



Law Department

The European Neighbourhood Policy: A Framework for Modernisation?

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***Is a Soft Method of Coordination
Best Adapted to the Context of EU's Neighbourhood?***

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Introduction¹

Although the European Neighbourhood Policy (ENP) is attracting an increasing attention in the academic literature, works on the origins of the policy design and the methods used to implement the European Neighbourhood Policy stayed so far rather scarce. While the European Neighbourhood Policy (ENP), created in 2003-04, originally aimed at offering an innovative framework of cooperation between the EU and the surrounding TACIS (Newly Independent States) countries, then also with the MEDA (Mediterranean) countries and the countries from the South Caucasus², there is some evidence that the format finally adopted for this policy is not entirely new. Interviews conducted at the Commission (DG Enlargement, DG Relex, EuropeAid) between 2003 and 2006, official documents, as well as secondary literature show that policy ideas and instruments designed for enlargement have inspired the policy design and instruments of the ENP (e.g. Tulmets, 2005b; see also: Del Sarto, Schumacher, 2005; Kelley, 2006).

This contribution argues that the experience of enlargement has given ground to the making of a soft method of coordination in the EU's external relations. This "new" method promotes EU's norms and benchmarks and is based on the principles of differentiation, partnership and ownership. However, it mainly strengthens bilateral relations on a negotiated basis and relies on the third states' political engagement to introduce internal reforms on the EU model. Proposed by the Commission and adopted by the Council, it is combined with the classical conditional approach and now also justifies the use of the term of "soft power" in the EU foreign policy discourses. When looking at initial propositions originally coming from the political field, they had a more

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² The countries concerned by the ENP are: Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, the Palestinian Authority, Syria, Tunisia, and Ukraine.

modest purpose and aimed at developing an Eastern dimension in the EU's external relations based on the experience not of bilateral, but of sub-regional cooperation like the Northern Dimension, the Euro-Mediterranean Partnership, the European Free Trade Association (EFTA) or the European Economic Agreement (EEA). Does the bilateral and flexible method proposed by the Commission contradict or rather complement these initial propositions? Does it rather hamper or reinforce conditionality in the EU's external relations? Is it best adapted to the context of neighbourhood?

This article will first present the initial propositions of a European policy towards its neighbours mainly based on a sub-regional approach, then the proposition of the Commission of a strategy, which was finally adapted by the Council, based on the reinforcement of bilateral and flexible relations. In the third and fourth parts, the article will show that this "new" method inspired by the experience of enlargement builds the ground for a policy discourse on soft power, but that it also presents some unavoidable shortcomings hinting at its own limits as far as the ENP is concerned.

1. The debate on « Wider Europe »: initial propositions based on a sub-regional approach

In political and academic debates, discussions on a policy towards EU's neighbours were first referring to the necessity of a policy towards EU's Eastern neighbours. In 1997, when the perspective of accession was finally accepted for the Eastern and Southern candidates and the negotiations were open in 1998 with the first accession countries, the question of the management of the Eastern border of the EU, especially with Belarus, Ukraine and Moldova, came on the agenda. The Commission required "good neighbourly relations" as a further condition for accession and some politicians started to think about the implications of enlargement and the perspectives of a "Wider Europe". This was already in due place in the documents of the Commission evaluating the progress of candidates (accession partnership, progress reports) and in the speeches of political leaders from some candidate countries like Poland. During negotiations, the perspective of enlargement started to raise concerns at the political level about the way to deal with the new neighbours and with security at the borders of the enlarged EU. The issue gained momentum with the summit of Copenhagen of 2002, officially closing the accession negotiations with ten candidate countries, then in 2003 with the Rose Revolution in Georgia and political attention on Belarus and Ukraine (even before the Orange Revolution). When looking at the first propositions made between 2001 and 2003 on the EU's Wider Europe mainly coming from the United-Kingdom, Sweden, Poland and Germany, these were mainly referring to a sub-regional perspective and proposing an

“Eastern dimension” in EU’s external relations based on the experience of the Northern Dimension, the Euro-Mediterranean Partnership or even the EEA³. The method proposed was the one of an interactive cooperation between member, candidate and non-candidate countries.

But countries like France, Spain and Italy insisted on the necessity to focus again on the South after the Eastern enlargement and to re-launch the Euro-Mediterranean Partnership which, in its current sub-regional form, was experimenting some difficulties. In 2003, in response to the Council, the Commission came with a proposition entitled “Wider Europe – Neighbourhood” including the countries bordering the EU of 25 in the East, the South-East and the South. In 2004, the policy was officially adopted as the “European Neighbourhood Policy” (ENP).

From the opening of accession negotiations in 1998 to the launching of the European Neighbourhood Policy (ENP) in 2003-04, the new member states from Eastern Europe – at that time still candidates – played a major role in influencing the European agenda. They are still very active in promoting closer cooperation with the ENP countries in the East and thus most of them supported the Finnish initiative of 2006 to enlarge the Northern Dimension to Belarus and the German strategy of ENP Plus proposed for the EU presidency in 2007 (Duleba, 2007)⁴. Among the new member states, four groups of countries emerge. First, the speeches and propositions from the Polish politicians added support to the calls of British and Swedish politicians for a “Wider Europe” policy and to the early propositions of the Finnish and German governments to enhance the Northern and Eastern dimensions of the EU’s foreign relations. They were showing their concern for the absence of an EU policy in Eastern Europe. Second, the Baltic States were also pro-active in moving the East and the South-Caucasus onto the European agenda. Third, the Visegrád countries are also motivated, but not equally engaged and not coordinated on this issue. Fourth, and more recently, Romania supports closer cooperation with Moldova and, together with Bulgaria, the development of the Black Sea Cooperation, which the Commission took into account in its communication of December 2006 (EC, 2006)⁵.

To sum up, the original propositions of a policy towards EU’s neighbours was very much linked to the idea of reinforcing sub-regional cooperation, especially in creating an

³ Common letter of Chris Patten/Anna Lindh of 2001, Jack Straw’s Letter to the Spanish presidency, speeches from Polish ex-Foreign Minister, Cimoszewicz, Polish strategies on Wider Europe, and German-Polish strategies on ENP.

⁴ On ENP Plus: “Berlin entwickelt neue Nachbarschaftspolitik. Sorge vor sicherheitspolitischem Vakuum im Gebiet zwischen Europäischer Union and Russland“, *Frankfurter Allgemeine Zeitung*, 3 July 2006; “New Policy on Russia splits German leaders”, *Herald Tribune*, 7-8 Oct. 2006.

⁵ More on this: Tulmets, 2007a; Kratochvil, Tulmets, 2007.

“Eastern dimension” and, later on, a Black Sea Cooperation so to complement the already existing “Northern Dimension” and the “Barcelona Process”. Among the new member states, Poland particularly engaged before enlargement in the issue of redefining EU’s relations with its Eastern neighbours⁶. In his speech inaugurating Poland’s EU accession negotiations in 1998, Bronislaw Geremek called for the creation of an “Eastern Dimension” of EU’s external relations in line with the ideas developed by Jerzy Giedroyc in the Parisian emigration review “Kultura”. This was taken over and developed by the government, which issued a non-paper on the “Eastern Dimension” in 2003, as well as by the Minister of Foreign Affairs W. Cimoszewicz, who pronounced some remarked speeches on the question (Cimoszewicz, 2003a,b). The Polish position was based on three main ideas:

- 1) It was asking for a policy to the East similar to the Northern Dimension advocated in 1997 by Finland and the Euro-Mediterranean Partnership created in 1995 during the Spanish EU presidency, as well as “clear incentives” from the EU in exchange of political changes in the neighbour countries.
- 2) It argued that the relations with the Eastern neighbours should be differentiated so to develop bilateral relations and a national strategy taking into consideration the context of each country. The policy should be constructed around three pillars: A community, a governmental (including the bilateral policies of the member states) and a non-governmental.
- 3) Finally, the policy should pursue the aim to enable countries like Ukraine, Moldova and potentially Belarus to join the EU if they had the will and the capacity to fulfil the accession criteria. Russia was excluded from the proposition as “it does not aspire to membership” (Cimoszewicz, 2004).

However, the idea of an “Eastern Dimension” in EU’s external relations was finally not taken over at the EU level, but, as it will be explained later, many elements of the Polish proposition have inspired the first communications of the Commission on an EU policy towards the neighbour countries.

⁶ For a detailed analysis: Batory Foundation (2005); Buras, Pomorska (2006); Natorski (2007).

2. The role of the Commission in proposing a method drawing on the experience of the EU Eastern enlargement

In 2003, a Task Force “Wider Europe” composed of civil servants from DG Enlargement and DG Relex was created to deal with the EU’s relations with its Eastern neighbours. In 2004, when the ENP was officially launched with the larger aim of integrating both East and South, the people from DG Enlargement involved in the Task Force were moved to DG Relex (Interviews DG Enlargement, 2003-2004, and DG Relex, 2006). This restructuring partly explains why the original policy ideas and instruments of the ENP were adapted from the experience of enlargement (Tulmets, 2005b; Del Sarto, Schumacher, 2005; Kelley, 2006). One may speak of policy transfer and more precisely of policy adaptation, which Richard Rose defines as occurring “when a program in effect elsewhere is the starting point for the design of a new program allowing for differences in institutions, culture, and historical specifics. Adaptation rejects copying every detail of a program; instead, it uses particular measure as a guide to what can be done” (Rose, 1993: 31).

This adaptation from the policy of enlargement to the one of neighbourhood took place at four main levels:

- the discourse on common values, which replicates accession conditions;
- the concepts of partnership, differentiation, participation, and deconcentration/decentralisation, which complement the notion of conditionality;
- the toolbox of assistance policy, which is complemented by instruments like cross-border cooperation, Twinning, TAIEX, and cooperation programmes;
- a new method based on a benchmarked approach, which was introduced to enhance bilateral negotiations and relations.

These four points may be considered as the new elements brought by the ENP that added to the EU’s existing relations with its neighbours such as the regional policies like the Euro-Mediterranean Partnership (Barcelona Process) or the Northern Dimension.

2.1. A discourse on common values

The similarities between the ENP’s common values and the accession conditions are particularly striking. Neighbouring countries have to respect “commitments to shared values” relatively similar to the EU’s accession criteria:

“(...) that is respect for human rights, including minority rights, the rule of law, good governance, the promotion of good neighbourly relations, and the

principles of a market economy and sustainable development as well as to certain key foreign policy goals” (EC, 2004a).

Policy discourses on the ENP are now clearly constructed around three main issues – security, stability, and prosperity (Prodi, 2002; EC, 2003a) – which are then defined in more details in the separate action plans, i.e. the internal market, cooperation in justice and home affairs, sustainable development, or foreign policy (EC, 2004b).

2.2. Concepts complementary to conditionality: Differentiation, partnership, deconcentration / decentralisation, participation.

In its communication of 2003, the Commission insisted on the specific philosophy the ENP should adopt to complement already existing policies in its neighbourhood, namely “a differentiated, progressive and benchmarked approach” (EC, 2003a: 15). The Commission proposed that benchmarks “should be developed in close cooperation with the partner countries themselves, in order to ensure national ownership and commitment” (EC, 2003a: 16), thus to counter-balance the unilateral approach of conditionality. In this context, benchmarks “offer greater predictability and certainty for the partner country than the traditional ‘conditionality’” (*ibid*). During the last EU enlargement, conditionality has been clearly defined and used to frame the accession process and negotiations (Smith, 1998; Schimmelfennig, Sedelmeier, 2004). After the Summit of Essen in 1994, *negative conditionality* (suspension of advantages when reforms are not conducted) was complemented by *positive conditionality*: The more a country introduced reforms, the more assistance it was awarded to conduct them. A debate particularly gained momentum when the Commission noticed that negative and positive conditionality worked only on a case by case basis. Although negative conditionality was seemingly effective in condemning the authoritarian Slovak government of Vladimír Mečiar in 1997, the Commission realised that Hungary and Poland, although being the best pupils of enlargement, were not using the whole annual PHARE budget that was allocated to them (Interviews, DG Enlargement, April 2003, March 2004). The main reason identified was the lack of administrative capacity and political will as well as the poor involvement of civil society in shaping the reforms. The debate became particularly salient when, at the same time, the European Court of Auditors and the European Parliament accused the Commission over the overly centralised and non transparent manner in which it managed the PHARE programme. After 1997, the asymmetrical and unilateral character of the relations between the EU and the candidates was deemed to be replaced by the concepts of partnership, differentiation, participation, and deconcentration / decentralisation, which should complement the notion of conditionality.

When looking at the European Neighbourhood Policy, the same concepts can be found in addition to classical negative and positive conditionality. The principle of *differentiation* consists in strengthening existing relations through commitments to shared values on the basis of a “jointly agreed” Action plan. It stems from the contractual arrangements between the EU and each country. While Morocco and Ukraine were among the first countries to sign such a Action plan, some countries like Algeria did not agree so far to negotiate any. Differentiation is thus understood as being “tailor-made to reflect the existing state of relations with each country, its needs and capacities as well as common interests” (European Commission, 2004a).

The notions of *partnership* and of *decentralisation / deconcentration* were introduced into the enlargement strategy around the same time as into the TACIS and MEDA programmes. The notion of partnership addressed criticism of the centralisation of programme management by the headquarters of the Commission in Brussels and led to a policy of deconcentration (reinforcement of the delegations of the Commission) and of decentralisation (growing responsibility of third states’ institutions) in the framework of accession negotiations (1998–2002) and international cooperation (2001). This experience served as a basis for the design of the ENP philosophy in 2003-2004, mainly through officials of DG Enlargement who were later appointed to DG Relex and EuropeAid⁷. Nevertheless, the notion of decentralisation takes a different shape in the ENP: While the Association agreements (AA) with the Mediterranean countries allow for a greater responsibility in implementation, the Partnership and cooperation agreements (PCA) with the TACIS countries still limit the role of third states in the management of EU projects⁸.

The idea of *participation* is closely linked to the concept of partnership and decentralisation. The involvement of actors from the civil society to generate reforms is seen as central for an effective ownership, internalisation, and respect of the norms and values promoted by the EU abroad. Participation is also thought as a mean to increase sectoral integration by opening internal cooperation programmes to persons from the third countries, especially in the fields of education, research, and culture, as well as by supporting “people to people” cooperation projects. Nevertheless, although it constitutes a crucial element of the new approach and was accepted by the Council at the beginning of 2007, this element is still weak in the ENP and the rather protective EU visa policy contradicts measures towards more participation.

⁷ Interviews with officials of DG Enlargement, Brussels, March-April 2003, and members of the Task Force on Neighbourhood Policy, Brussels, June 2004.

⁸ Interviews, DG Relex, Brussels, April 2006.

2.3. The European Neighbourhood and Partnership Instrument (ENPI)

In 2003, the Commission proposed to launch a specific assistance policy instrument called the European Neighbourhood and Partnership Instrument (ENPI) for the financial perspective of 2007-2013 (EC, 2003b). The ENPI should replace the TACIS and MEDA programmes, as well as the European Initiative for Democracy and Human Rights (EIDHR), and would also apply to Russia which is not officially part of the ENP (Interview, DG Relex, February 2006). The aim of the ENPI is, as in the pre-accession strategy, to support the harmonisation of all possible sectors with EU laws. Therefore, a budget of €12 billion was agreed for the period of 2007-2013 to support reforms in the ENP countries, and at least four instruments of the pre-accession strategy have been integrated into the ENPI:

a) *Cross-Border Cooperation (CBC) (security and border management)*. As the ENP seeks to prevent “new dividing lines” in Europe after the last EU enlargement, a specific focus is given on cross-border cooperation and intra-regional cooperation. Cross border projects between member states and neighbour countries are mainly geared towards promoting sustainable economic, social, and environmental development in border regions of the EU. The ENPI is designed to simplify procedures and be more efficient than previous experience in the framework of the PHARE and TACIS cross-border cooperation (CBC) projects. Difficulties in clarifying procedures on the EU’s side and the lack of administrative capacities at the local level have already added some delay in the launching of the first projects.

b) *Twinning (mid-term projects to improve institutional capacities, good governance and the rule of law)*. Twinning is an instrument introduced in 1997 in the enlargement policy to support capacity-building in candidate countries and institutional transfers through emulation, imitation and socialisation (Tulmets, 2005a). Twinning was later adopted in the CARDS, TACIS and MEDA programmes and is now part of the ENPI. It particularly aims at making available the expertise of member state practitioners in foreign administrations on a specific issue – administrative and judicial capacities – where the EU has almost no *acquis* (promotion of good or best practices). Twinning was introduced so far in Jordan, Morocco, Lebanon, Tunisia, Egypt, Ukraine, and in the countries of the Southern Caucasus. Due to the political character of some projects, their implementation in neighbour countries mainly depends on the political will of the governments to accept them. In the ENP, Twinning projects cover the sectoral priorities mentioned in the Action Plans and thus provide advice in the fields of internal market, justice and home affairs, energy, transport, communication, environment, research and innovation, as well as social

policies. For the time being, Twinning is encountering difficulties in its implementation due to bureaucratic procedures, to weak administrations in almost all neighbour countries, a high turnover of civil servants, and a lack of own resources (Königová, Tomalová, Tulmets, 2006).

3) *TAIEX (short-term projects to improve institutional capacities, good governance and the rule of law)*. In June 2006, the Commission accepted to include TAIEX in the ENPI to complement Twinning. The Technical Assistance Information Exchange Office (TAIEX) was created in 1995 to assist the candidate countries in adopting and implementing the *acquis* in the field of the Internal Market by providing information from a database on the *acquis* and sending independent experts for short-term missions to the candidate countries. As one of the aims of the ENP is to offer the neighbour countries “a stake in the EU’s internal market” (EC, 2003a), DG AidCo introduced TAIEX in its unit dealing with Twinning on the model of the Institution-Building Unit of DG Enlargement. In the ENP, TAIEX is conceived as an instrument also allowing for the preparation of Twinning projects (Königová, Tomalová, Tulmets, 2006).

4) *Participation in EU programmes (people-to-people cooperation)*. The ENPI also intends to increase “people to people” activities and dialogue between civilisations through the building of sectoral networks and the participation of neighbouring countries in EU programmes and areas like education, training and youth, health, research, environment, as well as cultural and audio-visual programmes (EC, 2003a, 2004a). The experience of including citizens from non-member states in EU programmes was gained from the Mediterranean cooperation (e.g. Anna Lindh Foundation), the Northern dimension, and especially enlargement. Enlargement brought a larger opening of EU programmes to non-member countries. The ENPI includes opening programmes like YOUTH, Tempus, and Erasmus Mundus and other opportunities for participation are identified in the Action Plans (EC, 2004a: 20). The Commission’s proposition to enhance direct contacts between people has been accepted by the Council at the beginning of 2007, but the rather strict visa policy currently in place in the EU member states still contradicts this initiative. If high expectancies in this field cannot be met, the EU will have to manage the frustrations of some neighbours attracted by a sometimes too promising ENP.

The ENPI also plans on the EU playing a growing role in conflict prevention/resolution and crisis management in its neighbourhood. For the time being, crisis prevention is dealt in the framework of CFSP/ESDP missions, like the ESDP mission on border management between Ukraine and Moldova, and complemented by institution-building projects lead by the Commission.

However, various specialists and analysts are sceptical about the EU's capacity to implement such costly instruments with the budget adopted for the period of 2007-2013, as the apparently comfortable amount of €12 billion has to be split among sixteen countries plus Russia for a period of seven years.

2.4 A soft method of coordination based on a benchmarked approach

In the ENP, one can notice that the Commission adopted a similar method as introduced in the enlargement strategy in 1997 ("Agenda 2000"). The country reports resemble the Avis of the Commission on the candidate states, the Action plans negotiated by the Commission and accepted by the Council present many similarities with the Accession partnerships, the lists of *acquis* and the benchmarked approach are used as mean for pressure and monitoring like in enlargement, regular evaluations are done on each country on the basis of the political agreements with the EU (Tulmets, 2005b). The whole is negotiated, debated, agreed in the framework of already existing institutions created in the framework of the Association Agreements (AA, South) and the Partnership and Cooperation Agreements (PCA, East): The committees and sub-committees of the AA and PCA.

Incremental adaptation of a soft method of coordination in the Neighbourhood policy

OMC (Employment strategy, Luxemburg, 1997)	Enlargement policy (« Agenda 2000 », 1997)	Neighbourhood policy (Communication of the Commission, 2003)
(a) European objectives	Accession criteria	Commitment to common values
(b) National Action Plans	Avis on accession Accession Partnerships National Plan for the Adoption of the <i>Acquis</i> (NPAA), Action Plan for administrative and judiciary capacities	Country reports of the Commission (jointly agreed) Action plans Development plans of ENP countries
(c) Annual or bi-annual policy cycles	Negotiation cycles, Programming of assistance	Negotiation cycles of Action plans (3 years) Programming of assistance (TACIS, MEDA and after 2007, European Neighbourhood Instrument)
(d) Benchmarks / exchange of good or best practices	Benchmarks in the NPAA, TAIEX and Twinning contracts	Benchmarks in the Actions plans, TAIEX and Twinning contracts
(e) Participation, consultation of social partners	Consultation of social partners at the national level and participation at the Commission level	Participation at the national level and at the Commission level, “people to people” cooperation
(f) Indicators when <i>Acquis</i> is not precise	<i>Acquis</i> lists of the Commission DGs, Twinning contracts	<i>Acquis</i> lists of the Commission DGs, Twinning contracts
(g) Commission’s Progress Reports	Regular Reports of the Commission	Report of the Commission to the Council

Sources: Own compilation from: European Council on Employment (1997), European Council at Luxemburg (1997), European Commission (2003a).

This specific benchmarked and flexible method can be considered to represent the added value of the ENP in policy terms compared to already existing policies towards the EU’s neighbours (e.g. the Northern Dimension and the Euro-Mediterranean Partnership). It was introduced to manage and control the ENP as an overarching “umbrella” policy covering the following instruments: a) Association agreements (AA) or Partnership and association agreements (PCA), which the Commission proposes to replace by the European Neighbourhood Agreements; b) political dialogue in various forms and forums; c) TACIS, MEDA, and other assistance programmes, which have been replaced in 2007 by the European Neighbourhood and Partnership Instrument (ENPI); d) Lists of EU sectoral *acquis* or guides for legislative convergence (e.g. EC, 2003c); e) Civilian resources mobilised for ESDP missions. In relying on already existing instruments, this new overarching method of policy coordination aims at better defining the bilateral “tailor-made” partnership between the EU and each partner and at controlling its implementation.

Like in enlargement, this method is complementary to the EU’s classical conditionality approach: While enhancing coordination between the member states on the policy to follow, it aims at socialising neighbouring countries to the EU’s norms, values, and standards by constantly pointing at their own political responsibilities through a process of

“naming and shaming” with reports and peer pressure processes. In this sense, the method presents many similarities with the open method of coordination (OMC) adopted in the EU for the employment and the social policies between 1997 and 2001 (Tulmets, 2003, 2005a,b). Adapted to the context of enlargement and neighbourhood, the method does not take exactly the same shape as the OMC, but follows the same purpose: Reach cognitive convergence between the various actors (member states and third states) through socialisation and persuasion. This is especially true in fields where the EU has no *acquis*, i.e. no model to propose, thus no leverage and means for pressure (e.g. human rights).

Interestingly, this method develops bilateral relations on the model of the “Regatta principle” accepted during the last phase of enlargement. In 1997, the EU member states agreed to open negotiations only with six candidates, out of twelve, and thus favoured the logic of “Group accession”. In 1999, the member states finally agreed that the “Regatta principle” (the first countries to meet the accession criteria come in) would be more efficient and accepted to open negotiations with all candidate countries. This is also at that time that Turkey was granted the status of candidate. The “Regatta principle” was adapted to the ENP for one main reason: It allows for a better control by the Commission of the way common values are respected and reforms introduced in the neighbour countries, without having to make recourse to the unpopular negative conditionality. Although the idea of a multilateral “Eastern Dimension” in EU’s external relations was not taken over at the EU level, some elements of the Polish propositions have inspired the ENP strategy at this level. They are mainly based on the new member states’ experience of accession to the EU and include for example the idea of a “tailor-made” country strategy, the suggestion to improve cross-border cooperation and to adapt the Twinning instrument to the context of neighbourhood.

However, the “Regatta principle” also generates a politicisation of bilateral relations between the EU and its neighbours, which generates a policy with “variable geometry” (Tulmets, 2006). Member states use this bilateral approach in a political way to support some neighbour countries in their attempt to get them closer to the EU and even to support their candidature to the EU. Poland for example worked hard, also in cooperation with Germany, to shape the EU’s agenda on the case of Ukraine before and after the Orange revolution of 2004 (Auswärtiges Amt/Ministerstwo Spraw Zagranicznych, 2003; Gromadzki *et al.*, 2005). Its policy participated to the adoption at the Council of February 2005 of a “10 points” paper defining the relations between the EU and Ukraine, even if these somehow fall short of Polish expectations. As a matter of fact, further issues were presented during the joint visit of the Polish and the German foreign ministers Rotfeld and Fischer in Kiev in March 2005 to enhance EU-Ukrainian relations (Buras, Pomorska, 2006

: 41). They include for example visa-facilitation for the Ukrainian citizens, talks on a free trade area between the EU and Ukraine, a scholarship programme for Ukrainian students in the EU, a training programme for Ukrainian officials in Brussels or the concept of a European University in Lviv. As Poland supports Ukrainian accession to the EU, most Polish initiatives towards Ukraine adopted go far beyond the Action Plan negotiated with Ukraine in the framework of the ENP. Some of them succeeded to be taken over at the EU level: Ukraine was for example granted the status of a free market economy under the British EU presidency at the end of 2005⁹.

The fact that candidate countries, now members of the EU, started to promote their experience of accession abroad and to support some potential candidates also inspired a new discourse at the EU level. Since 2003, enlargement is considered as the “most successful foreign policy of the EU” (EC, 2003a), also thanks to the specific flexible method developed throughout the 1990s, which allowed for the creation of a European “soft power” approach.

3. A method which builds the ground for a discourse on EU’s “soft power”

As for the Commission the fifth enlargement represented the EU’s “most successful foreign policy” (EC, 2003a), the Neighbourhood policy offers an occasion to prove that the EU has the capacity to establish stability and security at its external borders and to answer expectations in its neighbourhood. Official speeches on enlargement and the ENP clearly insist on EU’s ability to promote its norms and cultural values to generate attraction through persuasion as well as to mobilise its internal resources and policies to reach compliance (e.g. Ferrero-Waldner, 2006; Landaburu, 2006). One recognises there elements of the definition Joseph Nye gives of the “soft power”, a notion he developed while having the US in mind (Nye, 1990). The wording used in the Commission’s proposals gives priority to EU’s attractiveness for third states. As the Neighbourhood policy cannot make recourse to the powerful leverage of non-accession, it has to rely on its coherence, on its ability to mobilise its capacities and to respect the jointly agreed commitments. For the Commission, the soft method of coordination is a way to manage such relations with third states (through benchmarks, monitoring in committees, evaluations) and thus to build the ground for a discourse on EU’s “soft power”. What comes out of official

⁹ Before and after enlargement, other countries like Lithuania and Estonia were also pro-active towards enhanced cooperation with EU’s Eastern neighbours. Lithuanian and Estonian politicians for example insisted on the necessity for the EU to support processes of democratisation in Belarus and Ukraine, as well as in the South Caucasus after the Rose revolution in Georgia. Another well-known example is Romania, which is a fervent supporter of closer cooperation with Moldova as a potential candidate for accession in the EU.

speeches formulated at the Commission's level is that third states are attracted by the EU: They should logically accept to follow EU's norms and to introduce reforms respecting these norms.

In reality, the new policy discourse on "soft power" is hinting at EU's difficulties to solve its "capability-expectations gap"¹⁰. Given the weakness of EU's military capacities and negative experiences with economic sanctions (Wilde d'Estmael, 1998), the EU is reluctant to use coercive means. It prefers to make recourse to "soft" measures embodied by a normative discourse on norms and values and by enhanced economic and cultural cooperation complemented by a thorough assistance policy (more on this: Delcour, Tulmets, 2007, Tulmets, 2007b). As the literature shows, the EU is still unclear as to the role it is able to endorse in the international arena since the establishment of the Maastricht treaty. Ian Mannes (2002) has argued that, with the introduction of conditionality and a discourse on human rights, the EU has added a "normative power" to its "civilian power", already defined in the 1970s by François Duchêne (1973). Some authors have interpreted the launching of a Common Foreign and Security Policy (CFSP) in 1992 and of an European Security and Defence Policy (ESDP) in 1999 as the end of the EU's civilian power (Smith, 2000; Zielonka, 2002), others have argued that the use of the military force does not preclude the abandon of civilian means, like civil-military actions show (Stavridis, 2001)¹¹. However, the European Security Strategy of 2003 clearly highlights the EU's preference for civilian means in the framework of ESDP missions (Solana, 2003), like the Rule of law mission in Georgia and the ESDP mission on border management in Moldova show (Helly, 2007).

4. Shortcomings of the method in the EU's neighbourhood

In general, the flexible method identified above encounters a raw of difficulties and poses various challenges as adapted in the context of ENP.

1) It first relies on a logic coming from enlargement which originally aims at including third states entirely and not only partly into EU's internal and external policies. One cannot expect similar commitments from associate or partner countries than from candidate countries. Commission official would answer that this is why differentiation was introduced to respect the rhythm of each country in the introduction of reforms. This argument nevertheless does not hold to the criticism that in practice Action Plans,

¹⁰ Christopher Hill defines the capability-expectations gap as the discrepancy between, on the one hand, the EU's resources, instruments, and ability to agree; and on the other hand, increasing expectations of third countries vis-à-vis the EU (Hill, 1993).

¹¹ For a further discussion of these concepts, see Sjurssen (2006), Johansson-Nogués (2007), Tulmets (2007b).

although negotiated, often include provisions which are more advantageous for the EU. Therefore, many analysts conceive these documents as asymmetrical ones and in favour of the EU.

2) Due to the negative experience with sub-regional approaches in enlargement and in the Euro-Mediterranean Partnership, the method adopted in the ENP is mainly building on bilateral relations. Action Plans tend to forget the role of sub-regional considerations (cooperation and conflicts between neighbours). The EU so far neglected the necessity to link both approaches in EU's external relations, although attempt to remedy to this shortcoming was done during the Finnish and German EU presidency. However, the soft method of coordination does not solve the dilemma of sub-regional versus bilateral relations with the EU.

3) Although the EU is making recourse to negotiated norms and to a soft method of coordination ("soft power"), the asymmetrical and conditional approach (which one can understand as EU's "hard power") still remains. In practice, the soft method rather enhances the conditional approach in the ENP, as the Commission very often defines the negotiation agenda in advance, benchmarks are not always commonly defined or participation rather stays limited. Therefore, the concepts of differentiation, partnership and ownership reveal contradictions in practice and lack credibility among EU's neighbour countries. In absence of any "hard" military power, the capacity of the EU to prevent conflict or to solve crisis is also still questioned.

4) The creation of an "umbrella" or "over-arching policy" using a similar, thus differentiated method for very heterogeneous regions is at the origin of diverse interpretations which some authors have qualified as a "clash of interpretations" (Kratochvíl, 2006). The policy's aims are still not clear and can be interpreted as an alternative to enlargement, a pre-accession strategy, a new Euro-Mediterranean policy or a way for the EU to extend its influence abroad (*ibid*). From the beginning, the policy is lacking of coherence due to the fact that so different sub-regional spaces were included within one single policy framework. One can ask if the only creation of an "Eastern dimension" in EU's external relations would not have been a more low-profiled, but efficient approach than a new over-arching policy including so many heterogeneous neighbours. It is not sure that propositions like the German ENP Plus strategy aiming at enhancing the cooperation with Eastern neighbours might solve the issue.

5) Finally, as a result of this "patchwork policy" reinforcing bilateral relations in combination already existing sub-regional approaches, it slowly takes the shape of a "policy with variable geometry" (Tulmets, 2006), which are reflected by the variety of expectations

among the neighbour countries. Ukraine and Moldova conceive it as an opportunity to become closer to the EU and to have a growing chance to be accepted one day as potential candidate countries; Morocco or Tunisia also perceive it as an opportunity, if not to integrate into the EU politically¹², at least culturally and economically (growing access to EU's internal market); but countries like Algeria or those from the Middle-East take this cooperation clearly less seriously (Del Sarto, Schumacher, 2005). However, in the current stage of internal integration and development of its foreign policy, it seems that the EU has no better offer to make.

Conclusion

The experience of the fifth enlargement of the European Union clearly inspired the policy ideas and instruments of the European Neighbourhood Policy. The European Commission played a crucial role in defining the scope of the ENP's policy ideas, concepts, assistance tools, which justify the use of a soft method of coordination in EU's external relations to enhance bilateral relations with third countries. This contradicts the first policy propositions on "Wider Europe", which aimed at developing a sub-regional "Eastern dimension" in the EU's external relations. As a result, the method adopted complements and, in many cases, enhances the conditional approach and neglects the sub-regional dimension of EU's neighbourhood. It also builds the ground for a new policy discourse on "soft power" in EU's external relations which is hinting at EU's difficulties to solve its capability-expectations gap in its external relations. This shows how difficult it is to adapt solutions developed for a specific context to a very different one.

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¹² Morocco's application to accession was refused in the 1980s for the reason that it is not a European country.

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