

The EU's New Neighbourhood Policy: An Appropriate Response to the Arab Spring?

Written by Ingeborg Tömmel

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<https://www.e-ir.info/2013/05/29/the-new-neighbourhood-policy-of-the-eu-an-appropriate-response-to-the-arab-spring/>

INGEBORG TÖMMEL, MAY 29 2013

Introduction

Immediately after the political upheavals in Tunisia and Egypt, the EU announced a new policy towards the countries of the Southern Mediterranean. This article analyses the extent, substance and underlying objectives of the EU's new neighbourhood policy in response to the Arab Spring. It questions whether the new policy approach constitutes a major policy shift or is just "old wine in new wineskins". It concludes that both continuity and change primarily result from constraints inherent to the EU. The interaction between the Commission and the Council in particular shapes a policy which corresponds to the normative aspirations and the realist interests of the EU, but hardly to the needs and expectations of the partner states.

History

The EU's policy toward the Southern Mediterranean has a longstanding tradition (Gomez 1998, Pace 2007, Cardwell 2011). It began in the 1970s with a patchwork of measures in the areas of trade and development. In the 1990s, security concerns after the end of the Cold War induced a systematic policy approach, namely the Euro-Mediterranean Partnership (EMP). In the framework of a wider security agenda, the then EU-15 aimed at cooperating with 12 Mediterranean states in a broad set of policy domains. Democracy promotion was at the heart of this policy project. Yet after the EU's Eastern enlargement and ten years of limited success with the EMP, the Union changed direction (Del Sarto and Schumacher 2005, Kelley 2006). In 2005, it launched the European Neighbourhood Policy (ENP), targeted at both the Eastern and Southern neighbours. The ENP reflects more clearly the Union's security concerns but democracy promotion is no longer high on the agenda. Although the ENP, alongside with the most recent project, Union for the Mediterranean (UfM) (Bicchi 2011, Schlumberger 2011), continues to shape the relationships between the EU and the Southern Mediterranean, the Union quickly reacted to the upheavals in the Arab world. It reformulated its policy and promised a more effective and efficient implementation, particularly in the area of democracy promotion.

The promotion of democracy, rule of law, respect for human rights and good governance was always the most prominent goal of all policies toward the Southern Mediterranean. However, as long as the Arab countries were dominated by authoritarian regimes, the pursuit of these ambitious objectives was severely constrained because the partner states were highly reluctant to embark on corresponding reforms (Pace 2009, Burnell and Schlumberger, 2010, Bauer 2011). Conversely, when the upheavals in the Arab world succeeded in overthrowing authoritarian rule in respectively Tunisia, Egypt and Libya, high hopes were raised that the EU's policy might now fall on more fertile ground. Yet, the new approach does not seem to differ significantly from the previous ones, as we will see in the following section.

Policy Change in Response to the Arab Spring

The EU reacted quickly to the regime changes in Tunisia, Egypt and, later, Libya. Through a sequence of documents, it launched a completely new policy approach which put the issue of democratization in the Arab

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countries high on the agenda. It also re-emphasised a set of policy measures first formulated in the framework of the EMP, but more or less abandoned after the introduction of the ENP. One might assume the EU re-instated its original ambitions. On closer examination, however, it becomes clear that the Union's new policy is not much more than old wine in new wineskins. Policy priorities and measures are rather old wine, while implementation methods and particular conditionality comes about as a new wineskin, linked firmly to democracy promotion.

Already in March 2010, that is, immediately after the fall of the Mubarak regime, the Commission and the High Representative (HR) for Foreign Policy presented a Joint Communication for a new policy (European Commission and High Representative 2011a). In the introduction to this document, the authors emphasize: "We believe that now is the time for a qualitative step forward in the relations between the EU and its Southern neighbours." What this implies, is clarified in the next sentences. "The commitment to democracy, human rights, social justice, good governance and the rule of law must be shared. The Partnership must be based on concrete progress in these areas. It must be a differentiated approach" (European Commission and High Representative 2011a: 2, emphasis in the original). The new approach is defined as an "incentive based approach based on more differentiation ("more for more"): those that go further and faster with reforms will be able to count on greater support from the EU. A commitment to adequately monitored, free and fair elections should be the entry qualification for the Partnership" (European Commission and High Representative 2011a: 5, emphasis in the original). Furthermore, the document presents substantive policy proposals in five headings (European Commission and High Representative 2011a: 5-11), which refer to democracy and institution building, mobility and migration issues, economic development, trade and investment, as well as sectoral cooperation.

Not long after the first proposal for a new policy approach, the Commission and the HR presented a second Communication (in May 2011), specifying a review of the European Neighbourhood Policy (European Commission and High Representative 2011b). This document deals with both the Eastern and Southern dimensions of the ENP, and thus reformulates the whole policy. Throughout the text of the Communication, the authors once again and more vigorously emphasize their commitment to a differentiated approach. They exemplify what this means: conditionality on progress in political reform. This in turn implies that "increased EU support ...will depend on progress in building and consolidating democracy and respect for the rule of law" (European Commission and High Representative 2011b: 3). The authors also do not shy away from announcing the use of negative conditionality. Violation of democratic principles will result in revoking funds and assistance (European Commission and High Representative 2011b: 3-4).

With regard to substantive objectives, the usual catalogue of possible measures is mentioned, although now in a much more detailed form (European Commission and High Representative 2011b: 4-12). The larger part of the document is dedicated to proposals for economic and social development, as for example trade negotiations. Yet also these steps are clearly limited to "willing and able partners", which have to fulfil a number of further requirements (European Commission and High Representative 2011b: 8). Furthermore, the document proposes dialogue with and assistance for civil society and closer cooperation in security matters and conflict resolution.

By the end of 2011, the Commission presented a proposal for a Regulation in the area of the ENP. The Regulation aims at establishing a "European Neighbourhood Instrument" (ENI), for financing the new ENP (European Commission 2011a). A similar instrument existed already before. The ENI proposal bundles all available financial resources under defined rules and procedures and streamlines programming and decision-making; it allows for significantly speeding up policy implementation and, if required, for changing direction.

The most spectacular innovation of the ENI refers to the application of the differentiated approach. Thus the Regulation defines for the first time: "Union support provided under this Regulation to each partner country shall be differentiated in form and amounts according to the partner country's commitment to reforms and its progress in implementing these reforms. Such differentiation shall reflect the level of ambition of the country's partnership with the Union, its progress in building deep and sustainable democracy, its progress in implementing agreed reform objectives, the country's needs and capacities, and the potential impact of Union support" (European Commission 2011a: Art. 4,1). The Regulation also defines for the first time rules and procedures for applying negative conditionality, that is, the suspension of EU support: "...where a partner country fails to observe the principles of

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democracy, the rule of law and respect for human rights and fundamental freedoms, the Union shall invite the country concerned to hold consultations... Where consultation with the country concerned does not lead to a solution acceptable to both parties, or if consultations are refused or in case of special urgency, the Council may take appropriate measures...which may include full or partial suspension of Union support" (Art. 17).

In summary, the most important innovations of the new neighbourhood policy refer to the differentiated approach. Although this approach was already introduced with the establishment of the ENP in 2005, it was never implemented. By contrast in the new documents and the proposal for a Regulation, the norms for application of the differentiated approach are clearly specified, as well as the procedures for imposing sanctions in case of their violation. It seems that in view of partial regime change in the Southern Mediterranean, the Commission and the High Representative dare to use conditionality in both its positive and negative form as leverage for democratic reforms. The Mediterranean partner states are involved into a competitive race between those countries that embark on such reforms and others that lag behind or are completely reluctant in this regard. Obviously, the EU expects that this race might speed up democratic transformation in the Southern Mediterranean.

The Rationale Underlying Policy Continuity and Change

Looking at the EU's policy reform in response to regime change in the Arab world, we see that major changes refer primarily to policy implementation, particularly the use of the differentiated approach and conditionality in both its positive and negative form. In substantive terms, the proposed policies are mainly the same as before.

How can we explain this in the context of the dramatic changes occurring in the external environment? Although the EU appears to be a powerful actor, it cannot expand or redefine its policy spectrum at will, according to perceived or expressed needs of its partners. Instead, EU policies are shaped in the framework of severe constraints: lacking competences, cumbersome procedures of decision-making, poor implementation capacities. Therefore, the EU's policy concepts are either derived from existing policies, or reflect explicit *common* interests of the member states.

The changes in the implementation approach, by contrast, are clearly induced by the window of opportunity that opened up after the successful upheavals of the Arab Spring. In particular, the introduction of the differentiated approach was mainly triggered by the regime changes in some countries of the Southern Mediterranean. Thus it was *external circumstances* that induced the most innovative aspects of the ENP reform.

In order to explain both continuity and change in the EU's policy, I use a neo-institutionalist approach. According to neo-institutionalism, institutional actors do not necessarily act in order to effectively solve policy problems. They rather react to external challenges with appropriate behaviour. Furthermore, their choices are induced by previously existing policy objectives, standard modes of procedure, means and capacities of implementation, and wider held norms and preferences (March and Olsen 1989, Olsen 2010).

In applying these premises to the EU, we can first state that the spectrum of policies for implementing a Mediterranean neighbourhood policy corresponds either to the spectrum of existing European policies or to policy initiatives, where common action is in the interest of the member states. In the first case, the EU externalizes its internal policies; in the second case, the Commission pursues its own institutional interest by proposing new external policies that expand the scope of action internally. The choice in this case is limited to those policies which are clearly in the interest of all member states, so that the consent of the Council is most probable. The Commission's emphasis on migration and security issues in the new ENP clearly reflects this strategy. In both cases, the Commission acts appropriately within the constraints of (a) a selective policy spectrum and limited competences at European level and (b) the reluctance of the Council to further integrate new policy areas, unless there is a strong interest in collective action shared by all member states. More in general, it explains why the spectrum of substantive policy proposals is comparatively stable over the whole cycle of the Mediterranean policy in spite of reiterated policy shifts.

Then, how can we explain why the Commission and the HR so vigorously proclaim the differentiated approach and conditionality in the new ENP? I suggest that the propagated values such as democracy and rule of law are shared by all member states of the EU. The proclamation of these values as the flagship of the European policy serves to

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minimize the ever present resistance of the member states in the Council to a common European Neighbourhood Policy. Thus the norms and values that the Union, represented by the Commission, propagates in its neighbourhood are a powerful tool to build and consolidate the necessary consensus among the member states of the EU.

Conclusions: The EU, a Normative Power or a Realist Actor?

The strong emphasis on democratic values in the Union's neighbourhood policy – and more in general in its foreign policy – has given rise to the interpretation that the Union might act as a normative power (Manners 2002, Bicchi 2006). Other observers have strongly criticized this view; they claim that the Union is a realist actor that pursues its own interests (e.g. Hyde-Price 2008). In contrast to this dichotomy, I suggest that the Union is both, a normative power and a realist actor. The Mediterranean policy, whether EMP, ENP, or new ENP, pursues both declared interests of the Union as a whole or its individual member states, as well as norms and values that cannot simply be reduced to such interests. As said, the Commission's emphasis on democratic norms in the EU's Mediterranean policy is, first of all, an appropriate choice in order to build consensus among the member states as a firm base for a common policy. It is only on such a base that the Union can pursue realist policy objectives such as control of borders and migration flows, secure energy supply, market liberalization and, more in general, wider security interests.

In sum, it is the combination of normative as well as realist objectives, which characterizes the Union's Mediterranean policy, and this combination is the result of the interaction between the Commission and the Council in shaping a common foreign policy. Thus the institutional configuration of the EU and the corresponding interaction of the respective actors explain why policy change in the EU, in spite of deep changes in the external environment, is rather limited. It also explains the enduring contradiction between the formulation of high-flown normative objectives and the pursuit of realist interests.

The Arab Spring opened a window of opportunity to reformulate the ENP and embark on a true policy for democratic reform and consolidation, which is adapted to the needs, but also the possibilities of the partner states. Yet it seems that the EU did not adequately exploit this opportunity, neither for overcoming its internal constraints, nor for providing effective assistance to the partner states on their thorny path towards democratic reform.

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