

Exporting Values:
Conditionality, Democracy and the European Neighbourhood

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ABSTRACT

EMILY PEARCE: Exporting Values: Conditionality, Democracy and the European Neighbourhood

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In recent years the European Union has begun to emerge as an important regional and global ‘soft’ power. The corner stone of its new role is the promotion of democracy and European values. In the past decade the borders of the EU have become increasingly unstable. In an attempt promote a stable and prosperous region the EU has developed the European Neighbourhood Policy (ENP). However, an examination of the strategies and concepts present in this policy bring up questions surrounding its validity as a democracy promotion tool. In this thesis I will argue that the ENP will be insufficient as a democracy promotion tool because it fails to provide the necessary conditionality or reciprocity. I will argue that this lack of conditionality is a result of differing preferences among member states as well as EU economic and strategic protectionism. Finally, I will argue that without proper conditionality the ENP cannot succeed given the current political conditions in the ENP states.

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List of Abbreviations

CEE – Central Eastern Europe

CFSP – Common Foreign and Security Policy

EMAA – Euro- Mediterranean Association Agreements

EMP – Euro- Mediterranean Policy

ENP – European Neighbourhood Policy

ENPI – European Neighbourhood and Partnership Instrument

EU – European Union

FTA – Free Trade Agreement

PCA – Partnership and Co-operation Agreement

TACIS – Technical Aid to the Commonwealth of Independent Stat

I. Introduction

The collapse of the Soviet Union in 1989 redrew the map of Europe transforming a stretch of border that had divided it for nearly five decades. In the wake of this geopolitical transformation the European Union was faced with the task of creating policies that would address the host of newly democratizing nations emerging out of the former Soviet bloc. There was no question that a successful transition to market economy and democratic political systems for these new nations was in the best economic and security interests of the EU. But the importance of successful transition became ever clearer in 1996 when the Balkan crises erupted and the EU found itself unable to prevent or contain the ethnic wars in Croatia and Bosnia. Together the Soviet collapse the Balkan wars led the EU to develop a stronger foreign policy throughout the 1990's seeking to define a new role for itself as a regional and global power. To this end the EU opened the enlargement process to the central eastern European border countries and offered them the opportunity to join the EU if they successfully transitioned. The success of the enlargement process in soliciting reforms meant that the EU had found a valuable tool with which to exert geopolitical power and promote democracy beyond its borders. In furtherance of these objectives the accession process has been leveraged towards the Western Balkans in the aim of promoting democracy and stability in one of the EU's most proximate and problematic regions.

With the 2004 enlargement complete the enlarged EU faces problems on its periphery that go beyond the Balkans. The enlargement pushed the borders of the EU towards the still unstable former soviet countries. On the outer rim of the EU neighbourhood the transition experience for these countries proved to be much more difficult than for their central European brethren. The struggling eastern European transition combined with an increasingly unstable Mediterranean region in the past decade has meant that the EU is facing volatile neighbours on all sides. In response to the pressure on its borders, proceeding from their new stronger foreign policy and the success of enlargement, the EU has formulated a policy meant to promote democracy and stability in the periphery. Christened the European Neighbourhood Policy (ENP) it seeks to use some of the mechanisms of Enlargement to support the goals of human rights, liberal democracy and “European value” promotion in the European neighbourhood.

But even with the success of enlargement and its new position as a champion of democracy does the EU have the power to elicit reforms in its politically unstable periphery? Can the enlargement process serve as a framework for regional engagement but be as effective without the possibility of membership? Finally, will weak domestic political conditions serve to highlight the lack of strong conditionality? This paper will attempt to broach some of these questions but it is important to note the ENP is in its infancy. It will be several years until a thorough study on the impact of the ENP can be undertaken. I will, however, propose an introductory analysis of potential short falls of the ENP using similar past and existing agreements as starting points.

This thesis will argue that the ENP is likely to fail as a democracy promotion tool because it fails to provide a sufficiently strong and cohesive conditionality. In the first section I will examine the origins, mechanisms and goals of the ENP. In the second section I will look at regional challenges facing the EU. In the third section I will discuss the role of conditionality in democracy promotion and its function in the ENP. In the fourth and fifth sections I will discuss how the EU has undermined this conditionality through protectionism and internal division respectively. Finally, I will argue that weak conditionality will fail to solicit reforms in the ENP countries given their current domestic political conditions.

II. The Purpose of the ENP: Exporting Stability, Economic Prosperity and Democracy

The goals of the ENP are clear and deceptively simple: to encourage neighbourhood countries to make “European choices” with regards to values and standards. It was established to pursue “the Union’s desire for a neighbourhood populated by peaceful countries, which preferably share EU values.” (Johansson Nougues 2004:234) Proposed by Britain in 2003 the ENP was originally a policy initiative targeted at dealing with the Eastern European countries that, as of May 2004, would become neighbours of the EU. Initially known as the ‘wider Europe’ and the ‘proximity policy’ it was created as an extension of the existing regional and bilateral relationships. The European Union had established these relationships with neighbouring countries in the Mediterranean through the Barcelona Process in 1995 and Eastern Europe through the Partnership and Co-operation Agreements (PCAs). The ENP sought to address problems with these existing agreements and bring them up to date with the current political climate. Most importantly

this policy was created “with the objective of avoiding the emergence of new dividing lines between the enlarged EU and our neighbours and instead strengthening the prosperity, stability and security of all concerned.” (COM 2004/373) It seeks to do this, as the Commission Report on ‘Wider Europe’ specifies, by “tying the EU’s old and new neighbours closer to itself, while interconnecting the neighbourhood in terms of trade and political relations, energy, infrastructure, and telecommunication networks.” (Del Sarto and Schumacher 2005: 26) As such ENP countries are encouraged to conform to the standards and laws of the EU as set out in the *acquis communautaire*. This thrust towards the *acquis* aims to promote an institutional and value convergence towards EU norms on the far side of the border. Though the *acquis* is used as a basic framework for the ENP it is not an accession instrument and membership in the ENP does not precede or necessarily lead to accession talks. Former president of the European Commission Romano Prodi pointed out in 2002 speech on wider Europe, “We have to be prepared to offer more than partnership and less than membership, without precluding the later.” (Smith 2005: 763).

The members of the ENP can be divided into two flanks: the eastern and southern. The latter consists of Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, the Palestinian Authority, Syria and Tunisia and the former Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine. Each flank corresponds to a geographical area which borders the European Union. The original conception of an ENP designated for the Eastern European countries on the border of post-Enlargement Europe was renegotiated at the insistence of the southern European member states. Spearheaded by France, this

insistence led to the inclusion of the members of the Euro-Mediterranean partnerships in the Neighbourhood policy. This amendment to the policy signalled a regional priority divergence within the EU. Long standing regional relationships determined which border regions were most significant to which member states. These relationships are derived from immigration, trade and security, as well as the legacy of colonization in the case of the Mediterranean region. The problems bound up in these relationships were ‘on the back doorstep’ of geographically proximate countries. As a result” some of the members felt more interest in, and passion and capability for, issues close to their border than others. Thus, while Germany (and now the new member states) appeared to be more interested in Central and Eastern Europe, Spain, Italy, Greece and France were instrumental in introducing Mediterranean-related issues into the EU agenda.” (Aydin 2005: 259) I will discuss this further in section VI.

The ENP consists of bilateral Action Plans between states and the EU which “set out an agenda of political and economic reforms with short and medium-term priorities.” (COM 2004/373) These action plans are ‘tailor made’ to target specific issues facing the individual countries. They focus on concerns ranging from immigration to democratization, making the ENP a cross-pillar initiative. The “bewildering range of objectives [include] ensuring socioeconomic cohesion, resolving complex interdependencies expanding the area of freedom, security and justice, and promoting reform and common values in the EU immediate neighbourhood.” (Berg 2006: 56) The incentive for participation and implementation of these action plans is a stake in the internal market and with it the potential for greater freedom of movement of goods,

services, persons and capital. Further, EU aid is available to support implementation of action plans. Originally aid was allocated through TACIS for Eastern Europe and MEDA for the Mediterranean. However, in the 2007-2013 EU budget the ENP was allocated its own funding structure known as the European Neighbourhood and Partnership Instrument (ENPI) with a budget of € 12 billion, an increase of 32% from the previous period. (Europa2006)

I have pointed to the fact that the ENP is a new tool in the EU's foreign policy toolbox but the nature of the EU's new stronger foreign policy has been influenced by the changing geopolitical landscape of the last 15 years. Taking shape in the 1990's in the wake of the communist collapse, the Balkan crisis and U.S. hegemony the EU sought to assert itself as a stronger geopolitical actor on the world stage. The Balkan crisis was the first test of the international position of the EU in the post communist world. The Balkan wars had led to two significant foreign policy problems for the EU. One was that the EU had failed wield significant diplomatic or military power to avert the crises. Secondly, it illustrated the proximity of instability to European borders. In the late 1990's and early 2000 it was clear that the EU needed to formulate a strategy to deal with the rising crises on its borders. That strategy would also determine what type of power it would be. The nature of the Union with its weak CFSP and the power of the American military force meant that international security would not fall to the EU, least of all military security. Instead the EU sees itself as a 'soft' power exerting its influence on the global stage through the promotion of norms and values through engagement. (Kelley 2006:

39) To this end, from the early 1990s, “the EU has tried to systematically incorporate the promotion of a specific set of European values into its external relations.” (Borzel and Risse 2007: 29) As a result one of the cornerstones of the ENP and of EU foreign policy in general is democracy promotion and the exporting of what are considered the ‘European values’ of liberal democracy and human rights.

Despite ambitious aims soft power is in many ways a limited power. In reality “as a truly global actor, the EU can only be a partial and incomplete power since its capacities are limited to the economic and, possibly, diplomatic arena”. (Dannreuther 2004; 212) Instead it has been suggested that the EU be considered a regional power. (Missiroli 2004) And it is as an instrument of regional influence that the ENP can play a role in the EU’s foreign policy toolbox. The ENP is a form of external governance for advancing EU values and interests along its new periphery. It is a soft power tool which seeks to exert influence by exporting these ‘European values’ to unstable regions. The EU believes that economic prosperity will complement political liberalization and that by using the economy as a tool and democracy as a measuring stick the EU can help transform ‘unstable’ regions into prosperous ‘European style’ political nations. With this strategy in mind, the ENP seeks to provide incentives to spur reform. The EU attempted to exert its soft power regionally with two different initiatives in the 1990’s: the enlargement process and the Euro-Mediterranean partnership. The successes and failures of these agreements influenced the creation of the ENP and give insight into its future. I will discuss each of them turn.

The first and most significant exercise of the EU's power beyond its borders was the fifth EU enlargement beginning in the early 1990's. Following the Soviet collapse many of the CEE states sought to strengthen their ties with the EU with the goal of eventual membership. The EU began relations with these countries in the early 1990's first on grounds of reconstruction. The EU provided technical and financial support to help the CEE countries rebuild their economies and governments. By 1993 six of the eight central European states had signed Association Agreements governing political and economic relations with the EU. In the same year the Copenhagen summit established that all European countries meeting a set of basic economic and political criteria would be eligible for EU membership. The eight Central European border countries, along with Malta and Cyprus, signed the first accession agreements in 1994 setting out 'pre-accession strategies' with each applicant country. This process included the publication of annual reports on the countries progress in meeting EU laws and standards. With the prospect of membership to urge them on the ten countries undertook the massive reforms set out in the 80000 pages of *acquis communautaires* governing legal, political and economic regulation. In 1997 the first negotiations were opened, followed by the others in 1999. Then, in 2004, only fifteen short years after ousting communism all 10 candidate countries became EU members making it the largest enlargement in EU history. They were followed in 2007 by Bulgaria and Romania.

What is important for our discussion is to what extent this process was driven by the substantial rewards of inclusion in the European Union, most notably the internal market, and the equally sizable costs of exclusion. Their pre-accession transformation

was substantial. Most of these countries deposed communism with the ultimate goal of liberal democracy even without EU influence but for the opportunity to become member countries transformed their entire political systems in a very short period. And during the difficult transition process many countries that were at risk of falling in to corrupt or semi authoritarian regimes were rescued by the prospect and pressures of membership. (Vachudova 2005)

In parallel, the EU was meeting in Barcelona in November 1995 with the southern Mediterranean countries to create the Euro-Mediterranean partnership (EMP). Said to be one of the EU's "most ambitious and innovative foreign policy initiatives" to date. (Youngs 2002: 77). The agreement aimed to strengthen the ties between the EU and the 12 partner countries. The Barcelona declaration is an executive agreement comprised of a Declaration and a Work Programme. It sets out goals in three "baskets": political stability and security, economic and financial cooperation, and cooperation on social cultural and humanitarian issues. (Borzel and Risse 2007). It comprises a set of general principles and common objectives in 40 or so sectors. The EMP is both multilateral and bilateral, prioritizing regional cooperation on the one hand and EU-EMP state partnerships on another. These bilateral partnerships took the form of Association and Cooperation Agreements signed by the Community with individual Mediterranean states and were later progressively upgraded to Euro-Mediterranean Association Agreements (EMAA). At the time of the partnership the Middle East peace process was looking very optimistic. There was a feeling that the time was ripe for a rapprochement with the countries of the Maher and Machrek beyond member state bilateral relationships. The EMP was the EU's

first attempt to exert its soft power without the accession carrot. The general consensus on the EMP at the ten year mark was that it had been a failure. The change in political environment in the Arab world in the decade after the initial signature of the agreement made many of the provisions unrealistic, most notably with regard to security and peace building. The situation was further exacerbated by the flare up of tensions in the Israeli-Palestinian conflict in 1997. As a result the focus of the EMP in the 21st century has been economic and financial cooperation. Today there are hopes that inclusion in the ENP will reinvigorate the political and humanitarian dimension of Euro-Mediterranean relations.

III. Preventing New Dividing Lines in Europe: Challenges rising on the borders

As mentioned above the ENP is meant to help prevent the emergence of dividing lines in Europe. Unfortunately, borders, like that created by the 2004 enlargement, necessarily create dividing lines and in the case of Europe this has meant the creation of ‘in’ and ‘out’ groups. These groups have been defined as both a division between haves and have-nots and a division between regime types. James Rupnick writes that “a new map of the continent has been in the making since 1989, the contours of which remain uncertain. The new dividing lines are drawn not by imperial or great-power ambitions but by a differentiation process among post-communist transitions.”(Rupnik, 2000: 128). The ‘in’ group consists of the central European countries that were able to make the demanding reforms and are now EU members, while the ‘out group’ is represented by the Eastern European and Mediterranean countries that make up a volatile periphery.

To understand why the EU should be concerned about the creation of these lines we must understand the challenges of regional instability, immigration and security the EU has come to face in recent years. Concerns have arisen that those on the ‘outside’ of the European Union will become further destabilized as a result of feelings of exclusion. Experience has shown that this periphery is becoming increasingly volatile. The past two decades of Mediterranean of political instability has characterized by the politicization of Islam with the rise of fundamentalist Islamic elements in several countries. The majority of the governments consist of consolidated authoritarian regimes, some of which have been in power for several decades. A civil war in Algeria beginning in 1993 saw a violent Islamic insurgence. All the Mediterranean ENP countries but Egypt and Morocco fall at 5.5 on the freedom house scale.¹

Eastern Europe has not been fairing much better. Of the five countries in the eastern flank of the ENP all but Moldova fall below 90 on the corruption scale, (TransparencyInternational2006) and all but Ukraine fall below 100 on both the democracy and freedom of press scale (World Audit 2007). The recent elections in Belarus, whose ENP membership was suspended, demonstrate the still strong presence of the former communist authoritarian system. Conflicts in Abkazia, South Ossetia, Ngorno –Karabkh and Transnistria continue despite political reforms in several of the countries concerned. What is more, the transition to a liberal market economy and the process of privatization proved extremely difficult for the countries in the ‘outer ring’ of transition. It is in the context of “the enlarged Union’s even greater exposure to a decidedly less

¹ The Freedom Index combines the ratings for “civil liberties” and “political rights” and ranges from 1 (best) to 7 (worst). See <<http://www.freedomhouse.org>>.

predictable and less peaceful set of states on its external borders in eastern Europe and in the Mediterranean. The remedy to this situation, as the document claims, is to promote 'an arc of well-governed states in [the EU's] neighbourhood'." (Johansson-Nogues 2004: 242)

Immigration continues to be one of the most contentious issues with regards to Europe. In the southern European countries 17.0% of all non-EU nationals in the EU come from the southern Mediterranean, between 6 and 13 million people from Maghreb (or their decedents) possess some form of citizenship in the European Union (Leveau 2002). Immigration is also an issue to the east. Roughly 15.0% of all immigration to the accession countries in the period leading up to accession was from the eastern neighbourhood countries. As of 2004 more than 20% of the active labour force of Moldova had left the country in search of better opportunities most of which they hoped to find in Romania that was soon to become a member state (Berge 2006, 64). Further, there were and estimated 3 million illegal immigrants in the EU in 2004, many of them originating from ENP countries. Along with issues of migration, both legal and illegal, come concerns of human and drug trafficking. Both the southern and eastern border of the EU have been trying to cope with increased cross border trafficking of women and children for sexual exploitation, drugs and arms dealing and organized crime.

In the past decade security has also been an increasing concern for the EU. On the one hand Russia seems to be in the business of reconsolidating the post-soviet space. Russian democratic reforms have been hindered by a difficult privatization process and

rampant corruption. What is more, Russia considers the Eastern countries of the ENP its 'near abroad' and sees the EU's presence in Eastern Europe as a threat to its regional dominance. (Noutcheva and Emerson 2006) It has so far shown no reluctance to interfere in the political developments and regional conflicts of its former Union, leading the EU to temper its strategies for regional influence in an attempt to assure stable relations with Russia. Even more recent developments in the Russian political climate and the future position of current president Vladimir Putin indicate that the EU will have to continue to pay close attention to development in Eastern Europe and the Caucasus.

Political concerns over Russian dominance are complicated by the fact that the EU is heavily dependent on Russian oil and gas. As such the situation in the Caucasus specifically is a primary concern of the EU to ensure safe, reliable access to these resources. In fact, both regions are strategically important as far as energy security is concerned. Several of the southern countries are rich in oil resources. The eastern countries serve as a gateway to Russia's vast oil supplies which puts them in the middle of a dangerous vying for regional dominance. Many of the ENP countries are transit countries through which major pipelines run. The EU is dependent on them for oil and gas, 66% and 31% of gas supplies from the former Soviet Union and North Africa respectively. And, as the 2006 Ukrainian oil crisis illustrated, EU cannot afford disruptive instability in the area.

On the southern border oil has recently taken a back seat to concerns over a surge in terrorism and Islamic fundamentalism. Since the Iraq war tensions and anti-western

sentiments in Muslim countries have increased. The London and Madrid bombings demonstrated that the EU is not immune to the effects of these tensions. In collaboration with the US the EU seeks to tighten border controls and promote western sympathetic governments who will curb Islamic extremism. In theory this includes the promotion of strong liberal democracies which are seen as a way to moderate these threats by creating governments allied with the west. In practice this has proven to be complex, as I will discuss in Section V.

In this neighbourhood of mounting hostility and instability the ENP has become an increasingly important policy. The success of the policy could ensure a secure neighbourhood for the EU. Close cooperation with strong, consolidated democracies would mean the putting in place of programs to curb illegal migration and organized crime, assure consistent access to resources and coordination on issues of national security. If these are the reasons for and goals of the ENP then the success now lies in the strategies.

IV. Conditionality and the ENP

In this section I will discuss the mechanism of conditionality. I will then explore three reasons why the conditionality in the ENP process is likely to produce little compliance: (1) The absence of membership as a reward; (2) The absence of full participation in the internal markets a reward; (3) The absence of a clear merit based system of reward for compliance. Much of the EU's geopolitical influence is based on the

principle of conditionality. This tool, based on a combination of “sticks” and “carrots”, was used to encourage the reform process in the ten accession countries. As a result of the successful transition made by these states to market economy and liberal democracies this strategy was taken up in the ENP. The enlargement process’ success in the diffusion of values is attributed to the use of active and passive leverage. What Milada Vachudova calls passive leverage is “the traction the EU has on the domestic politics of credible candidate states merely by virtue of its existence and its usual conduct.”(Vachudova 2006: 4) She defines active leverage as “the deliberate policies of the EU toward candidate states (or in this case ENP member states). [It] is animated by the fact that the tremendous benefits of EU membership create incentives for states to satisfy the enormous entry requirements” (ibid) were the cornerstones of accession policy and are considered the most effective strategies in the promotion of reform.

The EU has now chosen to use political conditionality as its instrument to foster change in the neighbourhood. According to Kelley the EU neighbourhood strategy was modeled on the accession criteria from the 2004 enlargement. She argues that “the path dependency of the ENP is strong. Its *raison d’être* is enlargement... The ENP is also an extension and adaptation of the Commission’s active foreign policy role during enlargement.” (Kelley 2006: 31) And so the ENP Action Plans are based on conditionality where by “relations with neighbours will be upgraded only as progress is demonstrated on issues related to democracy, respect for human rights and the rule of law” (Johansson Nogues 2004: 245). The “sticks” or penalties for not conforming to goals set out in the action plans are simply exclusion from the benefits provided by a

bilateral relationship with the EU. The “carrots” or rewards include increased trade, aid and European logistical and technical support and Foreign Direct Investment with the ultimate carrot of possible access to the EU internal market. The ENP was created as an intermediate alternative to accession but it is also meant to be used as leverage in the same way that accession was used for the Central European Eight. Prodi suggests, the ENP is meant to “offer everything but the institutions in return for tangible reforms”. (Smith 2005: 763) The question is whether the ENP can act as positive leverage for Eastern Europe and the Mediterranean in the same way accession did for central Europe? Will they have the necessary teeth to spur reforms?

In an examination of the conditionality strategy in the ENP one obvious element is lacking: the possibility of accession. The central European reforms were driven for the most part by the promise of accession to the EU. But as Romano Prodi pointed out in the speech quoted above that is not the case in the ENP. One obvious reason for the non-accession dimension of the ENP is the ‘enlargement fatigue’ which has described the period following the 2004, and later 2007, accessions. But while all countries, both in the EU and the ENP, recognize that further accessions in the near future are unlikely there is some question to the extent to which the ENP serves to preclude the possibility of accession for the countries which are members. Many in the ENP countries feel that the ENP is a ‘second class’ agreement meant to placate them and exclude them from possible accession. They believe the policy undermines the basic agreement that European country which meets the Copenhagen criteria is eligible for accession. This sentiment among ENP members has been one of the main shortfalls of the policy. This

sentiment has been strongest amongst Eastern European countries who are the most likely to be considered for eventual membership. On a rhetorical level the EU is careful to point out that membership in the ENP does not preclude the possibility of accession but experience suggests that no such possibility as yet truly exists for Eastern European countries. As I mentioned in my discussion of the accession process it was the ultimate carrot of accession that drove the candidate countries to pursue difficult reforms. It is thus unlikely that any benefit short of membership will have the strength to elicit the kind of compliance that we saw in the EU enlargement process.

A second weakness of the ENP is the absence of full access to the EU market. As discussed above access to the EU internal market is one alternative to accession on offer to the ENP countries. However, despite advances in several countries in the realm of legislative reform, for example Morocco and Ukraine, the full implementation of market access has been slow incoming. Originally the Free Trade Agreements (FTAs) with the countries of the Southern Mediterranean implied the phasing in of the services sector along side the goods sector. But as of now full access to the market, even with regards to goods, has not been realized. On the contrary, “EU Member States, in particular southern European countries that have large agricultural production capacities and important immigrant communities from the Mediterranean, [are] sensitive to a full-fledged implementation of the four freedoms.” (Del Sarto and Schumacher 2005; 32) This is because there continue to be sensitive sectors which the EU seeks to protect from external access. These include agriculture, textiles, chemicals and steel, products which make up a major part of the export economy of these countries. Currently this is even more

significant for Eastern Europe as greater tariff restrictions are currently in place on industrial goods from the East. (Vachudova 2006; 45) A stake in the internal market which allowed for complete or near complete participation could serve as a powerful incentive for compliance. However, as it stands today, the rewards are vague and not very impressive.

Conditionality is further weakened by a lack of follow through. If the alternative incentives are to be effective they must be complemented with a clear 'tit for tat'. This is lacking first on a structural level. The ENP indicates that the completion of action plans will lead to a stake in the internal market but "the benefits on offer from the ENP are only vaguely summarized at the start of the action plans, and they are not directly connected to fulfillment of the huge number of objectives or even the most important priorities." (Smith 2005: 764) Yet, the ENP does not set out practical guidelines for implementation and it is unclear how progress should be judged. No deadline or benchmarks exist for the fulfillment of goals in specific areas as well as no specific monitoring mechanisms (Ibid). Reciprocity is also lacking on the implementation level. The predecessor to the ENP in the Mediterranean, the EMP, distributed the most significant amount of EU aid but represented simultaneously the most 'significant deviation from rewards-based conditionality.' The current situation points to a similar trend in the ENP. With the EMP "the Mediterranean states that had implemented the most far-reaching political liberalization increasingly expressed their frustration that they had not been rewarded for doing so," (Youngs 2004: 9) the ENP risks engendering similar frustration. If conditionality is inconsistent and promises are often unrealized "the absence of a clear

political discrimination between the potential partners, which would distinctively award the less autocratic neighbouring countries in comparison with the more autocratic ones, [it] is bound to be ineffective.”(Schemmelfennig 2005: 8) Without a clear meritocratic system that determines what reforms are priorities and how those reforms will be rewarded it is difficult to expect ENP countries to expend a great deal of time, energy or expense. (Vachudova 2006).

V. ENP Short Falls: EU Protectionism and Self-Interest

Above I have discussed how a clear meritocratic system could strengthen the validity of the ENP. In this section I will illustrate how EU protectionism has served to undermine the creation of such a system. Agreements like the ENP are asymmetrical in nature and there is no question that the EU holds most of the cards. The asymmetric nature of these relationships allows the EU to protect their own interest and while lip service has been paid to democracy promotion these interests have been overwhelmingly of a security and economic nature. Protectionism by the EU or individual member states on economic and security grounds threatens to undermine the legitimacy of ENP. Trade relations illustrate a high degree of economic protectionism with the clearest example being supposed market access for countries meeting reform criteria. Regional trade and integration is a recognized objective of the EU’s Mediterranean policy, “not least because of the positive effects on regional political and economic stability that will result from the creation of a larger Mediterranean market.” (COM (2003) 104 Final) Despite these predictions trade relationships continue to be one-sided with the EU limiting market

access in sectors they consider to be under threat. But the ENP countries have little leverage to increase their demands for market access. One of the legacies of colonial trade, as well as the general weakness of many of the Mediterranean economies, is a heavily asymmetric trade relationship between the EU and its neighbours with Mediterranean countries dependent on European imports and exports.

This is even truer of Eastern Europe. While the Mediterranean countries do have reserves of oil and industrial production to offer, from the perspective of the EU the eastern economies are tiny and their importance to EU trade is negligible. Conversely, the tiny economies of Eastern Europe are desperate to participate in EU trade. Even in areas where the ENP countries could have significant cards to play, for example energy security, they find themselves with little leverage in negotiations. Their weak economies mean that they cannot afford disruptions in much needed income coming from oil supplies. The transit states must compete against each other to secure pipelines and they do not “have the capacity to stave off short-term social costs of curbing national energy subsidies,” (Lavanex and Stulberg 2006; 23) leaving them vulnerable at the bargaining table.

As discussed in our examination of conditionality the EU continues to be heavily restrictive in sensitive sectors. Conversely promotion of economic self interest is also evident in the willingness of the EU to slacken democratic demands in exchange for economic advantages.” In the Mediterranean countries...economic cooperation has been quite high in spite of questionable political systems and human rights conditions.”(Kelley

2006; 45) This is most notable in the case of Libya, where EU trade volume reached over 12 billion Euros in 2002, fifth among the Mediterranean neighbours, despite extensive abuses of power. (Del Sarto 2005; 33) From this stems criticism that the many member countries choose to push the normative agenda only when it is in their best interest. For example, “at Barcelona southern EU states reportedly expressed a willingness to exclude references to democracy and agreed to insist on such a commitment only after northern states sanctioned new aid funding for the region.” (Youngs 2002; 44) Member states fear that strict conditionality will upset important bilateral economic relationships with undemocratic regimes. But such behavior calls into question the EU’s genuine commitment to its own policies and more importantly to feeling that reforms maybe not be worth pursuing without guaranteed rewards.

Slackened democratic demands have also played a role in the promotion of strategic and security interests of the EU. In recent years this has been an important discussion with regards to the Mediterranean. The war on terror has meant that the rise of Islamic extremist elements in the Mediterranean region have trumped democracy promotion as an area of concern. In countries where popular tendencies have tended to support Islamic groups, countries like Tunisia, Egypt and Algeria, the EU has tended to support western sympathetic groups at the expense of rule of law and free and fair elections. In many cases “governments in the region [use] the ‘war on terror’ as an excuse to impose ever tighter controls and restrictions on their citizens, citing fear of terrorism as a justification.” (Amirah-Fernandez and Youngs 2006: 85) The EU’s tendency to look the

other way in these situations or put weak and cursory pressure on these governments demonstrates a clash between security interests and value promotion.

There is one area where conflicts around security and economic priorities converge: energy security. Recent developments in the bilateral relationships between Russia and member states concerning energy policy have engendered fears that the EU will defend its own economic interests at the cost of promoting stability in the eastern neighbourhood. Protection of access to Russia's vast oil supplies is only one side of the coin. On the other side lie apprehensions about Russia as a possible security threat. The former hegemon seems to be seeking to reconsolidate its power and flare ups in the border regions with Georgia and Moldova show that Russia is not reluctant to interject itself into these conflicts. By pursuing a stable relationship with Russia the EU seeks both protect its access to energy supplies and maintain an open security dialogue with a former enemy.

While the EU may benefit from a strong relationship with Russia the message to the former Soviet ENP members is mixed. For many committing to the ENP is an opportunity to free themselves from Russian influence. They hope that by illustrating this commitment they will receive support from the EU in their efforts to reform. However, given that "the EU defined its promotion of democratization processes and human rights ... to be of the highest importance...Why has the EU been marginalizing Russia's support of semi-democratic regimes in Eastern Europe?" (Duleba 2006: 11) Certain Russia-Member state relationships give eastern neighbours pause to consider rhetorical

condemnation of Russia's undemocratic practices and urging for the EU to sever ties with Russia and make 'European' choices. For example, the appointment of former German Chancellor Gerhard Schroeder as chairman of a pipe-line building subsidiary of natural gas giant Gazprom in 2005.(BBC, 2006) All the while comments like that of former French president Valery Giscard d'Estaing that "Russia without Ukraine is as ridiculous as France without the Rhone-Alps region" make it difficult for eastern neighbours to decide where allegiances should lie.(Kuzio, 2006 :94) Not all member states share the same opinion on how relations with Russia should develop. Many of the new member states in particular support viewing Russia as a security threat and would prefer to distance EU-Russian relations.

VI. An Inconsistent ENP: EU Internal Division

I have suggested above that a more consistent and reciprocal ENP could compel some neighbouring states to pursue political and economic reform. However, this is unlikely given the absence of a substantial reward together with unreliable application of the ENP. Why? Why has the EU been unable to craft an ENP with more bite? In this section I argue that internal divisions within the EU have produced a weak ENP. In the EU nearly every issue has advocates and opponents, with fault lines lying where priorities diverge. According to Sedelmeier these divisions fall along two lines. First the macro policy makers, usually meaning representatives of the member states, are considered with the overall appearance and aims and instruments of the policy. Second the sectoral policy makers in charge of more specialized policy domains are concerned with subsections of

over-arching policy (Sedelmeier 2006: 82) So while member states battle it out amongst each other to determine which interests will dominate the policy formation process another division is taking place on a vertical level. Here “preferences of macro- and sectoral policy-makers might diverge due to their different organisational positions that imply different goal hierarchies.” (Ibid) This serves to undermine the creation of the composite and cohesive policy.

One major point of divergence has been how to best handle both emerging and existing border relationships with the neighbourhood. In the debate of ‘hard’ versus ‘soft’ borders member states advocate ‘soft’ borders with the countries that they neighbour, and ‘hard’ borders with countries that are removed from them. “The EU’s north-south division was paralleled by differences between the regional Mediterranean and Common Foreign and Security Policymaking communities within the EU, the former urging flexibility, the latter concerned more with the overall consistency of European strategy.”(Youngs 2002: 44) Issues of illegal migration and drug and human trafficking are major concerns for the EU as a whole. But these concerns are present on both borders and the proximate effects of these security concerns and relevant policies involve first the member states that make up the respective borders. There have been divisions surrounding the implementation of ‘hard’ policies where “stretches of the external border are laden with specific meanings, collective memories and particular histories of relations and interaction.” (Berg 2006: 60).

The new member states, the ones that currently make up the 5000 km of border to the east, have a greater interest in maintaining regional relationships. On the opposing side, southern European countries wish to maintain flexible relationships with Mediterranean countries. Each group wishes to maintain flexible economic ties with neighbouring countries with which they have long standing political and economic relationships. Berg points to a “divergent assessment of opportunities and threats” coming from wider Europe. Berg refers to these conflicting interests as an “ongoing vacillation between economic and security imperatives and between incentives for greater openness and control.” (Berg 2006: 57). As such, “the degree of openness is not uniform along the entire external border but depends heavily on specific historical, political and institutional contexts.” (Ibid 62) For the ‘new’ member states the countries of the Eastern flank are long standing neighbours struggling with transitions similar to the ones they have just experienced. For Southern European countries large Diasporas from the countries of Maghreb and in some cases, as with Spain and Morocco, a significant presence of their own citizens within their neighbours’ borders, make stable and flexible border policy to the south a priority. Despite a consensus within the European Union that all would benefit from a stable and prosperous neighbourhood both to the east and to the south there are internal divisions about where resources and policy should be focused.

But how does this affect the EU’s perceived leverage? Visa regimes and technical support on border security make up a significant part of the EU’s relationship with its neighbours as well as significant amount of financial and technical assistance. Cooperation on these issues is seen as an act of good faith on both sides of the borders.

The ENP states are aware of the security and immigration concerns that define the border relationships with the EU by pledging to support related initiatives and making necessary reforms they are hoping to strengthen relations. However, when internal debates arise many neighbours fear that EU commitments to a soft border will not be honoured as part of the conditionality agreements. Without this firm incentive their commitment to cooperate may wane.

For the Eastern neighbours there is a further, more fundamental, factor in the make up of the ENP that undermines the EU's promises. The competing regional interests of the EU member states influenced the initial make up of the ENP. As discussed above, it was targeted only to the countries bordering the EU to the East, but after insistence from southern member states was extended to include countries from North Africa and the Middle East. The southern EU countries considered these regions to be more relevant to their particular trade and security interests. But today, many Eastern Neighbours are frustrated about sharing an agreement with countries which are not 'European' in a cultural sense, but are also precluded from accession. Sharing an agreement is perceived as unfair owing to the fact that domestic conditions in the Mediterranean differ significantly from those of Eastern Europe and the political and security context to the south is at the very least more complex. This points to a lack of support by the EU's eastern neighbours which serves to further undermine leverage in the region. To add insult to injury, the break down of aid distribution reflect how regional divisions lead to vying for EU attention and interest. Currently, roughly 70% of ENP

funding goes to the southern flank countries despite the weaker economic position of the Eastern flank (Kempe 2007: 3).

VII. Considering Domestic Conditions: Insufficient Institutional and Social Capital

I have so far discussed the over arching problems of conditionality in the effectiveness of the ENP for promoting democratic reforms. I have discussed that even in the absence of membership it may be possible for the EU to exercise leverage using alternative incentives. In this section I will discuss how domestic factors stand in the way an effective ENP. The political systems in the ENP countries, both to the south and the east, have developed in a way that leaves them lacking many of the necessary conditions for 'western style' liberal democracies. Thomas Carothers argues that post- authoritarian regimes require certain preconditions to develop into democracies, "that various structural conditions clearly weigh heavily in shaping political outcomes" (Carothers 2003; 16). The domestic environments in many ENP countries fail to meet these conditions. They are lacking both institutional capacity and socialization. Economically many of the states of the ENP do not have a 'favourable regulatory environment' to sustain a modern economy. (Ibid, 37) In 2004 all but Jordan and Armenia fell below 0.0 on the World Bank Regulatory Quality Index. The average score for Middle East and North Africa was -0.5 and the former Soviet Union averaged -1.0. Carothers suggests that "relative economic wealth" is one of the preconditions for democracy. Not only do these countries have weak economies, with average GDP at \$1,300 US in the WNIS and \$3,649US in the Mediterranean for 2003, but without a strong regulatory environment

they lack the capacity and institutional structures necessary to promote private sector development.

Moreover, they all lack any substantial “past experience with political pluralism”. None of the former soviet countries had any experience with democracy until after 1991. In the Mediterranean the post colonial experience with democracy is patchy and marked by consolidated authoritarian regimes and frequent overthrows of government. These countries do not fair much better in rule of law. For rule of law all but Israel, Tunisia and Jordan fall bellow zero, with the former Soviet Union average falling just bellow -1.0. Without rule of law, independent judiciaries, and needed economic and political regulatory systems to assure transparency there is no system of checks in place to moderate corruption or encourage reform.

The lack of proper domestic conditions is also an important factor when accessing the use of the accession process as a framework for the ENP. As Kelley points out, the ENP countries are not currently in the same position as accession countries were when implementing criteria. At the beginning of the accession process in 1993 the average polity/democracy score for the ten was 8.36 (on a scale of -10/+10) where as in 2003 the average score for the ENP countries was -1.0. “The whole process of EU accession pre-supposes states that are coherent and effective enough to spend years pursuing the complex political and administrative project of integration.” (Mingui-Pippidi 2004: 55) This begs the question of whether accession is an appropriate model for the ENP or whether or not a new framework needs to be created to accommodate the differences

between the ENP countries and the accession countries. “Beyond offering the countries of wider Europe the essential incentive of accession, policies are needed to bring them to the level where the Central European countries were prior to starting their European accession... the adoption and internalization of EU legislation [can only succeed] after countries have largely completed successful transitions, [and] cannot substitute for development and state-building policies where transitions are far from accomplished.” (Mungui-Pippidi 2004: 51) It may prove that despite successes in the accession countries the *acquis communautaire* is not an appropriate framework for countries struggling with basic economic reforms. (Smith 2005) More relevant to our discussion is the argument that institution building and market economies as part of the pre-conditions for successful transition were facilitated and promoted in Central Europe by the possibility of accession. If this is the case then, on top of lacking similar starting points, the ENP countries do not have the same powerful incentive to drive reform.

Beyond formal capacity, countries face problems with socialization, most notably concerning elite behaviours. The EU used exposure to “socialization to promote domestic debate and elite learning aimed at changing the norms and values of the societies entering the EU.” (Vachudova 2006: 48) However, in countries that do not as yet have the necessary institutional capital to moderate elite behaviour, as discussed above, benefits for individual leaders of shirking EU values far outweighs whatever benefits may be available for the country as a whole. Many of the reforms demanded by the ENP necessarily threaten the position of elites because they involve increased political competition and transparency. This amounts to what Schemmelfennig terms “high

domestic adaptation costs”. The lack of viable candidature further limits the EU’s leverage when states with the farthest to go in terms of democratic reforms tend to pay the highest price. In these countries “the potential benefits of compliance with EU conditions were so much smaller than the costs of adaptation. In the absence of a membership perspective, EU incentives could not match the political power costs the incumbent regimes would have incurred had they complied with EU democracy and human rights conditions.” (Schemmelfennig 2005; 8) This stems from the fact that EU demands with regard to reform tend to threaten the position of rent-seeking elites who, by implementing the necessary policy reforms, would undermine their own sources of illegitimate power. (Smith 2005) The EU must provide powerful incentives to offset high costs.

Socialization is not just a problem on the elite level. The lack of democratic experience in these countries means that domestic groups normally involved in the functioning of a western style democracy lack the necessary knowledge to influence the democratic process. It is in this context that civil society groups and political parties are also in the process of discovering their potential roles and capacities in liberal democracies. Natalie Tocci argues that a convergence in domestic conditions depends on a 'goodness of fit' between EU standards and domestic conditions. According to Tocci convergence is unlikely in states where there is an absence of domestic political groups supporting EU goals. The EU can have a positive impact when such groups, if present, use EU conditionality as a tool to further and legitimize their agenda. By providing benchmarks with which domestic actors in nascent democracies can pressure for reforms

EU standards and serve to “change to domestic political configuration” (Tocci 2004; 14) But in order to be effective the EU must provide these groups with a coherent and strong conditionality.

VIII. Conclusion

In this thesis I have argued that the ENP is a weak democracy promotion tool. To this end I have explained the specific factors that have enfeebled the ENP: The primary factor is the weakness of conditionality through the lack of membership and the lack of clear and substantial internal market participation; second, a lack of clear merit based rewards for reforms, and finally, the weak domestic political conditions in the ENP states. I have also examined why the EU has produced such a weak policy. Internal division and protectionism within the EU have made the creation of a cohesive policy difficult.

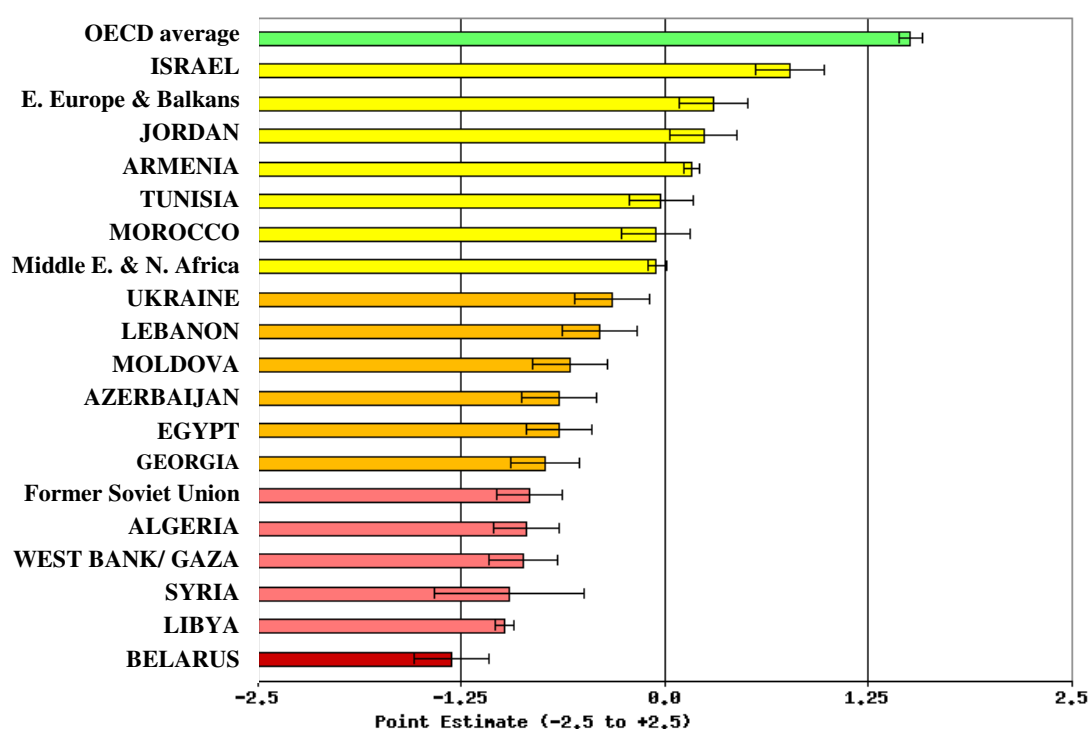
The ENP is now in its infancy. The first action plans were signed in 2004 and have yet to undergo assessment. We can be sure, however, that results have been mixed. Countries like Morocco, Ukraine and Georgia have come a long way in the past years and have shown a clear commitment to the ENP and democratic values. None the less, their reforms are far from consolidated. The progress they have made is tenuous and does not necessarily indicate a similar future for the other ENP countries. On the contrary, for every success story there is a country where the ENP was an insufficient instrument. The authoritarian systems of Belarus, Syria and Libya have become further entrenched in the years since the ENP. That is not to say that they ENP is responsible for the emergence of

these regimes just as the ENP is not wholly responsible for the changes in the countries that have undergone reform. However, with democracy promotion as a priority for the ENP the recent political histories of its countries have not been encouraging.

General consensus on the effectiveness of the European Neighbourhood Policy (and its predecessors) in influencing reform in the region is that it has failed. “Studies of EU democracy promotion beyond candidates for membership generally come to the conclusion that EU policy has been inconsistent, fragmented and often undermined by strategic or economic goals.”(Schemmelfennig 2005: 5). Schemmelfennig illustrates that the increase in democracy and political liberalism in the countries of the ENP since beginning their relationships with the EU a decade ago is marginal. On the whole the Freedom House indexes on ‘civil liberties’ and ‘political rights’ have seen only a variation of +/- 0.5% since the signing of the relevant partnership agreements of each country with the EU, with a maximum loss of -2.5% for Belarus. While this is discouraging the ENP does lay the foundation for a policy that could exert real influence over the democratic development of the EU neighbourhood. The future success of the ENP now lies in the EU commitment to a coherent, comprehensive, uniform, and most importantly reciprocal policy.

APPENDIX I

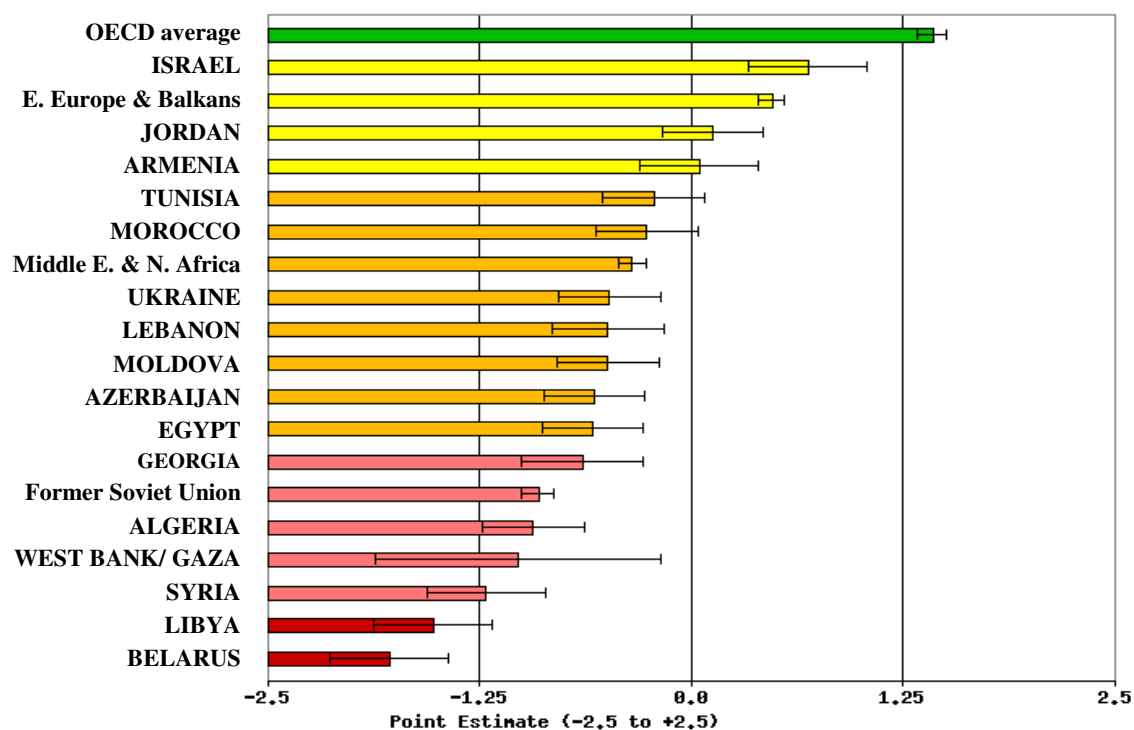
Rule of Law Index 2004



D. Kauffman, A. Kraay and M. Mastruzzi. 2005: Governance Matters IV: Governance Indicator for 1996 -2004. (Taken from Sedelmeier, Ulrich. 2006. "The European Neighbourhood Policy: a comment on theory and policy." In Weber, Smith and Baun)

APPENDIX II

Regulatory Quality Index 2004



D. Kauffman, A. Kraay and M. Mastruzzi. 2005: Governance Matters IV: Governance Indicator for 1996 -2004. (Taken from Sedelmeier, Ulrich. 2006. "The European Neighbourhood Policy: a comment on theory and policy." In Weber, Smith and Baun)

APPENDIX III

Freedom House Data for ENP Countries

	<i>FI1 1992/ 95</i>	<i>Agreement signed</i>	<i>FI2</i>	<i>D1 (FI1- FI2)</i>	<i>Agreement In force</i>	<i>FI3</i>	<i>D2 (FI2- FI3)</i>	<i>FI4 2004</i>	<i>D3 (FI3- FI4)</i>	<i>D (FI1- FI4)</i>
Belarus	3.5	1995	5	-1.5				6		-2.5
Moldova	5	1994	4	1	1998	3	1	3.5	-0.5	1.5
Russia	3.5	1994	3.5	0	1997	3.5	0	5.5	-2	-2
Ukraine	3	1994	3.5	-0.5	1998	3.5	0	3.5	0	-0.5
Armenia	3.5	1996	4.5	-1	1999	4	0.5	4.5	-0.5	-1
Azerbaijan	5	1996	5.5	-0.5	1999	5	0.5	5.5	-0.5	-0.5
Georgia	4.5	1996	4	0.5	1999	3.5	0.5	4	-0.5	0.5
Algeria	6	2002	5.5	0.5				5.5		0.5
Egypt	6	2001	6	0	2004	5.5	0.5	5.5	0	0.5
Israel	2	1995	2	0	2000	2	0	2	0	0
Jordan	4	1997	4	0	2002	5.5	-1.5	4.5	1	-0.5
Lebanon	5.5	2002	5.5	0	2003	5.5	0	5.5	0	0
Libya	7							7		0
Morocco	5	1996	5	0	2000	5	0	4.5	0.5	0.5
PA		1997			1997			5.5		
Syria	7	2004	7	0				7		0
Tunisia	5.5	1995	5.5	0	1998	5.5	0	5.5	0	0
Average	4.75		4.7	-0.1		4.29	0.13	5 (4.5)	-0.2	-0.2
Std. Dev.	1.43		1.24			1.20		1.27		

Column 2 - The Freedom Index for 1992 and 1995 (FI1)

Column 3 - Years in which the EU signed a PCA or EMAA with the ENP country

Column 4 – The Freedom Index for the above year (FI 2).

Column 5 - The difference in FI ratings between FI1 and FI2. It is a measure of the improvement (positive values) or deterioration (negative values) that has occurred between the start of the association process and the signing of the agreements. (D1)

Column 6 – Year in which Agreements went into force

Column 7 – Freedom House Index for those years (FI3)

Column 8 - The difference in FI ratings between FI2 and FI3 (D2)

Column 9 - The most recent Freedom House data for 2004.

Column 10 – The difference between the current state of political rights and civil liberties (FI4) and the state of liberal democracy when the agreements went into force (FI3) (D3)

Column 11 - The difference in FI ratings for the entire period from the start of the PCA and Barcelona processes until 2004.

(Taken from Schimmelfennig, Frank. 2005. *European Neighbourhood Policy: Political Conditionality and its Impact on Democracy in Non-Candidate Neighbouring Countries*. Paper prepared for the EUSA Ninth Biennial International Conference. Austin, March 31-April 2, 2005)

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