

WHAT BORDERS FOR THE EU: WHAT RELATIONS WITH A VARIABLE GEOMETRY NEIGHBOURHOOD?

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SUMMARY

Up until the late 1980s, relations with peripheral regions did not occupy an important place in the European construction project. To the east, the Iron Curtain kept contact to a minimum, while to the south the Community ran a range of association agreements in an effort to "Europeanise" the customs privileges that certain member states allowed their former colonies. New membership, for its part, had continued to be an occasional occurrence, with an average of three countries joining every decade, shifting the Community's borders both northwards and southwards (see pages 3 to 5).

“THE EU HAD TO DEVISE A NEW WAY OF HANDLING ITS RELATIONS WITH ITS NEIGHBOURS THAT WAS LESS THAN FULL MEMBERSHIP BUT DIFFERENT FROM ASSOCIATION”

The breach opened up by the fall of the Berlin Wall, followed by the great enlargement of 2004-2007, propelled the whole continent into a new dimension (see pages 5 to 10). The EU had to devise a new way of handling its relations with its neighbours that was less than full membership (impossible or undesirable for a majority of the countries concerned in the circumstances prevalent at the time) but different from association (which offered only limited scope for cooperation). It was in this context that the European neighbourhood policy (ENP) was launched in 2003 (see pages 11 to 19).

Having now been implemented for a decade, its results are both uneven and controversial. Rapprochement has been stepped up, yet without achieving the initial goal of building around Europe a "circle of friends" adopting a large part of Community law. Bilateral relations continue to dominate, while the balance sought between east and south is still precarious. And democracy, which it was hoped would spread to the countries in the neighbourhood, continues to tread water and this is hindering the development of close and stable relations.

Yet it is possible to note an expansion of the common policies' sphere of action extending beyond the EU's borders. These policies' "external aspect" is becoming increasingly important, even when the policies themselves are strongly focused on intra-Community activities (see pages 20 to 22).

It is not so much a group of stable borders which has taken shape, as a Europe of "concentric circles", evoked by Jacques Delors, which has become an increasingly tangible reality. Lying between the EU and a third circle of countries with a multiple geopolitical outlook (Russia, Turkey and the Middle East), the neighbourhood countries occupy a middle circle where an increase in interaction is proving insufficient to improve their political systems.

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INTRODUCTION

Does Croatian membership on 1 July 2013 mark a new stage in the EU's enlargement? Before accelerating in 2004-2007 with no fewer than twelve new members, it had moved forward at an average rate of three new member states per decade¹. What do the 2010s hold in store for us, with such a large number of acknowledged or potential candidates?

Irrespective of the membership process, Europe as a whole is experiencing far more complex development. Enlarged *ipso facto* through German reunification in 1990 and pending the addition of Mayotte on 1 January 2014, it is also threatened with shrinkage if the referendum scheduled to be held in the United Kingdom sometime between now and 2017 so dictates. Also, the way the construction of Europe has developed since Maastricht has led to other areas (the euro area, the Schengen area) being superimposed on the EU and they, too, are in constant evolution.

In this variable geography Europe, these frequent changes have clouded our vision of the territory. So we shall endeavour to examine, and to answer, the following questions:

- The current border rationale: who is really part of the EU, and in relation to which policies?
- Current enlargement: who is a naturally aspiring member of the Union, and on what terms?
- Aside from the borders, what is the real content of the European neighbourhood policy (ENP)?
- What role does the implementation of common policies play outside the EU's borders?

In this context, can we measure the importance of the changes in the cosmogony of the planets gravitating around the EU: what is possible, and what is desirable?

1. The current EU border rationale

In legal terms, Community territory is that territory in which the Community *acquis*, the body of European law, is applied. It corresponds to the majority of its member states, albeit with a few exceptions. In the past (1958-1990) the whole of Germany was considered to be part of the EEC even though Community law was in force only on that part of the territory under the control of the Federal Republic. The same applies to Cyprus today. The island as a whole is a member of the EU but application of the *acquis* is suspended in northern Cyprus on account of the Turkish occupation.

This, because it is the member states which individually decide the configuration of their territory on which the *acquis* is implemented, and they do so on the basis of criteria of their own choosing.

1. 1973 (United Kingdom, Denmark and Ireland), 1981-1986 (Greece, Spain and Portugal), 1995 (Austria, Finland and Sweden).

Even though they are all outside Europe, France² has incorporated its overseas departments (DOM), although not its overseas territories (TOM): the French Antilles, French Guiana and La Réunion are part of the EU and are classified as Outermost Regions (ORs). This group is not stable: Algeria was a member of the group when the Treaty of Rome was signed (1958-1962), Saint Pierre et Miquelon put in a brief appearance (1976-1985) and Mayotte, now a DOM, will enjoy this status in 2014. So its borders can change.

When the United Kingdom and Denmark joined, they acted on a case-by-case basis. The British added Gibraltar but not the Channel Islands, the Isle of Man or any of its overseas possessions. Denmark added Greenland (1973-1985) but not the Faeroe Islands. In 1986, Spain incorporated its “sovereign outposts” in Morocco³, and after a little hesitation also the Canary Islands (which were not part of Spanish customs territory)⁴.

“FROM THE MOMENT THE TREATY OF ROME WAS SIGNED, THE CONTINENT’S CONVENTIONAL BORDERS WERE ABUNDANTLY EXCEEDED”

So we can see that right from the moment the Treaty of Rome was signed, the continent’s conventional borders (inasmuch as they exist at all) were abundantly exceeded. Yet Article 49 in the Treaty demands that in order to join the EU an aspiring member must be a “European state”, a concept which it fails to define clearly and which has been very flexibly interpreted: no one has ever disputed the fact that Cyprus or Turkey are part of Europe and the Council of Europe’s acceptance of the three Caucasian countries⁵ consolidates their position. Article 49 has only been used to date to respond to Morocco⁶ when it raised its potential candidacy with Brussels in 1987. It remains to be seen what decision would be made if some even more distant country were to apply to join the EU⁷.

Since the Maastricht Treaty was signed, the map has become more complex on account of several member states’ rejection or postponement of their subscription to certain new common policies:

- The euro area does not include all of the EU member states (those that either cannot yet, or do not wish to join, are not in it), yet Montenegro and Kosovo are *de facto* already included in it⁸.
- The same applies to the Schengen area: the United Kingdom (and, as an indirect consequence, also Ireland) refused to join, Cyprus was debarred on account of the island’s *de facto* division, and Romania and Bulgaria are waiting to be authorised to join⁹. On the other hand, the collective membership of the five countries in the Nordic Passport Union (set up by the five Nordic countries in 1954) meant that Iceland and Norway have joined the Schengen area even though they are not members of the EU; and Switzerland has also been a member of the area since December 2008.

This map, like membership, is far from having been stabilised, since all new member states tend to join both the euro zone and the Schengen area.

Another qualification that does not match previous borders is that of European citizenship, which is a consequence of citizenship of a member state. Thus the inhabitants of overseas countries and territories (OCTs) that are still under the jurisdiction of four member states (France, the United Kingdom The Netherlands and Denmark) also enjoy European citizenship. Other outside territories could also have a majority of European citizens in their population. This is already true of northern Cyprus, where the islanders hold EU passports,

2. The other founder members (in 1957, Belgium, Italy and The Netherlands still had colonies) did not follow France’s example. Given that the Dutch Antilles has remained outside Community territory, the small island of Saint-Martin, which has been split between the two countries since 1648, has an external EU border.

3. La Réunion included the islands in the Mozambique Channel until 2005, so they were part of Community territory until that date before being incorporated into the French Southern and Antarctic Lands (TAAF), which has TOM status. As for the islands of Saint-Martin and Saint-Barthélemy after their separation from Guadeloupe in 2007, the first one decided to stay in the UE, and the latter is now an Overseas country and territory (OCT).

4. The two cities of Ceuta and Melilla, along with a few small islands (peñon de Alhucemas, peñon de Véles and the Chafarinas islands).

5. Georgia, Armenia, Azerbaijan.

6. Council decision dated 1 October 1987.

7. Kazakhstan wasted no time in pointing out that, just like Turkey, it too is part-European because a fraction of its territory lies to the west of the Ural River, conventionally the continent’s furthest extension, with the mountain range of the same name.

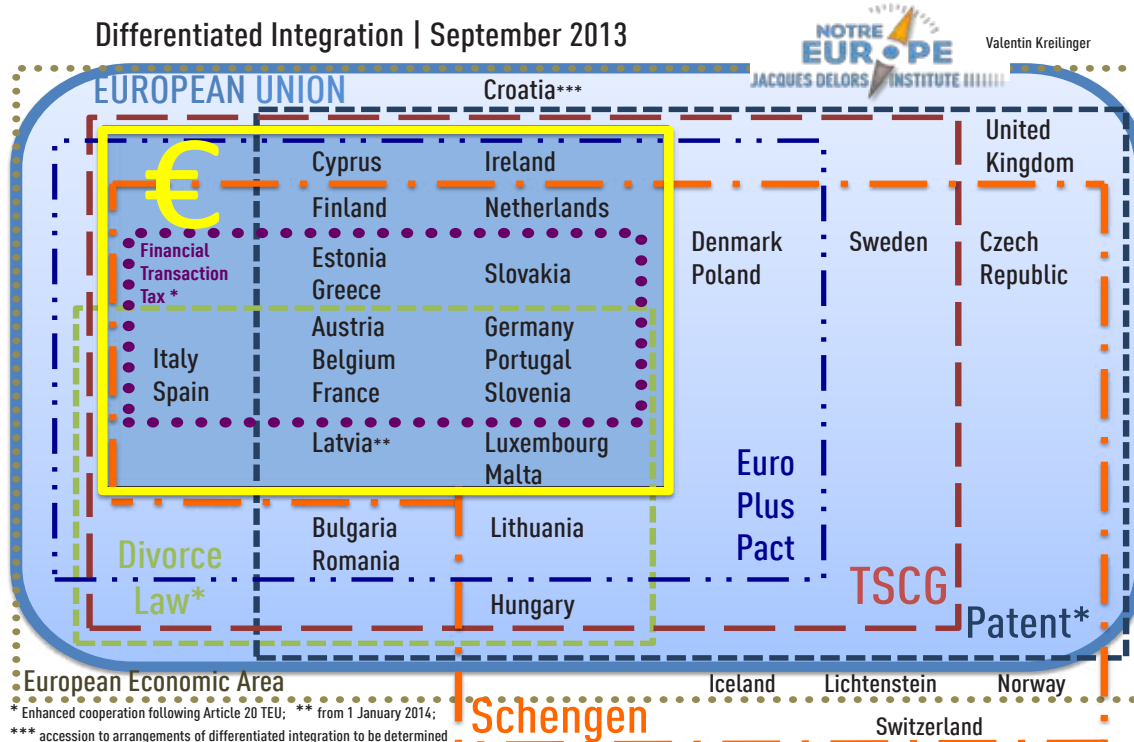
8. Together with the British bases in Cyprus (SBA).

9. The DOM also lie outside the Schengen area on account of their geographical remoteness.

and it is going to be true also of Moldova, where a majority of the population is eligible for Romanian (and thus European) citizenship on historical grounds¹⁰.

Thus quite apart from simple membership, there are several other ways of joining the EU:

- incorporation into the territory of a member state: the arrangement pursued for the five new German *Länder* in 1990 would be the scenario to adopt in the event Cyprus were to be reunited, while union with Romania would be a way for Moldova to circumvent the complexities of the membership process;
- obtaining European citizenship through the citizenship of a member state and, to a lesser degree, through membership of Schengen, or possibly of the euro zone (Montenegro and Kosovo did so without asking, but not Iceland, which would have liked to join but without joining the EU).



Source: Valentin Kreilinger in the framework of the research project on differentiated integration led by Notre Europe - Jacques Delors Institute

2. Current enlargements

In the 1970s the European Community established a membership procedure based on the scrupulous adoption of all the measures in force in the Community *acquis*, and this method worked with the enlargements of 1973, 1981, 1986 and 1995. Faced with the candidacy of the central European countries and the mammoth task of ensuring the successful integration of roughly a dozen new members, the Commission put together an “accession method” based not only on the adoption of the *acquis* but also on a certain number of political criteria designed to ensure the consolidation of the new democracies and the stabilisation of their borders¹¹.

This method served to steer complex negotiations (12 countries x 31 chapters, in other words 372 initiations and as many terminations to be decided on by unanimous vote in the space of a few years, from 1998 to 2005).

10. Moldova to the west of the Dniestr was part of Romania from 1919 to 1940 and from 1941 to 1944.

11. According to the Copenhagen criteria: “Countries wishing to join need to have:

- stable institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- a functioning market economy and the capacity to cope with competition and market forces in the EU;
- the ability to take on and implement effectively the obligations of membership, including adherence to the aims of political, economic and monetary union”.

The dynamic thus spawned, accompanied by a huge political will on both sides, produced what we might call a kind of European reunification even though the integration process proper has not yet been completed. Not only did the “accession method” give the Commission a crucial role in an intergovernmental-oriented negotiation, but it also ensured the rapid and efficient functioning of a process which can easily be obstructed. On the one hand, it prevented member states from giving in to the temptation offered by the unanimity rule: freezing such a vast operation would have done more harm than good to the country which would have risked it, exposing it to the critics of the 14 other member states, and of the 12 candidates. On the other hand, it brought total equal treatment to the candidates, keeping them constantly informed about the issues of the negotiation, but also about the actual state of their preparation. The emulation the “regatta principle” created from 2000 onward gave them the guarantee that nothing would be done to delay their accession, as long as they were actually making the necessary commonly agreed upon and accompanied by the corresponding Community support through the PHARE aid, and twinning mechanisms. The final result is a compromise between two contradictory preoccupations: manage as soon as possible the political emergency in order to ensure the stability of the whole continent which had been threatened by the ex-Yugoslavia wars, while offering reasonable delays for adopting the *acquis*. More than 10 years after the Treaty signature, it is clear that most of the fears of that time have not been confirmed.

“WITH THE ‘ENLARGEMENT FATIGUE’ OF THE NUMBER OF MEMBER STATES, THE MEMBERSHIP DYNAMIC IS NO LONGER WORKING PROPERLY”

For other reasons, it is by no means a foregone conclusion that the method will be capable of functioning effectively in the future. This, because the current group of candidate countries is heterogeneous: an unexpected member of the European Economic Area (EEA), the Balkan diehards (after Slovenia and Croatia) and the very specific case of Turkey. The number of negotiation chapters has risen from 31 to 35 and political criteria are acquiring growing importance, to the point where they have become hurdles of a magnitude unheard-of in previous enlargements.

With the “enlargement fatigue” of the number of member states, the membership dynamic is no longer working properly at a time when it still has to guarantee the integration of about half a dozen real and potential candidates, not to mention those countries that are “candidates to staking their candidature”.

Without delving into the very complete analyses of these countries developed in the Commission’s annual reports¹², we will endeavour here to set the issue in the context of enlargement strategy and in relation to that strategy’s relevance.

1.1. The case of Iceland

After long maintaining a certain distance from the EU¹³, basically so as not to have share its fish stocks¹⁴, Iceland reviewed its position when it found itself in the grip of a crisis in 2008¹⁵. Initially interested in the single currency, it resigned itself to seeking membership in July 2009 when it was told that it would not gain access to the euro area without also joining the EU.

Negotiations, which got under way in July 2010, are progressing apace and are facilitated by Iceland’s membership of the European Economic Area (EEA). By the end of 2012, 27 chapters out of 35 had been opened and 11 provisionally closed. Yet certain controversial issues still need to be addressed, such as the free movement of capital and, above all, the three agriculture and fishery chapters where considerable differences still remain.

The laborious recovery of the country’s financial sector has not yet been completed, even though the European Free Trade Association (EFTA) Court ruled in Iceland’s favour in the Icesave dispute with The Netherlands

12. *Enlargement Strategy and Main Challenges 2010-2013*, Communication from the Commission to the European Parliament and Council, Brussels, 10 October 2012, COM(2012) 600 final, 90p.

13. The only EFTA member never to have submitted its candidature, unlike Norway (which could have joined in 1973 and in 1995) or Switzerland (whose candidature was submitted in 1990 and then postponed indefinitely by the Swiss authorities in 1992, although it has never been formally withdrawn).

14. The Nordic countries and regions with major fishing resources have generally chosen to stay outside the EU. This is not just the case of Norway or Iceland but also of the Faeroe Islands and Greenland.

15. As of 31 July 2008 the external debt stood at 7.5 times the island’s GDP.

and the United Kingdom¹⁶. The state, businesses and households are all still heavily in debt and dependent on their foreign creditors.

In the background, Icelandic public opinion, which is due to express its views in a referendum, is split. The opening of negotiations was approved by only a narrow majority in Parliament (33 in favour, 28 against and 2 abstentions) in 2009. The initial motivation, namely membership of the single currency, has lost a great deal of its attraction with the euro crisis and the treatment of Cyprus, which in many ways has suffered the same fate as Iceland in 2008. Polled again and again, the people are hesitant, with those in favour of membership in a minority since late 2011. So we should not rule out the possibility that negotiations may yet fail, following Norway's example on fully two separate occasions.

1.2. The western Balkans

If Yugoslavia had survived, it would probably have taken part in the "great enlargement" of 2004. The EU could have used the government in Belgrade to ensure the implementation of the *acquis* in the less advanced regions to the south and east of the country. Instead, it is now obliged to intervene directly in the running of a group of new states and to actively support half a dozen administrations in their laborious march towards Community law.

In view of their geopolitical situation, the western Balkan countries cannot be left to their own devices. In assigning them the qualification of "potential candidates" in 2000, the EU set them on the road to membership on condition that they prove capable of shouldering all of the attendant obligations.

Given the absence of emulation among the candidates, this evolution has not been very rapid. After Slovenia joined in 2004 and Croatia in 2013, Montenegro - negotiations began in June 2012 - and soon Serbia - negotiations are due to start in the near future - are now on the right road. The less advanced regions of the former Yugoslavia (Bosnia-Herzegovina, Macedonia, Kosovo) have yet to be integrated, without mentioning Albania which is no more advanced than they are. For these countries there is, in addition to the constraints of European integration, also the demanding task of nation-building in a context characterised by numerous ethnic and religious differences. The latest World Bank report tells us that the western Balkans are also in the grip of a profound recession¹⁷, with unemployment higher than 25%, and that certainly is not going to speed up their integration.

Drafted on a country-by-country basis, the Commission's reports highlight the importance of the task to be accomplished, a task which the post-membership problems encountered by Romania and Bulgaria suggest we should not underestimate. Nothing in all of this prompts the existing member states to speed the process up, especially not in the presence of a bilateral dispute such as Greece has with Macedonia. The Council thus has a tendency to multiply the number of waiting rooms: potential candidates become recognised candidates before moving up to the next rank, that of a country involved in negotiations, though that does not cut their waiting time.

“SO, DO WE NEED TO CHANGE THIS METHOD?”

So, do we need to change this method? It seems unlikely that the status quo can be maintained for ever because it would be a delicate situation to continue having a sub-category of countries with limited sovereignty and applying only a part of the Community *acquis* right in the heart of Europe. Apart from beefing up pre-membership strategies and financial aid, it is difficult to see exactly what might speed the process up, given the magnitude of the political and administrative issues that have yet to be resolved.

In the former Yugoslavia, Europe's choice to honour the administrative borders established by Tito, which have now become as many international borders, has left unresolved the status of a number minorities that are having a strong impact on the cohesion of several of those countries. Macedonia, for which the Commission has

16. EFTA Court, *Ruling dated 28 January 2013*.

17. BIRD, *From Recession to Reform: The Western Balkans and the Impacts of a Double Dip Recession*, Washington, 12 December 2012, 49p.

been recommending for some years now that negotiations get under way, does not only have a semantic¹⁸ dispute with Greece. Its domestic cohesion depends on a sustainable accord between Slav speakers and Albanian speakers, imperfectly guaranteed by the Ohrid framework agreement¹⁹. And Bosnia, where three kinds of nationalism diverge, or indeed face each other down, does not even have that tool. Kosovo, for its part, has to accommodate a Serbian minority that refuses to resign itself to having been torn away from the mother country. And Albania, which people consider to be more homogeneous, has to resolve certain administrative capability issues²⁰ which are in some ways even more difficult than those of the countries mentioned above.

If membership occurs between now and the year 2020, it will have taken no less than thirty years to drag the western Balkans out of the situation created by the breakup of the former Yugoslavia and to turn them into fully paid up member states.

1.3. Turkey

Turkey, like Croatia, also began membership talks in October 2005. It was easy to predict that the results would not be comparable and so it has come as a surprise to no one that they have not been. Commission reports have been assessing the country's degree of readiness since the late 1990s, the most recent report²¹ revealing that a major effort is still required. Even though it poses as a victim of European ostracism and that it has good reasons for doing so, Turkey is also largely responsible for the freeze because its stance based on "bargaining instead of complying" is a totally different form of conduct from that adopted by previous candidates.

It is to be regretted that simply getting negotiations off the ground should have been a goal in itself, both for the British presidency and for Turkey, and that no specific prior conditions were attached. The result was not long in coming. Negotiations had already ground to a partial halt by 2006 in the wake of Ankara's refusal to honour its given word by opening up its ports and its airspace to Cypriot shipping and planes²².

“TURKEY HAS FAILED TO UNDERSTAND EXACTLY WHAT RELATIONS BETWEEN COUNTRIES BELONGING TO THE SAME UNION NEED TO BE”

This is not simply a symbolic issue. Without wishing to discuss the problem of Cyprus²³ here, we need to stress that in refusing to recognise a member state, some 37% of whose territory it has been occupying for nearly forty years, Turkey is not only seriously jeopardising the outcome of negotiations in which all decisions are reached unanimously, but it is proving that it has failed to understand exactly what relations between countries belonging to the same Union need to be. In refusing to admit that it has no more reason to interfere in Cypriot affairs than France or The Netherlands have in Belgium's linguistic disputes, it is arrogantly seeking to impose relations based on might rather than on the rule of law within the EU.

And besides, Cyprus is only one aspect of a serious divergence between the EU and Turkey regarding the role of political criteria. Turkey does not recognise their legitimacy even though they have enjoyed a solid legal basis since the Amsterdam Treaty came into force. Now, according to the Commission's latest report, Turkey is still a long way from meeting the standards for domestic criteria (respect for human rights) and in constant breach of the standards for external criteria (improvement in neighbourly relations²⁴).

Even though negotiations may make progress where the economic aspects are concerned, they appear, as things stand today, to be bound to fail on the political level. To avoid breaking off talks, the successive EU rotating presidencies might make an effort to open a few new chapters without seeking to push the affair too

18. Macedonia has been admitted to the UN in 1993 under the temporary name of Former Yugoslav Republic of Macedonia (FYROM) due to a toponymic disagreement with Greece, three administrative regions of which (Western Macedonia, Central Macedonia and Eastern Macedonia) bear the same name.

19. Signed in August 2001 under pressure from the EU and the United States.

20. Well described in the opinion expressed by the Commission regarding Tirana's candidature in November 2010.

21. *Turkey 2012 Progress Report*, Commission staff working document, SWD(2012)336 final, Brussels, 10 October 2012, 94p.

22. The enlargement of the EU in 2004 entailed the extension of the EU-Turkey customs union to the new members via a protocol which Turkey signed in order to get membership talks going, but it refused to apply it to Cyprus.

23. Jean-François Drevet, Aziliz Gouez and Andreas Theophanous, « Cyprus and the EU: Appraisal and Challenges », *Policy Paper No 58, Notre Europe - Jacques Delors Institute*, 19 September 2012

24. The negotiation mandate drafted by the Council in 2005 demands "Turkey's unequivocal commitment to good neighbourly relations and its undertaking to resolve any outstanding border disputes in conformity with the principle of peaceful settlement of disputes in accordance with the United Nations Charter, including if necessary jurisdiction of the International Court of Justice [in The Hague]."

far forward²⁵. But Turkey continues to hope that it can achieve membership on its own terms by taking advantage of the EU's weaknesses and thanks to the pressure being brought to bear by the United States.

It is necessary to explore the potential development of relations between the EU and Turkey irrespective of membership negotiations²⁶.

In the short term, the party in power in Ankara²⁷ has adopted positions whose compatibility with peaceful relations with the EU is difficult to maintain. Like Russia, it tends to use its "ability to cause damage" by opposing the EU in the context of North-Atlantic treaty organisation (NATO), or by obstructing the struggle against Iran's nuclear programme (through failure to implement sanctions, or attempts to circumvent them²⁸). Its new, neo-Ottoman and pan-Islamic foreign policy has little in common with the EU's foreign policy. As long as the AKP enjoys a solid majority in the National Assembly and favourable economic circumstances, without mentioning Washington's somewhat naive backing²⁹, it will continue to pursue its current course. Perceived as an organisation in decline, the EU, which does not have the means to apply the same kind of pressure as the United States, cannot hope to achieve a great deal unless some major shock in the region, such as, for instance, a showdown with Iran, prompts Ankara to seek a lasting and sustainable rapprochement with the Western camp.

In the medium and longer term, it is worth reflecting on the position that it would occupy in the context of increased cooperation in the EUROMED group.

Without forgoing sometimes brutal confrontation and always showing little inclination to agree to compromise, Turkey has radically modified its foreign policy. The military, who steered that policy for so long, proved incapable of shedding the obsession with security of a member country in the NATO chain, reassured by the support of a powerful if distant ally yet poorly integrated in its own neighbourhood. Ahmet Davutoğlu³⁰ wishes to replace that policy by setting the country squarely in its real geopolitical context, that of a Eurasian country in contact with several regional groups rich in potential novelty: central Asia, the Mediterranean and the Near East, not just Europe. But the fact that this policy is being poorly implemented and is still a long way from achieving the "zero problems with our neighbours" evinced in its motto, or the fact that Turkey has taken sides in clashes (between Israel and its Arab neighbours, or between Azerbaijan and Armenia) rather than adopting a mediator's stance, does not mean that its fundamentals are mistaken. Turkey's recent trade diversification is there to show us that it has massive potential³¹.

Above and beyond the membership negotiation disputes, Turkey has no more calling than Russia to align (as it is currently being asked to do) with a European political construction that works on the basis of a different rationale. The seemingly generous but actually very Eurocentric idea of turning it into an outpost of democracy in the troubled regions of western or central Asia rests largely on an illusion. However much the EU may need them, there is no reason why Turkey should offer it its services in the steppes of the Aral-Caspian basin or on the shores of the Black Sea.

Just like any other country, Turkey needs to integrate into its geographical environment, which is not about to function the way the EU functions. So Turkey has to surf its way between unstable and potentially dangerous countries. It also has a few good reasons for entertaining priority relations with some of those countries, not because of any hypothetical Muslim solidarity but on the basis of its needs, especially of its energy deficit and of its belonging to the Mesopotamian hydraulic basin, which is currently the source of violent clashes but which has within it the seeds of new solidarity if only people prove capable of optimising it.

Thus Ankara has numerous reasons for sharing the same kind of ties with the EU that Moscow has, with Islam in addition, if its foreign policy proves lasting. The Turkish market is going to become increasingly interesting for the EU, but the country's foreign policy remains divergent and even at odds with the EU's.

25. Right now the spotlight is on regional policy, which is not going to make much progress. The regulations that are going to be adopted for the period stretching from 2014 to 2020 will not be applicable in Turkey unless it joins before 2020.

26. Elvire Fabry, « Desperately looking for more EU-Turkey geo-political and geo-economic cooperation », *Policy Paper No 62, Notre Europe - Jacques Delors Institute*, 31 January 2013

27. AKP, Adalet ve Kalkınma Partisi (Justice and Development Party).

28. "Ankara et le pétrole iranien" (*Le Monde*, 25 October 2012, page 5.)

29. Instead of bringing pressure to bear on Israel to stop building settlements, the Obama administration chose to force Jerusalem to apologise to Turkey for the Mavi Marmara episode.

30. Ahmet Davutoğlu, born in 1959, a diplomatic adviser to Erdoğan and now minister for foreign affairs since May 2009, is the author of *Stratejik Derinlik (Strategic Depth)*, published in 2001, in which he expounds the new foreign policy that he is implementing.

31. Turkish exports to MENA countries (Middle East & North Africa, including Israel) have shot up from 8% in the early 2000s to 26 percent of the overall figure in 2009.

We may as well take this reality on board and establish the kind of ties with Turkey that are in both parties' interests:

- The customs union dynamic has proven to be mutually beneficial, so why not move towards a deepening of that union through the adoption of the single market rules suited to it in order to accompany the deregulation of the Turkish economy, thus offering both parties fresh opportunities for growth?
- That way the EU would be better placed to demand and possibly to win a little more respect for international law, for instance the normalisation of its ongoing conflict with the Greek-speaking world. Turkey will soon be sufficiently developed to realise that it has nothing to gain from remaining in Cyprus and for rejecting the arbitration of the International court in The Hague regarding the settling of maritime borders in the Aegean Sea.

When all is said and done, as Russia has fully understood, a country with different goals has nothing to gain from tying its own hands by pledging to implement policies that are not to its advantage. Nor is it in Europe's interest to offer a seat on the Council to a country that will never agree with the others and that will shun "the exercise of pooled sovereignty".

Boosting cooperation with Ankara³² - "play nice with Turkey"³³ - is a recommendation from Washington that has rarely produced dividends. Associating Turkey to inter-Mediterranean cooperation when the member states already fail to agree among themselves as it is, does not seem to be a good way of making the process more effective, insofar as the Arab countries accept it. Above and beyond all the anti-Israeli rhetoric, Turkey's foreign policy both there and elsewhere has not produced solutions for the neighbourhood's concrete problems, as we have already seen in connection with sharing the waters of the Tigris and the Euphrates.

In view of the promise of membership, it is difficult today to pursue this path in an explicit manner. A "privileged partnership" or anything resembling it stands a good chance of being officially rejected, even though it is what is de facto being practised because it is better suited to both parties' interests.

3. The European neighbourhood policy (ENP)

Article 8§1 in the Treaty of Lisbon states that "the Union shall develop a special relationship with neighbouring countries, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation"³⁴. It sets the neighbourhood policy on the same level as common policies and roots it in "the Union's values".

Given that the treaty, which came into force in 2009, came after the implementation of the ENP (which dates back to 2003), the ENP's results cover a decade. Do they meet initial aspirations? Judged to be excessively eurocentric and defensive, could the ENP be underperforming?³⁵

3.1. An alternative to enlargement

Until the late 1980s the European community did not take much of an interest in its neighbourhood. To the east, the existence of the Iron Curtain restricted relations to priority commercial treatment for East Germany and an embryonic form of cooperation with Yugoslavia. To the south, Brussels had forged association agreements in the 1970s in an effort to "Europeanise" the customs privileges that certain member states allowed their former colonies and to provide financial aid for the SEMCs³⁶.

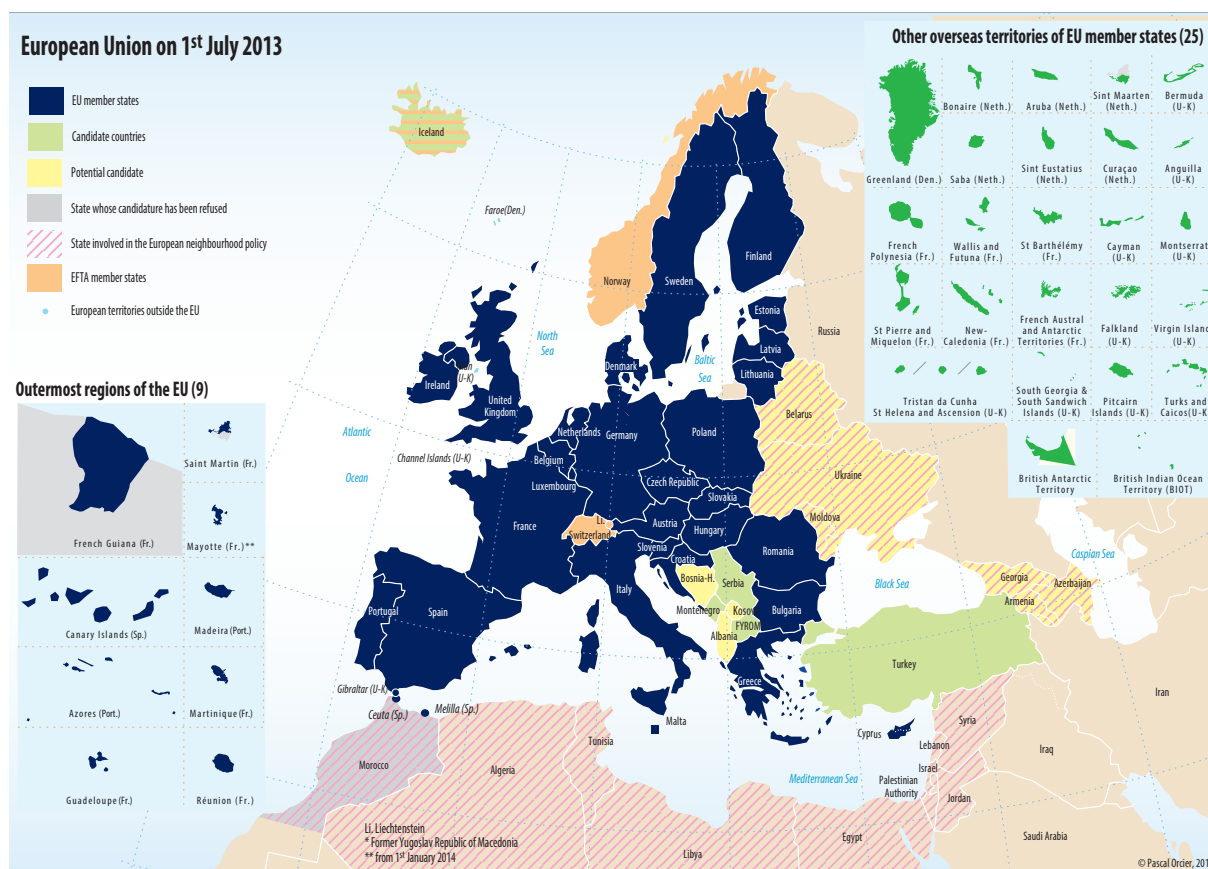
32. Adam Balcer, "The EU and Turkey in the Southern Neighbourhood: a new opening?", *Policy Paper No. 72, Notre Europe - Jacques Delors Institute*, 19 February 2013, 6p.

33. According to an article by James Kanter in the *New York Times* on 27 March 2013.

34. Christophe Hillion, "The EU Neighbourhood Competence Under Article 8 TEU", *Policy Paper No. 69, Notre Europe - Jacques Delors Institute*, 19 February 2013, 7p.

35. Michele Comelli, "Potential and Limits of EU Policies in the Neighbourhood", *Policy Paper No. 68, Notre Europe - Jacques Delors Institute*, 19 February 2013, 5p.

36. South and East Mediterranean Countries (SEMC), currently: Morocco, Algeria, Tunisia, Libya, Egypt, Jordan, Israel, the Palestinian Authority, Lebanon and Syria.



Source: Pascal Orcier

In the 1990s, following the fall of the Berlin Wall, relations developed in a context dominated by preparations for enlargement. To the east, the EU signed partnership agreements (former USSR) and stabilisation agreements (for the Balkans), and it developed assistance programmes such as PHARE, before it became a pre-membership tool, and TACIS for the former Soviet republics³⁷. To the south, it made an effort to bring its ties with the SEMCs up to date in the context of the Barcelona process starting in 1995.

By late 2002 a membership treaty was ready to be signed with ten future member states (Romania and Bulgaria were on the slate for 2007). The EU expected a new wave of candidatures, which would come in addition to those pending for Turkey and the western Balkans, in other words another enlargement of a magnitude comparable with the previous one. It decided to offer its neighbourhood countries³⁸ a model for rapprochement that would allow it to postpone, not to say discourage, new applications.

Devised by a team that had just spent seven years preparing memberships for 2004-2007, the ENP in its initial configuration thus bore a close resemblance to enlargement policy. It was very eurocentric: in encouraging “political association and economic integration”, the EU set an ideal European state both in terms of its values and in terms of its political and economic governance as the model towards which to aspire. This entailed political conditions: just like with candidate countries, so here, too, ties with the EU were pegged to the requirements of democracy. And lastly, it was focused on the adoption of the *acquis*, providing for the “export” of European legislation, particularly in the single market sphere, regardless of what may have been necessary to achieve economic rapprochement.

37. The USSR comprised fifteen federated republics. All of them except for the Baltic countries became eligible for the TACIS programme, along with Mongolia.

38. Sixteen countries: the six countries in the Eastern Partnership (Belarus, Ukraine and Moldova, with Georgia, Armenia and Azerbaijan coming on board at a later stage) plus the ten SEMC countries.

As Romano Prodi put it, it was “everything short of membership proper”. The advantage for the EU was that it did not have to brace itself for a new wave of memberships. Instead, it offered all of its neighbours – both those that could join and all the others – a pattern for rapprochement by opening up priority access in its “own backyard”, albeit without many benefits in trade terms (the opening up of the Community market had already been largely achieved) or in budgetary terms (there was no additional endowment). Furthermore, there was no question of the free movement of people, a sensitive issue on both sides of the fence.

This offered those wishing to apply for membership a chance to set out on that path, even though the final goal had not yet been specified. For the others it was adoption of an “à la carte” menu allowing them to cooperate with the EU on issues of shared interest in accordance with their needs.

3.2. Assessing a decade: ambitions and results

The machinery launched in 2003 has produced its share of strategic documents and action plans. While it is not easy to gauge the added value that it has brought to the “business as usual” of prior accords and financial tools set up beforehand, it has prompted a fairly deep-seated change in the practices initiated by the partnership and association agreements.

It has been amended on several occasions, particularly to accommodate the new context created by the Arab spring. In 2011 the EU devised the principle of “more for more”, in other words more democracy and more Community support, to counterbalance the principle of “less for less” adopted with such dictatorial countries as Belarus or even Syria. Also, the context has changed both within the EU, which is rocked by an economic crisis and by currency storms, and on its external borders where it has come up against new competition. Many observers think as a result of this that the ENP requires an in-depth reassessment.

Apart from the plethora of meetings, which keep the rotating presidencies happy, and from the involvement of the EU’s new external action service, how can we assess the policy’s results, especially with regard to the bolstering of cooperation and to the solution of conflicts?

In March 2013³⁹ the Commission conducted an assessment whose main – political, economic, migration-linked and budgetary – elements we shall analyse here. Analyses of specific sectors will be discussed in the final chapter.

As happened when enlargement was being prepared, so here too the “democratic requirement” was written into the ENP documents and more clearly highlighted in 2011, to the point where it became a non-negotiable aspect of bolstering relations.

Having achieved compliance with political criteria in the central European candidate countries without too much difficulty, and confident that democracy could be extended beyond its own borders, the EU proved very optimistic. But the result has not been equal to expectations. Only some of the ENP countries are moving in this direction. Results are fragile and occasionally even reversible, including for Israel, the only fully-fledged democracy, yet it is criticised for its performance in the occupied territories. Even though it is couched in diplomatic terms, the 2013 report highlights an “increasing divergence in democratic reform in the neighbourhood”.

In assessments conducted by independent organisations, the ENP countries are not very well placed. Their democracy index places them in the lower half of the rating table (nine countries out of sixteen are below average), while where corruption is concerned the gap is even wider, with a number of pupils performing very poorly indeed both in the east and in the south (Azerbaijan, Ukraine, Libya and Syria).

³⁹ European Commission and High Representative of the European Union for Foreign Affairs and Security Policy, European Neighbourhood Policy: Working towards a Stronger Partnership, JOIN(2013) 4 final, Brussels, 20 March 2013, 22p.

Table 1: a lower than average democratic performance

BY COUNTRY	DEMOCRACY INDEX 2012 ⁱ		CORRUPTION INDEX 2012 ⁱⁱ	
	RANK	SCORE	RANK	SCORE
Morocco	115	4.07	88	37
Algeria	118	3.83	105	34
Tunisia	90	5.67	75	41
Libya	95	5.15	160	21
Egypt	109	4.56	118	32
Jordan	121	3.76	58	48
Israel	37	7.53	39	60
Palestine	103	4.80		
Lebanon	99	5.05	128	30
Syria	164	1.63	144	26
Azerbaijan	139	3.15	139	27
Armenia	114	4.09	105	34
Georgia	93	5.53	51	52
Ukraine	80	5.91	144	26
Moldova	67	6.32	94	36
Belarus	141	3.04	123	31

i. Economic Intelligence Unit, *Democracy Index 2012* (classification of 167 countries, rating from 0 to 10).

ii. Transparency International, *Corruption in the Public Sector in 2012* (classification of 176 countries, rating from 0 to 100).

Sources: EIU and Transparency international

The EU has put on a brave face: in practice, the Wilsonian idealism of the ENP has had to give way to realism in best Metternich style. Faced with countries in supplicant mode, as the candidates were, it was easy to put forward the Copenhagen criteria, but when the EU itself is in a position of energy dependency, when it needs its neighbours to fight illegal immigration, organised crime or terrorism, it has to adopt a less demanding stance. Following the 11 September attacks and their repetition in Madrid and in London, it proved necessary to turn a blind eye to the repressive laws adopted in the SEMCs and to the conduct of governments using the struggle against terrorism to consolidate their own power.

The revision of 2013 pleads in favour of Community support for civil society in an effort to circumvent the reticence of the governments involved, which view this approach with mistrust, not to say with downright hostility. Thus the EU has boosted its contacts with the NGOs operating in Belarus and in Ukraine, and it would like to develop them also in the SEMCs, where it is even more difficult to do so.

Compared to the United States, which can now cooperate with a Latin America that has become almost completely democratic⁴⁰, Europe's situation is not very comfortable and it is going to remain uncomfortable until democracy has put down strong and lasting roots in at least half a dozen of its neighbourhood countries.

One might have hoped that the ENP would allow the EU to wield additional influence in the solution of the (ongoing or frozen) conflicts in the neighbourhood which continue to rock a number of eligible countries. Yet there too, results fall way below expectations. Hopes of creating "a ring of friends" have not materialised. While the eligible countries agree to meet in multilateral forums where they take part willy-nilly in certain common operations (as in cooperation in the Black Sea or Mediterranean basins), that does not mean that bilateral antagonism has lost any of its virulence.

40. A development which Washington has not always encouraged, especially not during the Cold War.

While the EU managed to curb the impact of Transnistrian secession, it was not able to do much for Georgia at the time of its clash with Russia in the summer of 2008, or indeed to prevent the infrastructures that it had funded from being destroyed by Israel in the course of Operation Cast Lead in Gaza. But how can we possibly hope to achieve a solution in the Caucasus when the EU cannot even ensure compliance with international law on its own soil, as in northern Cyprus?

Where trade as a whole is concerned, EU trade with countries eligible for the ENP does not amount to much (6.8%), but it builds up large surpluses (22 billion euro in the first ten months of 2012).

Ten of the sixteen ENP countries have joined the World Trade Organisation (WTO), while the others⁴¹ enjoy observer status and are not yet ready to move into full membership. Protection levels in the SEMCs are still high, to say nothing of the multitude of non-tariff hurdles. The situation is more favourable in the Eastern Partnership countries, where protection levels are below 10% (EU average: 5.3% in 2011).

It is in the common interest to step up trade, particularly for the EU which is more open than its partners. After turning into an advocate of free trade, Brussels has made the export of its single market rules a crucial element in its agenda. In both cases, however, results have not been equal to expectations⁴².

Back in 1995, the SEMCs were proposed free trade by 2010 in the context of the Barcelona process, based on “customs disarmament” (WTO minus) for manufactured goods along with the maintenance of most of the protection for farming, with the existing preferential arrangement for the SEMCs. Only four Arab countries (Egypt, Jordan, Tunisia and Morocco) agreed to rise to the challenge by signing an agreement in Agadir in 2004, but that agreement covered only 4% of their trade. The deregulation trend comes up against numerous political and administrative hurdles: customs duty is a major source of revenue for national budgets and it generates unearned income for certain influential circles.

Table 2: ENP countries' ranking in international competitiveness

NEIGHBOURHOOD COUNTRY	STATUS AND DATE OF WTO MEMBERSHIP	DUTY APPLIED 2011 ⁱ	COMPETITIVITY INDEX 2012 ⁱⁱ	
		%	RANK	SCORE
Morocco	1995	14,3	70	4,15
Algeria	observer	18,6	110	3,72
Tunisia	1995	16,0		
Libya	observer		113	3,68
Egypt	1995	16,8	107	3,73
Jordan	2000	10,0	64	4,23
Israel	1995		26	5,02
Palestine	Israeli customs regime			
Lebanon	observer	6,3	91	3,88
Syria	observer			
Azerbaijan	observer	9,0	46	4,41
Armenia	2003		82	4,02
Georgia	2000	1,5	77	4,07
Ukraine	2008	4,5	73	4,14
Moldova	2001	4,6	87	3,94
Belarus	observer	9,8		

i. WTO, *World Trade Report 2012* (average duty applied in 2011).

ii. World Economic Forum, *The Global Competitiveness Index 2012-2013* (classification of 144 countries, rating from 1 to 7).

Sources: WTO and World Economic Forum

41. Algeria, Azerbaijan, Belarus, Lebanon, Libya and Syria.

42. Iana Dreyer, “Trade Policy in the EU’s Neighbourhood. Ways Forward for the Deep and Comprehensive Free Trade Agreements”, *Studies and Reports n° 90, Notre Europe*, May 2012, 70p.

In proposing a deeper and more comprehensive free trade area (DCFTA : Deep comprehensive free trade area) to the countries in the Eastern Partnership in 2009, and then to the SEMCs that had signed the Agadir agreement in 2011, the EU recognised that adoption of the single market rules is an unattainable goal and that it may even run counter to the interests of numerous countries in the ENP to adopt them. The aim now is to pursue the elimination of customs duty on both sides (thus basically in the SEMCs), to simplify the management of the rules of origins (which have proved a major obstacle to the liberalisation of trade) and to lift other non-tariff barriers. The EU also wants improved protection for investments and to see the start of deregulation in the service industry in its partner countries. On the other hand, there is still no talk either of total deregulation in agricultural trade or of the free movement of labour.

The concrete achievement of a genuine deregulation of trade demands major reforms that the countries in the neighbourhood, which are well aware of their economies' weaknesses, are not ready to implement any time soon. As we can see from what are in effect the fairly indulgent competitiveness indices shown above, their full inclusion in the globalisation process is still a fairly remote goal.

The issue of migration⁴³, for its part, lies at a particularly sensitive internal and external common policy crossroads. In falling into line with its members' restrictive stances, the EU has found itself having to cope with growing pressure on its external borders, which it has countered by modernising border monitoring. Given that a successful migration policy relies also on the goodwill of neighbouring countries, Brussels has signed readmission agreements in an effort to compel those countries to take back those illegal migrants who have transited through their territory. In return, it has agreed to raise the visa quotas offered to them. Three agreements have been signed with ENP countries (Georgia, Moldova and Ukraine) while another five are currently under negotiation (Azerbaijan, Algeria, Armenia, Belarus and Morocco). This compromise, which has increased the effectiveness of the bodies tasked with monitoring the external borders (the FRONTEX Agency), has come in for a great deal of criticism. Since 2011 the Commission has been supporting a global approach which the third countries consider to be still too defensive.

The EU's migrant policy should reflect the medium- and long-term requirements both of the EU and of its immediate surroundings rather than reflecting the short-term concerns of its national interior ministers. But having said that, as long as migrant integration policies which are the province of member states are insufficiently effective, it will be difficult to make any progress because the migrant stock on Europe's perimeter does not offer it the same facilities as Latin America does for the United States.

Over the period stretching from 2007 to 2012, the EU allocated some 10.5 billion euro in financial aid to the sixteen countries eligible for the ENP, in other words approximately €5.00 per inhabitant per year, which is not a great deal more than had been earmarked over the period stretching from 2000 to 2006. The differences in funding per country are due to political priorities (Palestine received €85.00 per inhabitant per year), to absorption capacity (Algeria stands at €1.50 per inhabitant per year) and to differences in the standard of living (Israel only gets €0.24 per inhabitant per year on account of its level of development). The SEMCs appear to receive more than the countries in the Eastern Partnership (€4.8 as opposed to €4.4 per inhabitant per year), but without Palestine we find the south enjoying less favourable treatment than the east (€3.2 as opposed to €4.4 per inhabitant per year) which was true also back in 2000 to 2006.

According to the OECD's Development assistance committee (DAC), in 2010 to 2011 the EU paid 18.6 percent of the aid allocated to the countries in the ENP, or half if we add member states' contributions. The United States provides just under a quarter (23.6%) and the Arab funds only 12.7%. They only hold first place in Egypt, but their contributions, which do not meet OECD criteria, give them an important role in Muslim countries and they give nothing to other country.

43. Sergio Carrera, Joanna Parkin and Leonhard den Hertog, "EU Migration Policy After the Arab Spring, the Pitfalls of Home Affairs Diplomacy", Policy Paper No. 74, Notre Europe - Jacques Delors Institute, 26 February 2013.

European aid appears to have the most strings attached: the Arab funds⁴⁴, Turkey⁴⁵ and China do not bother with democratic criteria. Thus Brussels' offer of "more for more" does not place too high a price tag on democracy: the additional aid for the most deserving countries is worth approximately 10% by comparison with the quotas per inhabitant and per year mentioned above.

3.3. Preponderance of bilateral relations

“ BRUSSELS' OFFER OF 'MORE FOR MORE' DOES NOT PLACE TOO HIGH A PRICE TAG ON DEMOCRACY”

As in the Barcelona process, the EU has been keen to impart method to its approach and to "multilateralise" its relations by grouping its partners together, though they themselves are not in favour: the countries in the Eastern Partnership feel no nostalgia for the days of the USSR and the Arab League experience bears witness to the SEMCs' reluctance to subscribe to even a modicum of coordination. Moreover, many neighbourhood relations between the peripheral countries are fairly tense, which has an impact on multi-lateral cooperation.

Each country is eager to pursue its own path with Brussels, in a line of continuity with what has been done to date, mistrusting the others whom they see as competitors or indeed out-and-out rivals. Thus appeals for a boost to trade among eligible countries, appeals to forge a Euro-Mediterranean free trade area in 2010, have fallen on deaf ears, as has the "Greater Arab free trade area" initially planned for 2015.

The EU enjoys a variable power of attraction. While a majority of the Maghreb's trade is with the EU, the same is not true of the Near East. The countries in the Eastern Partnership are likewise geared towards Brussels on account of the weight carried by Russia and of competition from the Asian countries. Thus a preferential relationship with the EU does not have the same degree of importance for all ENP countries. While it is crucial for the Maghreb and important for the Eastern Partnership countries, it is of only secondary importance for the Mashrek.

3.3.1. The ENP and the South: from "Arab spring" to "Islamist winter"?

Relations between the two shores of the Mediterranean have rested on an implicit compromise since the end of the colonial era. In the face of permanent breaches of democracy and human rights, Europe has made do with voicing harmless criticism. In return, the Arab countries have conducted moderate foreign policies and have not been too reluctant to do their northern neighbours favours in the struggle against terrorism. Only Libya adopted a more confrontational stance, before settling down following the punishment inflicted on it by Washington in 1986. Since the end of the Cold War even the more militant countries have remained calm, despite Israel's provocations in the occupied territories and despite US operations in Iraq.

The EU had only limited room for manoeuvre in this context. From Edgard Pisani's global Mediterranean policy in the 1980s to the Barcelona agreements in 1995, it resigned itself to being unable to "multilateralise" inter-Mediterranean relations. And like everybody else, the EU was caught napping by the Arab spring and its slide towards what certain observers are already calling an "Islamist winter".

Labouring under the illusion of enjoying an "Arab-Muslim exception" offering a specific pathway towards modernity, the difficulty in keeping politics separate from religion is keeping society pegged to a traditionalist and conservative vision⁴⁶. In countries which have only a very limited experience of democracy⁴⁷, it is hardly surprising that the electorate gives a large part of its votes to authoritarian political parties. The more

44. The conditionality of certain Arab funds is based on religious criteria.

45. In 2010-2011, Turkey went from being a net receiver of ODA (\$1.047 million received in 2010, \$0.839 trillion in 2011) to being a net contributor (\$0.967 million in 2010, \$1.273 million in 2011 (Source: OECD, *DAC Statistics*).

46. As confirmed by several opinion polls, in particular a poll published by *Le Monde* on 16 November 2011 in an article entitled "The Origins of the Islamists' Popularity in Egypt".

47. Haizam Amirah Fernández and Timo Behr, "The Missing Spring in the EU's Mediterranean Policies", *Policy Paper No. 70, Notre Europe - Jacques Delors Institute*, 19 February 2013, 6p.

social indicators hover at a worryingly low level the more this trend seems to take root, as shown by the Arab countries' low ratings in the Human development index, particularly with regard to adult literacy. Qualitative analyses conducted by the UNDP on education systems reveal flaws in their performance, more especially in countries where they are in the hands of religious organisations. The more discrimination there is in a system (particularly against women), the lower the income and quality levels of a major part of the population.

It is also necessary to consider the fundamentalist propaganda funded by Iran and the oil monarchies in the Arabian-Persian Gulf, peddling a formalistic and intolerant political and religious position. The development of authoritarian, not to say totalitarian, Islamist regimes is a worrying trend, although it is by no means a foregone conclusion that they will triumph. Also, given that they are unable to intervene on the economic fundamentals, it is tempting for the new leaders to engage in religious activism in order to bolster their power while concealing the scantiness of their achievements.

As the Communist regimes have shown, ideological management of the economy is not very effective in the long term. If the fundamentalist regimes in Iran and in Saudi Arabia have managed to survive, it is only thanks to their oil revenue. In Tunisia, in Morocco and in Egypt, where there is not enough oil to fund the luxury of fundamentalism, the Islamists, who have not shown undisputable technical competence, will not have many resources to address the recurring problems of structural unemployment and the poor quality of public services. In a few years' time, if the disenchanted masses still have the means to voice their opinion, they may well vote for government teams less concerned about their dress code and more about their well-being.

Faced with this unpredictable development, the EU does not have a great deal of room for choice. Voices have been raised in Europe, and especially in the United States, advising the SEMCs to seek their "source of inspiration" in Turkey, which they claim is managing to combine religion with democracy to advantage⁴⁸. These illusions having been dispelled (as they have indeed just been dispelled in Egypt), there is no choice left but to judge these regimes on the basis of their real performance, as the Commission does in its annual reports on candidate countries, and to adjust Europe's policies on that basis.

In the field of foreign policy, the new political context is not automatically going to stabilise inter-Mediterranean relations. As we can see right now in Turkey, the Islamist parties also have international goals and are encouraged to fulfil them by a large part of the population. Even though it has been misused for more than six decades, anti-Israeli and anti-Western rhetoric still seems to be a good diversion. While the new governments seem more inclined to deregulate their economies than their predecessors, why should they display any zeal, for instance, in helping the EU in its struggle against illegal immigration?

If the EU wishes to entertain priority inter-Mediterranean relations with the SEMCs, it also needs to take fairly active competition into account. As long as the Cold War was on, its intervention was welcome, not to say sought after, in order to allow the SEMCs to allay the pressure being brought to bear by the two superpowers. The game is little more complex today. After excessive interventionism, Washington is now tempted to fall back. Beijing offers aid with no political strings attached, and the regional players have gained in importance, especially the oil monarchies which have learnt to use their cheque books more effectively.

Europe is fairly weak in the face of these countries. Its trade advantage is declining, its financial aid modest and in the event of a serious crisis, which is far from unlikely, its military resources will not be equal to the stakes involved.

As in the past, a pragmatic country-by-country approach should continue to dominate. The EU will cooperate on the basis of its own interests and of its partners' political and economic performance, and to the extent that

⁴⁸. The uprisings in spring 2013 have proved the value of these analyses, but in any case there was no lack of pointers: in domestic policy with the imprisonment of a certain number of journalists, and in foreign policy with the outrageous results of the "zero problems with the neighbours" objective.

it means allow it to cooperate, and that rules out a policy of any breadth, especially in the Middle East, which as things stand today is only partly covered by the ENP's sphere of action⁴⁹.

3.3.2. The ENP and the East: the uncertainties of the Eastern Partnership⁵⁰

If the candidate countries of central Europe represented a new sphere of action for the EU as it prepared for enlargement, this has been even truer of the former Soviet republics. After the TACIS experience, it was only natural that the ENP should focus on the six European countries, including those in the Caucasus, that had not been included in the initial project. The Commission's concern to maintain an even keel between the eastern and southern peripheral areas and the pressure brought to bear by successive rotating presidencies fostered the birth of an "Eastern Partnership".

Negotiations over a new association model got under way in 2007 with Ukraine, which joined the WTO in 2008 and is now gearing up for the DCFTA. The agreement will be signed as soon as Kiev has met the political conditions attached. Since the "Orange revolution", however, things have been taking something of an arbitrary turn, as shown by the verdicts issued by the European Court of Human Rights (ECHR)⁵¹. Moldova, over half of whose trade is with the EU, will be next. With the countries of the southern Caucasus, on the other hand, less progress has been made. Armenia is the only country on track for the DCFTA and for negotiating an association agreement. Another trump card in the Eastern Partnership countries' hand is their relative lack of migratory pressure, which has made it possible to put in place a more relaxed visa policy with all of them except for Belarus.

At the start of the transition period these countries seemed likely to be gradually heading down the path towards democracy. Those hopes now appear to have been dashed. Not only are performances not comparable but progress is actually reversible.

It is quite simply nonexistent in Belarus, where the local autocrat continues to run a fully-fledged post-Stalinist museum, or in Azerbaijan where the team put in place in the Soviet era is still in power, the father having been succeeded by his son. In Ukraine and in Georgia the revolutions which removed the post-Soviet dignitaries in 2004 have not fulfilled their promise. And Moldova and Armenia have followed undulating paths with occasional, specific improvements. According to analyses conducted by NGOs in the spheres of democracy and corruption, deep-seated reforms are still required in order to achieve standards compatible with the practices in force in the EU.

The countries in the Eastern Partnership are more sensitive than the SEMCs to pressure from Europe because they are also members of the Council of Europe⁵² and potentially eligible for membership. Having accepted the jurisdiction of the ECHR, they have to pay heed to its views, which form the basis on which the Commission calibrates its policy. Some of them (particularly Moldova and Ukraine) would like to be conceded a "European perspective" and they are prepared to make an effort to achieve that end. And lastly, the state of local public opinion is not comparable. Other than in Azerbaijan, a large part of the population wishes to pursue the trail blazed by the countries of central Europe.

The trouble is that the countries in the Eastern Partnership are still labouring under a Brezhnevian-style "limited sovereignty" regime. Unlike the SEMCs, they have only recently joined the international community. Not only were they once part of the USSR, but even before that they were provinces in the Czarist empire⁵³. Their existence as nations, sometimes stretching back into the mists of time, was therefore long denied them, and

49. In defining countries eligible for the ENP, the EU followed the borders of the Roman Empire. Egypt and the countries of the Levant are considered to be "in the neighbourhood" while Iraq and the Gulf countries are not, even though they belong to the same geopolitical grouping.

50. Lucia Najšlová, Věra Řiháčková and Olga Shumylo-Tapiolan "The EU in the East: too ambitious in rhetoric, too unfocused in action", *Policy Paper No. 71, Notre Europe – Jacques Delors Institute*, 19 February 2013, 7p.

51. Ukraine was a front-runner in 2011 with 105 convictions, third after Turkey (with 159) and Russia (with 121).

52. Apart from Belarus.

53. Annexed to the empire in the 17th and 18th centuries (most of Ukraine and of Belarus), in 1801 (Georgia), in 1805-1806 (Azerbaijan), in 1812 (Moldova) and in 1828 (Armenia).

their territory was completely isolated from the rest of the world. Like the countries of central Asia, they still lack the ability to take up their geopolitical positions.

Russia, which adopted an accommodating stance over the Baltic countries, has decided not to allow these countries to shake off its “guardianship” and it has shown that it has the means to enforce that policy. Even though it is not devoid of economic weapons such as the gas supply blackmail exercised by Gazprom, it wields its influence primarily by the anachronistic method of military occupation (in the secessionist republics of Transnistria, Abkhazia and South Ossetia) and, on occasion, by stationing armed forces in them (in Ukraine with the Black Sea fleet, or in Armenia with air bases). It is keeping “frozen conflicts” alive that date back to the collapse of the USSR and it seeks to dominate the Russian-speaking minorities (which are substantial in the Crimea and in the eastern part of Ukraine) and the peoples that evince solidarity with them. Over the past few years Moscow has done everything in its power to obstruct the deregulation of the economy and progress towards democracy.

Its efforts to create new organisations designed to bring together the former Soviet republics, on the other hand, have enjoyed only limited success. The Community of independent states (CIS) has remained an empty shell, with 173 agreements signed but only eight of them implemented between 1992 and 2001. The structures succeeding it are not particularly active either. The Eurasian economic community founded in 2000 has attracted only three countries from the Eastern Partnership, and then only with observer status (Armenia, Moldova and Ukraine). Only Belarus, which has signed a large number of agreements with Moscow, is a fully paid-up member. Pressure brought to bear on Ukraine to follow in its footsteps has achieved nothing, on account of its incompatibility with the country’s rapprochement with the EU. Similarly, the Collective security treaty organisation (CSTC) set up in 2002 to face down NATO has been joined by only two countries in the Eastern Partnership, Belarus and Armenia, which in any event had little choice in the matter. Apart from Belarus, and despite their weaknesses, the countries in the Eastern Partnership refuse to plummet back into Russia’s exclusive orbit, or into a “Slav union” that would be tantamount to the same thing, because they may be Russia’s “near abroad” but they are also the EU’s.

For the EU, rapprochement with the Eastern Partnership countries is also a factor in the vast field of potential cooperation with Russia. Russia, which did not wish to be included in the neighbourhood policy (ENP), forges its privileged ties with the EU in the context of a strategic partnership embracing four “common areas”: the economy; freedom, security and justice; external security; and research, education and culture. It has a tremendous need for modernisation, it does not real pose a migration risk, and it can sell Europe all the energy it requires. Despite the friction that one can detect with the Baltic countries over the issue of Kaliningrad, neighbourhood relations could have been trickier. The problem lies in Moscow’s lack of domestic democracy and in its imperialist illusions. In view of the importance of its demographic and economic problems, one might hope in the future to see a more cooperative Russia eager to forge stronger ties with the EU. For the time being, management of the Eastern Partnership countries will follow a different path and the people in those countries will be free to choose their own destiny.

If the new member states are eager to see some of the Eastern Partnerships join, it is primarily in order to widen the distance with Russia, in the wake of a bleak period in the continent’s history. And sure enough, it is a good idea to seek to “Europeanise” our eastern neighbour, often the source of threats: Franco-German reconciliation, Berlin’s support for Polish membership and Vienna’s support for Hungarian membership are all part of this rationale, and Warsaw is now embracing it with regard to Ukraine. Yet there is no compelling reason for setting the EU’s final border on a diagonal line stretching from the Gulf of Finland to the Sea of Azov rather than keeping it where it lies today. One can envisage Moldova in the EU, while question marks still hang over the Caucasus countries, but who would dare tell the Armenians that they are less European than the Turks?

3.4. A necessary, if unevenly successful, policy

If the aim of the ENP is to spare the EU a new wave of candidacies akin to those of the 1990s, it is reasonable to suggest that that aim has been achieved, although the standstill in enlargement has very different causes.

The rapprochement process, for its part, has made good progress with those countries interested in its doing so. Even though the menu was too ambitious, it has nonetheless built a mobilising framework which has allowed the ENP countries to extend the scope of their cooperation with Europe to embrace an increasing number of areas in the interests of both parties.

“THE ENP IS BY NO MEANS AN IDEAL TOOL, BUT IT DOES ALLOW THE EU TO HANDLE IN AN EVOLVING MANNER NEIGHBOURHOOD RELATIONS”

Yet there are certain inconsistencies which need to be overcome, such as defending the four fundamental freedoms while postponing the free movement of people indefinitely, or pushing for free trade as long as it applies only partially to agriculture. Nor is it a particularly generous policy: offering a mere €4.00 euro per inhabitant per year is not very responsible by comparison with the structural fund endowments available across the border in the EU’s most disadvantaged regions⁵⁴.

So the ENP is by no means an ideal tool, but it does allow the EU to handle in an evolving manner neighbourhood relations which are by their very nature evolving, in view of the importance of the political and social changes affecting those countries. It is also an appropriate framework for allowing eligible countries to take part in those common policies that it is in the two parties’ interest to implement outside the EU’s borders.

4. Common policies extend beyond the EU’s borders

4.1. The spillover

Even though they were initially devised to function solely within the EU, quite a few common policies have spilled outside that framework. Neighbouring countries’ opening up to trade and the minimisation of borders’ screening role in the 1990s allowed these policies to spill over outside the EU’s borders. This trend then really took off in the 2000s and it is fated to continue.

This is clearly the case regarding those policies that link Europe to the rest of world, such as trade and transport policies. The Commission’s role in international trade talks or the need to link European territory properly to that of its neighbours have given these policies a very substantial “external aspect”. The transport ministers have clearly demonstrated this development by extending the trans-European transport network pattern to the EUROMED as a whole⁵⁵.

Some policies have spilled over on account of the importance of the constraints involved: Europe’s dependence on imports for its hydrocarbons does not allow it to ignore the way the energy market is run at the global level. Similarly, the struggle against illegal immigration or organised crime is impossible in the absence of cooperation with third countries⁵⁶.

54. For the period stretching from 2007 to 2013, roughly €230.00 per inhabitant per year for regions eligible for the convergence objective and for the Cohesion Fund.

55. Adoption of a Euro-Mediterranean trans-European transport networks plan in Marrakesh in 2005.

56. Elvire Fabry (ed.), “Think Global, Act European IV. Thinking strategically about the EU’s external action”, *Studies & Reports No. 96, Notre Europe – Jacques Delors Institute*, April 2013, 311p.

Other policies have crossed the EU's borders spontaneously: in adopting an environment policy, and in then taking initiatives to combat climate change, the EU has established a framework which is of interest to its neighbouring countries, not to mention to the rest of the world.

Even regional policy, which is restricted to Community territory by its very nature, has found its way into neighbouring countries through cross-border and transnational cooperation programmes. Its methodological groundwork is of interest to the large overseas countries that have forged agreements with the EU for the exchange of experience.

Within the European Commission, the corresponding Directorates General have set up units tasked with tracking ties with third countries and the European External Action Service's job is to coordinate these various initiatives.

Lack of space has forced us to choose only one example, the EU's Integrated Maritime Policy (IMP), which demonstrates both the importance of coordinating common policies with one another and the crucial role played by their external aspect in gauging the effectiveness of European action.

4.2. Integrated maritime policy (IMP)

Established in 2007⁵⁷, this policy is designed to develop the maritime economy's growth potential and to ensure consistency between the sometimes divergent and even contradictory initiatives of the sectorial policies in an area that the EU has to share with numerous third countries.

It covers numerous aspects of Community action in the economic and environmental fields, ranging from coastal tourism to renewable energy from the oceans and from marine mineral resources to aquaculture and blue biotechnology.

Europe is very open onto the sea but it shares almost all of its maritime basins with third countries. This is the case in the Baltic, where Russia is an important though not always very accommodating partner. Thanks to an initiative fielded by the Nordic countries, a common approach to all countries giving onto this sea was adopted in the early 1990s, leading to the production of several reference documents⁵⁸ and common actions co-funded by the Community budgets for which they were eligible, in particular to safeguard an environment in serious jeopardy. In 2009 the Commission developed a "Baltic strategy"⁵⁹ with a view to coordinating common policies in the environmental, energy⁶⁰ and navigation fields.

The good example in the Baltic should serve also in the Mediterranean, where third countries are situated on the basin's southern and eastern shores and where there can be no maritime policy worthy of the name unless there is cooperation with them. A study published by the European Parliament⁶¹ reveals that the Mediterranean carries some 30% of all global traffic (and 25% of oil tanker traffic). It has recently become a producer of gas itself with the development of a gas field off the coast of Israel, soon to be followed by another close to Cyprus, thus on Community territory. Half of the EU's fishing fleet works this sea and its coast is especially threatened by pollution and climate change. While the political situation in the western basin is relatively stable, the same cannot be said of the eastern part (or of the Black Sea). Several countries giving onto the sea are at odds over the demarcation of their exclusive economic areas, and state control has recently diminished in a number of coastal areas, in Libya, in Syria and in Egypt. Even though there are numerous reference documents indicating

57. European Commission Progress Report on the EU'S Integrated Maritime Policy, COM (2012) 491 final, 11 September 2012.

58. *Vision and Strategies Around the Baltic Sea 2010*, Baltic Institute, Karlskrona 1994, 96p.

59. European Commission, *The EU Baltic Sea Region Strategy*, Brussels, 2009, 27p.

60. The Baltic handles the routing of a large part of Russia's hydrocarbons exports: North Stream for gas and shipping for oil, with the most serious consequences of potential oil spillages in winter when the sea is partly frozen over.

61. European Parliament, Directorate-General for External Policies of the Union, SEDE, *The Maritime Dimension of CSDP: Geostrategic Maritime Challenges and Their Implications for the European Union*, 2013, 110p.

the measures that need to be adopted in order to boost maritime security and to prevent natural risks⁶², cooperation is at an all-time low. Thus the impact of the efforts made on the northern shore to combat pollution and to safeguard coastal areas is partially undermined by the absence of similar measures on the sea's other shores.

Few examples are more indicative of the need for the EU to ensure that its common policy goals are shared with those third countries that share the same maritime space, and thus of the relevance of those policies' extension outside the EU's borders.

CONCLUSION

All of the above tends to demonstrate fairly clearly the artificial nature of any debate on borders, because the Union is the driving force behind a process of rapprochement among virtually all of the countries in the EUROMED group, and it has not yet reached cruising speed. The Europe of "concentric circles" evoked by Jacques Delors in the 1990s has become an undisputable fact.

The ENP, the first attempt at rationalisation, provides a crucial tool even if it addresses only a part of the complexity of the EU-peripheral areas issue with limited means, because the integration of such a heterogeneous group cannot be achieved within a single framework and it is not going to develop in a homogeneous fashion.

Things might have been otherwise had the construction of the Community maintained its initial unity. But the division into pillars that began in Maastricht, the thematic and geographic expansion of common policies, and the centrifugal conduct of those who either could not or did not wish to entertain new policies (the euro and Schengen in particular) have created differentiations stronger than originally envisaged. As a result, the tectonics of the divisions between the centre and the peripheral areas, which date back to well before the construction of Europe, have made a forceful comeback.

On the one hand, the separation of EU members into those in the euro area and those outside it has led to the creation of member states "a little more equal than others". If the "hard core" of euro area members adopts not only a single currency and a banking and fiscal union but also a strongly structured political organisation (including an external security and defence policy), the configuration of the group as a whole will change and the notion of neighbourhood will take on a different shape even if the EU does continue to exist in its current or a little changed format.

On the other hand, a vast "grey area" might take shape, in which those neighbourhood countries that have largely adopted the *acquis* will no longer be that distant from the least participatory member states. Today, for instance, Norway is not that distant from Denmark despite its refusal to join as against Denmark's partial integration. We might see an expansion of the European economic area (EEA), which would no longer be simply an annex for reluctant Nordic countries but a vast antechamber for a growing number of limited-participation countries, whether candidates to membership or not, or possibly even for former members (the United Kingdom?).

62. Guillaume Benoit and Aline Comeau, *Méditerranée, les perspectives du Plan Bleu sur l'environnement et le développement*, published by Éditions de l'Aube, Valbonne, 2005, 427p.

The EEA's current status (along with that of Switzerland) was configured with democratic countries in mind that did not wish to join while still hoping to benefit from or to hang onto access to the single market and prepared to pay the price. Things would be different with poor countries aiming to benefit from certain common policies (such as the Common agricultural policy (CAP) and structural policies) in return for opening up their markets. Thus adjustments would be necessary in order to offer such countries certain advantages (for instance, access to structural funds) and possibly also a method for coordination which would not force them to automatically implement Community law. Moreover, the decision should be reached to apply political conditionality properly, even if it does already exist in the ENP in principle.

The sixteen countries in the neighbourhood are not a homogeneous group, and even their differentiation into eastern and southern countries does not really do justice to their differences. Each country is bound to follow its own path dictated by its geopolitical position. In the wake of whatever is thrashed out with Russia, one might envisage Eastern Partnership countries drawing closer to the EU, for instance Moldova and maybe even a country in the Caucasus. The pattern is more difficult to envisage for the SEMCs in view of their low level of economic integration. There too, countries' conduct differs markedly: the Maghreb countries, most of whose trade is with the EU, have no alternative but to draw closer to the extent that their political and economic situation allows.

And finally, the neighbourhood can acquire new members, such as the Cape Verde Islands, whose democratic credentials are better than those of the countries currently eligible for the ENP. Their relevance to the EU's migration policy prompted the granting of a "special partnership" to them in November 2007.

In the third circle we will also find countries or groups of countries with alternative polarities to Europe which means that they also have to concern themselves with entertaining close relations with other groups.

Just as Canada does for the United States, so Russia presents considerable opportunities for the EU. It has the energy resources that Europe lacks, a declining population which lessens the migration risk, and huge but resolvable problems. While its geopolitical concerns are very different from Europe's, it does not have any basic issues with it. It is not a candidate to membership nor does it wish to become one, which makes it easier to put together an *ad hoc* cooperation framework.

Turkey does not offer the same opportunities. It has no energy surplus and it is a country with a "migration risk". Like Russia, it borders on several geostrategic areas, which puts its foreign policy on a different, not to say conflicting, course from the EU's. As things stand today, its integration would entail numerous neighbourhood clashes and it would place Europe's borders in direct contact with the Middle Eastern powder keg. Thus its membership process has become divisive and strewn with obstacles, nor does membership appear to be the right way to bolster its ties with the EU.

The Mashrek, where trade with the EU accounts for less than one-third of its trade, is cut in two by loyalty to the neighbourhood policy on the edges of the Roman Empire. Lying at the heart of the Ancient World, its natural calling is to entertain active relations with Africa of the Nile, with the countries of the Indian Ocean, with central Asia and with the Indian subcontinent as much as with Europe.

With these countries the Union must devise and implement specific pathways. Where the other countries on the EU's perimeter are concerned, the ENP can still serve as a framework to ensure the pursuit of rapprochement during the coming budget period, before making way for more suitable tools.

And lastly, we should not forget that the construction of Europe has been first and foremost an "inward looking" process. Where the neighbourhood countries are concerned, for a long time it only had two very controversial products to offer: membership with all its constraints, or association agreement with only few constraints. Thus defining multifaceted relations with an extremely diversified neighbourhood, without holding out the prospect of membership but going way beyond mere association, is no easy task and it is hardly surprising that it should be taking quite some time.

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