The European Neighbourhood Policy: A Framework for Modernisation?

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Is the Same Toolkit Used During Enlargement Still Applicable to the Countries of the New Neighbourhood? A Problem of Mismatching Between Objectives and Instruments
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Gabriella Meloni*

Abstract

A sense of frustration is increasing among neighbouring countries when considering the capacity of the European Neighbourhood Policy (ENP) to promote a consistent process of reform in the target area. The reasons behind this phenomenon are manifold. However, here it will be argued that the “shadow of enlargement” is playing an important role in hampering the capacity to elaborate an independent “vision” for the countries of the new neighbourhood, looming over the ENP whose objectives and instruments have to be carefully reconsidered in the new context. To show that, this paper will scrutinise the coherence between the objectives and the instruments of the ENP in order to understand if the employed toolkit potentially allows the accomplishment of the task it has been conceived for or if there are inconsistencies which undermine the effectiveness of the policy. In particular, it will underline that the ENP still conceptually relies on conditionality as to the main tool to promote legislative approximation. However, uncertainty as to the ultimate goal of the partnership is hindering the effectiveness of such an instrument which is ultimately based on the possibility to make cost-benefit calculations. At the same time, the coercive element which is implicit in its use seriously undermines the ability of the EU to endorse alternative tools of Europeanisation which are based on the promotion of processes of learning and persuasion and, in the end, on co-ownership.

Keywords: ENP, Europeanisation, conditionality, co-ownership

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1. Introduction

The expectations deriving from the launch in 2003 of the European Neighbourhood Policy (ENP) have been recently displaced by an increasing scepticism about the EU’s “optimistic rhetoric of integration” (Stetter, 2005) and by the awareness of its record in declaratory foreign policy (Hill, 1993; Nuttal, 2000). As a matter of fact, uncertainties as to the capacity of the EU to cope with new members and with internal problems of identity and definition are casting doubts on its ability to take on the challenges deriving from neighbouring countries. Latent disappointment has been boosted by the asymmetry existing between the European Union, widely perceived as absorbed by its domestic preoccupations, and those bordering countries, who urge a better understanding of the nature and future of their partnership with the EU. This problem is particularly crucial for European non-candidate countries for whom the definition of their relations with the EU has very much to do with the designation of their place in Europe and for whom the perspective of membership, at least in the longer term, cannot in principle be ruled out.

In this context, ENPhoria is rapidly turning into ENPfrustration (Stetter, 2005). The possible explanations of this phenomenon are multiple, but at the core there is the difficulty of operationalizing a policy which is multi-disciplinary in nature and of appreciating the inter-connections between its different levels. The EU is, in fact, engaging neighbouring countries by offering an economic incentive (a “stake in the internal market”), using legal tools (bilateral agreements and the adoption of the *acquis communautaire*) and putting in place soft methods of coordination (benchmarking, Action Plans, etc.) which are expected to contribute to the strategic goal of the EU within Europe and its neighbourhood (the creation of a ring of friends and of a zone of stability). All these elements produce a very sophisticated
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policy which is promoting a wide range of instruments for the realization of a large array of objectives. However, the capacity to manage such a complexity and to fully capture the interrelations between its components may prove by far more complicated.

The confusion between the objectives and, hence, the instruments which were used during enlargement and those which are currently available within the new neighbourhood has exacerbated this situation. As a matter of fact, the success obtained with candidate countries in terms of the speed and degree of reforms made it possible to think that a similar result could also be achieved in the new neighbourhood. Enlargement has undoubtedly contributed to both the reasons and the instruments for dealing with neighbouring countries (Tulmets, 2006; Cremona, Hillion, 2006). However, here it will be argued that the “shadow of enlargement” is hampering the capacity to elaborate an independent “vision” for the countries of the new neighbourhood, increasing a sense of frustration and looming over the ENP whose objectives and instruments have to be carefully reconsidered in the new context. This Paper will show that a clear definition of the objectives to pursue with the policy is an important pre-condition for the choice of the most appropriate instruments to apply. To do that, it will first of all highlight the different expectations existing among both EU’s Member States and neighbouring countries on the ultimate goals of the policy. Then, it will look at the three main objectives which recur in the policy discourse on the ENP, stressing that there should be a particular coherence in their realisation without whom the whole structure of the policy risks loosing its credibility. Finally, it will describe the main instruments at hand in the new neighbourhood and consider their capacity to produce the desired outcome. The case of Russia and Ukraine will be mentioned here to show that, if legal approximation is one of the main tools promoted in the ENP in order to induce neighbouring countries into the EU’s constellation, this process is rather scattered when it takes place under “the shadow of enlargement” and it is surprisingly more consistent when it derives from a process of real deliberation of domestic actors.

2. Diverging expectations on ENP’s objectives

The reticence of the EU to clear out both the intermediate and the final goals of the relation with neighbouring countries may be interpreted in several ways. On the one hand, it is obviously the result of internal problems connected with the difficulty of digesting the last wave of enlargement and with the dramatic stop over imposed by
the missed approval of the “Treaty establishing a Constitution for Europe”. On the other hand, it may also be interpreted as the result of a political choice to engage neighbouring countries in a dialogue aimed at including them into the EU’s “ring of friends” without a serious willingness to make important commitments in the short term. This situation is encouraging different and sometimes diverging expectations on the final aim of the ENP both among member states and among partner countries.

Among member states, there is a particularly relevant divide between old and new EU’s members. If the formers are generally more cautious with neighbouring countries, the latter are more sensitive to the arguments of those Post-Soviet countries which are geographically and historically very close to the greatest part of them. In particular, if old members are more concerned with the absorption capacity of the Union and are afraid of taking further commitments they may not be able to face, new entrants are more optimistic about that and plead for a more decisive stand towards border countries. These are countries which are generally very interested in promoting cross border cooperation with neighbours and in re-establishing closer relations with countries with whom they were previously much more integrated. Poland, in particular, is very active in the promotion of an interpretation of the ENP as a kind of pre-association agreement and it is vigorously lobbying for the accession of a country with which it has very strong links: Ukraine.

Among neighbouring countries, a particular distinction exists between Southern Mediterranean and Eastern European neighbours. As a matter of fact, the formers have already established in the framework of the Barcelona process the conditions for the creation in 2010 of a Free Trade Area and they do not have any declared ambition to integrate further into EU’s institutions. Moreover, they continue to be more or less covertly afraid of diluting the specificity of their status in the framework of ENP and of loosing the position acquired in recent years to the advantage of Eastern European countries. As a result, they tend very much to interpret this policy as the systematisation of the previous agreements, with the introduction of some novelties which can be useful in terms of coordination, but they are very diffident towards any change which may diminish the spirit of the partnership underpinning the Euro-Med relations since the Barcelona declaration (Cremona, Hillion 2007).

Among Eastern European neighbours, Ukraine has a very clear pro-European orientation and has repeatedly expressed its willingness to be included into EU’s institutions, but the position of the other NIS (New Independent States) and of the Caucasus countries is more blurred. As a matter of fact, the relation existing with the
Lukashenko’s government in Belarus and the frozen conflicts in Moldova and in the Caucasus make it very difficult to foresee the development of the situation in this region. Moreover, this is an area where the Russian Federation is still playing a very important role and where this country may heavily influence the progress of the relationship with the EU. This region is likely to become an important test case for the capacity of the two main European neighbours - namely the EU and Russia - to cooperate and to give real content to their declared strategic partnership. If they will succeed in finding an agreement, this area could in the longer term open new perspectives for a new form of integration of the European continent. If not, the countries of this region may be kept in between two competing spheres of influence, in a very unpleasant situation which risk putting in danger any perspective of further development.

In this situation, it’s not possible to say how much expectations on the final objectives of ENP may converge, if they will ever. Unlike what happened during the enlargement process, there is no common agreed objective applying to all partner States. Rather to the contrary, each of them seems to promote a very different interpretation of the content and of the future of the policy. The elections for the European Parliament in 2009 are likely to be a key turning point for the definition of EU’s ambitions in the new neighbourhood, if they will be accompanied by the re-launch of the Treaty on the Constitution and if the ENPI will provide the expected results. A clear definition of the nature of the relationship to establish with bordering countries is particularly urgent and the EU should keep in mind that a too delayed answer on the terms of the agreement risks being dangerous for the whole building of the policy. In this view, 2009 is an important date not only in order to make the point of the situation with the Constitutional Treaty, but also to elaborate a more definite position of what the EU intends to do in the new neighbourhood.

3. **Stability, prosperity and security: defining the objectives**

In the policy discourse on the ENP, three main objectives recur more frequently: stability, prosperity and security (Prodi, 2002; EC, 2003a). Of the three, stability seems to be the most well defined. Yet, there is still a lot of conceptual ambiguity in

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1 The communication of the European Commission of December 2006 on “Strengthening the European Neighbourhood Policy” reformulated slightly differently these objectives, saying that the premise of the ENP is that the EU has a vital interest in seeing 1. “greater economic development”, 2. “stability” and 3. “better governance” (EC, 2006), but there is not big difference in content.
its definition. In particular, it’s not clear if the achievement of this particular goal implies only some sort of generic liberalisation and reform or if it includes also the promotion of processes of democratisation of target countries (Del Sarto, 2006). The analysis of the National Action Plans (NAPs), which have been concluded thus far, has highlighted that the approach of the EU is not always coherent. The necessity to respect Human Rights is always mentioned in text of the agreements- with the outstanding exception of Jordan- but there is a “manifest inconsistency” concerning the definition of the key elements which should be taken into consideration when it comes to the promotion of democracy (ibid., 2006). As a matter of fact, the Commission has not translated into political priorities the necessity to respect the principle of the separation of powers, to increase Parliament powers, to strengthen the role of political parties and to guarantee judicial independence and legal accountability (Baracani, 2005).

Nonetheless, the European Union has proved to be an important anchor to inspire the reform of neighbouring countries and it has sometimes been used as a reference to support processes of deep political change. It has been argued that there is a linkage between democratization and the EU which can be captured by a ‘gravity model of democratization’. According to this view, the depth and pace of democratization in European countries can be explained by their proximity to Europe and by the intensity of their integration with the EU (Emerson, Noutcheva, 2004; Milcher, 2006). Despite all conceptual incoherence, the European Union is, thus, per se a stable reference for any country in the new neighborhood willing to engage into a process of stabilization and, possibly, democratization.

The other two objectives are much more problematic. In particular, there are three main flaws which hinder the credibility of the agenda behind the second declared goal of the ENP: prosperity. The whole system of the ENP hinges on the provision of an economic incentive- a “stake into the internal market”- which is supposed not only to increase the prosperity of partner countries, but also to give them a proper motivation to engage in an expensive process of legislative approximation. However, yet not enough efforts have been dedicated to the definition of what a “stake into the internal market” might mean. The NAPs are designed so as to provide a series of rewards to neighbours essentially in terms of a preferential access to the single market. However, the offer from an economic point of view does not go further than an FTA + (Free Trade Area plus) or, as it has been in the Communication of December 2006 on “Strengthening the ENP”, a “deep and comprehensive Free Trade Area” (EC, 2006: 4). That would be a case of negative integration, which per se
would not necessarily require much of an effort in terms of legislative approximation, at least not on the scale pleaded by the ENP (Meloni, 2006 and 2007). As a matter of fact, the creation of a FTA + would require what in literature (Tinbergen 1954; Scharpf 1999) has been called a “negative choice”, which implies the abolishment of norms and regulations which contrast with the establishment of a “single level playing field” for economic activities (market-making measures). That would include also “behind the border issues”, but it is arguable the establishment of a single level playing field would necessary include all the measures mentioned by the Communication of December 2006. Doing that and adopting the core chapters of the *acquis communautaire*, neighbouring countries would instead make also a “positive” choice, engaging in the re-regulation of the market and in the institutional re-adaptation of their domestic system to a specific European model (market-shaping measures). In a nutshell, the economic incentive thus far offered by the Union is not enough in order to justify *per se* the engagement in a far reaching process of legislative approximation. The whole building of the ENP, which is based on the exchange between the integration of neighbouring countries into the EU’s internal market and their commitment to adopt part of the *acquis communautaire*, would in this view lack its main underpinning.

Secondly, the difficulties which have emerged in the framework of the Barcellona process may also cast doubt on the feasibility of a similar project on a more extended scale. A number of EU Member States have already expressed their concern about

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2 Traditionally, economic theory defines 4 different steps of integration depending on the depth of the process at stake and on the quality of the links between the parties: 1. Free Trade Area; 2. Customs Union; 3. Common Market.; 4 Economic and (eventually) Monetary Union. Up to Tinbergen, the first three moves can be interpreted as examples of “negative integration” as far as they aim at the realization of the four freedoms, while the fourth step- which beyond that provides the conditions for the introduction of common policies in different economic sectors - is a case of “positive integration” (Tinbergen 1954).

3 The Communication included in that list: technical norms and standards, sanitary and phytosanitary rules, competition policy, enterprise competitiveness, innovation and industrial policy, research cooperation, intellectual property rights, trade facilitation customs measures and administrative capacity in the area of rules of origin, good governance in the tax area, company law, public procurement and financial services.

4 If negative integration has a deregulatory or “market-making” nature, positive integration is “market-shaping” because it tries to intervene in the economy and it involves a broader institutional adaptation to a specific European model at the domestic level (Scharpf 1999: 45).

5 Adopting the core chapter of the *acquis*, neighbouring countries would take a political, rather than a purely economic decision (for further explanation, Meloni 2006 and 2007). In this context, the EU should formulate better its offer, not only elucidating the economic benefits which may derive from the adoption of the *acquis communautaire*, but also making clear how far it is ready to go in the relation with border countries. As a matter of fact, if the EU is asking to neighbours to engage in a process which has a not irrelevant political meaning, it should also be ready to give them a comparable reward which, in this perspective, should relate not only to the economic, but also to the political sphere (Meloni, 2007).
the creation in 2010 of a FTA with Southern Mediterranean countries, because of the risk of losing their market shares in a number of sensitive sectors. One may, thus, question why the EU should extend the offer to other countries, considering that most of the Member States are particularly vulnerable for those goods which play a large role in the commodity composition of exports coming from Eastern European neighbours (Milcher, 2006). Moreover, the debate on the impact on national economies of the eventual creation of a Pan-European Market is still at the beginning and there is no univocal lesson to draw from the existing literature. As a result, Member States are sometimes still uncertain on the position to adopt in this respect and it's not clear at which conditions they may renounce to defend national production. (ibid., 2006).

Thirdly, the EU is offering different levels of integration to partner countries depending on the progress achieved in terms of reform in the agreed sectors, but it is reasonable to ask how to arrange the whole without harming the unity of the internal market. Different authors have warned about the risks of what has been called the “spaghetti bowl” phenomenon (Bhagwati, Greenaway, and Panagariya, 1998). In this view, the systemic effect of numerous and criss-crossing preferential trade agreements and tariff rates is to generate a world of preferences which increases transaction costs and facilitates protectionism. “In the guise of freeing trade, preferential trade agreements have managed to recreate the preferences-ridden world of the 1930s as surely as protectionism did at the time. Irony, indeed!” (ibid., 1998: 1139). This situation concerns not only ENP countries. As a matter of fact, the EU started discussing with the Russian Federation about the creation of a Common European Economic Space (CEES) already in 2002. The Summit which took place in Moscow in May 2005 adopted a Road Map which defined the steps to take in view of its establishment, but there is no mention on how to integrate this Space in the context of a perspective Pan-European Market.

The last, but definitely not the least objective of the ENP is security. It has been argued that the main interest underpinning the Union’s engagement in the new neighbourhood is its concern with security. “The security dimension of the ENP is not merely an incidental component, [but] it is fundamental to the policy as a whole” (Cremona, Hillion, 2006: 4). In this view, security is linked to stability and prosperity, but these are not objectives in their own right. They are rather designed to lead through political and economic development to security. As a matter of fact, the latter is to be achieved not only through the development of the military and civilian

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6 Most of all, agricultural goods, textiles, chemicals and steel.
dimensions of the emerging security and defence policy, but also through traditional first-pillar instruments such as trade policy, technical assistance programmes and conditionality (ibid. 2006). In this framework, security has to be conceived in a broad way as a cross-pillar policy, which creates a potentially more coherent EU external action through the integration of the three poles of decision-making of the Union: the Member States, the Community pillar and the EU pillars (ibid. 2006). This is a far-reaching approach to the ENP which reflects the EU’s view of the policy. However, stability and prosperity are undoubtedly an objective in itself for bordering countries. If security is the most important goal for the Union, stability and prosperity are a priority for neighbours whose achievement may then ensure a more secure neighbourhood for the EU. A too emphasised accent on security not only reflects an EU-centred approach to the ENP, but risks downplaying the importance of the other two objectives which need to be recognised as equal priorities also by the Union.

As a matter of fact, if stability is to be seen only an instrument to achieve an overarching security goal, there may be the temptation to interpret this objective in a reductive way, leaving out democratisation because that would not be necessarily required in order to guarantee the security of the EU. However, democratisation is a very important element if neighbouring countries are to be further integrated, even without thinking at full membership. At the same time, if the prosperity of neighbouring countries is not an objective in itself for the Union, there may be the temptation to keep neighbours in the EU’s constellation without taking, at least in the short or medium term, more specific and demanding engagements. In a nutshell, if the stability and the prosperity of neighbouring countries are to be intended only as a device to achieve an overarching security goal, the EU may not be coherent in the achievement of the two other poles of the described triad and it may prove instrumental in its behaviour. As a result, this strategy may loose credibility over time and it may, thus, not be sustainable.

If security has to be intended in the broad sense described above, the capacity to define a sound perspective for the integration of neighbouring countries into the European constellation is conceptually inseparable from the aim of ensuring the long term safety of the European continent. At the same time, the capacity to promote a more ambitious programme of democratisation of neighbouring countries is a precondition for their fully fledged integration into the EU’s constellation. This has not necessarily to do with membership, but most probably with the capacity to give content to a “share everything, but institutions” project – using the words of the
former President of the EU Commission, Romano Prodi – and with the willingness to engage into a complex exercise aimed at finding new solutions for the governance of the European continent (Meloni, 2007). A particular coherence in the realisation of the three objectives of this triad is, thus, particularly important and it would allow to bridge the incommensurable “otherness” of countries which, at present, do not have any perspective of entering into the European Union.

4. Combining instruments with objectives

If stability, prosperity and security are the main goals pursued by the ENP, legislative approximation is the instrument *par excellence* to achieve these objectives. The underlying conviction is that if a country has reached an open and integrated market functioning at pan-European level on the basis of compatible or harmonised rules, “it has come as close to the Union as it can be without being a member” and it will enjoy a new status of “disenfranchised membership” (Kruse, 2003). Neighbours will obtain in functional terms the same results they would achieve being Union’s members, ensuring the expansion of the European space of democracy, prosperity and security. In this way, the ENP represents an attempt to project EU’s values and norms to the new neighbourhood, promoting an unprecedented example of policy export which potentially involves not only remaining candidates to enlargement, but also bordering countries in a wide process of Europeanisation spreading well beyond the European continent (Meloni, 2006).

A specific literature has been developed in order to detect the underlying mechanisms of this process. In this framework, Europeanisation has been defined as “a process of influence deriving from European decisions and impacting member states’ policies and political and administrative structures” which may extend from “a subtle and incremental re-orientation of national policy-making to substantial changes where European policies crowd out their national counterparts and modify patterns of political and administrative behaviour” (Héritier, 2001). The literature of Europeanisation has originally focused on member countries, but it has been remarked that a restriction of the analysis of “the impact of Europe” (Caporaso, 2006).

Another option has been proposed by Radaelli (2000 b) who, drawing upon Ladrech (1994), argues that the concept of Europeanization refers to “Processes of (a) construction (b) diffusion and (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’ and shared beliefs and norms which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structures and public policies.”
only in relation to Member States would be like "sampling on the dependent variable" (Kruse, 2003: 22). This is why many authors have not only analysed those Central and Eastern European Countries which are now fully-fledged member states (Schimmelfennig, Sedelmeir, 2002a and 2005a), but have also envisaged the possibility to consider Third countries as a case of Europeanisation (Ladrech, 1994; Sciarini, Listhaug 1997; Radaelli, 2000b; Church, 2000; Archer, 2001; Schimmelfennig et al., 2002b; Kruse, 2003). However, this focus is not yet at the core of the bulk of the literature in this field and a lot of fieldwork has to be done in this direction.

Different explanatory models- which specify different mechanisms of Europeanization and the conditions under which they result in different degrees, forms and levels of rule adoption- have been advanced in literature. Schimmelfennig, Sedelmeier (2002a) have defined four different models of Europeanisation: on the one hand, the conditionality and the lesson drawing model - which follow a "logic of consequentialism" (March and Olsen, 1998) on the basis of a cost-benefit approach - and, on the other hand, the social and the model learning schemes - which follow a "logic of appropriateness" (ibid., 1998) underlining the importance of processes of persuasion and socialisation as possible mechanisms of Europeanisation. According to the conditionality model, the EU sets its rules as conditions that the recipients have to fulfill in order to receive rewards. By contrast, the lesson-drawing model relies on a voluntary transfer based on a cost-benefit calculation which, by definition, doesn’t include direct rewards from the EU, but only expected benefits deriving from the adoption of a set of rules which is considered to be more efficient (Schimmelfennig, Sedelmeier, 2002a). On the other hand, the social- and the model-learning schemes assume that actors are motivated by internalized, socially constructed identities, values and norms (March, Olsen 1989). The difference between them crucially depends on the fact that, while the social learning model assumes that recipients are prone to adopt a rule because they are convinced it is

8 Along “logic of consequentialism” (March and Olsen, 1998), the misfit between European and domestic processes, policies and institutions is an emerging political opportunity structure which offers some actors additional resources to exert influence in the domestic domain. This logic of action implies a cost-benefit approach in which institutions have an impact “by altering the expectations an actor has about the actions that others are likely to take in response to or simultaneously with his own action” (Hall and Taylor, 1996: 939).

9 Following the “logic of appropriateness” (March and Olsen, 1998), European policies, norms and the collective understandings attached to them exert adaptational pressures on domestic-level processes, because they do not resonate well with domestic norms and collective understandings. In this perspective, “change agents” or “norm entrepreneurs” mobilize in the domestic context and persuade others to redefine their identities (Börzel and Risse, 2000).
more appropriate to them as it is part of the bulk of EU’s values and norms, the model learning scheme depends more on the perceived legitimacy of the proposed legislation \textit{per se}.\textsuperscript{10}

Following a “logic of consequentialism”, neighbouring countries may be, thus, induced to adopt some core chapters of the \textit{acquis communautaire} because of the rewards which the EU attaches to it (conditionality model) or because they may consider these rules as useful in order to solve some internal problems (lesson drawing model). On the other hand, following a “logic of appropriateness”, they may be persuaded to engage into legislative approximation because they are convinced the proposed rules are good either \textit{per se} (model learning model) or because they are EU’s norms (social learning model). EU’s authorities designed the ENP with a view at exerting influence on the parties not only through bargaining about conditions and rewards, but also through the promotion of a patient strategy based on learning. So, if, on the one hand, the new policy has offered to neighbouring countries institutional ties, technical and financial assistance and, finally, a stake into the internal market in exchange of legal approximation, on the other hand it has promoted mechanisms of soft institutional coordination aimed at setting in motion a process of socialisation of the parties (Meloni, 2006; Tulmets, 2006). The ENP has, thus, tried to induce partner countries to adopt EU’s values and norms both along a logic of consequentialism and along a logic of appropriateness, following the indications of a large bulk of the literature which suggests the possibility to complement them and to explain the dynamics of the EU impact as a developmental relation between instrumental action and norm conforming behaviour (March and Olsen, 1998).\textsuperscript{11}

However, even if the ENP includes all these devices, conditionality is still by far the main tool to promote legislative approximation, while those instruments of soft coordination, which are expected to persuade the partners of the “appropriateness”

\textsuperscript{10} For further comments on how to adapt these models to Third countries, see Meloni, 2006.

\textsuperscript{11} This synthetic model, put forward by March and Olsen, posits that actors enter into new relationships with a view to maximize their own utility, but over time develop identities shaped by shared norms and values as a result of accumulated experience (March and Olsen, 1998: 13). This model is, thus, dismissing the “either/or” conceptualization of social reality, which reflects the age-old controversy between radical variants of both rationalism and constructivism and adopts a new trend in political science that favors a “both/and” conceptualization of social reality (Jachtenfuchs, 2002: 654). In this way, it moves beyond the post-modern constructivist stream, which harshly criticizes materialism and rationalism positing that it is ultimately a specific kind of shared knowledge that defines and thereby creates the world “we think we see and in which we think we act” (Ashley, 1987). Equal distance is kept from the neo-liberal wing of rationalism, which gives a limited role to ideas treating them as calculated instruments that help rational actors to pursue their exogenously given preferences (Keohane, 1984).
of the solutions provided, play only a residual role. As a result, the EU Commission often falls short of promoting more thick processes of interaction which may lead to a genuine deliberation of partner countries.

The ENP has been presented by EU institutions as a tailor-made process where the involvement not only of public authorities, but also of the representatives of the main social and economic groups of the partner countries in the definition of the objectives to pursue is crucial:

“Joint ownership of the process, based on the awareness of shared values and common interests, is essential. The EU does not seek to impose priorities or conditions on its partners. The Action Plans depend, for their success, on the clear recognition of mutual interests in addressing a set of priority issues. There can be no question of asking partners to accept a pre-determined set of priorities. These will be defined by common consent and will thus vary from country to country.”


In this view, co-ownership allows to avoid the risk of “exporting mechanically an alleged European model of development” and “to find solutions effectively tailored to the situation of each country”. The communication “Strengthening the European Neighbourhood Policy” of December 2006 has enumerated among the main strengths of the policy “joint ownership”, stating that the operational tools of the policy – the NAPs – are fully negotiated and mutually agreed at political level. “It is not an imposition by either side, but an agreed agenda for common work”, (EC, 2006: 3). However, the Cassina Report on “The role of consultative bodies and socio-occupational organisations in implementing the Association Agreements and in the context of the European Neighbourhood Policy”, which was presented at the European Economic and Social Committee in September 2005, recognised a very different situation. As a matter of fact, it acknowledged that in the NAPs, which should be the instrument par excellence of the involvement of local partners, “most of the contents are very similar (at some points even too similar)”, hinting at the presence of a blueprint proposed by EU’s authorities to all countries and accepted without much discussion. Moreover:
“None of the documents examined (Commission documents and Action Plans),
except for a few vague hints at the need for consultation with certain social actors,
envisages the explicit and substantial involvement of consultative bodies, the social
partners or civil society organisations in the implementation of the policies covered by
this report.”

(European Economic and Social Committee, 2005: 4)\(^{12}\)

So, even if the ENP recognises the importance of the promotion of a participatory
approach and of co-ownership as a powerful instrument in order to build a shared
programme of internal reform, thoughts need to be given at the way in which it
intends to implement this principle.

In a nutshell, the ENP continues to rely on pre-accession techniques where the offer
of membership justified the request formulated by the EU’s authorities to meet
certain conditions and where the use of soft methods of coordination played only a
residual role. The success obtained during enlargement with conditionality made it
think that the same approach could work also with neighbouring countries and that
the same combination of conditionality and socialization strategies already used with
candidate countries could be applied to the new neighbourhood. A lot has been
written on the similarities between enlargement and the ENP. Enlargement has
undoubtedly contributed to both the reasons and the instruments for dealing with
neighbouring countries (Delcour, 2006 and 2007; Cremona, Hillion, 2006; Kelley,
2006; Tulmets, 2006). \(^{13}\) However, can the same instruments used during
enlargement work under the new conditions?

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\(^{12}\) The Cassina Report goes on saying: “The fact that the economic, social and socio-occupational
actors have been excluded – apart from an exception which proves the rule - from the preparation
of the NAP is a cause for much concern. The only references to involvement of certain categories
of social organisations relate in a highly generic and inadequate way to the implementation of the
plans themselves (involvement of consumers and of environmental NGOs).”

\(^{13}\) It has been argued that, in the ENP, there was a case of “mechanical borrowing” from
enlargement, with a strong path dependency and with a mechanism of policy lock-in in the
formulation of the new policy (Kelley 2006). The fact that the most of the staff which was
working in DG Enlargement was relocated into the new Wider Europe Task Force has been
indicated as the evidence, from an institutional point of view, of the transfer from one policy
setting to the other (ibid., 2006). Moreover, it has been highlighted that enlargement corresponded
in time with the formulation of the new policy (Delcour, 2007) and that the urgency to find
solutions for the new neighbourhood was a key factor in the formulation of the policy, thus
compelling EU’s institutions to draw on previous experiences to build the ENP (Delcour 2006).
Four different levels of transfer have been highlighted: discourse (with the replication of the
discourse on conditionality); principles (with the inclusion of the principles of differentiation and
decentralisation); policy modes (with the borrowing of a benchmarked approach); tools (with the
introduction of assistance tools created for the enlargement policy, such as TAIEX and
Twinning) (Tulmets, 2006).
It has been argued that the ENP is still essentially a “unilateral policy aimed at changing the Union’s environment”, where the policy-maker establishes the conditions and the rewards which are connected to their fulfilment (Cremona, Hillion 2006). However, uncertainty as to the ultimate goal of the partnership is seriously hindering the effectiveness of any toolkit based on conditionality. If, during enlargement, EU’s and candidate countries shared a common objective to pursue, in the ENP there are still a lot of divergences in the definition of the final goals of the relationship. So, if candidate countries co-owned a project and accepted to engage in a system where rewards were strictly connected with the capacity to meet certain conditions, the new neighbours find themselves in a very different position. The Communication of December 2006 on “Strengthening the European Neighbourhood Policy” recognised that the policy should “provide more incentives” and that the main problem of the policy is that:

“An important part of the incentives of the ENP— for instance in terms of market access and integration and other economic benefits – will only bear fruit later. This creates a real difficulty for partner countries in building the necessary domestic support for reform” (EC, 2006: 3).

This is certainly true, but this is so for every system of incentives. The problem is not only that incentives are insufficient or remote in time, but that at the moment the project behind the whole ENP still reflects the uncertainties of the EU itself and the divergences existing between different parties. This ambiguity is justified with the necessity to “tailor” Union’s support “to the needs and aspirations of partners” (EC, 2006: 4), but the result is that the terms of the relationship have still to be bargained on a bilateral basis and that the existence of an overarching goal valid for all the neighbours is still arguable. The Communication of December 2006 took into consideration this problem. However, it states that:

“The concept is fully consistent with a longer-term vision of an economic community emerging between the EU and its ENP partners” (EC, 2006: 5).

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14 In this view, the use of the word ‘policy’ to describe the ENP would emphasize this aspect, as far as “a policy is driven by the policy-maker” (Cremona, Hillion 2006: 21).

15 “This may in the first instance largely remain a bilateral approach, bilaterally between the EU and each partner, in order to take account of the great differences between partner countries’ situations. It will allow the most advanced countries to move faster without being held back by others” (EC, 2006: 5)
Since the Communication refers essentially to the creation of “deep and comprehensive FTAs” when speaking about the emerging economic community, one may conclude that this is all the “vision” is about. However, it is arguable whether the creation of deep and comprehensive FTAs with neighbours may replace membership as a “vision” able to support the use of the stick and carrot system. In this framework, incentives are sometimes seen as instruments to impose EU’s objectives, rather than components of a common shared project for the future of the European continent.

At the same time, the coercive element which is implicit in the use of conditionality seriously undermines the ability of the EU to promote learning processes among neighbouring countries. As a matter of fact, the often unilateral definition of a series of conditions which neighbouring countries have to fulfil in order to receive certain rewards hampers the possibility to support a serious process of persuasion of the appropriateness of the solutions provided. As it has been noted, “it is hard to reconcile true joint ownership with the unequal relationship implied by conditionality” (Cremona, Hillion, 2006: 22). In this context, the mix between conditionality and socialisation strategies has to be reconsidered. As a matter of fact, if, during enlargement, conditionality has been the most effective instrument in order to induce legislative approximation, the weakness of the available set of incentives, in the absence of a common overarching goal in the relationship with neighbouring countries, would rather suggest to bet on alternative tools of Europeanisation and to accept that it is better to promote a slow, but co-owned process of convergence between the parties.

5. Conclusions

Of the three main goals which recur in the policy discourse on the ENP, stability and prosperity are the two main objectives pursued by our neighbours which do coincide with the EU’s major interest, that is ensuring the security of the European continent:

“Development and reform in our partner countries is primarily in their own interest, and it is their sovereign responsibility. But it is also in the interest of the EU to support partners in these efforts” (EC, 2006: 4).

However, if the stability and the prosperity of bordering countries are to be intended only as a device to achieve an overarching security goal, the EU may not be coherent in the achievement of all the objectives of the described triad and it may prove
instrumental in its behaviour. At the moment, the ENP seems to address the
neighbourhood essentially by “oscillating between the two end of the integration-
security spectrum” (Tassinari 2005: 1). However, the capacity to define a more
ambitious “longer-term vision of an economic community emerging between the
EU and its ENP partners” (EC, 2006: 5) would give more credibility to the policy
and would ensure neighbours that the ENP is really about “sharing everything but
institutions”. The perspective creation of “deep and comprehensive FTAs” in “the
medium term and for some ENP countries even in the long term” (ibid., 2006: 5)
will hardly replace membership as an overarching goal, able to support the
development of the relationship with neighbouring countries and to represent a long
term “vision” for the future of the European continent.

A sound definition of the main goals of the policy is a precondition for the selection
of the most effective instruments to apply in the new neighbourhood. The ENP has
borrowed from enlargement the same combination of conditionality and
socialization strategies already used with candidate countries. In this framework,
conditionality is still by far the main tool to promote legislative approximation, while
those instruments of soft coordination, which are expected to persuade the partners
of the “appropriateness” of the solutions provided, play only a residual role.
However, uncertainty as to the ultimate goal of the partnership is seriously hindering
the effectiveness of any toolkit based on conditionality, while the coercive element
which is implicit in the use of such an instrument seriously undermines the ability of
the EU to promote learning processes among neighbouring countries.

Enlargement has undoubtedly contributed to both the reasons and the instruments
for dealing with neighbouring countries. However, the “shadow of enlargement” is
hampering the capacity to elaborate an independent “vision” for the countries of the
new neighbourhood, looming over the ENP whose objectives and instruments have
to be carefully reconsidered in the new context. As Tinbergen (1954) has underlined
in the field of economic policy, objectives and instruments should be considered
jointly and inside each specific framework. In particular, he argued, any instrument
should be assigned to the objective on which it produces the most direct effect,
while the use of too many tools for the fulfilment of one single task (over-
determination) risks being counterproductive. The same proves true in the
framework of the ENP. Even without supporting an “either/ or” approach\(^\text{16}\), the
capacity to define which instrument produces the most important effect on the
desired objective will prove crucial in order to ensure an enhanced effectiveness of

\(^{16}\) See note 11.
the policy. This is a principle which is commonly accepted when designing different recipes in the field of economic policy. In this view, the problem is not to choose either conditionality or socialisation strategies, but to understand if the former or the latter prove more efficient to the achievement of each particular goal and to mix them consequently, without following by inertia the blueprint of enlargement.
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