

Some considerations on the intergovernmental dimension of the European Neighbourhood Policy

Oana Mihaela MOCANU*

Abstract

This paper aims to shed some light on the implications of the intergovernmental approach on the inception and evolution of the EU's Neighbourhood Policy. Although initially projected as a new community policy based on a called-for common, unitary vision on the neighbours, the European Neighbourhood Policy (ENP) was (and still is) directly influenced by the interests and particular actions of several EU member states. Since its conception and through its developing initiatives, especially in the Eastern part (i.e. the Eastern Partnership), the role of national interests has been high in articulating the policy. Analysts often criticize the impetuous national behaviour that surpasses the community objectives in shaping the policy. The success or failure of the ENP depends not only on the capacity of the member states to put the Union's interest above all, but also on the capability of the ENP partner states to profit from the 'privileged relations' offered, in the absence of the ultimate incentive – the accession perspective. For the policy to succeed, the EU has to do more than theoretically transfer its values and norms onto its partners. A policy based on differentiation, according to specific country progress would be the best solution for the EU neighbouring area.

Keywords: European diplomacy, cooperation, EU neighbourhood, Eastern Partnership, conditionality, intergovernmental factor, differentiation

* Oana Mihaela Mocanu is project coordinator within the Communication Unit, European Institute of Romania and editor-in-chief of the Romanian Journal of European Affairs; e-mail: oana.mocanu@ier.ro.

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1. Introduction

The construction of the European Union represents a major political and economic project in Europe, with a stable framework of growth and development being vital for the sustainable success of this initiative. Within this framework, the EU enlargement towards Central and Eastern Europe has undoubtedly constituted the most ambitious political project of the Union in the last decade. The accession of ten states in 2004 (Estonia, Czech Republic, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia, Cyprus and Malta) and of another two in 2007 (Romania and Bulgaria) has created the proper background for adapting, shifting and renewing the forms of cooperation that already existed between the EU and its neighbourhood.

Once the EU's borders were modified, it became necessary to adapt the regulating mechanisms of its relations to the new neighbourhood. Given the rather unstable political climate and rather low level of economic and social development in the Union's neighbourhood, a new and targeted policy to address a wide range of sensitive issues in EU's proximity has proven to be necessary.

A EU initiative conceived in 2003-2004, the European Neighbourhood Policy (ENP),¹ is precisely the result of this new geographical and geopolitical context determined by the EU's enlargement wave towards Central and Eastern Europe.

Covering a variety of issues that surpass mere economic cooperation, the ENP intended to contribute to a continuous modernization of the neighbouring partner states. The asymmetries between the EU and the ENP partner states are reflected in the level of development of the latter, which is much lower than the EU average. Some of them are predominantly agricultural economies or based upon raw materials, with large macroeconomic disequilibria, high unemployment level and flaws in respecting and promoting the democratic principles and the rule of law.

Observing several principles such as the differentiated approach and conditionality, the ENP aims at the consolidation of the EU's cooperative relations with its neighbourhood and the approximation of the Southern and Eastern partner states to European values and standards.

The goal of this paper is to briefly comment on the *intergovernmental factor* involved in the creation and further development of this policy. Though projected as a new community policy on a unitary approach of the EU

¹ The European Neighbourhood Policy, as it was defined from the start, refers to the Southern neighbourhood of the EU (the states in the Mediterranean region, participants to the Barcelona Process) and the Eastern neighbourhood (Ukraine, Moldova, Belarus, Georgia, Armenia and Azerbaijan).

neighbourhood, the ENP evolution has proven that the policy was directly influenced by the interests and particular actions of national states.

As for the methodology used in the research process, several instruments were put in place: a literature review on international relations, focusing on concepts such as diplomacy of cooperation, intergovernmental influence, conditionality; an analysis of the official documents specific to this policy issued at the Community level, the discourses and official declarations (both at the Community and member states' level) of the main actors involved in shaping the policy; and several interviews with representatives of central authorities in Romania. The comparative analysis of different national approaches to the EU neighbourhood, with a particular focus on the Eastern component, was also involved in the research.

2. Some theoretical aspects. Intergovernmental elements in developing the ENP

In intergovernmental theory, states represent the main actors within international relations, acting guided by their own interests. In the specialized literature, analysts speak about the diplomacy of European cooperation. If one can refer to the European political cooperation and the common foreign and security policy as the start of a European diplomacy (Petiteville, 2006), the cooperation becomes even more valuable as regards the regulation of relations outside the European Union. While the oldest form of external cooperation of the Union was strictly related to trade relations (Laïdi, 2008), new global developments and the high degree of heterogeneity of the countries surrounding EU have driven a necessary path for evolution and adaptation of the overall cooperation system. Europe needed to shape not only a new discourse, but also new and updated strategies, policies and concrete measures to face the global economic challenges. Humanitarian, environmental, and regional and inter-regional diplomacy represent forms of diplomatic relations performed by the EU in relation to the rest of the world in the last decades (Petiteville, 2006).

In this context, the shaping of a good neighbourhood implies the existence of common economic and political interests in the same region. A successful neighbourhood policy means more than good management of frontiers.

The first renewed form of external policy of the EU after its enlargement to the Central and Eastern part of Europe was the neighbourhood policy. Built upon various former cooperation agreements, instruments and mechanisms prior to enlargement, the ENP is a cross-pillar policy, with a comprehensive intergovernmental dimension.

The EU member states have profoundly influenced the content, goal and scope of the EU's foreign relations. This is also applicable to the EU neighbourhood initiatives. While states such as France, Italy, Spain were evidently more interested in the EU's relations with the Mediterranean countries

(partly as a consequence of the colonial tradition), a series of new EU member states have proven to be firm supporters of a closer neighbourhood to the East, trying to increase their influence within the Union also by redirecting the foreign and neighbourhood policy plans to their favoured region.

The different member states of the European Union have given a particular attention to the immediate neighbourhood. Cameron (2007, p. 60) carries out a very thorough analysis on the interests of each member state, criticising the various circumstantial national interests within the EU agenda and the absence of long-term strategic thinking.

Even the shaping and promotion of the consolidated versions of the neighbourhood policy constitute the firm result of the combined efforts of several EU member states. The configuration of alliances and partnerships within the EU, among states with similar objectives, has led to the support and further development of new initiatives within the neighbourhood policy (France, Italy, Spain for the Union for the Mediterranean; Poland and Sweden for the Eastern Partnership).

Actively promoting an Eastern dimension of the EU neighbourhood, Poland has supported even since 2003 a regional cooperation framework (MFA Poland, 2003) meant to create a balance between the Barcelona Process² and the Northern Dimension³. In a document of the Polish Ministry of Foreign Affairs in January 2003, Poland expressed its desire to create an Eastern dimension of EU, supporting principles such as conditionality, differentiation and focusing on the European perspective of Ukraine (Non-paper MFA Poland, 2003). Poland proposed the consolidated political dialogue, the gradual and asymmetrical trade liberalisation, common borders management for cooperation mechanism to be implemented. Poland's proposal, even before becoming a full EU member, for a EU open to consolidated relations with Eastern Europe was only the first step for the similar position adopted within EU after its accession in 2004.

Together with the UK, Poland and Lithuania, Germany has been an active supporter in favour of deepening the EU's relations with the Eastern part of the neighbourhood, including Russia. Lithuania has continuously struggled for the conditionality and accession perspectives for Ukraine and also represented a good advocate for Georgia (Rakutiene, 2009).

The Eastern Partnership (EaP), officially launched in May 2009 in Prague (Council of the EU, 2009), represented an ambitious initiative of Poland and Sweden to consolidate the Eastern dimension of the ENP, its proposals envisaging both the deepening of the bilateral component (through the closure

² Barcelona Process (1995) refers to the EU's cooperation relations with the Mediterranean countries.

³ The Northern Dimension is a cooperation initiative launched by Finland in 1997, grouping countries such as: Sweden, Denmark, Germany, Poland, Estonia, Latvia, Lithuania, Finland, as well as Norway, Iceland and Russia.

on the medium term of some association agreements and through deeper and comprehensive free trade with the Eastern neighbours), and the promotion of a deep multilateral component (by its thematic platforms and the flagship initiatives proposed). Meant to develop the relations with Ukraine, Moldova, Georgia, Azerbaijan, Armenia and Belarus, the Eastern Partnership benefited from a considerable amount of confidence, political will and promotion at the European level, with civil society playing an important role in the debates related to the implementation and development of specific programmes. Through the ongoing efforts to supplement the financial assistance allocated through the European Neighbourhood and Partnership Instrument, the Neighbourhood Investment Facility (the main operational instruments of ENP), along with EBRD and EIB funds, the European Union foresaw the extremely important role of the Eastern Partnership in the formation and maintenance of a climate of stability, security, and prosperity in its immediate neighbourhood. In particular, the Southern Caucasus still remained a highly sensitive area, with increased risks in energy security, migration flows and more or less *frozen conflicts*.

Analysts have also criticized the self-centred attitude of some member states or the ways that they promoted their pure national interest within the negotiations for the ENP. Poland, for example, has received criticism for its excessive focus on the accession perspective for Ukraine and for aggressively defending its national interests within European initiatives (Copsey, 2007, p. 14).

A number of EU states have expressed their reluctance regarding the absorption capacity of the Union, the “need to digest” the last wave of enlargement before any other commitment to other aspiring country being a constant statement of the public European officials discourse (Larrabee, 2007, p. 34). Croatia’s joining on the 1st July 2013 was an important though so far singular step towards further enlargement into the Western Balkans.

The Lisbon Treaty, in force since the 1st December 2009, has marked a shift to increasing the weight of the Community element in the EU’s policies in order to consolidate Community capacity-building by extending the fields with qualified majority voting and weakening the unanimity rule (in sensitive aspects such as border control, asylum and migration, the right of establishment, energy etc.). However, the increased role of the national parliaments in the consultation mechanism for the decision-making process (by checking the legislative proposals sent by the Commission, by the possibility to contest such a legislative proposal on grounds related to non-observing the subsidiarity principle, the participation to the EU treaties revision), keeping the security and defence policy at the intergovernmental level are only a few elements that certify the trend toward keeping and even enhancing national elements and principles in the overall decision-making process.

The increased heterogeneity of the Union, the differentiated integration, the continuous lack of a common voice as regards the foreign and security policy have also put a mark on the EU neighbourhood policy. The EU member states are clearly divided into groups of supporters of either the Eastern dimension or the Southern one, thus diluting the initial principles of a common project for the neighbourhood.

Different concepts from the neo-functional theory, based on the spill-over effects of the integration, can be applied to the ENP. In this case, the „soft coordination” - a new method of coordination in foreign relations - is centred upon the consolidation of bilateral relations through negotiations, based on partner states’ political commitment to undertake internal reforms. Derived from the enlargement policy, this method is more an adaptation of the previously applied principles to the acceding countries, such as a common values discourse, partnership, differentiation, participation, decentralization, conditionality and a consistent financial assistance package (Tulmets, 2007, p. 116).

Even from the goals of the ENP, one can ascertain that the European Union uses the overall policy framework for transferring its internal norms and regulations to the partner states from its immediate neighbourhood. Coming closer to the administrative and legislative standards of the EU is a strong element of the ENP cooperation. Time has demonstrated that within ENP there is a risk of increased discrepancy between the rules’ legislative adoption and the degree of actual implementation (Freyburg *et al.*, 2009, p. 926). In the specialized literature, there are debates regarding the “transformational diplomacy concept through imitation, rather than imposition”, considering that the neighbourhood also represents a potential test ground for the strategic ambitions of the EU and for the capacity to promote internal transformations in the ENP partner states (Dannreuther, 2008, p. 63).

A regional approach of the neighbourhood has also been the subject of different analyses. Given the common issues at stake (border security, energy dependence, environment protection, access to free markets, combating trafficking etc.), the EU neighbours can also benefit from a regional approach. Though in the beginning the EU preferred the bilateral approach, further initiatives such as the Union for the Mediterranean and the Eastern Partnership have developed a regional component. This has been successful especially in the field of cross-border projects, in which regional initiatives are easier to implement and monitor than specific bilateral ones.

Comparing ENP with other projects, Rakutiene (2009, p. 149) has briefly characterized it as composed of bilateralism, conditionality and exclusion of Russia, while regional initiatives involve multilateralism, regionalism and inclusion of Russia (i.e. Black Sea Synergy).

As for the external actors’ influence, namely the Russian influence in developing the Eastern dimension of the ENP, it is not a factor to be neglected.

Although Russia has refused its inclusion under the ENP umbrella, preferring the Strategic Partnership formula, its link to ENP is assured through the European Neighbourhood and Partnership Instrument and, certainly, through the direct influence it exerts upon the assembly of policies in the region. Given Russia's offensive in its immediate neighbourhood, through its concerted actions (commercial blockades or related to the energy supply, the unstable visa regime), the European Union will have to be permanently aware of the Russian factor in formulating and developing the policies related to the Eastern neighbourhood. Any new policy addressing this area that ignores Russia's presence is destined to fail. At present, it is paradoxical that Russia plays a major role in further developing the Eastern Partnership. With higher pressure on Ukraine, to prevent it from signing the Association Agreement with EU, with permanent blockades on the Republic of Moldova's trade and gas supplies, Russia is trying to keep its sphere of influence in the area, but it is also jeopardizing its prospects for a real strategic partnership with the EU.

Currently, France is trying to engage into a partnership with Poland regarding ENP. With a long tradition in playing a major part in intergovernmental relations, Hollande's France is shifting its focus onto the Eastern neighbourhood, acting as a support for Poland in enhancing the EaP development (Kaca and Zubel, 2013). On the other hand, Poland has somewhat increased its interest in the Southern Mediterranean, through various bilateral visits in the area (Kaca and Zubel, 2013). At the same time, Poland is highly focusing on the Eastern neighbourhood, especially on Ukraine. For Poland, "the ENP is inseparable from the debate on continuing EU enlargement" (Lippert, 2008, p.4). Germany considers itself a driver of ENP, while Nordics have a particular interest in Russia. Bulgaria and Romania continue to see the Black Sea cooperation as a priority in developing the ENP (Lippert, 2008, p. 7).

In the meantime, the Eurasian Customs Union comes as an obstacle to further developing ENP. Putin's initiative to create a customs union has diverted the attention of at least Armenia and possibly Azerbaijan from the EU association process prospects. Russia seeks to attract the countries in the area through a non-visa regime, free access to a huge export market and easier entrance into its labour market.

3. Romania's position

As a EU member state at the Eastern frontier of the Union and with a particular traditional interest in the Black Sea area, Romania has constantly promoted an articulated, coherent, unitary and pro-active policy addressed to the Eastern part of Europe within the EU.

Promoting the Black Sea Synergy⁴, supporting the Eastern Partnership and the complementarity principle of the two initiatives, a permanent advocate for the European vocation of the Republic of Moldova, as well as an initiator of the Strategy for the Danube region (together with Austria), Romania has gradually transformed the European Neighbourhood Policy in one of its foreign policy priorities⁵.

A region of potential risk, with a lot of sensitive issues to be solved (such as the Russian-Georgian conflict, the Transnistrian problem, the differences concerning the continental platform), the Black Sea area needs an active and pragmatic advocate in the EU's political, economic and security cooperation initiatives, and Romania represents a favourite candidate in this respect. By constantly promoting a regional approach to the Black Sea issues, Romania pleads, together with Bulgaria and Greece for a consolidated Black Sea Synergy, that would concentrate on energy, the environment, and transport and in which the sectorial partnerships could play a significant role in developing concrete cooperation projects.

For the time being, Romania aims at concentrating on the concrete aspects of these initiatives, the beginning of specific projects in the economic, social, education, and cultural fields, the development of the cross-border component and the facilitation of cooperation among the local authorities of the states in the region. In this context, one cannot ignore the strong bilateral component that Romania has the chance to develop in the next few years, making the most of the cooperation opportunities with the states in its immediate neighbourhood. Regarding its relation with the Republic of Moldova, Romania can contribute to increasing the chances of drawing it closer to the EU through its specific, sectorial expertise, the association agreement negotiation process, and the development of concrete projects (energy and transport infrastructure, joint cultural and education projects, investment and business climate promotion) with a consistent financial contribution, superior to the one offered so far.

4. ENP - a cross-pillar policy

An overall umbrella for the EU relations with its neighbourhood, the European Neighbourhood Policy benefits from numerous correlated elements with other European policies. The link between the neighbourhood policy and the cohesion and regional policy originates in the cross-border component, the

⁴ Complementary to ENP, the Black Sea Synergy represents a regional cooperation initiative of the European Union, meant to bring on a unitary EU position in the extended Black Sea area.

⁵ Interview with representatives of the Romanian Ministry of Foreign Affairs.

territorial cooperation and, to some extent, in the principles guiding the financial instruments.

A cross-pillar policy, both through its goals and through its Action Plans, the ENP also includes elements of the Internal Market, environment, common foreign and security policy, justice and home affairs (especially through migration and asylum), energy security, education and culture. Considered to be a complex, integrated policy of the EU, its cross - pillar character could somehow impede the smooth evolution of the practical stages of the policy implementation.

The ENP was not created as a prior stage to future enlargement. Though some countries (like Republic of Moldova or Ukraine) have seen this policy as a precursor to future accession, the European officials have constantly affirmed the distinct character and goal of the neighbourhood policy. Although borrowing different instruments and principles from the enlargement policy, the European Neighbourhood Policy is meant to create a “ring of friends” at the immediate borders, with a particular emphasis on the economic, environmental and security issues. It is true that the similarities between the neighbourhood policy and the enlargement policy have made the object of long debates both within the Union, the ENP partners and the academic milieu. Using instruments such as the Action Plans (key elements of ENP, similar somehow to the Accession Partnerships with the former candidate states), technical assistance, support for the institutional building of the partner states, conditionality, monitoring and periodical reporting, the ENP definitely borrows numerous mechanisms specific to the EU enlargement policy. At the same time, it is precisely the use of these kinds of instruments that results not only in confusion upon the real goal of this policy, but also in the creation of false expectations from some of the partner states. Since the ENP does not have as final goal these countries’ accession to the EU, as it is stipulated in all the official documents, the dilemma of the efficiency of the enlargement instruments persists. There is still need for clarifications and further adaptation of the applied instruments, for ENP to become a real form of foreign policy of the Union and to function as such. Some analysts have compared ENP with “a low- credibility association policy”, given the explicit exclusion of the accession perspective for the countries involved (Schimmelfennig and Scholtz, 2008, p. 211).

A real problem is the success or, on the contrary, the potential failure on the long term of the conditionality phenomenon within the European Neighbourhood Policy. In the absence of the ultimate rationale represented by the EU accession perspective, the ENP, even in its consolidated form, is to be confronted with the challenge of using some concrete incentives (such as association agreements, deeper and comprehensive free trade agreements, the gradual liberalisation of visa regime) that would orient partner states into a concrete, stable, constant commitment to the path of modernisation and reforms.

In addition, the differentiation principle - the implementation and development of the ENP projects according to the progress registered in each partner state - should become an encouraging factor for the states wishing to draw closer to the EU in their progress in democratic, political and economic reforms.

Even the Strategy Paper on ENP (European Commission, 2004) mentions that any progress in EU-partner states relations is conditioned by “their degree of commitment to the common European values and to the desire and capacity of ENP states to implement the agreed priorities”.

As for the nature of the regional cooperation within the EU neighbourhood, it is important to mention that the ENP, at least in its incipient form, did not entail the cooperation among the neighbouring states, but the encouragement of each country to undertake domestic economic and political reforms, in view of the approximation to the EU standards. In this way, the deepening of the cooperation among the neighbours could constitute a superior phase in developing the ENP, the cross-border component having an important role in the wide area of envisaged cooperation mechanisms.

Beside the strong points of the policy – the diversity of the offer (far beyond mere trade relations); the differentiated approach (that might lead to rapid progress in some partner states); the complexity of the financial instruments; the further growing multilateral component – there are some weaker points that shadow the evolution of the policy: elements like the diversity of partner states, the non-commitment to reforms because of the absence of the accession incentive, the rather reduced allocated budget. A major flaw is driven by the differences in perception between the EU and the ENP partner states. As Kobzova (2013) states, “EU’s focus on soft security is based on the EU modelling its offer on its enlargement policy”, while EaP countries face “more and more real hard security challenges”.

However, the main inconvenience for the perspectives of this policy is represented by the fact that partner states do not participate in the EU decision-making process. They are often put in the position to adopt harsh measures in order to harmonize with the *acquis communautaire*, but they cannot contribute to the construction and development of this *acquis*. The fact that partner states only have as perspective the *taking over of norms* (Laïdi calls them “for-ever norm takers”) represents the main disadvantage in the functioning mechanism of this policy. If the former candidate states benefited from the perspective of EU accession, thus becoming part in the decision-making process and therefore able to influence the future EU policies, it seems that the neighbours do not share this opportunity. This can only have a negative impact upon the commitment degree of the partner states and on the legitimacy of the policy in the same states.

5. Conclusions

Built upon the desire to create a “ring of well-governed states” surrounding the EU (European Council, 2003, p. 8), the European Neighbourhood Policy has tested the EU’s credibility with its Eastern and Southern partners. The lack of accession incentives, the continuous influence of the member states’ governments in shaping the policy according to their specific national interests, the strong focus on transferring norms and values to asymmetrical countries, extremely different from EU traditional member states have all put the success of this policy at risk. The deep intergovernmental influence can be perceived both in the preferences and interests of the Member States for either the Eastern or Southern neighbours, in the efforts to consolidate the security component versus the development one, and in the concern over the transfer of the national policy objectives regarding the relations with the *privileged neighbours* on EU agenda. The permanent need for a EU common voice, complemented with a necessary differentiated approach to each of the neighbours, depending on their progress and commitment, transforms the ENP into a rather fragile policy at the practical level, though sparkling in theory as described in the strategic papers and in the European values discourse.

Promoting a different negotiation framework meant to deepen the neighbourhood relations of the European Union, the ENP will have to be permanently analyzed in its dynamics, both from the perspective of the constant adaptation of the neighbourhood relations to variable geopolitical contexts, and from the ever moving target of a deepened European integration process. The choice to identify a common vision of the future of mutual relations, to both sides’ benefit, belongs only to the EU member states and partner countries.

A realistic approach is always more beneficial to both parties involved. It is necessary to avoid the risk of shifting the focus from the needed internal reforms in the ENP partner states to the obligation of complying with the EU norms and standards.

Since the interests of the various EU member states promoting the policy as well as the capacity of the ENP partner states differ, the best solution would be a policy of differentiation based on individual country progress. It remains to be seen to what extent the ENP partner countries can achieve reforms and harmonisation with EU standards and norms in the absence of the accession incentive.

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