

BULLETIN

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Amendments to EU Neighbourhood Policy—a New Strategic Document

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On 25 May, the European Commission, together with the High Representative for External Affairs and Security Policy, presented the joint communication, “A New Response to a Changing Neighbourhood.” It sums up a review of the European Neighbourhood Policy, which has lasted for almost a year now, and formulates proposals for correction.

EU member states and civil society organizations have been consulted about the document, which explicitly concluded that the old EU policy towards its neighbourhood has brought only limited results and has proven to be too rigid in its reactions to changes that happen within the EU surroundings. That is why relations between the EU and ENP partner countries should be much more dependent on their abilities to protect human rights and democratic principles, among them the freedom of speech, unconstrained political contests, an independent judiciary, as well as effective and non-corrupt administrations. Countries that undergo systemic change and stick to democratic principles can count on intensive cooperation with the EU. Those, however, that do not tackle these reforms, especially if the countries are ruled in an authoritarian way that breaches human rights, will face the prospect of a loss of support at any level or even sanctions coupled with an increase in assistance directed to civil society. The document underlines the need for the balanced development of both ENP pillars: the Eastern Partnership, which reaches out to six post-Soviet countries of Eastern Europe (excluding Russia) and the Caucasus region, and the Union for the Mediterranean. The instruments initially foreseen for the Eastern Partnership would now be offered also to the EU's Mediterranean neighbours.

The Aims and Instruments of the Neighbourhood Policy. The original ENP conceived in 2004-2006 after the big EU enlargement was based on the concept of offering a stake in the EU internal market to countries of the neighbourhood in situations when EU membership was impossible. Although this concept is quite far reaching, it has been met reluctantly by EU neighbours, particularly after the window of democratic opportunity opened following the “Orange Revolution” in Ukraine and similar changes in the region. The ENP consequently was based on a system of bilateral action plans financed through a specific European Neighbourhood Policy Instrument.

The new ENP intends to introduce a few new elements defining EU relations with its neighbours. First of all, it strengthens the conditionality of the relationship as regards making the basic rules and values of democracy reality. It aims at noting and strengthening actions by neighbouring countries that undertake more advanced reforms, as well as freezing or even rolling back the level of cooperation and financial support for countries that stray from the road towards democracy and a free economy. Second, the EU positions itself more as a coordinator and manager of EU neighbourhood initiatives undertaken by many actors (including international financial institutions, specific EU member states acting separately as well as other countries, such as the U.S.) rather than as an independent player ready to unilaterally make long-term specific offers to its neighbourhood. While the document mentions the possibility for the gradual economic integration of its neighbours with the EU's internal market, this perspective has been largely limited to the free movement of goods through deep and comprehensive free-trade areas. Third, the document enhances the principle that the EU must have a differentiated and individualized approach towards its neighbours. This is meant to allow flexible solutions and projects that best fit the needs of specific countries.

Consequences for Eastern Europe. The initiatives foreseen in the new strategic document about the ENP are, in principle, good for development of the Eastern Partnership, and the direction of change is tuned to comments and proposals formulated for this policy in Poland and elsewhere in Eastern Europe. They are, however, much less ambitious.

It should be noted, in particular, that the document lacks a clear “European perspective” for Eastern European countries. In its parts dealing with the Eastern Partnership, the document refers to Art. 49 of the EU treaty (which gives democratic European states the right to apply for EU membership) but does so only to recognize the identity of values both for accession and association.

It is positive that the rules for granting EU financial support, currently too bureaucratic, would be simplified. Also, the ENP would create a new European Endowment for Democracy to support non-governmental organizations active in the neighbourhood, including those that have not been legally recognized by local authorities. A scheme of guarantees for EU investors doing business in Eastern Partnership countries would be established, which should help in situations where there is a lack of legal certainty or widespread corruption. The ENP financing would be increased by €1.2 billion by 2013.

The document does not foresee important changes in the EU visa regime. It calls for a more liberal application of the visa legal system and on EU member states to more frequently use multi-annual and multi-entry visas. This kind of appeal ordinarily would not be enough to change the largely bureaucratic approach to visa applications dominant in EU member state consulates in Eastern Partnership countries. Many EU member state governments view with reluctance any liberalization of the movement of people from Eastern European states.

EU institutions intend to increase student exchanges, volunteer work and scientific and cultural cooperation with ENP countries. Those should, however, be continued within existing schemes such as Erasmus Mundus and Youth in Action. As a consequence, the resulting change is not expected to be radical.

There are promising initiatives on agriculture, among them the prospect for a pilot project for agricultural support programmes. Yet, only a much broader opening of the EU market to agricultural products would have a more pronounced influence on the neighbours’ ability to modernize themselves and develop in other areas. A strict application of the conditionality principle should mean greater funding possibilities for projects from Ukraine, Moldova and Georgia, whose level of legal certainty and democratization is higher than elsewhere in the region. Still, much would depend on the EU’s ability to stick to its own conditionality rule and whether it will apply the same set of criteria to relations with Azerbaijan as it does to President Lukashenka’s Belarus.

Conclusions. The new ENP stands clearly as an EU attempt to find an answer to the new challenges in its neighbourhood as a consequence of the waves of change in North Africa. Yet, the document does not attempt to answer the dilemma of how to support the transformation of the Eastern Partnership when local political elites are much less committed to take on reforms than was the case for Central European governments in the 1990s, or when these politicians do not want the indispensable democratic and free-market reforms at all, and when support for European integration among the local public is weak. According to recent opinion polls, when faced with a choice of a policy of integration with the EU, rapprochement with Russia or a “third way,” the majority opt for the last two options. Yet, the document does not directly tackle the problem of how to promote knowledge about the EU and, in particular, a political education based on European values.

The new concept also seems to weaken the original idea of the strategic offer to the neighbours of a potential stake in the EU’s internal market. A stake of that kind means not only a possibility for the free movement of goods, but also for capital and services and even—with a longer perspective—people. For neighbouring countries in both the East and South, the prospect of a possible opening of EU agricultural markets is of particular importance. The concept of a stake in the EU’s internal market would offer a concrete instrument supporting their economic transformation. It seems only appropriate to bring this perspective back to the neighbouring countries. The EU’s image of being able to adapt its policies to a changing environment would be strengthened if the Council and Parliament could accept the amendments to the ENP in a swift manner. The coming Polish EU Council presidency will be important in securing the efficient agreement of corrections to the document and reaching compromise within the Council as well as with the Parliament.