

Tales of 'Civilisation': Transfer of Values through the Eastern Neighbourhood Policy¹

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1. Introduction.

The European Union (European Communities before) is said to be a 'civilian power' of international relations. The 'civilian power' quality stresses the fact that it acts as a 'civilising' power in international politics, transforming its partners' political systems without directly intervening. The transfer of values is central to this civilising role assumed by the European Union (EU). Our aim in this paper is to examine the role that values play in European Foreign Policy actions and policies and how this affects to the actor European Union.³

First of all, we will examine the role of the EU as a civilising international actor. In second place, the role of values in shaping and implementing the European Foreign Policy will be taken into account: which values, how they are spread and their real weight against interests. In the second part of this paper, through empirical research we will try to analyse the role that values play in a concrete policy action: the European Neighbourhood Policy (ENP) towards three European Eastern countries (Belarus, Moldova and Ukraine). First, the ENP will be briefly depicted. In second place, values in the ENP will be studied, the means to transfer them, and the way these values are promoted. Finally, we will assess the suitability of this innovative policy design to meet its objectives in spreading values through evaluating its results.

2. The European Union as a 'Civilising' Actor: Transfer of Values and European External Identity.

The EU is an increasingly important actor in nowadays international politics. It has a particular impact due to its singular nature as international organisation with a different

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³ Research on European Foreign Policy tends to focus on two different perspectives. The first one works on conceptual frames for studying the EFP. The second one examines the dynamics, political procedures and results of the EFP. Research on values in the EFP shares both approaches. In the first sense, new perspectives have been defined using values as reference for explaining the EFP: value-based conceptions and rights-based conceptions as alternative to realist/intergovernmentalist traditional theories (see, Sjursen 2005). In the second way, scholars seek to explain the real weight and significance that values have in European Foreign strategies and if they serve only at rhetoric/legitimising purposes or have a real impact in policies (Smith, 2002). We will follow this second approach.

political and social model (Rosencrance, 1998; Aldecoa 2002; Manners, 2002). Conceptualising the character of this new international actor, European institutions and a good number of scholars tend to underline the 'civilising' role of EU in international politics, promoting democracy and human rights, encouraging other countries to reform or introducing international norms and institutions in the international system.

Political rhetoric from the EU institutions and Member States stresses its character of transformational or 'civilising' power, committed with world governance. For Solana the EU is a 'net exporter of stability' (Solana, 2002). The European Council dreams a future in which the European Union develops a function of leader in a new world order, a power capable of a stabilizing function and leading many countries and peoples. (European Council, 2001). The European Security Strategy also considers that a EU who gathers 25 (today 27) Member States and more than 450 million people must assume its responsibility in the construction of a better world through an effective multilateral system (European Council, 2003).

First analyses on the EC as international actor defined it as a 'civilian power' (Duchêne, 1972). He stressed the fact that the EC was a special actor whose influence lied in its economic and commercial strengths, not in traditional military ones. 'Civilian power', for Duchêne, remarks not only the economic nature of its international tools but also the 'civilising' role that it means to take in the international scene. The 'civilian power' thesis thinks that the EU through its economic and political relations with third states tries to transfer 'positive' values (democratic change, human rights protection, institution building...) in order to change the international environment and also fight direct threats. For Smith, the concept of civilian power affects the means the actor uses (economic), the ends that it pursues (peaceful ends), the way those means are used (persuasion) and the process by which foreign policy is made (civilian democratic control over foreign and defence policy-making) (Smith, 2005a).

This interpretation is, nevertheless, contested by other scholars. Bull was quite sceptical about the future of a civilian power in world politics (Bull, 1983). He argued that the Europeans would need to develop a military capability if they wanted to exert real influence. For Hill, the European Union needs to develop more tools and improve their performance if it really wanted to play important roles, as there is a capabilities-expectations gap (Hill, 1994). More recently Kagan arguments that the EU is not a civilian power by choice, but this concept only hides the fact that it has nor the means nor the political will to develop a military power, the only element for guarantying international security (Kagan, 2003). Also nowadays scholars discuss if the new developments in European Security and Defence Policy permit supporting the civil power thesis (Stavridis, 2002; Smith, 2005a; Mitzen, 2006). For McCormick, 'The EU can still be a civilian power, even if it develops a common army, so long as its emphasizes non military tools in its foreign policy, and promotes the military as peacekeeper rather than peacemaker' (McCormick, 2007:70-71).

Despite critics, many scholars revisit nowadays the 'civil power' thesis, developing and completing this approach in the light of the recent evolution of world politics and European integration. One of the most interesting conceptualization is Manners' 'normative power' (Manners, 2002). Through empirical work, Manners has reached the conclusion that the EU behaves as a 'normative power' in world politics, this is to say as a producer or changer of norms in the international community, so its power is

mainly ideological.⁴ This collective 'civilising' identity comes from three sources: rejection of Europe's past of divisive nationalisms, imperialism and war; its unique character as 'hybrid' polity and the development of a consolidated body of values, embedded in Treaties and EU's practices.

Cremona, for her part, working on EFP results, underlines the important role of the EU as 'stabilizer', not only within the borders of Europe, but more widely (Cremona, 2004). The EU pursues its 'stabilizing' function through the export to third countries of EU values. It can be seen that the most part of documents coming from meetings with its partners begin with a declaration of shared values. In this mission it is also central the promotion of international law and multilateral solutions to problems and the emphasis on regional linkages and policies.

Although contested, the EU tries to see itself as a 'good' power in international politics. This 'civilising' vision play four main roles that help to develop the EU as international actor. First, of all, there is 'the attraction of 'ethical' foreign policy (Chandler, 2003): it serves for legitimating its Foreign Policy but also the polity itself in front of European citizens. In second place, values help to develop EU own international identity, perceived as a different –and superior- global actor against other international actor, mainly the USA (Bretherton and Vogler, 2006: 43).

Third, it cannot be forgotten its role in legitimating the EU's stance in front of third countries. If the EU is perceived as a trustful 'good' partner, that seeks common wealth, it will be easier for the EU to reach its objectives. Fourth, it can't be forgotten the importance of values in reinforcing the cohesion of Member States in EFP. In this sense, Keohane stresses that, while policies that require military action tend to divide Europe, human rights and protection of the environment provide the EU with grounds for reinforcing its cohesion and emphasizing its moral role in international politics (Keohane, 2002). A values-based foreign policy also plays as a cohesive instrument for EFP: no Member State dares to oppose a values-based discourse with narrow, national interests (Matlary, 2004).

As a conclusion, it can be said that the notion 'civilian power' Europe is very useful for developing European international actorness, also from an internal as an external point of view. Now it can be discussed if this 'civilian power' is a new and more sophisticated way of exerting imperialism through soft power. It can be considered that normative power is some other form of control over the rest of the world, the ultimate form of soft power (Nicolaidis and Howse, 2002). On the contrary, Hettne and Söderbaum sees a fundamental difference between 'civilian power' and 'soft imperialism', that lies in the way negotiations are carried out, in a symmetric, dialogical way rather than imposition (Hettne and Söderbaum, 2005). The EU will be a 'civilian power' as long as it influences the world order through respect for different interests, dialogue and a balanced relation with third countries and partners. Also it has to guarantee coherence between internal policies and external practices, between discourse and reality.

⁴ From the perspective of the results of the EFP, Cremona underlines that one of the distinctive features of the EU's network of partnerships, associations and cooperation agreements is the way in which they have served to export regulatory norms (Cremona, 2004).

3. Transfer of Values through the European Foreign Policy: Rhetoric vs. Reality.

Nowadays, the European Union has progressively become a main character of the international scene. This is the result of more than fifty years of development of a singular foreign policy, which began with a sole economic component but today reaches to a great variety of areas (trade, development, human aid, politic dialogue and diplomacy, conflict prevention, crisis management, environment, health, technical cooperation...). European Foreign Policy (EFP) has expanded to cover nearly all areas and issues in international relations (Ginsberg, 2001). EFP is the instrument that the European Union has to affirm its identity in international relations. As belonging to an evolutionary complex entity, EFP has many shortcomings that try to be overcome with new reforms and instruments.

EFP is the result of two components: the regulation and instruments provided by the European Treaties and the practices developed by European institutions and European States (H. Smith, 2002). We can now study the role of values in EFP and the means that the EC/EU has developed to transfer them to other countries and partners. First of all, we will review the values in the Treaties and other legal and political texts. In second place; we will try to expose the practices for transferring values. Last, we will try to assert the role played by values in the European Foreign Policy.

The first external policies in the Rome Treaty were the Common Commercial Policy and Part IV which allowed for special relations with the Overseas Territories and would become the basis for creating the European Development Policy.⁵ Neither of them made any reference to political principles or values guiding the implementation of the policies.⁶ The Copenhagen Declaration on European Identity of 1973 is the first European document to assert the values or 'principles' that conforms the European identity. The nine Member States compromised to spread them through their common action under the European Political Cooperation procedures. The values affirmed were representative democracy, the rule of law, social justice and respect for human rights (Ministers of Foreign Affairs, 1973). The Single European Act of 1986, which inserted the European Political Cooperation political agreements into the Treaties, included no reference to values or principles.

The Treaty on European Union, approved in Maastricht on 1992, created a real political instrument for EFP, the Common Foreign and Security Policy (CFSP) in its Title V. According to its political nature, article J.1-2^o referred to objectives that CFSP should meet to promote its values, as preserve peace and international security, promote international cooperation, develop and consolidate democracy and the rule of law and respect for human rights and fundamental freedoms. The European Council adopted in 1992 a Report on the Development of the CFSP, which clearly affirmed that the CFSP should strengthen democratic principles and institutions, respect for human rights and minorities, promote regional political stability, contribute to conflict prevention and

⁵ See articles 18-19, 228 and 131-136, Treaty establishing the European Economic Community, 25 April 1957. The Paris Treaty of 1951 gave no exclusive competence on coal and steel trade to common institutions but only the possibility to advice Member States about their trade policies according to the needs of the common market.

⁶ There were, of course, economic and commercial principles to be respected: development of international trade, trade obstacles elimination, etc.

resolution, promote and support good governance (European Council, 1992). In parallel, Maastricht amended the TEC to introduce the same principles in article 177.2 TEC related to Development Policy

On 1997, the Amsterdam reform included the article 6.1 TEU: 'The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States'. The academic literature agrees that the introduction of these principles and values in the Treaties supposed a conditionality clause for the development of the CFSP and other external Community policies (Gutierrez Espada, 2006). The juridical obligation can be affirmed in the case of external Community policies, as trade, development, etc. Related to the CFSP it remains only a 'political' or moral clause, as the Court of Justice has no competence to guaranty the compliance of external action with the European treaties, due to its intergovernmental nature.⁷

The Treaty establishing a Constitution for Europe, signed on 2004, stated clearly the values and principles guiding external action. Although this Treaty -known as the European Constitution- failed ratification, the European Reform Treaty -going to be signed on 13 December 2007- includes the whole constitutional regulation on external values and principles without any important amendment.⁸ The regulation on EU objectives, states that 'In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty, and protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter'.⁹

The particular articles concerning the EFP underline that, through its external action, the EU shall promote democracy, rule of law, the universality and indivisibility of human rights, respect for human dignity, principles of equality and solidarity and the respect for the United Nations chart and International Law.¹⁰ The second paragraph of article 10 A says that it shall develop close links with third countries and international organisations and that the EU favours multilateral solutions to common problems.

This reform adds new values to traditional ones: equality and solidarity, respect for international law, promotion of international agreements and multilateral practices. They are not new at all, but they are taken from the day-to-day common European practices (Aldecoa 2003). Nevertheless, scholars consider other principles as values inherent to EFP. Manners identifies five core values -peace, liberty, democracy, the rule of law and respect for human rights- and four subsidiary values -social solidarity, anti-discrimination, sustainable development and good governance (Manners, 2002). Others

⁷ See art. 46 TEU.

⁸ See CONFERENCE OF REPRESENTATIVES OF THE MEMBER STATES, *Draft Treaty amending the Treaty on European Union and the Treaty establishing the European Community*, Brussels, 5 October 2007, (CIG 1/1/07 REV 1).

⁹ It is Title I, Article I-3 of the Treaty on European Constitution. According to the Draft Reform Treaty this will be article 3 of the reformed Treaty on European Union.

¹⁰ According to the Draft Reform Treaty this will be article 10 A of TEU, which will head Title V on European External Action.

underline free market economy or liberal capitalist democracy as values transferred by European international action (Cremona, 2004; Smith, 2002).

The EU has developed different tools and instruments in promoting values: mainly pressure, incentives and coercive diplomacy. First of all, since the early 1990s it includes a conditionality clause, related to human rights and democracy, in aid programmes (except emergency aid) and trade agreements. This 'negative' conditionality works in the way that aid or agreements could be suspended in the case that the partner doesn't respect human rights or moves back in terms of democracy and rule of law. Conditionality is quite a delicate question because homogeneous standards cannot be fixed for every partner. So it can only be implemented in a flexible way that can lead to misunderstandings and suspects of favouring one partner or another.

Although conditionality is a Treaty requirement only after Maastricht, European institutions applied it in the past through political practices. In 1967 the European Community suspended unilaterally the Association Agreement with Greece, due to the Colonel's *Coup d'Etat*. Political and trade relations were only restored after the return of democracy. Nowadays conditionality is understood in a more flexible way, there is no recent case of suspension of agreements, except the Partnership and Co-operation Agreement with Belarus, due to Lukashenko's dictatorial regime (Smith, 2002). Conditionality also can be implemented in a positive way: the compliance with values leading to more aid or a better status in the relationship. A paradigmatic example is enlargement: as long as a third European State longing for accession complies with the Copenhagen criteria, it could be given a candidate status and other benefits like access to the European Market, certain EU programs and pre-accession funds.

Other tool that works is 'shaming' in public diplomacy (Matlary, 2004). As the EU is an important political actor, its stance in international organisations on human rights resolutions is of key importance. Last, the EU has also implemented sanctions against countries or individuals because of serious breaching of values. The EU imposed sanctions against South Africa in 1985-1986 due to the 'apartheid' politics; arms embargo and diplomatic sanctions against China in 1989. More recently, after elections in 2006, the Council of the EU has banned entry to the EU to Lukashenko and other members of his regime and frozen their banking accounts in the EU.

Scholars usually point out that a values-based foreign policy is only instrumental or part of European rhetoric. Realists and rationalists theories have long defended that values tend to hide real interests of economic or political nature. Chandler argues that the EU or Member States only refers to values as a way for legitimating their policy options but they don't really determine real day-to-day policy decisions (Chandler, 2003). Nicolaïdis and Howse consider that the real European external policy doesn't comply with European narrative on values, but it suffers from important problems of coherence and consistency; the EU is not the EUtopia it pretends (Nicolaïdis and Howse, 2002).

Other researchers underline the important role that values play in EFP. For Bretherton and Vogler, 'claims concerning the importance of the Union's value-based identity are not necessarily invalidated by the intrusion of interests. In shaping behaviour, values and interests are not mutually exclusive, rather they interact in a variety of ways according to context' (Bretherton and Vogler, 2006: 40). In the same way, Smith defends that, although sometimes interests prevail over values, the EU develops an

important ethical dimension, due mainly to its visibility or open and participative process of policy-making (Smith, 2002: 271). In the same way, the increasing participation of NGOs, social movements and citizens in foreign policy also pushes for values-based policies. (Matlary, 2002). In fact, demands from the European society and the pressure of public opinion impulse the weight of values in front of interests. Let's see now the tension between values and interests in the case of the European Neighbourhood Policy towards the Eastern countries of Europe.

4. The European Neighbourhood Policy: Stabilizing the Near Abroad Following the Enlargement Model.

The EC/EU has developed policies of stabilization in the near abroad from its beginnings, trying to address the threats posed by an insecure environment. Fighting this 'arc of crisis', in the 1960s, the EC concludes special Association Agreements with the countries in its conflictive South border (Lister, 1997: 3).¹¹ This is the first 'proximity' or neighbourhood policy, which exchanges commercial and economic benefits for stability and a linking partnership.

The same rationale –promoting and supporting democratic change and stabilization– was behind the enlargements to non-developed European countries: first, to the South and more recently, to Central and Eastern Europe.¹² Enlargement is proven the most successful policy for transferring values and stabilizing the near abroad. It is an instrument of EFP that has enabled the Union to achieve some of its aims of stabilization and unification within Europe (Cremona, 2004). The perspective of getting economic aid, complete access to the Internal Market and political weight as a member of this exclusive club works as a good incentive for developing unpopular political and economic reforms.

The European Neighbourhood Policy (ENP) is a direct effect of the enlargement. It tries to address the threats posed by the new borders of the EU creating a shared stability and prosperity zone. The ENP has many singular characteristics, different from other policies of proximity, developed in the past. A special model of narrow partnership, other than membership, was first discussed and approved by the European Convention, who drafted the European Constitution. Undoubtedly, it was first thought as an alternative for the difficult question of Turkish accession. Part I of the European Constitution included a Title IX on Relations with the Near Abroad with a single article, which envisaged 'a special relationship with neighbouring States, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterized by close and peaceful relations based on cooperation'.¹³ This regulation is

¹¹ The Association Agreement with Greece was concluded in 1961, with Turkey in 1963, with Morocco and Tunisia in 1969. Malta's agreement is from 1970 and Cyprus from 1972.

¹² Political change and extending European markets were the objectives of the Southern and Eastern Enlargements. The first one took place in the eighties, with the accession of Greece in 1981 and those of Portugal and Spain in 1986. The three countries had overcome in the 1970s military dictatorships and suffered from economic and social underdevelopment. The only reason that led the EC to enlarge was securing the success of political change in these countries. The same motivation was behind the 2004 and 2007 accessions that, apart from Cyprus and Malta, included ten countries from the Central and Eastern Europe, which developed long transitions to liberal capitalist democracies. These countries are: Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovenia and Slovakia.

¹³ Art. I-56, Treaty establishing a Constitution for Europe, 29 October 2004.

now included by the Lisbon Reform Treaty as new article 7a TEU. Its placement in Title I has a very important value, as it is not only part of the EFP but a characteristic of the European political model, which develops around itself concentric circles of relation with third states (Aldecoa and Guinea, 2005). Also this regulation shows that the statute of Neighbour is different from previous partnerships, that it is supposed to consolidate an own constitutional regime (Zapater, 2003).

Conceived by the European Convention as a third way between association and membership, it was implemented before the European Constitution was agreed and signed. The European Council in December 2002 added to the political agenda of the EU the objective of enhancing relations with Russia, Belarus, Ukraine, Moldova and the South Mediterranean on the basis of long term promotion of democratic and economic reforms, sustainable development and trade (European Council, 2002). In response, the European Commission approved the Communication on Wider Europe, the first document on the ENP. It proposes the creation of a 'ring of friends' and a zone of prosperity surrounding the Union based on common values (European Commission, 2003).

From its inception the ENP was thought for Russia and the New Independent States of Belarus, Ukraine and Moldova, new frontiers of the Union that become a source of threats, as migration, crime, security, political and economic instability. The interstate bargaining obliged to include the South Mediterranean countries, after French demands. Only later on, the countries of South Caucasus –Georgia, Azerbaijan and Armenia- were summed to this framework. Although initial documents, Russia was never included in this multilateral framework, as Russian government preferred to develop relations on bilateral basis. Every Neighbour had previously a special frame of relationship, a Co-operation and Partnership Agreement or an Euromediterranean Agreement. The ENP is an overarching policy, it will not replace these frameworks but help to better achieve their objectives.

The ENP seeks to get from its neighbours better security conditions and improvements in political and economic internal reforms. The purpose of the ENP is promoting political stability, economic development, poverty and social inequalities reduction through interregionalism. As a reward, in the long term, it offers the perspective of participation in the EU Internal Market and narrower integration and liberalization to enhance the free movement of persons, goods, services and capitals (European Commission, 2003). In the short term it envisages increasing economic aid to help carrying out reforms through a new financial instrument: the European Neighbourhood and Partnership Instrument.¹⁴

Excluding explicitly the perspective of accession, the ENP promises to its neighbourhood in the long term 'everything except institutions'. This model of relationship reminds of the European Economic Area (EEA), in which the Northern partners take part in the Internal Market and every policy of the Union but they do not

¹⁴ See Regulation EC 1638/2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument, 24 October 2006. This Regulation sets the special funds committed to ENP in the Financial Perspective framework 2007-2013, which has been implemented in 2007. It allocates 1,6 billion euro per year. Before this date, the Instrument for Neighbourhood set by the Commission in 2003, only gathered every financial funds at disposal for ENP countries, but it did not allocate new resources.

have representation in political institutions. The relevant difference is that the EEA States stay out of institutions by choice, not by exclusion.

The ENP works on the basis of partnership and ownership. The objectives, reforms and benefits are agreed between the EU and the third country inside the bilateral organs set by the Partnership and Co-operation Agreements. Benita Ferrero-Waldner, European Commissioner for European Neighbourhood Policy, states, the ENP 'is about helping our neighbours towards their own prosperity, security and stability, not by imposing reforms, but by supporting and encouraging reformers' (Ferrero-Waldner, 2006). The ENP has been designed following the successful model of the pre-accession process: agreed reform targets, Action Plans, regular evaluating reports and conditionality. It is a result of a combination of policy learning and adaptation from the enlargement experience in response to the changed post-enlargement environment (Kelley, 2006). The European Commission wants it to be a story of success similar to enlargement.¹⁵

It can be said that the ENP today is the 'superstar' of European external policies. European institutions concede great importance to it, as it tries to address the threats posed by the growing political interdependence with the near abroad. The European Security Strategy sets the ENP as one of the main strategic objectives of the EU (European Council, 2003). Important resources have been allocated through the new Neighbourhood and Partnership Instrument and other horizontal instruments, as the Democracy and Governance one, the Instrument for Stability or the Instrument for Nuclear Safety. The academic community also has great expectations with regard to this policy, hoping that these sophisticated mechanisms would achieve important political and economic reforms (Attinà and Rossi, 2004). Anyway, the question is if it will work without the incentive of enlargement.

5. Transfer of Values: The Core of the European Neighbourhood Policy.

Since its inception, the ENP envisaged the transfer of EU's values to its near abroad: 'The EU wishes to define an ambitious new range of policies towards its neighbours based on shared values such as liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law' (Council of Ministers, June 2003). The ENP offers a privileged partnership based on mutual commitment to common values.¹⁶ Then it can be seen as a sophisticated tool for spreading European values around. 'The level of the EU's ambitions in developing links with each partner through the ENP will take into account the extent to which these values are effectively shared' (Commission, 2004). Therefore, the ENP is conceived as a process, where values would mark the narrowing of the relationship between the EU and the third state. The transfer of values has a strategic interest, as it will assure the creation of the stability and prosperity zone that will make the EU more secure and a better world, the objectives of the European Security Strategy (European Council, 2003).

¹⁵ Example to the importance given to this new policy is that the post of the Commissioner in charge of External Relations is now 'External Relations and Neighbourhood Policy'.

¹⁶ Every action plan includes at the beginning a paragraph that states 'The ENP sets ambitious objectives for partnership with neighbouring countries, based on commitments on shared values, key foreign policy objectives and political, economic and institutional reforms'.

The ENP develops a common strategy for very heterogeneous situations (Zapater, 2003). ENP wants to be a multilateral policy framework that covers a great variety of third countries, with common objectives and instruments. Nevertheless, its implementation is carried out on a bilateral basis. The fact of linking progress in values to benefits leads to a tailor-made concrete relationship with each country. The global objectives are the same, and also the means and mechanisms, but the individual situation of each State is quite different, as well as the standards implemented. Then, the ENP is formulated under the principle of differentiation: the EU proposes the benchmarks and objectives according to the particular situation of each country.

The second principle is ownership of third countries: It is not about imposing values to the neighbours, as objectives and benchmarks are agreed with the partners. It is not about imposing reforms but supporting and encouraging reformers (Ferrero-Waldner, 2006). According to the difference established by Hettne and Söderbaum between 'civilian power' and soft imperialism, this dialogical and agreed character would suppose that the ENP could not be qualified as a tool for 'soft imperialism' (Hettne and Söderbaum, 2006). On our opinion, it has also to be seen if that dialogue is between equal partners, if it is developed in a symmetric way.

The ENP implements the Association and Cooperation Agreements signed with the third States (PCA or Euromediterranean Agreements), that would not be substituted in the short term. In the long term, it is envisaged the conclusion of Neighbourhood Agreements. Bilateral institutions set by the present agreements are used for defining the objectives and benchmarks to be met by the third countries, under the principle of ownership. First, the European Commission elaborates and approves a Country Report, on the concrete situation of each of the neighbours, underlining the aspects linked to the overall objectives of the ENP (political and economic reforms, governance, trade, immigration, etc.).¹⁷

Later on, on the basis of Country Reports, the Partnership or Association Councils negotiate and agree the Action Plans.¹⁸ They cover a period that oscillates between three and five years. Each Action Plan sets some general priorities for action, that refers mainly to political values and concrete benchmarks to be met by the partner in order to overcome the deficiencies highlighted by the Country Report.

We will expose now the values promoted in the European Eastern countries –Belarus, Moldova and Ukraine- through the tools of the ENP. First of all we have to address the question of Belarus. This country does not have an Action Plan approved; as it is not yet an active member of the ENP, due to Lukashenko's dictatorial regime. Nevertheless, values play an important role in the relationship with Belarus 'the last dictatorship in Europe', impeding the political link.¹⁹ The political conditions do not permit to establish

¹⁷ The Country Reports on Ukraine, Moldova, Tunisia, Morocco, Jordan, Israel and the National Palestine Authority were approved on 12th May 2004. Those on Armenia, Azerbaijan, Egypt, Georgia and Lebanon were approved on 2nd March 2005.

¹⁸ In December 2004 seven action plans were approved after about one year of political negotiations. The first seven actions plans affected Ukraine, Tunisia, Morocco, Moldova, Jordan, Israel and the Palestinian Authority.

¹⁹ Between 1991 and 1995 the EU established political relations and provided economic assistance to Belarus under the TACIS framework. It also negotiated and signed a Partnership and Co-operation Agreement and a Trade Agreement with Belarus. Nevertheless, in 1997, after non-democratic referenda that enhanced Lukashenko's powers to consolidate a dictatorship, the EU suspended ratification of the

a relationship based on partnership with Belarus. Nevertheless, the EU does not ignore Belarus: from 1997 when cooperation was suspended, it continued with humanitarian aid and democracy assistance that amounted as average 10 million Euros per year. The EU finds an important challenge in Belarus, as its policy based on negative conditionality (suspension of political relations) and sanctions did not act as a force for promoting democracy (Pomorska, 2006).

New Member States, as Poland and Lithuania, fostered in 2004 a change of attitude against Belarus, defending that the EU would get no result with its isolation stance. They supported that the EU should try to establish political dialogue and the idea of drafting a 'shadow' –unilateral- Action Plan, which would encourage opposition parties and civil society to fight for reforms. Recently, the European Commission approved this 'shadow action plan', a non-paper as well as the Country Strategy Paper (2007-2013) and the National Indicative Programme (2007-2010).²⁰ These documents provide the framework for allocating the financial assistance to Belarus under the European Neighbourhood and Partnership Instrument. They follow two main objectives: social and economic developments (including actions to alleviate the consequences of the Chernobyl catastrophe) and democratic development and good governance.

Related to values, Ukraine's and Moldova Actions Plans identify an important group of 'priorities for action', which are further developed by benchmarking or concrete actions to be taken. Not every priority for action is related to values, many of them address EU's concerns as security threats and others intend to approach these countries legislation to the EU standards. In the case of Ukraine, the priorities for action related to values promote mainly democracy, rule of law, peaceful conflict solutions and free market economy.

Values promoted through the partnership with Moldova refer to democracy promotion and consolidation, improvements in respect for human rights –notably freedom of expression-, good governance and institution building and liberal capitalist functioning economies. They are further developed in strict benchmarks, 71 measures in the case of Ukraine and 80 for Moldova. The Action Plans envisage monitoring after two years, by the European Commission and the joint Partnership Council. Depending on the results, the Action Plans could be revised.

6. Conditionality and Incentives for Reform: The Key Question.

The core of conditionality is the existence of interesting incentives, which motivate the partners to undertake domestic reforms. In the first Communication on Wider Europe, the Commission was very clear on the notion of positive conditionality: 'in return for concrete progress demonstrating shared values' (Commission, 2003). As Kelley points out, this strict positive conditionality was soon softened, as very precise benchmarks

Agreement, as well as financial aid, except humanitarian aid and funds promoting democracy. In this time, the EU has also adopted sanctions to persons belonging to the Belarusian government. See Jarabik and Rabagliati, 2007.

²⁰ See: EUROPEAN COMMISSION, *Non-Paper 'What the European Union could bring to Belarus'*, Brussels, November 2006, http://ec.europa.eu/external_relations/belarus/intro/non_paper_1106.pdf; EUROPEAN COMMISSION, *European Neighbourhood and Partnership Instrument, Belarus, Country Strategy Paper 2007-2013 and National Indicative Programme 2007-2010*, http://ec.europa.eu/world/enp/pdf/country/enpi_csp_nip_belarus_en.pdf.

and assessments would not be accepted by partners under the principle of joint ownership (Kelley, 2006). This is why there is some ambiguity in Action Plans and other documents, on the effects of monitoring and the access to promised incentives.

General political documents offer participation in Internal Market and in European policies and programmes, this is to say, 'everything except institutions'. The incentives consist on prospects for enhancing the bilateral relationship between the EU and the partner. The agreed Action Plans depict the incentives –the carrots- that the EU offers to its partners; they are very similar for Ukraine and Moldova, although there are slight differences between both countries, related to their internal situation and the relationship with the EU.

The common incentives are economic integration, political cooperation, the opening of markets, increased financial support, the possibility of participation in Community programmes, and technical assistance. In the case of Ukraine it was also offered the possibility of negotiating a new enhanced agreement. For Moldova, whose relationship with the EU is not so tight, the EU promises a strong support to the settlement of the Transnistria conflict; a constructive dialogue on visa facilitation and the opening as soon as possible of a Commission Delegation in Moldova. Also, the Commission has made efforts to ensure that the International Monetary Fund and the World Bank follow the European reports in order to boost their leverage.

There seems to be many and interesting carrots at the disposal of partners who reach the benchmarks. The incentives could help them improve their material situation and open interesting economic perspectives. Nevertheless, the question is if these 'carrots' are attractive enough for countries that have to address important political and economic reforms, sometimes in difficult internal situation, due to political instability and the Russian intervention in domestic affairs. The key question for countries as Moldova and Ukraine is the perspective of accession, as they often demand. The ENP documents take good care to affirm that it does not envisage membership as a policy objective. Nevertheless, there is more calculated ambiguity in the long term possibility.²¹

Promising accession is not anymore an external policy instrument at disposal of European institutions, as it was in the past. Following the referenda on European Constitution, it was detected an 'enlargement fatigue' among the European citizens. Consequently, the European Council has approved a strategy on future enlargements that, excluding the open process towards Western Balkans, does not envisage new accessions in the near future (European Council, 2006). The exclusion of membership poses a special problem in relation to these three Eastern European countries: how to reject their demands of accession when important political reforms are carried out? Anyway the EU has great difficulty in defining and sustaining a consistent strategy; MEPs encourages Ukraine accession while official stances reject it (Wallace, 2003). Three years after the ENP, Moldova and Ukraine insists on getting from the EU a short period of time for revising the membership question. The challenge is to meet those expectations from the partners without creating a sense of exclusion.

²¹ Eneko Landaburu, Director General on DG External Relations, affirms: 'We offer a privileged form of partnership *now*, irrespective to the exact nature of the future relationship' (Landaburu, 2006).

7. Transfer of Values through the Eastern Neighbourhood Policy: Assessing the Results. The Case of Ukraine and Moldova.

After four years of ENP and being adopted the first monitoring reports, we can try to assess these first results in order to see if the ENP is a suitable instrument for transferring values and addressing EU's security threats. The ENP policy envisaged mechanisms for monitoring progress, also inspired in the enlargement policy: a joint assessment and a unilateral EU report (Kelley, 2006). The first Progress Reports on the implementation of the ENP were approved in December 2006, these will be our first basis for evaluating the results. After that we will confront the European institutions overall assessment with the opinions given by scholars.

The ENP merits for the Commission an overall positive assessment in terms of achievements in transfer of values (European Commission, 2006). The ENP has promoted an enhanced dialogue on human rights; many partners have made progress in the reform of electoral systems, in judicial reforms, and in public-sector governance. It recognises the difficult for achieving and measure progress in the governance field and regrets the lesser advances regarding respect for fundamental rights and liberties.

In the case of Ukraine, the Commission praises the democratic progress accomplished since the Orange Revolution, which took place when the Action Plan was being negotiated.²² It is highlighted the democratic quality of the 2006 parliamentary elections –‘free and fair’- and the free debate in the press. Also there is a positive progress towards consolidating respect for human rights and the rule of law. It is said that ‘initial steps have been taken in the fight against corruption and on the reform of the judiciary, which are particular challenges’. This particular wording seems to warn that the action taken in this aspect is not considered enough.

The overall assessment regarding Ukraine is quite positive, as important progress in terms of values has been accomplished. In return, the EU has begun to negotiate the Enhanced Partnership and Cooperation Agreement it promised, which would envisage the progressive integration of Ukraine in the European Single Market. Progress by Ukraine has been welcomed by other institutions: the European Parliament has suggested that it should be considered an Association Agreement with Ukraine, which opens the way for long term accession (European Parliament, 2007).

Regarding to Moldova, the assessment is less positive. No significant progress is highlighted in terms of political reform towards democracy, although the Report praises the first steps taken on governance issues, as the reform of the judiciary, the fight against corruption and organised crime. Nevertheless, there are considerable advances in trade-related issues, cooperation with international financial institutions and on poverty reduction. The overall assessment is rather negative: ‘the implementation of reforms requires to be given greater attention, including in areas with good legislative progress’.

Generally, scholars are quite critique with the design and results of the ENP. In their opinion, the main shortcomings are incentives and policy instruments for making the

²² The EU played an important political role, as referent and as mediator, in the events that led to the Orange Revolution in Ukraine in 2005, that confirmed ‘the EU’s normative claim and international status’ (Dannreuther, 2006)

political conditionality work: if the EU wants to succeed, it should provide more resources and incentives to try to make up for the lack of a medium-term membership prospect (Kelley, 2006; Smith, 2005b; Smith, 2007). The poor results achieved, for Vahl, are due mainly to the general problems of inconsistency that EFP suffers, due to the intergovernmental nature of the CFSP and the lack of adherence of Member States to common positions (Vahl, 2006). For Emerson, Noutcheva and Popescu, the problem is the 'one-size-fits-all' and they call for greater differentiation and reinforcement of the incentives for willing partners in order to enhance the strategic vision of the policy (Emerson, Noutcheva and Popescu, 2007). For Dannreuther, it is a question of inconsistency between EU interests and the ENP: if it wants to have success, it should be considerably braver in integrating this transformative agenda with its multiple security-driven interests, most notably over immigration, energy and counter-terrorism (Dannreuther, 2006).

On the basis of the Commission overall progress report, the Council prepared a report on strengthening of the ENP, which was endorsed by the European Council in June 2007 (European Council, 2007). It recalls that the ENP remains 'a core priority of the EU's foreign policy', that have already achieved significant results in forging a detailed reform agenda and providing effective EU aid. The European Council has slightly reformed the ENP in order to better achieve results. First of all, the EU is to provide better incentives to promote reforms, it will offer improved access to the Internal Market and deeper economic integration through bilateral deep free trade agreements, following the Ukraine's Enhanced Agreement. Second, the EU has to make best use of the Union's financial weight through the tools at its disposal. A Neighbourhood Investment Fund is going to be created. Third, it will place a stronger focus on cross-cutting sectoral themes, providing a multilateral complement to the bilateral relationships. Fourth, the ENP should provide an impetus to stronger political cooperation with and between ENP partners. Last, the ENP will try to involve citizens and strengthen its civil society basis, promoting dialogue, education exchanges, etc.

8. Concluding Remarks.

The ENP is a paradigmatic policy of 'civilian power' Europe, as it seeks to transfer its values to the near abroad through economic and commercial tools. The EU has invented a way of transforming and stabilizing third countries without hard power politics and without interfering in domestic affairs. The formula is promising economic cooperation and tighter political links to its partners in exchange for embracing European values as democracy, human rights, peaceful conflict resolution, respect to International Law, multilateralism, etc.

The ENP can be considered an important security strategy for stabilizing the near abroad that implements the European security vision set in the European Security Strategy. Trying to project European values and to extend welfare and cooperation, the threats posed by these countries can be reduced. This seems to be a right way to achieve 'A More Secure Europe in a Better World'. This strategy, on our opinion, is not of imperialistic nature, because the agreed objectives and benchmarks make third countries co-owners.

Although ENP can be seen a good strategic policy instrument in the long term, it has important shortcomings. The main problem is finding incentives attractive enough for encouraging reforms and reformers and improving the consistency of the whole European external action towards these countries. Regarding to States as Moldova and Ukraine, the question of membership will have to be considered sooner or later, as it is proven the best incentive for reform and a legitimate demand from these countries. Possibly the implementation of the European Treaty Reform, foreseen for 2009, will help to achieve greater consistency and better tools for the whole European external action, as there will be a sole responsible, the New High Representative. The political vision of the ENP is ambitious, now the Member States commitment has to be equally generous in order to guarantee a secure environment.

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