difficult to implement.

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Whereas rapid action is necessary in certain areas (humanitarian aid, counter-terrorism, aid to the Tunisian transition), common and in-depth impact analyses are indispensable to prevent any counter-productive initiatives in a highly difficult strategic context.

Not until the 2017 mid-term review will any amendments be introduced in the European Neighbourhood Instrument, particularly regarding conditionality and bilateral evaluation methods. This will be far from easy given the introductions made in the last Multiannual Financial Framework (2014-2020), namely: a new “strategic dialogue” with the European Parliament, to be applied should priorities and allocations be revised mid-term; and a new, so-called horizontal financial regulation also containing stipulations on conditionality and evaluation methods;¹⁶ not to mention the matter of specific competences and financial provisions associated with the CFSP.