

ENP'S FUTURE, CAUGHT BETWEEN VOLATILITY AND GOOD INTENTIONS

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Abstract. IN RECENT YEARS WE HAVE BEEN WITNESSES TO MAJOR CHANGES TAKING PLACE IN THE EUROPEAN NEIGHBORHOOD. THE WHOLE PROJECT OF THE ENP DISTANCED ITSELF FROM THE ORIGINAL BLUEPRINT LEAVING MOST OF ITS ORIGINAL OBJECTIVES BEHIND. THE EFFECTS OF THE ECONOMIC CRISIS AND THE POOR SECURITY CLIMATE IN EUROPE'S CLOSE NEIGHBORHOOD REDEFINED PRIORITIES TOWARDS WHICH SCENARIOS BEST SUIT THE CURRENT, HIGHLY VOLATILE PROXIMITY? THESE INITIATIVES EMBARKED IN A MULTILATERAL ACTION PLAN, FOLLOWED BY BILATERAL ARRANGEMENTS, SPICED WITH THE ENACTMENT OF SOME OLDER FORMS OF REGIONAL COOPERATION. FROM THIS PLETHORA OF COMBINED ENERGIES AND ALTERNATIVE SUPPORT THE ENP MADE SIGNIFICANT STEPS TOWARDS A CONSOLIDATED VERSION OF THE EU'S FOREIGN AND SECURITY POLICY, WHICH INSTEAD OF FOCUSING ON A SMALLER GROUP OF STATES TO EMULATE A FAVORABLE COURSE OF ACTION, IT TILTED AGAINST THIS RATIONALE AND BECAME MUCH MORE DOMESTICALLY ORIENTED.

Key words: EUROPEAN NEIGHBORHOOD POLICY, EASTERN PARTNERSHIP, ASSOCIATION AGREEMENTS, DEEP AND COMPREHENSIVE FREE TRADE AREA, ENP REFORM.

Introduction:

Launched in 2004 the European Neighborhood Policy was supposed to be Europe's best alternative to membership. Highly promoted by Romano Prodi as the most innovative policy for EU, this was supposed to offer the Vicinity a lot of benefits from visa-free travels to a deeper economic integration. As Prodi put it, the EU "will share all but its institutions".[1]

After much debate, the member states agreed to this new way of conducting business in the Neighborhood and developed the Action Plans, a wade document specific for each state that was willing to enter in this new scheme of politics proposed by the EU. [2]

When analyzing the EU's actions in the Eastern Neighborhood one must take into consideration that these must not be regarded as a force by which the progress or the regression of the area is measured. [3] We must stress once again that each and every state has its own Agenda, its own set of priorities and the external support can be efficient if and only the changes come from within and are internalized by the internal actors. The European Union can play an important role in this process, but in order to do that the focus must be set on the motivations and expectations from its neighbors.

At this point we must clarify that the EU does not represent a remedy for Eastern Europe's diseases, but the remedy itself is defined by a major investment in terms of reform with

some very high costs regarding the political and economic area [4]. Furthermore, nowadays the EU is preoccupied in designing its own frame regarding the terms and conditions of its internal structure while facing some serious issues due to the enlargement. Granted, this European construction proves not to be so much desirable today as it was in the late '90s, but still it is considered one of the best alternatives for the Eastern European countries.[5]

1. Drafting a common projection of the ENP

The incertitude regarding the new shape of the European Union has caused a somewhat reluctance from some of the Eastern partners in signing the Agreements for a more and comprehensive integration. While there is a strong willingness to enhance the cooperation at both political and economic level through governmental instruments, one can sense an almost palpable resistance in implementing the human rights package as envisioned by the Eastern Partnership.

Speaking of framework, the ENP and EaP are often incompatible with the bureaucracy apparatus of the Eastern states and with their needs. Besides of some Ministries, there are very few organizations from civil society that have access to the information in terms of cooperating with the EU. [6]

The guiding rules that have to be followed within ENP are not clearly defined and this is definitely a minus for this policy because up to this point we still do not have a clear methodology, there is still a lot of ambiguity as the EU has not stated if she wishes to engage in cooperation guided by a general set of rules or a specific regulation for each country.

Integrating Eastern Europe into the European Union will not be possible in the short and medium-term perspective for several reasons. The focus of the EU should be on amplifying the voice of its non-state actors who have a strong influence in terms of public interest.

While some economic initiatives have been blocked by signing the Free Trade Area Agreement, the European Union is not ready yet to pay the full price of being a major force in the Eastern Neighborhood and the fact that she still remains a prisoner of the conditionality in the area represents another reason for re thinking the Neighborhood Policy in the area.[7]

Although the ENP has been through several adjustments from 2004 onwards, nowadays the European Union offers mainly the same as more than 10 years ago- namely the integration within a Deep and Comprehensive Free Trade Area, visa liberalization, standard assistance in capabilities building.[8] Given this fact, it is obvious that the relations between the EU and its partners cannot evolve if the criteria regarding the democracy, rule of law and human rights are not met. Unfortunately, a major setback is the fact that there is still a lot of ambiguity regarding the implementation of these reforms.[9]

The rules that have to be followed as part of the framework of the Neighborhood Policy are not clearly defined and the lack of methodology still causes a lot of reasons for which this policy is not perceived as a success.

For its Eastern partners, a new set of regulations would make sense only if it is internalized by both sides.[10] Adopting of a common set of rules would boost not only the European Neighborhood Policy but also the Eastern Partnership, would have a strong contribution in clarifying and enhance the reforms` evaluation and would bring new answers to critical questions which always arise from the concerns put forward by the Eastern countries.

2. DCFTA, and the possibility to re-boot ENP

Regarding the most important aspect of the Neighborhood Policy, namely the Deep and Comprehensive Free Trade Area, one cannot help to notice that whilst for the Eastern states there seem to be some kind of serious impediment in signing this Agreement, for the Southern partners

this contains too many technical regulations.[11] Speaking of the commercial concessions, in the actual economic climate, the states from the Southern Europe that are also members of the European Union are very skeptical in opening their borders to the products originating from Southern Mediterranean. [12]

At a short glance, we can easily see that some of the programs and projects within the Neighborhood Policy have had a strong contribution in helping the partner states along the way. But, despite this, the current approach of the EU is lacking regarding two major aspects.

First of all the commitment of the Union is not lively enough and the local market is not strong enough to allow and sustain the structural transformation on the long run, as stated by the Neighborhood Policy. Second of all, the current approach does not allow the EU to have a strong and immediate sense of action and reaction at the ever changing conditions in the Neighborhood[13]. As a result of its structure, the ENP could still be a successful policy if operating in a more stable environment.

Aside from humanitarian assistance the EU has few instruments which can have a rapid impact and thus allowing her to define the short-term development. Still, the EU needs this sort of instruments because the Vicinity is strongly defined by incertitude and turbulences.

Another important aspect of the ENP is the fact that it promotes regional cooperation, but so far we have very few actions regarding this direction. The forums from within the Eastern Partnership and the Union for Mediterranean have had a very small impact and thus the main focus of the Union remains the development of bilateral relations.

Up to a certain point this approach is inevitable because it represent the solely manner to deal with the differences between the partners states. But meanwhile this can lead to a lack of vision from the EU's side because it is being highly ignored that the problems from the Eastern Neighborhood have a regional and not a local character and thus the solution must be accordingly provided and tailored. [14]

3. The ENP's multiple forms of building consensus

When launched in 2004, ENP's aim was to foster political association and economic integration, bringing the neighborhood countries closer to a body of commonly shared values, that ranged from the rule of law, democracy, and spanned towards human rights and social cohesion.

The European Neighborhood Policy attempted to be one of the best instruments to integrate Europe's proximity in a much broaden construction based on EU's capacity to support reforms for democracy building in the future partners host countries. The European Commission established 4 channels to make the distribution of its multilateral agenda as follows: democracy and the use of good governance practices, economic integration, civil society exchange and energy security consolidated also through border control.

The project itself was animated by a homogenous strategy on how this integration process will take shape, sometimes leaving out of the picture the necessity to treat these countries in a differentiated manner. The dynamics of ENP was altered by Russia's annexation of Crimea, thus giving a new trajectory on how this project should be conducted in the nearest future, because multilateral arrangements proved to be much more instable than the former bilateral proposals that built consistency for these policy initiatives. In 2014 the Eastern Partnership entered a new stage of cooperation due to the signing of a Deep and Comprehensive Free Trade Area (DCFTA) which is in fact a EU Association Agreement established with the following states: Georgia, Moldova and Ukraine.

The negotiation of this arrangement started in February 2008 with Ukraine, in mid-2009 with Georgia and with Moldova the next year. The implementation of the rules of commitment presented in the agreement proved to be a much more difficult task to the national administrations that involved in this construction. First of all, because building solid institutions is not an easy task and that required a few transition stages and secondly, because assuming the European *acquis* proved to be much less efficient on a sectorial implementation scale. But the whole purpose of having access to EU's internal market was too much of a great opportunity to be missed.

The experience of negotiating the DCFTA was quite similar to other agreements such as: the European Free Trade Area(EFTA) or European Economic Area(EEA). EFTA was the result of the Stockholm Convention signed on January 4th 1960, having 7 founding members, out of which 5 joined the EU and the other two, Norway and Switzerland, managed to expand this regional trade organization by integrating 2 other states: Iceland and Liechtenstein. It was much easier for the EU states and the states in the EFTA to get closer because they shared a similar economic development path, consolidated democratic institutions and same social welfare projections. The experience of the EEA was very much the same, because the arrangements between the European Community and those of EFTA countries took just 5 years to design a common infrastructure for the decision-making process, which was completed in 1993. At the end of 1992 another trade agreement comes to life in the form of Central European Free Trade Agreement (CEFTA) which was consolidated through bilateral and multilateral agreements. Balkan countries started their association with the EU in a bilateral framework consisted in the so called Stability and Association Agreements.

The Association Agreements (AA) are a common practice of the European Union, these initiatives being part of the European Community development strategy from the early Treaty of Rome (1957) to the Treaty of Lisbon (their legal basis is represented by Article 217 TFEU). This form of cooperation gained a more specific character after the creation of the European External Action Service which established a series of criteria for the states that want to be part in such an agreement. Besides the forms of association an important step towards a more coherent ENP was represented by the full visa liberalization with Moldova, this country being granted a visa free regime to Schengen area. This was part of a Visa Liberalization Action Plan (VLAP) [15] that included also Georgia and Ukraine. Another initiative worth mentioning on behalf of EaP is the integration of Moldova(2010) and Ukraine(2011) in the Energy Community, a project started in 2006 for the Western Balkan countries that aimed to consolidate EU's electricity and gas markets.

4. Proven vulnerabilities and the need for a proper assessment

The Eastern Partnership saw different views on development even among EU member states. If Germany based its core assumptions on an integrative policy also towards Russia, as a basis for regional cooperation, Polish approaches have focused mainly on Eastern Europe thus trying to keep such countries out of Russia's regional control, in an effort to limit this country's capacity to create future spheres of influence in its proximity.[16] The Eastern Partnership is mainly a functional platform that allows states to interact and assert new forms of stable and predictable behavior.

This form of interaction is portrayed mainly as a sectorial integration in a wider European Common market, providing visa liberalization and also incentives for regional cooperation even at the level of the civil society of these countries.[17]

The impact of the AAs and DCFTAs goes below expectations, especially because of the implementation stages that disturb traditional economic forces in the close neighborhood. A successful implementation of these negotiations would result in a `concerted export of the acquis` which is a preliminary step for every pre-accession agreement mainly because it provides the legal framework for a functional alignment, closely associated with a `shadow member state`, a role that could be assumed by Ukraine.[18]

Multilateralism is a basic principle of EU`s external policy-making philosophy that follow its policy choices and common interests, as well as an objective of its external policy translated into concrete achievements. ENP is emphasizing the capacity to deal with sensitive problems and to provide multilateral solutions, while consolidating an international regime based on law, current conventions, and support from international bodies and organizations. The enforcement stage is equally important in this design because such initiatives often imply the use of sanctions or other means to emphasize the functional value of an agreement. Building support among ENP partners is best represented when the security agendas are harmonized and that means seeking support for imposing sanctions regimes and forming EU-led coalitions, for crisis management.[19]

The re-launched EaP at the end of 2015 insisted more on the stabilization of the region, the former plans to create functional market economies and building democracies were replaced by security cooperation, border protection, and prevention in fighting organized crime and terrorism, as well as promoting a new policy agenda to deal with migration.

When assessing the future of ENP, major European diplomacies should find a common denominator in terms of how they perceive this close proximity rather like a possibility for enlargement[20], bringing forward a concrete accession scenario or just a functional association agreement used for the common advantage of both parties involved. It is hard to find a desirable recipe for stabilizing the neighborhood just by looking both to multilateral scenarios or bilateral negotiations, loosing from sight the regional strings that all these countries share.

There have been voices that suggested a limitation of the ongoing programs destined to support the ENP, while improving EU`s toolbox for certain countries. This can only take shape in the form of a stronger political leadership in the area [21].

Conclusions:

The ENP lacked the assertive force present in the EU`s enlargement strategies. With this missing component, the whole capacity of the ENP to serve EU`s soft diplomacy purposes in the close neighborhood rapidly turned fruitless.

Either we talk about the Eastern dimension of the ENP or we address mainly its southern counterpart the landscape exposes many frozen conflicts, civil wars, border disputes or state conflicts. These scenarios are a clear evidence in 12 out of 16 states that take part in the ENP, demonstrating a continuous volatility of the security environment in the EU`s close proximity.

Moreover, even the most recent EU`s Foreign and Security Policy advanced by the High Representative of the EU for FASP in June 2016 and called `Shared Vision, Common Action: A Stronger Europe` mentions the ENP just a few times, this term being replaced by a new concept, resilience, referred to mainly as `the ability of states and societies to reform, thus withstanding and recovering from internal and external crisis`[22] to which the EU attaches the commitment to bring forward differentiated approaches to individual countries. This commitment is not enough unless it is backed by a thorough analysis on what went wrong with

this neighborhood construction. Such an analysis would be able to promote the “principled pragmatism” present in the current strategy. 60 years after the signing of the Treaty of Rome was a good occasion for the actual President of the European Commission, Jean-Claude Juncker, to present in a White Paper its vision upon the future of Europe.

The so called “*White Paper on the Future of Europe, Reflections and scenarios for the EU27 by 2025*” barely mentions anything about EU’s neighborhood, being solely concerned by EU’s domestic policy and having a few general perspectives upon its foreign affairs. [23]

Given its experience in multiregional cooperation, the EU could play an excellent supporting role, but for this to happen it should first and foremost enhance its action instruments within the ENP framework. A sectorial approach is needed based on the variable geometry of the area which implies stressing the importance of certain partners according to the characteristics of the area.

The ENP cannot function on its own efficiently without a revised foreign and security strategy on behalf of the EU itself, because the long term agenda setting doesn’t bring enough incentives to support important upgrades at this moment.

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