

## European Neighbourhood Policy Consultation

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*(1) Should the ENP be maintained? Should a single framework continue to cover both East and South?*

The ENP as such should not be maintained. The ENP has failed to achieve its goal of building a ring of well governed states around the EU to the East and to the South. The ENP brand brings no added value to the EU and the single framework encourages an approach based on process rather than impact and effectiveness.

There should be no single framework covering both the East and the South. Policies should be devised towards each country on its own merits.

*(2) Should the current geographical scope be maintained? Should the ENP allow for more flexible ways of working with the neighbours of the neighbours? How can the EU, through the ENP framework, support its neighbours in their interactions with their own neighbours? What could be done better to ensure greater coherence between the ENP and the EU's relations with Russia, with partners in Central Asia, or in Africa, especially in the Sahel and in the Horn of Africa, and with the Gulf countries*

- The current geographical scope should not be maintained. It is arbitrary and is not based on a coherent policy or geographic logic.
- The countries included are not all terrestrial or maritime neighbours of the EU.
- Several pose challenges which are shared with countries not included, for example, Syria and Iraq, Libya and Mali, Azerbaijan and Turkmenistan.
- Policies need to be developed which address the concrete challenges for the EU posed by these countries without creating artificial policy divisions among them. For example, the same officials, committees, working groups etc. that are concerned with Iraq should also

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<sup>1</sup> This response is made in a purely personal capacity and does not engage GMF or any other institution.

address Syria etc. Key migration issues related to Libya need to be treated in conjunction with policies for Mali, Sudan and other countries of origin. Energy policies towards Azerbaijan need to be developed in conjunction with policies towards Turkmenistan and other potential sources of gas to be transported through the Southern Corridor. The ENP framework creates an unnecessary and unhelpful barrier between countries posing related challenges to the EU.

*(3) How could a more comprehensive approach with more active involvement by Member States give the policy greater weight? Would stronger co-ownership of the policy be preferred by partners?*

The first of these questions presupposes that a positive answer has been given to question (1) above. In fact this respondent does not recommend a “comprehensive approach” to such a diverse group of countries, several of which share problems with countries outside the scope of the present ENP.

As to the second question, “stronger co-ownership” is a precondition for any successful initiative towards countries presently covered by the ENP. Unless the authorities and/or the societies in these countries share EU objectives regarding themselves and their future, EU initiatives will not succeed. This has been one of the main lessons learned over the decade since the policy was initiated.

*(4) Are the Association Agreements and DCFTAs the right objective for all or should more tailor-made alternatives be developed, to reflect differing interests and ambitions of some partners?*

Association Agreements and DCFTAs are not “objectives” at all they are instruments to help achieve objectives that first need to be specified.

None of the questions posed in this consultation raise the issue of the ENP’s objectives.

That said, the Association Agreements and DCFTAs are entirely inappropriate for most of the countries to which they are addressed. These agreements are more ambitious than the “Europe agreements” that were concluded with countries in Central and Eastern Europe that were preparing for EU membership. No such perspective is offered to any of the countries concerned by the present consultation. There is no prospect that they can fulfill the majority of obligations imposed by the DCFTAs within the foreseeable future. Many of these countries are extremely poor (the GDPs per capita of Ukraine and of Morocco are close to that of Bolivia) and they have fundamental development needs. Some face grave solvability and liquidity problems. Many of these countries

face critical political and sectarian conflicts, trans-national terrorism, secessionist wars supported by outside powers and other problems which cannot possibly be addressed or mitigated within the AA-DCFTA framework.

North African countries would benefit from immediate unilateral market openings by the EU for the few products in which they have a comparative advantage. Some neighbouring countries' economies are dominated by the production of energy and raw materials. DCFTAs offer few advantages to such countries and are enormously demanding both in terms of negotiation, ratification and implementation. Energy needs to be placed at the heart of any future EU policies towards several of these countries.

The notion of an "Association Agreement" could, optionally, be maintained, though the real meaning of association in the case of many of these countries is questionable. The scope of each agreement should be highly differentiated country-by-country. There is no need to make these agreements comprehensive, covering virtually all aspects of the "acquis". "Approximation with the acquis" – the main thrust of much of current policy, including the AAs-DCFTAs – is a very low priority on the list of challenges facing these countries.

*(5) Are the ENP Action Plans the right tool to deepen our partnerships? Are they too broad for some partners? Would the EU, would partners, benefit from a narrower focus and greater prioritisation?*

The Action Plans are loosely adapted from the Accession Partnerships previously concluded with countries preparing for EU membership. They are entirely inappropriate for countries that do not have this perspective. The EU has no legal or political basis for demanding that certain reforms, set out in the Action Plans, be implemented, in the absence of such a perspective. Over a decade, the governments of "ENP countries" have signed up to Action Plans that they had no intention or capacity to implement. This tool should be abandoned in favour of flexible commercial and assistance arrangements matching the real needs, capacities and intentions of each partner country.

*(6) Is this approach appropriate for all partners? Has it added value to the EU's relations with each of its partners? Can EU and/or partner interests be served by a lighter reporting mechanism? Should the reporting be modulated according to the level of engagement of the ENP partner concerned? How can we better communicate key elements?*

In the absence of an offer of membership, “ENP countries” are third countries with respect to the European Union. They are sovereign states, albeit facing fundamental political and economic challenges.

The EU, like the United States of America, international organizations, international financial institutions and non-governmental organizations are free to make annual reports on the countries concerned if they find this useful for policy planning, designing assistance programmes or raising awareness of particular challenges.

However such reports have no constraining effects on the countries which are the subjects of the reports; indeed, such reports may appear as interference in their internal affairs.

On balance, the time, effort and resources that go into these reports is disproportionate to any practical benefits which they confer.

*(7) Can partnerships be focused more explicitly on joint interests, in order to increase ownership on both sides? How should the ENP accommodate the differentiation that this would entail? Are new elements needed to support deeper cooperation in these or other fields?*

Economic, technical and financial cooperation with each country should be designed bearing in mind its specific needs and capacities as well as EU interests. There is little to be gained by seeking to cover all aspects of the “acquis” with each partner country. There is no need to be comprehensive in the approach to cooperation with any given partner.

Instead a very limited number of priority issues should jointly be identified with each country, if possible extending the consultation to stakeholders in the countries concerned beyond the authorities themselves. Cooperation projects should then focus on those areas where concrete progress can be made in the short to medium term.

*(8) How can the EU do more to support sustainable economic and social development in the ENP partner countries? How can we empower economically, politically and socially the younger generation? How to better promote sustainable employment? And how can these objectives be better linked to indispensable reforms in the fields of anti-corruption, judicial reform, governance and security, which are prerequisites for foreign direct investment?*

These questions as currently formulated are too broad to permit a useful policy-relevant response. The very questions are over-ambitious, in light of the resources available.

In practice each partner country has a limited number of urgent needs and priority areas which should be the focus of attention. Jordan and Lebanon, at present, for example, have

overwhelmingly urgent needs linked to the large number of refugees within their borders from Syria and Iraq. This poses demands that cannot be met locally on the education system, energy supply, and public finances. The Moroccan economy needs diversifying, the taxation system should be made more progressive, and employment creation schemes are required in certain parts of the country. Ukraine is facing critical solvability and liquidity problems and has seen much of its economic base destroyed by violent Russian sponsored intervention.

For each country a limited number of priorities should be established commensurate with (a) its most pressing need, (b) the resources that the EU is able to mobilize to address the issues concerned and (c) the member states' willingness to lend their full support to EU efforts through bilateral initiatives.

However, an effective fight against corruption is a pre-condition to the successful implementation of reforms in all other areas and to the handling of EU funds. This should be a priority in all partner countries. However, many obstacles first need to be overcome in most countries. Best practice can be shared by the comparatively few "ENP countries" that have made progress in this area.

*(9) How should the ENP address conflicts and crises in the neighbourhood? Should CFSP and CSDP activities be better integrated in the ENP framework? Should it have a greater role in developing confidence-building measures and post-conflict actions as well as related state- and institution-building activities? Should the ENP be given a strengthened focus on working with partners on the prevention of radicalisation, the fight against terrorism and organised crime? Should security sector reform be given greater importance in the ENP?*

The formulation of this question assumes that a positive response has been given to question (1) above, which is not the case for this respondent. If, as recommended by the present respondent, there is no comprehensive "ENP" in the future, these questions become otiose.

Furthermore, these questions are "process driven."

Little is to be gained by worrying about which EU policy concept (CFSP, CSDP) etc. should be placed within the "framework" of which other EU policy concept (ENP etc.)

This kind of solipsism explains much that has failed over the past decade. It has little meaning outside the Brussels beltway.

Instead the focus should be on achieving concrete progress in specific fields with the full commitment of the partner country or countries concerned and of the member states.

The EU has developed many overlapping policy frameworks (Barcelona Declaration, Euro-Mediterranean Partnership, Union for the Mediterranean, Partnership for Democracy and Shared Prosperity, Eastern Partnership, European Neighbourhood Policy, Black Sea Synergy, European

Security Strategy, European Neighbourhood Policy, CFSP, CSDP etc.). This creates confusion in the beneficiary countries and operational difficulties for the EU institutions and the member states.

Issues such as the fight against terrorism and organized crime will obviously remain priorities in any future EU initiative towards the different countries concerned.

On the whole, “confidence building measures” have a poor track record in conflict prevention, management and resolution in the EU’s neighbourhood. In limited cases, such as maritime delimitation disputes, third party mediation or facilitation, in which the EU or its member states play a role, may have some limited impact. However this has mostly occurred when the EU offered a strong incentive for conflict resolution, notably accession. Even an accession perspective has failed to overcome a number of bilateral conflicts in the western Balkans.

Long standing conflicts, like the Arab-Israeli conflict, the conflict over the Western Sahara, the many sectarian disputes affecting “ENP countries”, or the open hostility between Russia and certain Eastern Partnership countries, are not susceptible to confidence building measures.

The EU as such is unlikely to have much impact on efforts to prevent “radicalization”, for example, of young delinquents. In Europe, this is a matter to be addressed by the member states in their own prison and education systems that largely lie beyond EU competence. That said, an exchange of best practice may prove useful and a limited number of EU financial instruments can be mobilized to help achieve results.

In partner countries, the EU as such can play little or no effective direct role in efforts to prevent radicalization. However improved access to the EU market for exports and targeted economic assistance can, to a limited extent, improve economic and social conditions in these countries, reducing the propensity to radicalization. But the impact of EU initiatives in these areas is likely to be limited, especially given the resources deployed by other donors, notably the Gulf countries and Iran, that support sectarian radical movements.

The EU as such is unlikely to have much influence on security sector reform in partner countries. The security sector is generally regarded as highly sensitive in most partner countries, very few of which can be considered democracies in the western sense. In several cases, the armed forces are the main bastion of the regime. Member States can share best practice and provide training if there is a genuine demand for this on the side of partner countries.

*(10) Is the multilateral dimension able to deliver further added value? Are these formats fit for purpose? How can their effectiveness be strengthened? Can we more effectively use other, more flexible frameworks? Can we better cooperate with other regional actors (Council of Europe, OSCE, League of Arab States, Organisation of the Islamic Conference, African Union)?*

The EU often considers that it has a particular vocation to promote multilateral cooperation, for example through regional trade agreements. However the countries concerned trade relatively little with each other and do not consider that they have much to gain from such cooperation in terms of the transfer of technology, management experience or capital.

Multilateral cooperation, in its different forms, should be approached in a pragmatic case-by-case manner. Its success depends on genuine commitment of the countries concerned to cooperate.

No effort should be made to impose multilateral cooperation from outside or to make this a condition for providing assistance.

The expression “regional actor” should be treated with caution as most of the bodies referred to in the question are loose inter-governmental frameworks rather than “actors” as such.

*(11) How should the ENP further develop engagement with civil society in its widest sense? Can more be done to network different parts of the partner populations? What more can be done to promote links between business communities? With and between Social Partners (trade unions and employers’ organisations) and to promote social dialogue? What can be done to promote links between scientific communities, universities, local authorities, women, youth, the media?*

Cooperation with civil society is important in the few “ENP countries” whose elected representatives may aspire to building liberal democracies. In these cases the full panoply of twinning, training, financial assistance etc. should be mobilized to support civil society.

Support for civil society is also important in countries where governments do not share “European values” but where segments of civil society favour pro-democracy and rule-of-law reforms. In these cases, however, governments may be reluctant to permit NGOs to receive foreign funds. In this event it may be better for the EU not to become directly involved but rather to support unobtrusively European NGOs that cooperate with corresponding bodies in the countries concerned.

Caution is recommended in projecting European concepts such as “social partners” onto countries with different histories, structures, and traditions. That said, cooperation in the areas indicated in the question deserves to be supported by the EU.

*(12) How can the ENP do more to foster religious dialogue and respect for cultural diversity, and counter prejudice? Should increasing understanding of each other’s cultures be a more specific goal of the ENP and how should this be pursued? How can the ENP help tackle discrimination against vulnerable groups?*

EU efforts to promote religious freedom and to protect religious minorities should follow the spirit of the guidelines on “the promotion and protection of freedom of religion or belief” adopted by the Council in June 2013. The Council conclusions and guidelines established a mechanism for prodding reluctant countries toward guaranteeing religious freedom and for supporting persecuted minorities. They also recognize the importance of freedom *from* religion, i.e. the right not to hold a religious belief.

The guidelines champion the universal character of the freedom of religion, based on the relevant international conventions. They call for the withdrawal of financial assistance and other benefits from a country if religious freedom is violated. Full implementation of these guidelines requires political will, something which the Foreign Affairs Committee of the European Parliament enjoined in its 2014 Annual Report on Human Rights.

Until now, the EU's promotion of religious freedom has been largely declaratory. Its effectiveness will be judged by the degree to which it guides action by EU institutions and member states and by its impact in the countries directly concerned. The full commitment of member states is particularly important. However, member states are reluctant to withhold financial assistance from strategically important countries that interfere with religious freedom. Efforts by EU institutions to promote fundamental rights and freedoms, like the freedom of religion, lose credibility if member states ignore agreed conditionality and pursue business as usual, impelled by security or commercial considerations.

The prevalence in some "ENP countries" of intolerant forms of religion and of sectarian conflict raises doubts as to the reception likely to be given to the forthright promotion of the freedom of religion by the EU. There is a risk, too, that this and similar initiatives, will be seen as an effort by the EU to impose its own values and model of society. The very notion of the freedom of religion, as understood in the West, is challenged by the unified conception of religion, society, and the state which is held by many in ENP South countries. It is important, whenever possible, for the EU to act in cooperation with the United States, Canada and other countries such as Brazil, Indonesia, Morocco, Senegal, and Tanzania whose governments are active in promoting religious freedom.

*(13) Should the EU gradually explore new relationship formats to satisfy the aspirations and choices of those who do not consider the Association Agreements as the final stage of political association and economic integration? How should the EU take forward the tasking of the 2013 Eastern Partnership Summit in Vilnius of the long-term goal of a wider common area of economic prosperity based on WTO rules and sovereign choices throughout Europe and beyond? Is there scope within the ENP for some kind of variable geometry, with different kinds of relationships for those partners that choose different levels of engagement?*

These questions touch on a number of different issues.

The first question seems to be a guarded reference to eventually granting a membership perspective to some "ENP countries". This possibility could arise only for Belarus, Ukraine, Moldova, Georgia and Armenia which, as European states, are generally considered eligible in principle for EU membership under article 49 of the Treaty on European Union. However, given the very limited progress of these countries in meeting the detailed criteria for membership as well as the current geopolitical conjuncture in Europe, the issue of eventual membership does not arise at present. It is misleading to suggest to these countries that they might be offered such a perspective in the future



and that they should work towards it, considering the manifest lack of consensus among EU member states to move in this direction.

Similarly, there is no prospect under existing political and economic conditions in Europe of moving towards some kind of multilateral free trade agreement embracing the Eastern Partnership countries and the EU. Instead bilateral trade agreements should be concluded whose scope should reflect the concrete interests of both sides. Extremely ambitious DCFTAs, requiring many years to negotiate and ratify and whose effective implementation by partner countries is doubtful, are not the most effective instruments for promoting trade and investment.

Terminology such as “variable geometry” is confusing and should be avoided. Instead the EU should develop political and economic relations with each partner country based on mutual interests, needs and capacities as indicated in response to question (1) above.

*(14) Do you agree with the proposed areas of focus? If not, what alternative or additional priorities would you propose?*

*Which priorities do partners see in terms of their relations with the EU? Which sector or policy areas would they like to develop further? Which areas are less interesting for partners?*

*Does the ENP currently have the right tools to address the priorities on which you consider it should focus? How could sectoral dialogues contribute?*

*If not, what new tools could be helpful to deepen cooperation in these sectors?*

*How can the EU better support a focus on a limited number of key sectors, for partners that prefer this?*

The real situation in which many of these countries find themselves, rather than abstract notions of cooperation based on the *acquis*, should guide the EU’s relations with them. The preferences of partner countries themselves will emerge from the consultation. It should be remembered, however, that the elites responding to this consultation may not be representative of their societies at large.

The societies concerned do not necessarily widely share “European values.” Values founded on ethno-nationalism, religion, including intolerant, sectarian forms of religion, or social conservatism, and actively promoted by outside powers, are today quite prevalent in many of these societies. There are other influences at work in many of these countries, including Russia, China, Iran and the Gulf States whose agendas differ significantly from the EU’s.

Poverty, corruption, dysfunctional institutions, authoritarian rule, weak and arbitrary law enforcement, income, gender and other inequalities, insurgencies, as well as cross-border conflict, terrorism and lack of control of part of the national territory are among their major challenges.

Against this background, a pragmatic approach is needed to choosing priorities and developing tools for cooperation.

Poverty alleviation, institution building, the fight against corruption and other means to improve the investment climate (such as strengthening the efficiency and independence of the judicial system to ensure the enforceability of contracts) should be among the top priorities.

*(15) How to streamline Action Plans to adapt them better to individual country needs and priorities?*

Action Plans should be abandoned in favour of limited, pragmatic work programmes with each country. (See comments under question (5) above.)

*Is annual reporting needed for countries which do not choose to pursue closer political and economic integration?*

Annual reports should be given up. (See comments under question 5 above)

*How should the EU structure relations with countries that do not currently have Action Plans?*

See response to previous question. More limited traditional trade and cooperation agreements should be proposed to countries whose national agendas and values clearly differ significantly from those prevailing in the European Union.

*How can the EU adapt the ‘more for more’ principle to a context in which certain partners do not choose closer integration, in order to create incentives for the respect of fundamental values and further key reforms?*

“More for more” is not an operational approach for several reasons.

(a) “Closer integration” with the EU is not a viable option for most of the countries concerned.

(b) The amounts of grant assistance available from the EU pale into insignificance compared with assistance from the Gulf States to countries covered by “ENP South.”

(c) Russia, China, Turkey, Iran, and the Gulf States do not impose political conditionality in the financial support that they provide. If strings are applied they are linked to an entirely different agenda from the EU’s.

(d) Incremental increases in the relatively small amounts of assistance provided by the EU in response to the implementation of specific reforms do not offer a sufficient incentive to most “ENP countries.”

(e) Member states do not practice “more for more” in their bilateral relations with these countries.

(f) The EU and its member states often effectively provide “more for less” when engagement with these countries is necessary for reasons related to security, trade, or access to energy.

*How to assess progress against jointly agreed reform targets when a partner country experiences significant external pressure, for instance armed conflict or refugee flows?*

If action plans are given up as recommended above, this problem does not arise.

*How can the EU engage more effectively and respond more flexibly to developments in partner countries affected by conflict situations?*

It can do so, in theory, by developing its own conflict prevention, conflict management and conflict resolution capacities. In practice, however, the larger member states prefer to handle such issues through momentary political cooperation outside the framework of the EU institutions.

**(16)Ownership & Visibility**

The present respondent considers that the final set of questions under this heading is generally inapplicable in light of his responses to the questions above. Other respondents may wish to attempt more detailed responses to these particular questions.