

Back to the Future: The 'New' ENP towards the Southern Neighbourhood and the End of Ambition

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Executive Summary

- > The 'new' ENP marks the end of a period, stretching over almost two and a half decades, during which the EU was determined to politicise relations with its Arab neighbours and put the promotion of, and support for, reforms at the centre of its policies.
- > The 'new' ENP is a blow for reform actors in the EU's Southern neighbourhood and for anyone who was hoping that the EU was serious with its normative and values-based approach.
- > The ENP Review 2015 is a step back when compared to its two predecessors, the revised ENP of 2011 and the original ENP of 2003/2004, as it leads to the substantiation of, and support for, autocratic rule in the EU's Southern neighbourhood.
- > The objective of pleasing both EU member states and governmental partners in the EU's neighbourhood meant 'squaring the circle' and, given the reform aversion of most Southern neighbourhood regimes, resulted in a major downgrading of the ENP's future ambitions. This is particularly obvious as far as the new ENP's cornerstones - stabilisation, ownership and differentiation - are concerned.

The European Union's (EU's) release of the 'new' European Neighbourhood Policy (ENP) on 18 November 2015 is a turning point in Euro-Mediterranean relations and thus in the way the EU will henceforth be structuring its relations with its Southern neighbourhood. In fact, it marks the end of a period, stretching over almost two and a half decades, during

which the EU was determined to politicise relations with its Arab neighbours and put the promotion of, and support for, reforms – both political and economic – at the centre of its policies.

Ever since the Lisbon European Council was held in the summer of 1992, establishing what then was called the 'Euro-Maghreb Partnership', and until the adoption of the 'New Response for a Changing Neighbourhood' in May 2011, Euro-Mediterranean relations followed a path of continuity. This continuity was marked by the fact that with every step towards a further institutionalisation of relations, the EU's aspiration to contribute to democratic development, good governance, the rule of law, and the strengthening of human rights in its Southern neighbourhood became more salient. In fact, it provided EU policies towards Europe's Southern periphery with their normative *raison d'être*.

The 'new' ENP, presented by EU High Representative/Vice-President Federica Mogherini and EU Commissioner for Neighbourhood and Enlargement Johannes Hahn in the European Parliament after one year of discussions and four months of unprecedented public consultations, puts an abrupt end to this. While many Arab regimes, after years of either suspicion towards or outright rejection of EU democracy promotion efforts, are overwhelmingly rejoicing at this development, it is a blow for reform actors in the Southern neighbourhood and for anyone who was hoping that the EU was serious with its normative approach. Strictly speaking, the 'new' ENP is a step back when compared to its two predecessors, the revised ENP of 2011 and the original ENP of 2003/2004, as it invariably leads to the substantiation of and thus support for autocratic rule in the EU's Southern neighbourhood.

In recent years, one of the most frequently used terms in Brussels and EU member states' capitals has been the so-called 'ring of fire', replacing the often-cited reference to

the ‘ring of friends’ that the EU originally intended to foster via the ENP. Coined by *The Economist* in the summer of 2014 with a view to describing developments in the EU’s neighbourhoods – South and East – and their potentially devastating spill-over effects for the EU, European decision-makers did not waste any time to engage with this seemingly all-encompassing term. As a matter of fact, over the past 18 months discursive engagement with the ‘ring of fire’ led to the creation of a narrative that has been revolving around the notion of crisis. This, at the end of the day, motivated Jean-Claude Juncker upon taking office as Commission President to call for yet another overhaul of the ENP. Thus, while the 2011 review was supposed to provide EU-neighbourhood relations with a more forward-looking and sustainable framework in response to the Arab uprisings, the recent revision was driven almost exclusively by a general perception among policy-makers in Brussels and EU member states’ capitals that the EU’s neighbourhood is in a state of crisis.

Obviously, the conflicts in Ukraine, Syria and Libya, the rise of ISIS/Da’esh and corresponding waves of internal and external displacement seem to confirm this view. Yet, external volatilities, crises, conflicts and the violation of territorial integrity, have been key characteristics of the EU’s periphery already at the time when Brussels decided to label the immediate space beyond its external borders ‘neighbourhood’ and in fact ever after. In other words, though crises and wars have been a defining feature of the EU’s neighbourhood for years, it needed newly emerging conflicts and conflict-related developments – and thus a more tangible understanding that these can and do affect the EU – for the ENP to emerge back in the spotlight.

Due to the rather lengthy and admittedly inclusive public consultation process that the Commission and the European External Action Service (EEAS) initiated, the EU, and with it the ENP, had the chance to escape the fate of decisions that normally, when taken in a context of crisis, tend to suffer from limited time to explore or appreciate alternative courses of action. However, the Commission’s and the EEAS’s determination to put forward a revised policy framework that would find the consensus of both the member states and the neighbours and that would at the same time resonate with and relate to crises, led to an outcome that reflects rather strongly the interests and preferences that Arab regimes had voiced in recent months. Put differently, the objective of pleasing both EU member states and governmental partners in the two neighbourhoods meant ‘squaring the circle’ and, given the reform aversion of most Southern neighbourhood

regimes, could not but result in a major downgrading of the future ENP’s ambition.

Downgrading the EU’s ambitions in the Southern neighbourhood

The downgrading of the EU’s ambitions vis-à-vis its Southern neighbourhood becomes particularly visible in three domains, which are the cornerstones of the ‘new’ ENP: stabilisation, ownership and differentiation.

Stabilisation

The ‘new’ ENP puts the focus on the stabilisation of the EU’s neighbourhood. This has been one of the core objectives of the ENP since it was initiated in 2003, though the extent to which it was linked to polity- and governance-related reforms through conditionality varied throughout the years. The ‘new’ ENP abolishes this link and with it any reference to positive (‘more for more’) or negative (‘less for less’) conditionality – after all *the* key features of the 2011 ENP. Instead, it is predicated rather explicitly on the assumption that holding on to, and strengthening ‘partners’ – a euphemism for non-democratic regimes in the Southern neighbourhood – is conducive to containing instability. At a time when many of these regimes are preoccupied with consolidating their autocratic rule in a post-‘Arab Spring’ context and are increasingly regarded as the lesser evil when contrasted with potential unrest, state collapse and radicalism, this approach – as pragmatic as it might be – is an antithesis to what past editions of the ENP were supposed to be about. At best, it merely indicates that the EU, by evoking the crisis narrative embodied in the ‘ring of fire’ notion, simply found a way of legitimating the *de facto* supremacy of inter-governmental relations over democracy promotion with potentially uncertain outcomes. At worst, it is destined to aggravate rather than soften the multi-faceted problems that the ‘new’ ENP claims to address, as the absence of democratic rule and the continuous violation of political, social and economic rights by Arab regimes are in fact the root causes of instability, radicalisation and conflict.

Ownership

In addition to stabilisation, the Review of 18 November 2015, outlining the ‘new’ ENP, stipulates that “greater mutual ownership will be the hallmark of the new ENP”. Principally, this decision represents an overdue acknowledgement of neighbours’ past calls for putting an end to what they perceived as a centre-periphery approach that treated them as mere objects. However, stepping up ownership, as was explicitly requested by the

EU's Arab neighbours in their Beirut paper of 24 June 2015, comes with a cost. Allowing the neighbours to have a much stronger say and let them decide what the EU policy in its entirety towards each one of them should entail, does effectively boil down to formally legitimating them to determine the actual scope of EU and thus ENP-related policies.

Some might consider this to be a receptive and realistic response to the general reluctance of the Arab regimes in the Mediterranean to engage in meaningful political, that is democratic reform. In reality, however, such a view is whitewash and has wide-ranging implications. First, it poses questions as to whether the EU is, and still wants to be, an autonomous foreign policy actor in its Southern neighbourhood. Secondly, by putting in place a policy that aims at reflecting the interests and aspirations of its Southern 'partners', in conjunction with the abolition of the 'less for less principle', the EU does not only surrender to the long-standing demands of autocratic rulers. What is worse, it signals that they can get away with their notorious human rights violations and authoritarian practices, knowing that – as the 'new' ENP explicitly allows them to choose from a broad and politically rather non-sensitive *à la carte* menu – they will, after all, even be rewarded with 'more for less'. 'Letting the fox guard the chickens' therefore seems to have been the *leitmotif* of Brussels when it drafted the 'new' ENP.

Differentiation

"[R]ecognising that not all partners aspire to EU rules and standards, and reflecting the wishes of each country concerning the nature and focus of its partnership with the EU", the 'new' ENP also promises even greater differentiation than was already the case in the past. However, the Review omits any clear reference as to what differentiation shall truly mean and entail, other than that the EU is intent on allowing the neighbours to cherry-pick. In fact, what the 'new' ENP offers is much of the same of what its previous versions also already had on display: at least at this stage. Deep and Comprehensive Free Trade Areas (DCFTAs), mobility partnerships and sectoral integration, as well as financial and development assistance, are the cornerstones of this allegedly reinforced differentiation approach. However, to what extent Arab neighbours would eventually benefit from these depends on whether they opt for them at all and, secondly, whether the offers would address their specific needs and thus really differentiate. At least as far as the DCFTAs are concerned, a comparison with those currently to be implemented by the EU's Eastern neighbours Georgia and Moldova might give Arab

neighbours a foretaste of what can be expected as these DCFTAs were modelled considerably on Ukraine's DCFTA – in spite of the three countries' different trade and economic structures and regulatory systems. Conversely, the fact that Tunisia was given a new Action Plan for the period 2013-2017 already before the adoption of the 'new' ENP, and Lebanon a Single Support Framework for 2014-2016, while Egypt was only granted a one-year Single Support Framework (2014-2015), is indicative of the fact that differentiation might also take a rather different turn in practice. Though it is known that development plans by external donors have the greatest potential to generate at least some impact when they are concluded for a period of three to five years, the EU decided to differentiate between Tunisia and Lebanon on one hand and Egypt on the other hand and in spite of the fact that Egypt's development-related needs are disproportionately larger and considerably more capital-intensive.

Back to the future: the absence of vision in the EU's relations with its Southern neighbourhood

It took the EU years, if not decades to develop a democracy, governance and rights-related ambition and thus *acquis* in its neighbourhood relations. Although the first two ENP editions had multi-faceted shortcomings and suffered from EU member states' lack of interest, they represented a major advance in the EU's external relations framework. This is mainly because they reflected the aspirations of an actor that increasingly claimed to be a 'normative power' that focused, at least on the level of political rhetoric and in official discourses, on the transposition of its values. In contrast, the 'new' ENP is an acknowledgement not only of the ENP's past failures, but also of the EU's inability and, so it seems, unwillingness to hold on to its values and principles when the going gets tough and when crisis seems to have become the 'new normal'. Thus, the lack of vision in the process of European integration generally, apparent already for many years, has finally also infected the ENP.

Apart from the negative repercussions this is bound to have for the EU's self-image as a determined, sovereign and normative foreign policy actor and for how it is being perceived by others, especially by neighbours and other external actors in the Southern neighbourhood, the lack of vision in EU-neighbourhood relations is particularly problematic for reform-minded neighbours. For example, the 'new' ENP continues to omit any reference to what Tunisia – the only beacon of democratic light in an otherwise politically stagnating or rather turbulent Southern neighbourhood – can expect from the EU at the end of a rather long and costly process of approximation

with, and adoption and implementation of EU laws, rules and regulations. Admittedly, the 'new' ENP has a strong focus on sector- and issue area-specific cooperation beyond the sphere of democratic reform. Yet, it provides rather few leads as to how this shall materialise or – in the case of those, such as Morocco, Tunisia and to a lesser extent Jordan, that have already embarked on broad sectoral cooperation – be deepened. This is also visible in the 'new' ENP's security dimension which, in spite of its rather long list of priorities, does not offer much, neither with regard to stepping up the EU's involvement in the resolution of conflicts nor as far as securing greater commitment on the part of the EU member states is concerned.

Given the policy's overall focus on stabilisation this does not resemble a forward-oriented approach that is destined to contribute to the pacification of the EU's Southern – and Eastern, for that matter – neighbourhood. Instead, the EU seems to be set to travel 'back to the future', letting those that the original policy was primarily oriented at, notably non-democratic regimes with no EU membership perspective, decide over the direction this journey will take.

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