

UNIVERSITY OF ECONOMICS, PRAGUE
FACULTY OF INTERNATIONAL RELATIONS

MASTER'S THESIS

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FACULTY OF INTERNATIONAL RELATIONS



Programme: International and Diplomatic Studies

Normative Power in the European
Neighbourhood Policy

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Declaration

This thesis, *Normative Power in the European Neighbourhood Policy*, was composed solely by myself. The used bibliographical sources are listed in the enclosed index of Bibliography.

Prague, 6 May 2013

.....

Student's Signature

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List of Abbreviations

AA(s)	Association Agreement(s)
AP(s)	Action Plan(s)
CEEC	Central and Eastern European Countries
CFSP	Common Foreign and Security Policy
CPE	Civilian Power Europe
DCFTA(s)	Deep and Comprehensive Free Trade Agreement(s)
EaP	Eastern Partnership
EC	European Communities
ECom	European Commission
EEAS	European External Action Service
EIB	European Investment Bank
EIDHR	European Initiative/Instrument for Democracy and Human Rights
EMP	Euro-Mediterranean Partnership
ENP	European Neighbourhood Policy
ENPI	European Neighbourhood and Partnership Instrument
ESS	European Security Strategy
ESDP	European Security and Defence Policy
EU	European Union
FEMIP	Facility for Euro-Mediterranean Investment and Partnership
FTA	Free Trade Area
FP	Foreign Policy
GMP	Global Mediterranean Policy
GSP	Generalised System of Preferences
HR of the EU	High Representative of the European Union for Foreign Affairs and Security Policy
LT	Lisbon Treaty
MAP	Mediterranean Action Plan
MFN	Most Favoured Nation
MS(s)	Member State(s)

NFP	Normative Foreign Policy
NIS	Newly Independent States
NPE	Normative Power Europe
NPP	Normative Power Perspective
OSCE	Organisation for Security and Cooperation in Europe
PCA(s)	Partnership and Cooperation Agreement(s)
RMP	Renovated Mediterranean Policy
SC	Southern Caucasus
TA	Treaty of Amsterdam
TEU	Treaty on EU
TFEU	Treaty on Functioning of the EU
UfM	Union for Mediterranean
UNEP	United Nations Environment Programme
WNIS	Western Newly Independent States
WTO	World Trade Organisation

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Introduction

"I want to see a "ring of friends" surrounding the Union and its closest European neighbours, from Morocco to Russia and the Black Sea". That was one of the wishful proclamations stated by Romano Prodi, President of the European Commission (ECom), during his speech in Brussels in December 2002. Only one and a half year later, in May 2004, the European Union (EU) officially launched a new policy, European Neighbourhood Policy (ENP), aimed at all neighbouring countries.

In a few months, the EU will count 28 European states, all adhering and sticking to values of democracy, human rights and rule of law and thus making these essential part of the EU's identity. Accordingly, the significance of norms as the founding values within the EU is getting more profound also in the EU's foreign policy (FP), where the ENP undoubtedly belongs.

This Master's Thesis, *Normative Power in the European Neighbourhood Policy*, assumes that the EU is an actor sui generis combining civilian, military and normative power identity. The attention in the thesis is devoted to the normative power role of the EU in its neighbourhood. *In my Master's Thesis, I will try to assess whether, and how the normative power of the EU has worked in the ENP and its previous forms of cooperation.* The thesis focuses mainly on the latest development (the 1990s and later) of the EU's policy towards its closest neighbouring countries and tries to provide unified and self-contained view on the evolution of the normative power approach in the ENP and its preceding forms of cooperation.

Recent developments occurring in the EU have raised several questions: Does the EU have a normative power identity and where are the roots of it? Does the EU act as a normative foreign policy actor, particularly when it comes to the relations with its closest neighbours? Moreover, has the promotion of normative values always been in the centre of attention of EU's relations with its neighbourhood? Is the EU consistent in the normative approach when it comes to all of its neighbours?

In order to answer these and above all my research question appropriately, I stipulated three hypotheses reflecting the context of this thesis. As my first hypothesis, I have assumed that the FP of the EU towards the Mediterranean countries until 2004 was non-normative, realizing particularly through commercial relations and greatly shaped by undemocratic regimes of the North African states.

The second hypothesis is that the EU's FP behaviour in the post-Soviet region after the dissolution of the USSR was rather fragile without clear strategy to promote normative values and thus based more on non-normative cooperation. As my last hypothesis, I have anticipated that with the new ENP, the EU has assumed a more decisive attitude in the neighbourliness reflecting the need on strengthened cooperation on FP matters inside the EU and thus pursuing the vision of normative FP actor.

In this Master's Thesis, the methodology of theoretical-empirical deduction was applied. Firstly, different theoretical approaches dealing with EU's identity have been analysed and presented, and then they were synthesized into clearly organized theoretical assumptions. Based on the method of deduction, hypotheses to be verified were developed and then, the real developments in the relations between the EU and its neighbouring countries were observed and presented (described and analysed). These observations were useful for testing the hypotheses, drawing comprehensive conclusions as well as for validating theoretical presumption.

This Master's thesis consists of five chapters, specifically this Introduction, three core chapters and a Conclusion as well as other sections such as List of Abbreviation, Appendices and Bibliography.

The first chapter, called *Theoretical Background and Foundation of Normative Power in EU's FP*, presents the theoretical framework to the thesis. It provides theoretical conceptualization of the EU since its creation in 1950s, which goes through military and civilian power up to normative power Europe (NPE). The concept of NPE, developed by Ian Manners, is elaborated more in detail and accomplished by Nathalie Tocci's notion of normative foreign policy actor. Based on her categorisation of foreign policies, I will assess in the following chapters, whether the normative power approach of the EU has worked in the EU's FP towards its neighbours in particular time. The first chapter also deals with the embedment of the normative identity in the EU's foreign policy as reflected in the EU's primary law.

Chapter two, *Path towards the ENP until the Year 2004 from the NPP*, is divided into two sub-chapters, both having the same structure. The first sub-chapter focuses on the initial forms of cooperation between the EC/EU and the Mediterranean partners. The sub-chapter describes briefly the history of mutual relations with a

particular attention to Euro-Mediterranean Partnership. It analyses the reasons, why the EC/EU started to cooperate with the Mediterranean countries and provides an analytical assessment of whether the EU's behaviour was normative. The second sub-chapter concentrates on the other hand on the initial stages of cooperation towards Eastern countries. It provides an overview of the Euro-Eastern relations and analyses the reasons of EC's/EU's involvement in the region. Finally, the EU's policy towards the Eastern countries is analytically assessed from the normative power perspective.

Chapter three, *ENP and Developments since 2004 from the NPP*, analyses the reasons to launch a new single policy framework encompassing all neighbouring countries. It identifies distinguished features of the new strategy as well as a new partition within the ENP into new forms of regional cooperation. The chapter also provides analytical assessment of whether the goals pursued and means applied by the EU were normative or non-normative, and what the impact of the ENP was. Finally, the chapter presents a new approach to the ENP introduced after the Arab Spring revolts but oriented on the whole neighbourhood. Based on this renewed strategy I will outline three possible scenarios, which the new approach could result in.

The sources of information used during writing this thesis can be divided into three groups. Firstly, the most important sources are represented by primary sources that provide the thesis with facts and hard data. These consist of primary (founding and amending treaties of the EU) and secondary law of the EU (especially communications and recommendations) as well as of various factsheets, databases, statistics, political speeches, policy declarations, articles or official Internet websites and portals published and managed by European institutions, different national government offices and ministries, governmental and non-governmental organisations, statistical offices and institutes, etc. Second group of sources is created by the secondary information sources, which served mainly for pursuing the analyses. These are principally various publications from the National Library in Prague and library of the University of Economics, Prague, and a wide range of research and discussion papers, essays, articles, studies written by different authors (research workers, politicians, scientists, university lecturers, directors of research institutions etc.) published by various international affairs institutes, academic institutions,

scientific journals, think tanks, research periodicals, etc. The last type of sources is the media sources, such as BBC or Radio Free Europe, which are applied only subsidiary to supplement some important information from recent developments.

The thesis *Normative Power in the European Neighbourhood Policy* was written during February – May 2013.

1. Theoretical Background and Foundation of Normative Power in EU's FP

1.1. From Civilian to Military Power Europe?

The European Communities (EC) that were set up in 1950s were based primarily on economic cooperation following the objective of achieving peace and stability in Europe after World War II. They had no military dimension as the Member States' (MSs) security was ensured within NATO (established in 1949) and by the American military advantage.¹ In spite of that, several attempts² to establish security and defence cooperation with own army soon appeared among the EC MSs. They were however unsuccessful due to different positions and FP priorities of the Member States. Consequently, the matter of military security has remained taboo in the European integration process until 1992. In this era of standstill towards closer security and military cooperation, François Duchêne came in 1972 with the conception of Europe being a "civilian power". He claimed that Civilian Power Europe (CPE) relies on non-military, particularly economic and diplomatic instruments to affect international relations.³

Nonetheless, already in 1982 Hedley Bull contested the civilian actorness of Europe (meaning the Western European countries creating the EC) in world politics and called the EC for establishing a military aspect to become a global actor. He claimed, "*Europe is not an actor in international affairs, and does not seem likely to become one....*"⁴ H. Bull challenged the assumption of research workers who had asserted that traditional military power had drawn back to civilian one as a way to affect world affairs.⁵ He stressed that the Western Europe needs to establish its own security and defence policy and military forces in order to become an international actor, which would not be any more militarily dependent on the USA. Three reasons made him to state this claim. Firstly, Western European interests differed from the American ones; secondly, there was a still present threat, which represented the

¹ BINDI, F. (2010): *The Foreign Policy of the European Union. Assessing Europe's Role in the World*, p. 73.

² These were particularly Pleven Plan to create the European Defence Community, proposed by France in 1950 and the Fouchet Plans of 1960 and 1962, again launched by France. [BINDI, F. (2010): *The Foreign Policy of the European Union. Assessing Europe's Role in the World*, pp. 52-53.]

³ Ibidem, pp. 52-54, 73.

⁴ BULL, H. (1982): *Civilian Power Europe: A Contradiction in Terms?* P. 151.

⁵ YANNIS A. S. (2007): *The State of European Integration*, p. 41.

Soviet Union and thirdly, the security and defence elements would eliminate barriers to the revival of the EC.⁶

Despite the obviousness of contradiction of these two approaches, Duchêne's civilian versus Bull's military power, they share a lot. Both of them were invented during the East-West division of the world and thus they build upon the significance of Westphalian order of nation-states and stress preservation of status quo in international affairs. Be it the civilian ways of exerting influence or the military, Duchêne and Bull appreciated direct powerful means. Finally, European interests were for both of superior concern.⁷

Nevertheless, due to the lack of joint military capabilities of the EU since its establishment, the EU was widely theorised through a wide range of "ideational" conceptions. Hans Maull operationalized the notion of CPE in 1990. Based on Richard Rosecrance's definition of trading states, Maull identified three features immanent to civilian power. These are:

a) Approval to cooperate with others in order to achieve international objectives;

b) Focus on non-military, primarily economic, tools to secure national goals while military power keeping as a residual instrument and to secure the other instruments in case in need;

c) Readiness to create supranational structures to tackle crucial issues of world politics.⁸

According to these characteristics, the EC/EU fulfilled the criteria for a civilian power. The EC applied primary economic and diplomatic means in world politics; it had no military dimension of cooperation and was interested in establishing commercial or other beneficial forms of partnership with third countries.⁹ Other scholars stressed the ethics of FP of the EU (Karen Smith or Margot Light) or "force for good" to achieve better world (Thomas Diez or Michelle Pace).¹⁰

However, the EU soon experienced deficiencies of being an entity without military background, especially when it was put into a position to observe military

⁶ BULL, H. (1982): *Civilian Power Europe: A Contradiction in Terms?* Pp. 152-156.

⁷ YANNIS A. S. (2007): *The State of European Integration*, p. 44.

⁸ MAULL, H.W. (1990): *Germany and Japan: The New Civilian Powers*, pp. 92-93.

⁹ SMITH, K.E. (2000): *The End of Civilian Power EU: A Welcome Demise or Cause for Concern?* Pp. 13-14.

¹⁰ BINDI, F. (2010): *The Foreign Policy of the European Union. Assessing Europe's Role in the World*, p. 192.

conflicts occurring in its near neighbourhood without possibility to take any actions. This impotence as well as other factors¹¹ made the EU leaders to realize the need of closer military cooperation so when negotiating the Maastricht Treaty in 1992 they made the first step with establishing Common Foreign and Security Policy (CFSP). The necessity to strengthen the military dimension was multiplied by failures in South-Eastern Europe. In 1998, France and Britain, representing the two contrasting camps on European security, made Joint Declaration on European Defence. They concurred that the EU must be able to take self-governing action supported with military capabilities and have willingness to use them in case of emergencies. Only half year later, the European Council decided to set up European Security and Defence Policy and in December 1999, the EU committed that by 2003 it would be able to deploy up to 60,000 persons within 60 days.¹²

Hence, the process of European integration obtained defence dimension and the notion of CPE started to be challenged again, now with the emerging defence and security policy.

1.2. Normative Power of the European Union by Ian Manners

In the middle of the discussions over civilian and newly emerging military power Europe, Ian Manners came up with the concept of Normative Power EU to be a worthy addition to existing concepts of understanding the EU and its role in international politics.¹³ Although the conception of normative power is not new in international relations,¹⁴ Ian Manners is undeniably considered as the father of the concept “normative power Europe”.¹⁵ Manners characterised the NPE as “*the ability to define what passes for 'normal' in international relations*”.¹⁶ Fundamental to his NPE concept was that the EU exists as being different to preceding polities and it is right

¹¹ These were related to the end of the Cold War: German reunification that induced for deepening the EU and withdrawal of the US army from Western Europe. [SMITH, K.E. (2000): *The End of Civilian Power EU: A Welcome Demise or Cause for Concern?* P. 14.]

¹² SMITH, K.E. (2000): *The End of Civilian Power EU: A Welcome Demise or Cause for Concern?* P. 15; and BINDI, F. (2010): *The Foreign Policy of the European Union. Assessing Europe's Role in the World*, pp. 55-56.

¹³ MANNERS, I. (2002): *Normative Power Europe: A Contradiction in Terms?* P. 236.

¹⁴ It was already in 1939 when E. H. Carr wrote: “power over opinion was not less essential for political purposes than military and economic power and has always been closely associated with them”. [CARR, E. H. and COX, M. (eds.) (2001): *The Twenty Years' Crisis 1919-1939: An Introduction to the Study of International Relations*, pp. 132 and 141.]

¹⁵ The notion NPE has become widely common, although it refers to EU's NP. Therefore, both terms are used in this thesis with the same reference - to the EU.

¹⁶ MANNERS, I. (2002): *Normative Power Europe: A Contradiction in Terms?* P. 253.

this specific difference that pre-disposes the EU to act in a normative way. Ian Manners advocates that military capabilities shall not blend with normative power but they should be preserved detached. Focus should be given on normative power of *ideational nature* of shared values.¹⁷

In developing the notion of NPE, Manners managed to overcome the concern of state-like power, central both to military and civilian power concepts. The uniqueness of the EU as a normative power lies in combination of *historical evolution*, *hybrid polity* and *legal constitution*. These three factors led the EU to put the universal rules and values at the centre of its relations not only with its MSs but also with the third countries. The EU has even made its external relations informed by and dependent on the universal standards like those contained in the Universal Declaration of Human Rights or the European Convention for the Protection of Human Rights and Fundamental Freedoms. Consequently, the EU has a different *normative basis* for its relations with third countries, which has developed through adopting treaties, declarations, policies, criteria and conditions. Manners identified five core and four minor norms that create the *acquis communautaire* of the EU. The core norms are peace, liberty, democracy, rule of law and respect for human rights and fundamental freedoms. All of them not only constitute the principal values on which the EU is founded and on which the EU external action is based, they create the Copenhagen criteria required from membership applicants. Thus, they are becoming essential part of the EU's identity. Among the minor norms are social solidarity, anti-discrimination, sustainable development and good governance.¹⁸

Acknowledging the normative basis of the EU, Manners assumed that the EU's NP comes from six factors that influence the way norms are dispersed in world politics. These are contagion, transference, cultural filter, informational, procedural and overt diffusion. *Contagion* is unintended spread of EU norms in international relations, e.g. occurring through Mercosur cooperation. *Transference* is happening through exchange of benefits such as goods, aid or technical assistance between the EU and third party (e.g. TACIS programme provided to Eastern European countries). *Cultural filter* is based on cultural dissemination and political learning in third states or organisations resulting in learning, adopting or refusing the norms. Examples are

¹⁷ MANNERS, I. (2002): *Normative Power Europe: A Contradiction in Terms?* Pp. 230, 242

¹⁸ Ibidem, pp. 241-243

diffusion of human rights in Turkey or democracy in China. *Informational diffusion* takes place through issuing strategic and declaratory communications by the EU, e.g. strategy papers or ECom's communications. *Procedural diffusion* means institutionalization of the relationship between the EU and the third party, such as interregional cooperation or enlargement of the EU. Finally, *overt dispersion* is result of the physical presence of the EU in the third states and organisations, e.g. through diplomatic representation of Member States or monitoring missions.¹⁹

Based on these assumptions, Ian Manners came up with a revolutionary statement that the normative way the EU behaves in international affairs is pre-given by what the EU is. That means when the EU is normative in its nature, its foreign policy is pre-disposed to be also normative.²⁰

1.3. Normativity in a Foreign Policy – How Can This Be?

With changing international and European context leading to militarisation of the EU, Manners reflected this evolution and reconsidered his concept. He claimed that the military missions of the EU do not have to lead to the decrease of NPE on condition that they are carried out under the United Nations mandate. Otherwise, the EU's NP would attenuate.²¹

Four years later, in 2008, Ian Manners elaborated the NPE approach in world politics and argued that it is necessary to distinguish between two things. One is to claim that the EU is a normative power by its nature; the second thing is to say that the EU behaves in a normative way in its FP. The former relates to the normative basis of the EU and diffusion of its norms, while for the second Manners deployed a tripartite analytical method to assess whether the EU acts in a normative way in international politics. This method consists of evaluating the *principles* the EU wants to promote, *actions* through which the EU promotes its values and *impacts* of the EU's actions.²²

In the light of Ian Manners' studies, Nathalie Tocci further developed the concept of normative foreign policy actor; assessed right on affirmed goals, employed means and achieved results. She grounded the definition of normative foreign policy

¹⁹ MANNERS, I. (2001): *Normative Power Europe. The International Role of the EU*, pp. 13-14.

²⁰ MANNERS, I. (2002): *Normative Power Europe: A Contradiction in Terms?* P. 252.

²¹ MANNERS, I. (2004): *Normative Power Europe Reconsidered. From civilian to military power: the European Union at a crossroads?* Pp. 1, 20.

²² MANNERS, I. (2008): *The Normative Ethics of the European Union*, pp. 45-46.

(NFP) on non-neutral interpretation, which must be based on the so called “external reference points”. These are broadly acknowledged values and principles, and thus commanding high legitimacy.²³

This Master’s Thesis adopts the non-neutral interpretation of NFP and from it deduced definitions of goals, means and impact. *NFP goals* are hence defined as objectives that strive to shape milieu through regulation of international regimes, organisations and law and at the same time that are binding for all parties including the relevant actor. On the other hand, the non-normative goals are those that aim to satisfy one’s own interests such as energy security, control over migration flows, border checks, trade activities etc. The goals may be well-matched in the long term, e.g. imposing sanctions for violating human rights or oppression of opposition may ensure energy security or stable commercial ties in the long-horizon. However, in the short- and medium-run, these goals may contradict to each other, especially in a particular situation and at a certain time.²⁴

NFP means are instruments that are used in accordance with law, both internal legal rules and external legal commitments, i.e. international law, UN authorisation, multilateral cooperation etc. *Impact of NFP* is an external variable unlike the previous two, which are internal, and is therefore the most difficult to evaluate. To assess when, how, to what extent a particular foreign policy action brought about a change in a third country requires a deep analysis of interactions between foreign policy on the one side and the political officials reinforcing such policy in the third country on the other side.²⁵

All three variables are essential components of the NFP. Based on various internal factors’ combinations, Nathalie Tocci and Thomas Diez draw a matrix (see the Table 1) of four different foreign policy types – normative, status quo, imperial and realpolitik.

²³ TOCCI, N. (eds.) (2008): *Who is a Normative Foreign Policy Actor? The European Union and its Global Partner*, p. 5.

²⁴ Ibidem, p. 7; and TOCCI, N. (2006): *Can the EU Promote Democracy and Human Rights through the ENP? The Case for Refocusing on the Rule of Law*, p. 10.

²⁵ TOCCI, N. (eds.) (2008): *Who is a Normative Foreign Policy Actor? The European Union and its Global Partners*, pp. 5-12.

Table 1: Foreign Policy Types Based on Goals and Means

		Legitimisation of foreign policy goals	
		Normative	Non-normative
Foreign policy means	Normative	Normative	Status Quo
	Non-normative	Imperial	<i>Realpolitik</i>

Source: TOCCI, N. (eds.) (2008): *Who is a Normative Foreign Policy Actor? The European Union and its Global Partners*, p. 12.

Normative type of FP is type of policy, in which the actor sets normative goals in accordance with international law and pursues them by legal instruments. The second extreme FP type of this interplay is *realpolitik*. It is a sort of policy, where the actor stipulates non-normative, self-interest aims and carries them out in non-normative way, i.e. without any respect of internal and international legal order. Between the two poles, there are the status quo and imperial FP types. From the logic of the matrix follows, that through *imperial* FP the actor pursues normative goals while using various instruments in order to satisfy its own interests even in spite of violating legal provisions. The last type is *status quo* FP, in which the actor obeys domestic and international law; however, he does not follow normative goals.²⁶

Adding the last variable, FP can be distinguished as having intended or unintended outcomes, according to whether the reached impact reflects the original goal. If the impact is different from the initial aim, the result is obviously unintended and vice versa (see the Table 2).²⁷

²⁶ TOCCI, N. (eds.) (2008): *Who is a Normative Foreign Policy Actor? The European Union and its Global Partners*, pp. 12-13.

²⁷ Ibidem, p. 13

Table 2: Foreign Policy Typology

Type of actor	Normative		<i>Realpolitik</i>		Imperial		Status Quo	
	Intended	Un-intended	Intended	Un-intended	Intended	Un-intended	Intended	Un-intended
Goals								
Means								
Impact								



Non-normative



Normative

Source: TOCCI N. (eds.) (2008): *Who is a Normative Foreign Policy Actor? The European Union and its Global Partners*, p. 14

From the above matrix, follow eight different FP types. However, it is impossible to claim that one international player applies just one exact FP type. The behaviour of the actor always varies depending on the specific region, particular time and definite issue area. In order to determine the precise FP type, it is necessary to take into account so called “conditioning factors” that affect its form. These are the *internal political context* of the international actor, its *internal capabilities* and *external environment* of the targeted state.²⁸

The first two factors are of domestic nature, they determine what aims the actor will strive for, and what means the actor will chose to pursue the goals. The external environment then influences the outcomes of the FP. Analysis of the external environment contains three levels of interactions:

²⁸ TOCCI, N. (eds.) (2008): *Who is a Normative Foreign Policy Actor? The European Union and its Global Partners*, pp. 16-17.

- between the FP action and domestic dynamics of the third country
- between the FP action and policies of other international actors influencing the third country or policy area
- between FP action and global environment affecting the situation in the third country or policy area.²⁹

Depending on a sort and intensity of the pursued FP goals and means, their outcomes and consistency of a FP approach at different times and places, the international actor can be assessed as a civilian, military or normative (or in terms of their modified forms). The objective of this work is however not to assess, which of the identities prevails in the ENP. Instead, I will assume that all three elements are present in the EU's identity and I will focus on the EU normative power in its neighbourhood since its development. Adopting Tocci's typology of FP, I will try to investigate whether and how the normative power of EU's identity has worked in the ENP.

1.4. European Identity of Normative Power with Regard to EU's FP

The question now being raised is where the origins of the EU normative identity in its FP are, how it developed and what the legal basis of the EU as a normative FP actor is.

At the beginning of European integration in 1950s, the EC was predominantly based on economic integration of democratic European states. Their main goal was to recover from the war destructions and to integrate closely their hard industries that any further war would be highly unprofitable for any of them. With rising economic power of the EC, it has been gradually attracting other European nations to join while simultaneously deepening its integration process towards the economic and monetary union. Being strong in economy and in size and due to the changes in international order with the end of the Cold War, the EU faced to opportunity to profile itself more intensely in international relations and to develop its own foreign policy strategy. With the Maastricht Treaty, signed in 1992, the EU integrated into its primary law fundamental values, on which the EU is grounded and which are mutual to all MSs. According to Article six of the Maastricht Treaty on EU, these are "*principles of liberty, democracy, respect for human rights and fundamental freedoms,*

²⁹ TOCCI, N. (eds.) (2008): *Who is a Normative Foreign Policy Actor? The European Union and its Global Partner*, pp. 17-20.

and the rule of law".³⁰ Furthermore, the Maastricht Treaty laid down foundations of CFSP of the EU. Although the CFSP in its fragile beginnings did not say much about EU's international mission nor strategy towards its neighbourhood, Article 11 of the same Treaty set objectives of CFSP. Among the ones with the normative undermeaning were "*the safeguard of common values, fundamental interests, independence and integrity of the EU*", "*development of consolidate democracy and the rule of law, and respect for human rights and fundamental freedoms*" and "*reinforcement of international security in conformity with the principles of the United Nations Charter, Helsinki Final Act and Paris Charter*".³¹

The Treaty of Nice, which was concluded in 2000, set already that the EU's economic, financial and technical cooperation with third countries should support the objectives of achieving democracy, rule of law, respect for human rights and fundamental freedoms.³²

The EU's normative mission of its common foreign policy was gradually consolidating and the relations towards close neighbours naturally belonged within this scope. However, there was no legal provision about the special relationship towards the neighbouring countries and in reality, the relations were determined mainly by bilateral compacts and in the Mediterranean, there was created multilateral platform in mid-1990s. The need to administrate jointly challenges and opportunities of closely bordering countries was intensified with the 2004 EU enlargement.

For the first time, in December 2002 the president of the ECom, Romano Prodi, expressed a wish to create a "ring of friends" surrounding the EU in order to stay attractive for its members as a union based on stability, prosperity, solidarity, democracy and freedom.³³ The importance of this newly emerging policy was very soon underlined by Javier Solana, former High Representative of the CFSP, who integrated the ENP into the European Security Strategy (ESS) in December 2003.

³⁰ Maastricht TEU, Article 6.

³¹ Ibidem, Article 11.

³² Treaty of Nice (2000), Article 181a.

³³ PRODI, R. (2002): *A Wider Europe – A Proximity Policy as the key to stability*. - Speech made at the sixth ECSA-World Conference, Jean Monnet Project, Brussels, 6 December, Speech/02/619.

Building security to the East of the EU and on the borders of the Mediterranean was made one of the three strategic objectives of the ESS.³⁴

The idea of the EU to present itself as a normative FP power in its close neighbourhood was affirmed by the Lisbon Treaties, signed in December 2007. Article two of Lisbon TEU again stipulated and extended the fundamental values of the EU, common to all MSs, being “*respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities*”.³⁵ As of December 2007, the EU increased the significance of the norms, which the EU recognises. The EU incorporated the Charter of Fundamental Rights of the EU into its primary law and made it to have the same legal value as the Treaties.³⁶

Great progress was done however in the EU’s external action. In Article 3 of the Lisbon TEU, the EU committed itself to endorse its values and interests to the wider world. For the first time, neighbourhood policy was anchored into primary law by Article 8 of the TEU. It was highlighted again that these *special relationships* with the neighbours are based on the EU values.³⁷

The role of the EU to behave as a normative actor was affirmed not only in immediate neighbourliness but also in the international affairs. According to Article 21 of the TEU, the EU is lead in international politics by values such as democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, as well as the respect for the values of the United Nations Charter and international law.³⁸

To sum up, the normative power identity of the EU’s FP has gradually developed since 1990s. Maastricht Treaty de iure anchored normative basis of the EU’s FP, Treaty of Nice specified normative goals to the EU’s relations with third countries and only the Lisbon Treaties settled the EU’s normative mission in the world. However, as was mentioned above – one thing is the normative basis of the EU; the second is whether

³⁴ The other two were addressing threats and international order based on effective multilateralism. [EUROPEAN COUNCIL (2003): *European Security Strategy. A Secure Europe in a Better World*, Brussels, pp. 7-8.]

³⁵ Treaty on EU, Article 2.

³⁶ Ibidem, Article 6, Paragraph 1.

³⁷ Ibidem, Article 3 and 8.

³⁸ Ibidem, Article 21, Paragraph 1.

the normative way is pursued in the FP of the EU. In this thesis, it will be particularly the ENP, which will be examined in the next chapters.

2. Path towards the ENP until the Year 2004 from the NPP

2.1. Origins of Cooperation of the European Communities/European Union towards the Mediterranean Countries until 2004

2.1.1. Historical Insight into Euro-Mediterranean Cooperation

Since the emancipation of African states from the European colonial rule (the last being Algeria in 1962) rough ten years passed until Europe started to cooperate with its close southern neighbours again. The very first attempts of the European Communities were formulated during the October 1972 summit, when the “Global Mediterranean Policy (GMP)” was established. The GMP aimed at cooperation of all Mediterranean states (including also Greece and Yugoslavia) and it was based primarily on a series of similar bilateral trade agreements that were signed between the EU and the third Mediterranean countries in the following years. The GMP enabled the Mediterranean countries to access freely the common EC’ market with respect to industrial goods. In 1990, the ECom decided to allocate more money to this region, especially to those countries, which had helped during the Gulf War against Iraq. The EU introduced a new strategy – “Renovated Mediterranean Policy (RMP)”.³⁹

A milestone in the Euro-Mediterranean (Euro-Med) cooperation was November 1995. Spain, holding the rotating presidency at that time, convened Euro-Mediterranean Ministerial conference, where the EU and its 12 counterparts⁴⁰ from the Southern Mediterranean adopted Barcelona Declaration. This launched the Euro-

³⁹ This strategy was characterised by more specific objectives such as promotion of the programmes and initiatives developed by the IMF and the World Bank, support to the small and medium-sized enterprises or stressing the significance of human rights etc. [MEDEA European Institute for Research on Mediterranean and Euro Arab cooperation. <http://www.medeabe/en/themes/euro-mediterranean-cooperation/euro-mediterranean-cooperation-historical/>; and YOUNGS, R. (2002): *The European Union and Democracy in the Arab-Muslim World*.]

⁴⁰ Initially, there were 12 countries participating in the Barcelona Process - Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, Syria, Tunisia, Turkey and the Palestinian Authority. However, the number lowered to nine as Malta, Cyprus became EU members, and Turkey started accession talks. Since 1999, when the UN sanctions against Libya were suspended, Libya has obtained an observer status. It was offered a full membership in the EMP in case the UN sanctions are completely withdrawn and Libya accepts the Barcelona acquis. [EUROPEAN COMMISSION (2004): *ENP. Strategy Paper*, COM(2004) 373 final, p. 12.]

Mediterranean Partnership (EMP), called Barcelona Process.⁴¹ The overall aim of this partnership was to promote peace, stability and prosperity. The Declaration identified three policy areas to be the objectives – political and security partnership, economic and financial partnership and partnership in social, cultural and human affairs. Within the political policy area, the participants committed above all to act in accordance with the United Nations Charter and the Universal Declaration of Human Rights, to develop the rule of law and democracy in their political systems, to protect human rights and fundamental freedoms. The Mediterranean states expressed conviction to improve regional cooperation among them, i.e. South-South cooperation. In economic dimension, the signatories arranged to create a Free Trade Area (FTA) by 2010 in compliance with the World Trade Organisation (WTO) obligations. Cultural and social domain stressed the necessity to tackle the issue of migration, to promote exchanges while respecting different cultural backgrounds and to support active civil society.⁴²

As for the means used to promote the objectives, the EMP was proposed to operate on two levels – bilateral and multilateral. The bilateral cooperation was carried out through concluding so called Association Agreements (AA) between the EU and a particular state since 1995 (Appendix 1). Their contents vary but they have a common framework and all contain a “human right clause”, which is based on principle of conditionality.⁴³ This clause means that in case the principles of democracy or human rights are violated in a particular country, the other party is entitled to carry out an action, e.g. to freeze assets, to impose embargo or even to suspend the agreement. Nonetheless, the clause can also apply to positive measures in form of dialogues or assistance.⁴⁴

Multilateral regional dimension has been roofed by regular Euro-Med conferences of the Ministers for Foreign Affairs to monitor the implementation of the Declaration and promote further actions. In case of necessity, a sectoral ministerial meeting could be convened for a special issue. Similarly, senior official and experts meetings were established to serve as a platform to resolve a particular political or

⁴¹ EURO-MEDITERRANEAN CONFERENCE (1995): *Barcelona Declaration*, 27-28/11/95.

⁴² Ibidem, pp. 2-6.

⁴³ EUROPEAN COMMISSION (2005a): *2005 Year of the Mediterranean. The Barcelona Process: Ten Years On*, EUROMED, Belgium, p. 4.

⁴⁴ EUROPEAN COMMISSION. External Relations (2007): *The European Union: Furthering Human Rights and Democracy across the Globe*, Belgium, p. 13.

security matter or to focus on ad hoc problems.⁴⁵ An innovative institution was “EuroMediterranean Committee for the Barcelona process” composed of representative of every participating state and of the EU representatives. It was tasked with arranging conferences of Foreign Ministers, initiating activities and monitoring and evaluating the progress achieved.⁴⁶ Furthermore, the annex of the Declaration on the Work Programme has invited the European Parliament (EP) to initialize with other parliaments Euro-Med Parliamentary Dialogue to discuss various issues.⁴⁷ In order to support achieving the EMP goals, in 1996, the European Council adopted a regulation, which established MEDA as a tool for providing technical and financial assistance for these countries.⁴⁸

2.1.2. Reasons of EC’s/EU’s Involvement

The previous subchapter dealt with the initial institutionalized cooperation of the EC towards its southern neighbours. Now, the aim is to identify the key reasons, which led the EC to make this step. What motives were behind the efforts to launch the cooperation at the beginning of 1970s and what induced the EC/EU to develop the EMP in mid-1990s? Which MSs were the main policy-drivers towards greater cooperation with this region? Moreover, what were their foreign policies’ interests?

The bonds between Europe and North Africa are determined partly by common history partly by the immediate geographical proximity. The history, the two continents have in common is shaped mainly by the colonial supremacy of the European states such as Italy, Spain, the United Kingdom and France. Since the end of the colonial rule, the European states have experienced permanent inflow of African migrants. France, being the main migration target especially after the independence of Algeria, had to face a strain of about a million of French-Algerians, including 350 000 French Muslims.⁴⁹ The European states had regulated their migration flows themselves; however, for the future deeper integration of one single European market, the migration posed an issue to be tackled jointly. Decolonization had also

⁴⁵ PANEBIANCO, S. (2003): *A new Euro-Mediterranean Cultural Identity*, pp. 8-9.

⁴⁶ EURO-MEDITERRANEAN CONFERENCE (1995): *Barcelona Declaration*, 27-28/11/95, p. 7.

⁴⁷ Ibidem, p. 13.

⁴⁸ Council Regulation. (1996): No. 1488/96. - <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31996R1488:EN:HTML> (24. 2. 2013)

⁴⁹ CONSTANT, A. F. and TIEN, B. N. (2009): *Brainy Africans to Fortress Europe: For Money or Colonial Vestiges?* P.12.

brought about outflow of European military personnel from North Africa, which contributed to instability of the region with authoritarian regimes.

One of the reasons to launch the GMP in 1972 followed from the creation of European Customs Union for goods in 1968. The customs union between the EC' countries meant that the MSs abolished tariffs on their inner borders and pursued common duties on imports heading to the EC with the aim to accelerate intra-EC trade. However, in order the EC' MSs to keep enjoying reciprocally profitable commercial ties with its southern neighbours (especially France with its former colonies), some solution was necessary to be developed. The situation was becoming more urgent with the approaching accession of the United Kingdom, Ireland and Denmark as these countries had asserted towards Mediterranean much generous trade policy with low import duties.⁵⁰

In fact, France assumed the role of being the main initiator of establishing a new policy.⁵¹ France gave the impetus to establish a free trade area, which would encompass all the Mediterranean states and no wonder that the French proposal thanks to strong French lobby finally won. Needless to say, that in 1970s, the EC perceived the Mediterranean region as homogenous enough to develop one common strategy. Explanation, why France was so engaged in developing Mediterranean strategy, is found in the French foreign policy interests (security and commercial), which drove France to formulate them on the European level. In 1969, de Gaulle was replaced by new president Georges Pompidou, who from the beginning of his term stressed reinforcement of French position in the Mediterranean as his main goal.⁵² After all, the 1973 Arab oil embargo then pointed the European security vulnerability out and contributed to highlight the economic cooperation.

In the decade of 1980s, the EC was concerned mainly with the southern enlargement (Greece, Portugal and Spain), after which the EC became more self-reliant concerning the agricultural products.⁵³ The ECom realized the necessity to adjust the cooperation with Mediterranean neighbours and therefore adopted the RMP. However, other factors were emerging, which compelled the EC/EU to renovate

⁵⁰ KNOOPS, V. (2011): *Euro-Mediterranean relations and the Arab Spring*, pp. 4-5.

⁵¹ European Parliament and ECom also proposed adjustments but the supranational institutions did not enjoy much popularity and power as the national authorities prevailed.

⁵² BICCHI, F. (2002): *Actors and Factors in European Foreign Policy Making: Insights from the Mediterranean Case*, pp. 18-19, 23-24.

⁵³ KNOOPS, V. (2011): *Euro-Mediterranean relations and the Arab Spring*, p. 5.

its South-Mediterranean policy in 1990s. With the end of the Cold War and the German re-unification, the EU started to draw its attention towards Eastern European countries, helping them with their transformation processes. While Germany was naturally supporting the EU-Eastern policy, the southern countries, particularly France, Spain and Italy, were worried that the Mediterranean cooperation would be neglected. This time, it was Spain, which articulated its national foreign policy goals at the European level much profoundly, and with support of other southern MSs, especially France, they were able to enforce the project of EMP as a counterbalance to the pre-accession policy of the EU towards Central and Eastern Europe.⁵⁴ The states did not satisfy with mere bilateral commercial relations; they wanted to create a multilateral framework of cooperation in order to form proper balance to the Eastern Europe enhanced cooperation. Because of the increasing threats coming from the southern Mediterranean, namely illegal migration or possible increase of Islamic fundamentalism, other MSs accepted the need to deal with these issues and agreed to the EMP.

2.1.3. Assessment from the Normative Power Perspective

The bilateral relations prior to the birth of EMP were undeniably of non-normative nature. The EC/EU started to assume a normative power identity in its FP as soon as it was internally consolidated and economically strong enough to deal with other than possession goals. For the first time, when the normative goals were formulated towards the Mediterranean countries, was the Barcelona declaration, which set out both self-interest (creation of the FTA and security issues) and normative (to promote protection of human rights, democratic values etc.) goals. This was a significant normative shift in mutual relations. Looking at the internal political context of the EU at the beginning of the 1990s, the Maastricht Treaty created the three-pillar structure, where the CFSP was of intergovernmental mode requiring unanimity of all MSs. On the other hand commercial policy has belonged to the first pillar and thus to exclusive competences of the EU, where the Council of the EU decides by majority voting. The European policy towards the Mediterranean countries has belonged partly to the first pillar when it comes to concluding

⁵⁴ BICCHI, F. (2002): *Actors and Factors in European Foreign Policy Making: Insights from the Mediterranean Case*, p. 24; and DANNREUTHER, R. (eds.) (2004): *European Union Foreign and Security Policy. Towards a Neighbourhood Strategy*, pp. 136-137.

international treaties (Article 300 of the Treaty of Amsterdam) and trade policy (Article 133 of the TA), partly to the CFSP when the Ministerial Conferences are held. Therefore, what objectives were pursued depended on the unanimity of MSs at these conferences.

The EMP was initiated by the southern European states that were afraid that the enhanced attention in Eastern Europe would neglect the ties with Mediterranean. Therefore, they proposed multilateral platform covering also security and political issues, which were of concern of all MSs and thus unanimity was achieved.

Although the final compromise was declared the combination of both normative and non-normative goals (which is workable only if the normative and self-interest aims do not contradict each other or if they overlay), in case of the EMP the commercial interests, migration control and achieving regional stability were prioritised by the EU over the normative goals. These issues appeared to be more significant and crucial in mutual relations and furthermore, the economic partnership has already enjoyed several decades of mutual relations and Europe has become the largest trading partner of the region, main direct foreign investor and provider of financial assistance.⁵⁵

Nevertheless, even in the economic area, the interests among MSs have been quite diverse. All MSs have been unified about liberalization of trade in industrial goods but not when it comes to agriculture. The southern European states tend to protectionism and are reluctant to liberalize their trade in agriculture. On the other hand, non-agricultural MSs favour creation of free trade also in this policy area. ECom promised in its Communication in 2000 to undertake steps towards greater liberalisation of agricultural trade in order to achieve Euro-Med FTA.⁵⁶ However, the 10th anniversary Euro-Med summit re-affirmed *“progressive liberalisation of trade in agriculture with a possibility to select certain exceptions for gradual and asymmetrical implementation, taking into account the differences and individual characteristics of the agricultural sector in different countries”* and further called for progressive liberalisation of trade in services.⁵⁷ Hence, in order to achieve unanimity among all

⁵⁵ EUROPEAN COMMISSION (2005): *10th Anniversary of the EMP*, COM(2005) 139 final, p. 2.

⁵⁶ EUROPEAN COMMISSION (2000): *Reinvigorating the Barcelona Process*, COM(2000) 497 final, p. 6.

⁵⁷ COUNCIL OF THE EU (2005): *10th Anniversary Euro-Mediterranean Summit. Five Year Work Programme*, COM(2005) 139 final, pp. 5-6.

MSs and its Mediterranean counterparts, such escape clause, in terms of certain exceptions to agricultural products, had to be included in the final resolution.

The bilateral instruments, the AAs, revealed internal limited capabilities of the EU. Firstly, the AAs were subjects to ratification process in all MSs, which slowed down the whole process of attainment the goals for several years.⁵⁸ Only two AAs were concluded within five years of the launch of the Barcelona Process and majority of them entered into force after or in the year 2000. Secondly, they proved absence of strong power of the EU to force the counterparts to respect the rules. Despite the AAs containing the “human rights clause” and despite the fact that the EU asserted that their relations must be conditional on the country’s pledge to attain the objectives of the Barcelona Declaration⁵⁹, the EU had never taken any measures against the violation of human rights and other principles.⁶⁰

In multilateral dimension, no serious political dialogue was found on the topics of human rights or migration. However, the Euro-Med ministerial conferences meant partly a political progress because it was the only forum, at which the Ministers of Israel, Syria and Lebanon met together.⁶¹ Furthermore, the 1998 ministerial meeting empowered the Senior Officials to work out a Euro-Med Charter for Peace and Stability to promote peace and stability in the region.⁶² In 1999, the Conference of Foreign Ministers in Stuttgart approved the guidelines for the Charter, which should have been approved at the next Euro-Med Conference in Marseilles in 2000, on condition that improvement was achieved in the Middle East peace process. The Charter institutionalised the existing political dialogue and established certain instruments to tackle security questions.⁶³ However, due to the political context, Ministers decided to adjourn adopting the Charter.⁶⁴

⁵⁸ EUROPEAN COMMISSION (2000): *Reinvigorating the Barcelona Process*, COM(2000) 497 final, p. 6.

⁵⁹ EURO-MED PARTNERSHIP. *Regional Strategy Paper 2002 – 2006 & Regional Indicative Programme 2002 – 2004*. - http://www.eeas.europa.eu/euromed/rsp/02_06_en.pdf (25. 2. 2013), p. 5.

⁶⁰ DANNREUTHER, R. (eds.) (2004): *European Union Foreign and Security Policy. Towards a Neighbourhood Strategy*, p. 141.

⁶¹ EUROPEAN COMMISSION (2000): *Reinvigorating the Barcelona Process*, COM(2000) 497 final, pp. 3–4.

⁶² BRAUCH, H. G., LIOTTA, P. H., MARQUINA, A., ROGERS, P. F. and SELIM M. EL-SAYED (eds.) (2003): *Security and Environment in the Mediterranean: conceptualising security and Environmental Conflicts*, p. 205.

⁶³ EUROPEAN COMMISSION (2000): *Reinvigorating the Barcelona Process*, COM(2000) 497 final, p. 13.

⁶⁴ FOURTH EURO-MED CONFERENCE OF FOREIGN MINISTERS (2000): *Presidency’s Formal Conclusions*. Marseilles.

Prioritization of the self-interest objectives occurred further through the MEDA programme as a financial and technical support. During 1995-1999, MEDA funded mainly projects of structural adjustments, economic cooperation, social and environment activities.⁶⁵ In its first years of existence, the MEDA programme suffered from poor programming and implementation. As a result, from the total commitments of MEDA I (€ 3 057 million) were only 29% allocated, representing € 874 million. The ECom committed itself to improve its performance quality, which really happened in the second phase of MEDA. For the period 2000-2006, the EU pledged to distribute € 5 054 million and the allocated payments totalled to € 3 179 million, which represents 63% of EU commitments.⁶⁶

Deficiency of the MEDA mechanism was not only that the payments went mainly to the economic and social policy goals but also they were delivered to North African governments. The EU albeit established a complement instrument so called *European Initiative for Democracy and Human Rights* (EIDHR), designed for the promotion of human rights and democratization targeting primarily cooperation with NGOs and international organisations around the world.⁶⁷ However, based on this initiative, the EU provided between 2000-2006 to projects in the Mediterranean and Middle East only € 89, 3 million, which is negligible amount compared to MEDA funding.⁶⁸

As Freedom House⁶⁹ ranking in the Appendix 2 indicates, only two partners, Palestinian Authority and Lebanon marked progress and became by 2005 partly free from not free. The others kept the same status. As the EU pursued towards the

⁶⁵ EUROPEAN COMMISSION (2000): *Reinvigorating the Barcelona Process*, COM(2000) 497 final, pp. 6, 9, 17-19.

⁶⁶ AIDE À LA DÉCISION ECONOMIQUE (2009): *Evaluation of the Council Regulation N° 2698/2000 (MEDA II) and its Implementation*, p. 81.

⁶⁷ EUROPEAN COMMISSION (2004): *ENP. Strategy Paper*, COM(2004) 373 final, p. 23.

⁶⁸ EUROPA: *Statistics of Activities Funded under EIDHR 2000-2006*. - http://ec.europa.eu/europeaid/what/human-rights/documents/eidhr_statistics_en.pdf (6. 4. 2013), p. 4.

⁶⁹ Freedom House is an independent watchdog organisation, whose aim is to expand freedom across the globe. It conducts researches, analysis and further actions to measure the level of freedom in all countries around the world and thus points the repressive or authoritarian regimes out. The most prominent work is *Freedom in the World*, which is published annually and is based on the two variables – civil liberties and political rights. Each of the variable is given a numerical rating from 1 to 7 (one being the most free) after performing a proper investigation and evaluation of the country's situation. Then the freedom rating is counted, according to which the country is ranked to one of the categories – not free, partly free and free. [FREEDOM HOUSE: About Freedom House. - <http://www.freedomhouse.org/about-us> (30. 3. 2013)]

Mediterranean the same policy goals and instruments based on very similar AAs, the reasons of these changes were caused by external factors, e.g. influence of civil society, domestic political situation etc. This implies that the outcome of the EU's FP was non-normative. No materialized political progress was achieved.

Within the economic cooperation, the asymmetrical commercial relationship favouring to the stronger EU was attained, which the EU intended. The Euro-Med partners were able to reach the goal of establishing free trade in industrial goods but not in agriculture, in which the Mediterranean partners have comparative advantages.⁷⁰ Furthermore, the South Mediterranean countries were forced to abolish their duties and other restrictive measures to European exports of industrial goods, which only posed developing African industries towards the strong EU competition.⁷¹

The result of the EU's foreign policy approach to the Mediterranean countries was largely influenced by the external factors, mainly by the nature of the authoritarian regimes in the Mediterranean states and by the Israeli-Palestinian conflict. The deadlock of the Middle East Peace Process had slowed down achieving desired goals in the regional cooperation. Already during the first Euro-Med conference after Barcelona in 1997, the Foreign Ministers pointed out that any progress in the political and security area was due to the standstill of the conflict illusionary and preferred to focus more on the economic and social issues.⁷² Despite some attempts towards progress in the political partnership, such was the draft of the Charter for Peace and Stability, the Middle East conflict has hindered intensifying the co-operation.⁷³

As the table in the Appendix 2 shows, the political regimes of North African states were in 1995 apart from two exceptions (Israel – free and Jordan – partly free) not free. Since the majority was autocratic states with one democratic system in the middle, the governments rejected to accept to make any progress towards good

⁷⁰ EUROPEAN COMMISSION (2005): *10th Anniversary of the EMP*, COM(2005) 139 final, p. 6.

⁷¹ TANNER, F. (eds.) (2001): *The European Union as a Security Actor in the Mediterranean*. ESDP, *Soft Power and Peacemaking in Euro-Mediterranean Relations*, p. 39.

⁷² BRAUCH, H. G., LIOTTA, P. H., MARQUINA, A., ROGERS, P. F. and SELIM M. EL-SAYED (eds.) (2003): *Security and Environment in the Mediterranean: conceptualising security and Environmental Conflicts*, p. 205.

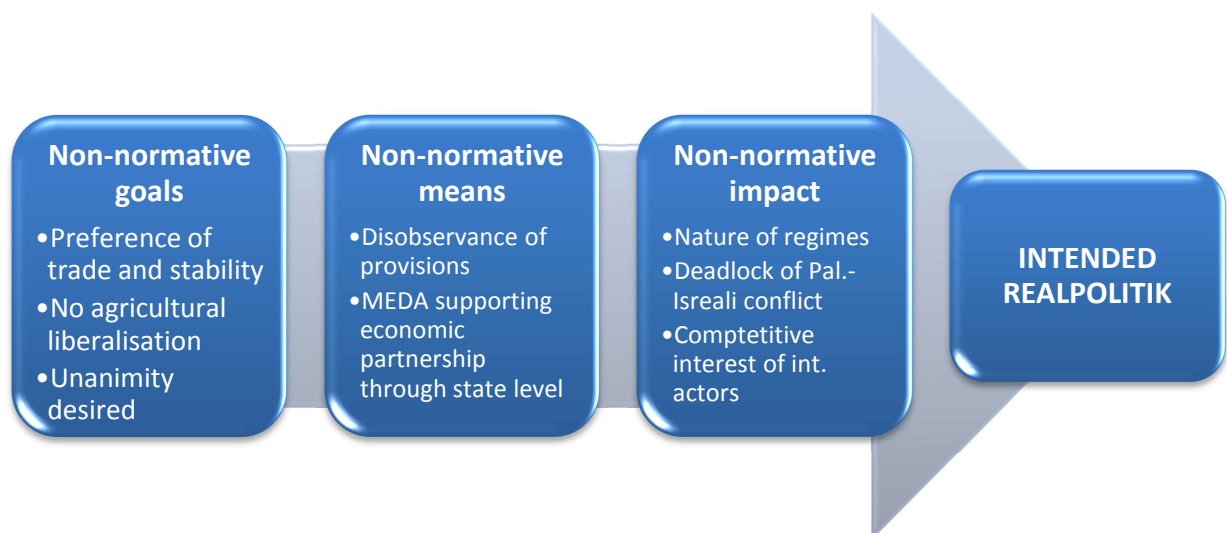
⁷³ EURO-MED PARTNERSHIP. *Regional Strategy Paper 2002 – 2006 & Regional Indicative Programme 2002 – 2004*. - http://www.eeas.europa.eu/euromed/rsp/02_06_en.pdf (25. 2. 2013), p. 8.

governance and legal reforms. Some of them⁷⁴ had difficulties to agree on the mutual relationship commitments with the EU and conclude AAs. Problems appeared also with developing intra-regional integration. Although, the ministerial conferences had stressed its importance many times, the South-South regional trade and cooperation remained underdeveloped. As the conclusion of agreements between the Mediterranean countries themselves has been the prerequisite for establishing EU-Med FTA, achieving of this goal by 2010 was hampered.⁷⁵

The autocratic but pro-western Arab regimes however suited to EU as they promoted achieving EU's possession goals, through assuring beneficial commercial ties, regional stability as well as control of migratory flows. Thus, the EU was hesitant to provoke some major changes, which could destabilise the region and bring the fundamentalists to power. Consequently, the normative power agenda was gradually marginalising.

The last factor influencing the non-normative impact was the presence of other international actors (Russia, USA, and China) and their purely economic interests in the region, which place the EU to increased competition and thus pursuing more self-interest goals.

Figure 2-1: EU's FP towards Mediterranean countries until 2004



Source: Own compilation

⁷⁴ These were Egypt, Lebanon, Syria and Algeria. [EUROPEAN COMMISSION (2000): *Reinvigorating the Barcelona Process*, COM(2000) 497 final, p. 6.]

⁷⁵ EURO-MED PARTNERSHIP. *Regional Strategy Paper 2002 – 2006 & Regional Indicative Programme 2002 – 2004*. - http://www.eeas.europa.eu/euromed/rsp/02_06_en.pdf (25. 2. 2013), pp. 11-12.

As my first hypothesis, I have assumed that the FP the EU pursued towards the Mediterranean countries until 2004 was *non-normative*, realizing particularly through commercial relations and greatly shaped by undemocratic regimes of the North African states. Based on the above-described arguments, the first hypothesis is validated. The EU favoured in the EMP *self-interest* (commercial and regional stability) objectives. Although the political dimension was still present in the EMP,⁷⁶ from my point of view, the EU suffered from the shortage of real efforts to undertake some political measures and its determination to use conditionality clause was weak. Instead, the EU preferred stable relations with autocratic but western-oriented Arab dictators, which were mutually beneficial. The stability in the region was assured as well as commercial ties and cooperation on migration flows and Arab regimes acquired certain level of legitimacy from the EU.⁷⁷

The instruments used by the EU were formally according to international law (the AAs were adapted to particular country and negotiated by both parties) but the EU decided not to apply them appropriately in reality. Thus, the means were *non-normative* as well. The majority of financial resources supported predominantly economic and social policy objectives and were allotted to official state representatives who would by no means allow use them for political transformation.

Resilience of North African regimes creating unfavourable environment together with the EU's weak power to pursue the normative objectives and the EU's preference of keeping trade relations and regional stability brought about non-normative impact. According to Tocci's division of foreign policies, the FP, the EU performed towards Mediterranean countries until 2004, was *intended realpolitik* (see the Figure 2-1).

⁷⁶ The Commissioner for External Relations, Chris Patten, in his speech in January 2001 as well as the ECom in its communication from September 2000 stressed that allocations provided through MEDA ought to be *conditional* on the improvement done in the areas of political dialogue and civil society. [PATTEN, CH. (2001): *Joint Debate on Common Strategy for the Mediterranean and Reinvigorating the Barcelona Process*, Speech/01/49, p. 3.]

⁷⁷ BEHR, T. (2012): *The European Union's Mediterranean Policies after the Arab Spring: Can the Leopard Change its Spots?* P. 78.

2.2. Origins of Cooperation of the European Communities/Union towards the Eastern Countries

2.2.1. Historical Insight into Euro-Eastern Cooperation

Immediately after the dissolution of the USSR, the EU's relations towards Newly Independent States (NIS) of the former Soviet Union (these are Armenia, Azerbaijan, Belarus, Georgia, Turkmenistan, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Ukraine, and Uzbekistan) were based on a common regional approach.⁷⁸ The EU perceived these states as a cohesive group of countries creating its own framework of cooperation together with Russia.⁷⁹ After all, the EU launched in 1991 TACIS (Technical Assistance to the Commonwealth of Independent States) programme, which had the goal to promote transition processes towards market economies and democratic societies in all NIS (and Mongolia). The programme had lasted for fifteen years and in its first stage (1991-1999), it was primarily "demand-driven" i.e. technical assistance as the main activity was provided on demand of the governments. In the second phase (2000-2006), the programme was oriented on mutual understanding and was "dialogue-driven". That means that a subject from the EU cooperated with a partner organisation on a particular project and thus both national requests and EU's proposals were considered.⁸⁰

However, it soon became clear that the EU's perceptions were incorrect mainly due to fact that Russia was not in a position to catalyse regional cooperation. Simultaneously, Russia as a regional hegemon did not want to allow other actors to become too much involved or to promote region building. The NIS soon started to differentiate from each other regarding their political and economic systems as well as foreign policy orientations, they required to be treated differently and some of them have been even seeking membership in the EU. Therefore, the EC had to distinguish its policies towards particular states and in 1992, the EC came with the strategy based on principle of differentiation. Since the mid-1990s, the EU started to conclude with the NIS bilateral Partnership and Cooperation Agreements (PCAs),

⁷⁸ The EU for example developed a package of criteria to be performed by the NIS for their recognition. DELCOUR, L. (2011): *Shaping the Post-Soviet Space?: EU Policies and Approaches to Region-Building*, p. 26.

⁷⁹ DANNREUTHER, R. (eds.) (2004): *European Union Foreign and Security Policy. Towards a Neighbourhood Strategy*. pp. 80-81.

⁸⁰ FRENZ, A.: *European Commission's TACIS Programme 1991-2006: A Success Story*, p. 6.

which contain neither provision on possible EU membership nor any other form of association with the EU.⁸¹

Nowadays, in the ENP there are included only six of the NIS, particularly so called Western NIS (Ukraine, Belarus and Moldova) and Southern Caucasus countries (Armenia, Azerbaijan and Georgia). Therefore, this subchapter focuses primarily on the evolution of EU relations with these six countries.

The PCAs were concluded with each country separately; thus, they could be slightly different. However, their structure is very similar and they all contain four general goals: establishment and institutionalization of political dialogue; support provided to achieve consolidation of democracy and transition leading to market economy; promotion of trade, investments and amicable economic relations; and formation of basis for legislative, technological, cultural and other forms of cooperation. The core elements of all partnerships are principles of democracy, international law, human rights as well as market economy. The PCAs were settled for the initial period of ten years and then have been tacitly renewed, until any party makes a notice.⁸² Majority of the provisions of PCAs deals however with economic issues enabling mutual exchanges.

The means employed to reach the goals were established through the bilateral PCAs. In political cooperation, Cooperation Council (CC) was created to control the application and progress achieved towards the objectives of the agreement. The CC was being held at the ministerial level, whereas the other newly established body, Parliamentary Cooperation Committee, at the parliamentary level. Meetings of senior officials as well as usage of diplomatic channels were introduced as a part of political cooperation.⁸³

Economic relations were based on Most Favoured Nation (MFN) treatment, which means that a particular state will not be treated by the EU in a more/less favourable way than in that, which is rendered to other countries. However, the provisions left the possibility for the EU to offer the countries various advantages in

⁸¹ DANNREUTHER, R. (eds.) (2004): *European Union Foreign and Security Policy. Towards a Neighbourhood Strategy*. pp. 80-81; and DELCOUR, L. (2011): *Shaping the Post-Soviet Space?: EU Policies and Approaches to Region-Building*, pp. 27, 149-150.

⁸² EUROPA (2010): *Partnership and Cooperation Agreements*. - http://europa.eu/legislation_summaries/external_relations/relations_with_third_countries/eastern_europe_and_central_asia/r17002_en.htm (18. 4. 2013)

⁸³ Ibidem.

respect of greater access to EU market.⁸⁴ They also allowed a space for any party to the agreement to undertake relevant measures, i.e. restrict trade, in case that the imports would harm domestic producers.⁸⁵

The regional approach that soon appeared to be an ineffective strategy was however not covered only by the TACIS programme. The EU has promoted also inter-state cooperation through funding various sectoral projects, the most prominent being TRACECA programme (Transport Corridor Europe-Caucasus-Central Asia) aiming at building transport corridor from Europe via Caucasus to Central Asian countries⁸⁶ or the INOGATE programme (Inter-State Oil and Gas to Europe), which supports energy cooperation between the involved countries.⁸⁷

The EU also supported the Eastern European and the Southern Caucasus countries through the EIDHR initiative and during 2000-2006 delivered to projects in these countries about € 47, 8 million.⁸⁸

2.2.2. Reasons of EC's/EU's Involvement

The post-Soviet countries have never belonged to the highest priority area of the EU. During the Cold War, these countries were within the USSR dominancy, with which the EC as a whole had no relations until 1989, when a trade and cooperation agreement was signed.⁸⁹ With the USSR dissolution, the EU had to deal with more significant issues such were the EU own institutional reforms, meaning the deepening and widening of the integration process, or the prepared enlargement to the East-Central Europe. Furthermore, since the early 1990s the attention of the EU shifted to disastrous events happening in the western Balkans.⁹⁰ However, with the approaching Central and Eastern European countries' (CEEC) enlargement of the EU

⁸⁴ EURLEX: *Partnership and Cooperation Agreement between the European Communities and their Member States and the Republic of Moldova; and Armenia; and Azerbaijan; and Georgia; and Ukraine.* - <http://eur-lex.europa.eu/> (9. 3. 2013)

⁸⁵ Ibidem.

⁸⁶ TRACECA: *History of Traceca.* - <http://www.traceca-org.org/en/traceca/history-of-traceca/> (26. 3. 2013)

⁸⁷ INOGATE: *Energy Portal. About Inogate. Objectives.* - http://www.inogate.org/index.php?option=com_content&view=article&id=46&Itemid=72&lang=en (27. 3. 2013)

⁸⁸ EUROPA: *Statistics of Activities Funded under EIDHR 2000-2006.* - http://ec.europa.eu/europeaid/what/human-rights/documents/eidhr_statistics_en.pdf (6. 4. 2013), p. 4.

⁸⁹ DELCOUR, L. (2011): *Shaping the Post-Soviet Space?: EU Policies and Approaches to Region-Building*, p. 25.

⁹⁰ DANNREUTHER, R. (eds.) (2004): *European Union Foreign and Security Policy. Towards a Neighbourhood Strategy*, p. 79.

it was clear that the NIS would become its direct neighbours one day. The sooner cooperation with these countries would thus facilitate the latter establishing of new relations.

Another reason for development new relations was that the end of the Cold War brought about a change of European order and the former Soviet republics were not perceived as another “camp” but as potential partners for cooperation. The countries’ strategic position around the huge gas reserves of the Caspian Basin increased the motives for the EU to approach to these countries. Furthermore, it was necessary to replace trade agreements concluded with former Soviet Union that became obsolete. Therefore, the EU started to conclude agreements with former Soviet republics while still keeping in mind their exclusive relations with Russia.

Nonetheless, majority of the instruments aimed at NIS were launched and managed by the ECom, which was reflected above all in the economic nature of the mutual relations as this has belonged to the ECom’s competences. The ECom administered the TACIS programme that has represented the main regional element of the cooperation since its beginning and as the countries started to show marked differences, the ECom has focused on bilateral relations. Major reason for not involving more in the region was the lack of willingness of close cooperation with the NIS among FP priorities of MSs and particularly their different interests. The question of enhanced involvement became more striking with the CEEC enlargement and with greater pressure from new MSs.

2.2.3. Assessment from the Normative Power Perspective

The previous subchapters delineated the look of the Euro-Eastern cooperation and the motives why the EC/EU engaged. The question now being placed is whether the EC/EU behaved as a normative FP actor and what were the impacts of its policies.

Unlike the Euro-Mediterranean cooperation, the EU did not manage to create some multilateral regional platform towards NIS. It expected that it would once establish cooperation with regional organisation representing the NIS, however, when the states started to distinguish significantly themselves, the EU had to reflect it in its approach.

Before approaching to NP analysis, it is necessary to classify the states into several categories as the countries demonstrate noticeably distinguished features.

The first group of states is created by the WNIS that have profiled to become actual aspirants for EU membership. These are Moldova and Ukraine. Belarus, representing the second group, is the only country of the Euro-Eastern cooperation that has so far no contractual cooperation agreement with the EU and has not made a step towards becoming an EU member. The Southern Caucasus states then form the last group.

Relations of the EU towards Ukraine and Moldova were driven by the PCAs that were signed already in 1994 but due to the lengthy ratification process in the EU,⁹¹ the agreements entered into force only in March 1998 for Ukraine and in July 1998 for Moldova (as seen in the Appendix 4).

The goals set up in the PCAs were both normative and non-normative. However, the provisions of the PCAs strongly emphasised economic and trade cooperation with the aim of establishing market economies and future inclusion of the countries into the WTO.⁹² They both contained so-called “evolutionary clause”, which means that the signatories can decide to move up their economic relations and set up a FTA between them.⁹³ Oppositely, only four articles of the agreements were devoted to the political dialogue and the PCAs contained no paragraph on matters relating to democracy and human rights except for being recognised as underlying principles for mutual relations.⁹⁴

It was the European internal environment what caused the delay in the ratification process and therefore the relations could not enjoy the contractual basis since mid-1990s. The reason was that the MSs did not perceive establishing closer ties with the NIS as their high FP priority and the EU did not develop a clear FP strategy how to behave to post-Soviet countries. Furthermore, the EU was more hesitant to intervene into the Post-Soviet republics because the Russian leverage was still strongly present. Moreover, the EU was busy with the enlargement of CEEC, situation in the Western Balkan as well as with deeper integration processes towards

⁹¹ ŠMÍD, R., KUCHYŇKOVÁ, P. (2005): *Politika EU v Postsovětském prostoru aneb kam až sahá Evropa?* Pp. 19-20.

⁹² EURLEX: *Partnership and Cooperation Agreement between the European Communities and their Member States and respectively Moldova and Ukraine.* - <http://eur-lex.europa.eu/> (9. 3. 2013)

⁹³ EUROPEAN COMMISSION (2011): *Inventory of Agreements Containing the Evolutionary Clause.* - <http://ec.europa.eu/world/agreements/viewCollection.do?fileID=58588> (21. 4. 2013)

⁹⁴ EURLEX: *Partnership and Cooperation Agreement between the European Communities and their Member States and respectively Moldova and Ukraine.* - <http://eur-lex.europa.eu/> (9. 3. 2013)

single market. Consequently, the result was fragile and innocent policy oriented to rather economic goals.

The means the EU applied in these countries reflected the unclear strategy. The regular political dialogue, which should support political changes in Ukraine, neither actually remedied drawbacks in the democratization process of Ukraine nor was able to promote systematic political reforms.⁹⁵ Only one year after the PCA entered into force in Ukraine, the European Council adopted a new “Common Strategy on Ukraine” with aspiring goals, which should build strategic partnership among the partners.⁹⁶ However, the strategy principally repeated what was said already in the PCA and it did not state any new concrete goals or targets.

The EU much more focused on economic cooperation with the aim to bring Ukraine closer to WTO standards with a possible prospect of achieving a FTA.⁹⁷ Nevertheless, still in 2004 there was not free trade as the EU was unwilling to lift restrictions in areas, where Ukraine had competitive advantage, such as food and steel.⁹⁸

In spite of the fact that the EU has become the most prominent donor to Ukraine (with approx. € 1 billion disbursed in the period 1991-2006 through TACIS),⁹⁹ funding allocations were too weak to encourage Ukraine to make deep institutional reforms towards respecting human rights or establishing rule of law.¹⁰⁰

Regarding the means used towards the Republic of Moldova, the EU did not use the political dialogue to engage in the settlement of the conflict over the Transdniestr region within Moldova and rather kept the mediator role to Organisation for Security and Cooperation in Europe (OSCE).¹⁰¹ The change of the behaviour of the EU however came only in the late 2002. Several reasons led the EU to engage more in the conflict resolution. The EU was driven by the approaching EU

⁹⁵ WOLCZUK, K.: *Ukraine's European choice*.

⁹⁶ DANNREUTHER, R. (eds.) (2004): *European Union Foreign and Security Policy. Towards a Neighbourhood Strategy*, pp. 86-87.

⁹⁷ DANNREUTHER, R. (eds.) (2004): *European Union Foreign and Security Policy. Towards a Neighbourhood Strategy*, pp. 86-87.

⁹⁸ WOLCZUK, K.: *Ukraine's European choice*.

⁹⁹ NATIONAL CO-ORDINATION UNIT IN UZBEKISTAN (2007): *TACIS in Tables*. - http://tacis.uz/docs/Tacis_tables_EN.pdf (18. 4. 2013)

¹⁰⁰ DANNREUTHER, R. (eds.) (2004): *European Union Foreign and Security Policy. Towards a Neighbourhood Strategy*, p. 87.

¹⁰¹ Ibidem, p. 90.

enlargement, by the fact that the existing peacekeeping platform did not work and it was rather considered as maintaining the status quo, and finally by the Russia's unilateral policy to take control of the region with its military presence. Consequently, the EU decided to introduce new instruments to support the resolution of the conflict, concretely to impose a ban against Transdnistriean representatives to travel to the EU, to increase diplomatic actorness and effort to mediate the conflict with Russia and Ukraine.¹⁰²

The political cooperation was nonetheless not able to introduce substantive political reforms in Moldova and in 2005; the country still faced the problems of corruption, violations of freedom of media and freedom of assembly, insufficient level of independent judiciary etc.¹⁰³

The financial support the EU provided within the period 1991-2006 through TACIS and Food Security Programme exceeded € 300 million,¹⁰⁴ and it helped the country to implement the PCA and to make progress predominantly towards the economic transition. In 2001, Moldova became a member of WTO and started to cooperate with the EU on the feasibility studies of the FTA.¹⁰⁵ Similar to the case of Ukraine is however that in 2005 the EU still did not fully open its market for some products from Moldova.¹⁰⁶

As far as the European capabilities are concerned, in the turn of the century the EU was not prepared for further enlargement as it was preparing the big band widening and could not know the real impacts of it. It was necessary to absorb first this enlargement and adopt effective functioning of its institution before it starts new negotiations on accession. Therefore, the EU MSs were reluctant to give new promises to other countries in form of membership¹⁰⁷ and to the increasing ambitions of Ukraine and Moldova to join the EU, the EU did not respond positively.

¹⁰² POPESCU, N. (2005/2006): *The EU and Transnistria*, Open Society Institute, pp. 1-6.

¹⁰³ FREEDOM HOUSE: *Moldova: Freedom in the World 2006*. - <http://www.freedomhouse.org/report/freedom-world/2006/moldova> (3. 5. 2013)

¹⁰⁴ EUROPA: *EU Assistance to Moldova*. - <http://delmda.sdv.com.ua/site/page234.html> (26. 4. 2013)

¹⁰⁵ DANNREUTHER, R. (eds.) (2004): *European Union Foreign and Security Policy. Towards a Neighbourhood Strategy*, pp. 90-91.

¹⁰⁶ WORLD TRADE ORGANIZATION (2008): *European Communities - Request for a Waiver for the Application of Autonomous Preferential Treatment to Moldova*, Council for Trade in Goods.

¹⁰⁷ Although the 1999 Helsinki Summit awarded Turkey the status of candidate country, this was because Turkey's application for full membership was submitted already in 1987, even earlier than the CEEC applied for EU membership. [EUROPEAN EXTERNAL ACTION SERVICE: *Delegation of the European Union to Turkey*. - <http://www.avrupa.info.tr/en/en/turkey-the-eu/history.html> (26. 4. 2013)]

Correspondingly, the EU did not want to involve much in the rather further region but as soon as it became obvious that the Transdniestrian conflict would be much closer to the EU border, it was high time to change EU's position.

Unexpectedly, the impact of the FP of the EU towards Ukraine and Moldova was normative. As shown in the table in the Appendix 3, during the ten years, the freedom ranking improved slightly in these two countries. Ukraine became free from partly free and in Moldova, the rating for political rights came from four to three. These moderate improvements were caused however mainly due to the internal political impetuses as Moldova and Ukraine saw that the enlargement to the East is not impossible and therefore tried to approach to the EU, too.

Domestic situations in both countries hence played a major role in forming the normative FP impact. Ukraine was the first country of the post-Soviet countries, which declared already on 11th June 1998 its intention to join the EU. The President Leonid Kuchma then adopted "Strategy of Ukraine's Integration to the European Union" which set the goal of fully-fledged membership in the EU. In 2002, this strategy was specified and determined that by 2004 Ukraine would complete negotiations on an association agreement and on the introduction of the free trade with the EU. In the following years the Ukrainian legislation would be harmonize to meet fully the Copenhagen criteria by 2011.¹⁰⁸ Hence, Ukraine assumed a membership offensive strategy and expected the EU would send a clear answer that Ukraine would be accepted as soon as it fulfils the criteria.

Similarly, the Republic of Moldova has indorsed to European integration. In September 2003, Moldova issued "Conception for European Integration of the Republic of Moldova", in which it set the goal to become the member of the EU and expressed its desire to be included into the framework of Stabilisation and Association Process for the Western Balkans, as the 2003 Thessaloniki Summit confirmed a membership prospect for this platform of cooperation.¹⁰⁹

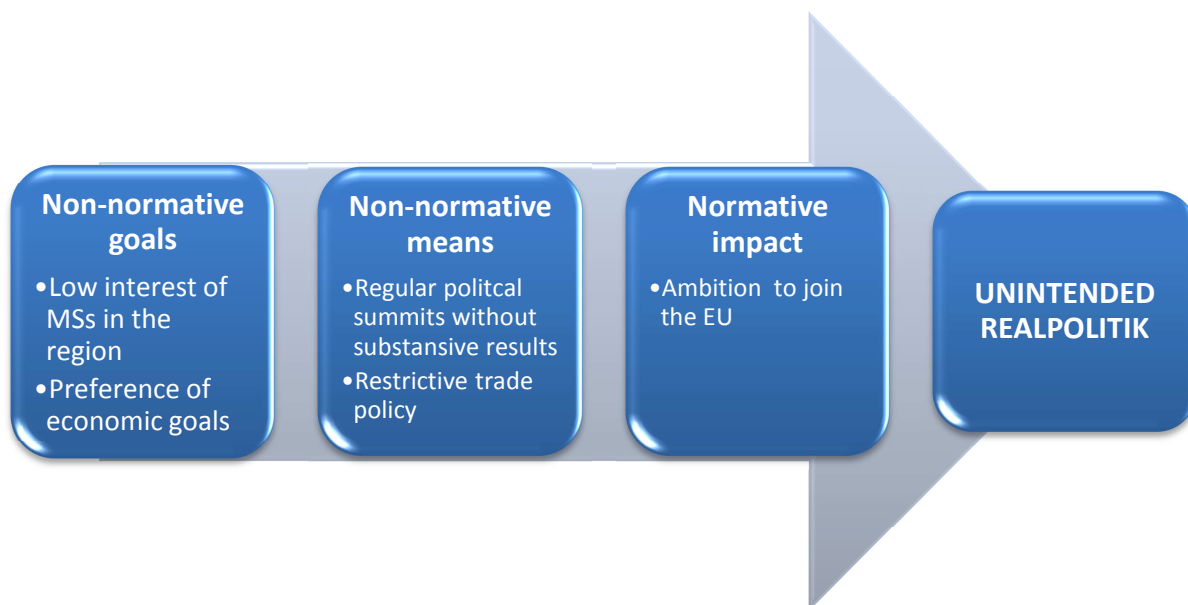
All the steps towards assumption of pro-liberal values and thus resulting in normative impact were thus made from the initiatives of domestic authorities of these two countries as the EU applied non-normative means as well as goals. The

¹⁰⁸ ŠMÍD, R., KUCHYŇKOVÁ, P. (2005): *Politika EU v Postsovětském prostoru aneb kam až sahá Evropa?* P. 19.

¹⁰⁹ ŠMÍD, R., KUCHYŇKOVÁ, P. (2005): *Politika EU v Postsovětském prostoru aneb kam až sahá Evropa?* P. 20; and STABILITY PACT FOR SOUTH EASTERN EUROPE: *About the Stability Pact.* - <http://www.stabilitypact.org/about/> (26. 4. 2013)

policy the EU pursued towards Ukraine and the Republic of Moldova was *unintended realpolitik* (see the Figure 2-2).

Figure 2-2: EU's FP towards Ukraine and Moldova



Source: Own compilation

Of the WNIS Belarus represents an exceptional case. Although Belarus signed PCA with the EU in 1995, President Alexander Lukashenka after holding a referendum in 1996 managed to push far-reaching changes of Constitution leading to reinforcement of presidential power and establishment of the authoritarian regime.¹¹⁰

These changes led the EU to freeze the ratification process and recall high-level political relations due to violations of fundamental human rights, freedom of speech and press, principles of democracy and rule of law. Hence, the objectives pursued towards Belarus, which do not lean on the concluded PCA, are undeniably normative.¹¹¹ Regarding the internal EU context, the EP and MSs were unified to suspend the contractual relations. None of the then 15 EU MSs had towards Belarus so strong self-interest goals to oppose this step. This country was quite far to the EU-15, so no direct security threat endangered the EU-15 and their commercial relations

¹¹⁰ ŠMÍD, R., KUCHYŇKOVÁ, P. (2005): *Politika EU v Postsovětském prostoru aneb kam až sahá Evropa?* Pp. 21-22.

¹¹¹ DURA, G. (2008): *The EU's Limited Response to Belarus' Pseudo 'New Foreign Policy'*, Centre for European Policy Studies, p. 2.

were for EU-15 of minor importance. The major trading partners for Belarus were still the post-Soviet republics in the mid-1990s.

However, after the eastward enlargement of the EU in 2004, the consensus is much more difficult to attain as Poland, Lithuania and Latvia oppose forceful measures against Belarus, which could harm their economies, as they are economically interconnected. Nevertheless, they are all interested in democratization of Belarus and therefore the measures taken by the EU against Belarus since 2004 have been based on compromise.¹¹²

As for the means applied, the EU has adopted a dual-track strategy of taking negative sanctions and measures against Belarusian leadership on the one side and providing technical and financial assistance to Belarus' civil society, regional programmes or supporting independent radio broadcasting for Belarus on the other side. Since 2001, the EU has imposed a visa ban on Belarusian authorities, mainly people responsible for oppression of opposition. The EU has further frozen the assets of the undesirable people, introduced restricted regime on trade in textiles and in 2007, the EU removed Belarus from the Generalised System of Preferences (GSP), which enabled the Belarusian exporters to export to the EU with lower duties.¹¹³ The EU's internal capability consisted in Belarusian dependency on trade with EU. In 2006, the Belarus' exports to EU accounted for 45.6%. Therefore, if the EU decided to suspend trade entirely, it would destabilize Belarus' economy. However, the EU is reluctant to do it, as it would harm Belarusian population and could cause significant costs if the oil and gas supplies from Russia were stopped.¹¹⁴

The impact of the EU's normative FP was however largely influenced by the external environment of Belarusian state, where a strong "national ideology" is embedded. It comprises three components – strong powerful leader, strong social policy and strong role of state in the economy. President Lukashenka is a strong

¹¹² DURA, G. (2008): *The EU's Limited Response to Belarus' Pseudo 'New Foreign Policy'*, Centre for European Policy Studies, pp. 2, 8.

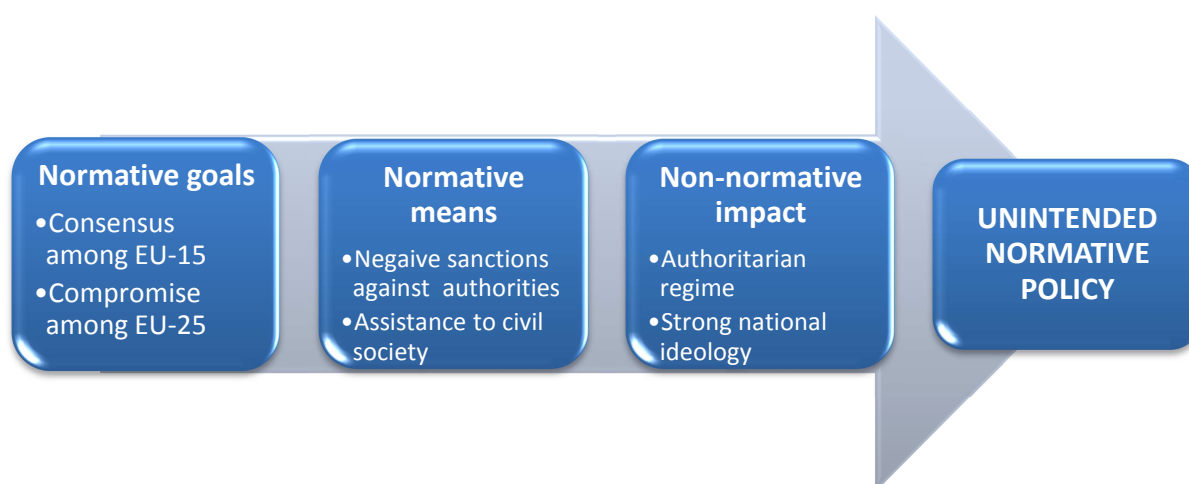
¹¹³ DURA, G. (2008): *The EU's Limited Response to Belarus' Pseudo 'New Foreign Policy'*, Centre for European Policy Studies, p. 2; and HYNDLE-HUSSEIN, J. and KŁYSIŃSKI, K. (2012): *Limited EU Economic Sanctions on Belarus*, Centre for Eastern Studies (OSW).

¹¹⁴ DURA, G. (2008): *The EU's Limited Response to Belarus' Pseudo 'New Foreign Policy'*, Centre for European Policy Studies, pp.4-5; and GRANT, CH. and LEONARD, M. (2006): *The EU's Awkward Neighbour: Time for a New Policy on Belarus*, Centre for European Reform Policy Brief, pp. 1-2.

authority and he is enjoying huge popularity within population.¹¹⁵ The result of EU's FP was thus non-normative and Belarus has become even more authoritarian regime. According to the table in the Appendix 3, its freedom ranking worsened in 2005 to *not free* status.

In spite of the EU applying normative instruments to achieve normative goals, the results were due to their negative connotation in combination with the highly unfriendly political environment non-normative and thus unintended. According to Tocci's classification of foreign policies, the EU has pursued *unintended normative FP* (see the Figure 2-3).

Figure 2-3: EU's FP towards Belarus



Source: Own compilation.

The last group of countries of the EU-Eastern dimension create the South Caucasus states. Azerbaijan, Armenia and Georgia have often been given one single denominator mainly due to their geographical location. Nevertheless, these countries are significantly distinct when it comes to foreign policy, cultural and historical as well as security issues.

The EU signed with the three countries PCAs in April 1996, which entered into force in 1999. The PCAs established a “rapprochement” process between the EU and

¹¹⁵ It is widely accepted that even if the 2006 presidential elections' results were not manipulated, Lukashenka would gain majority of votes anyway. [GRANT, CH. and LEONARD, M. (2006): *The EU's Awkward Neighbour: Time for a New Policy on Belarus*, Centre for European Reform Policy Brief, p. 4.]

the SC in terms of both economic and political.¹¹⁶ The PCAs set non-normative and normative objectives on economic, cultural and security issues as well as cooperation in democracy and human rights promotion.¹¹⁷ The structure of the PCAs, favouring to provisions on economic matters, indicates that the non-normative aims have been preferred. This was further undermined by the ECom, which in its communication from 1999, recognised that the EU's short-term goals should target financial management, administrative reforms and creating friendly business environment and the medium term goal should be the conflict settlements and consequent normalisation.¹¹⁸ Thus, the regional stability in the SC and the economic cooperation became the major objectives although underlined by the democracy and rule of law promotion.

The reasons why the EU was not so strict in democracy promotion in the SC consist in the internal European context. Firstly and principally, it was the low interest of the MSs in this region, although some EU MSs participated already since 1990s individually in the regional conflict negotiations.¹¹⁹ However, these were not willing to yield their positions in peace promoting bodies to the EU, whose common FP, and especially its defence and security branch, was only in its fragile beginnings and thus they did not support the EU's emerging identity as a normative FP actor. Moreover, the EU and the MSs were concerned with the approaching enlargement and hence with the necessity to carry out institutional and policy reforms of the EU but also there were more striking and closer problems to deal with, namely the western Balkans conflicts and after 9/11 the threat of international terrorism. Furthermore, the region was too far and there was no need of the 15 MSs to diversify their natural gas supplies towards Central Asia, as they were secured by the cooperation with the North African states. Therefore, the ECom was mainly representing the EU's voice in the region and thus it promoted goals belonging to its

¹¹⁶ EUROPEAN COMMISSION (1999): *The European Union's Relations with the South Caucasus, under the PCAs*, COM(1999) 272 final, pp. 2, 15

¹¹⁷ EURLEX: *Partnership and Cooperation Agreement between the European Communities and their Member States and respectively Armenia, Azerbaijan and Georgia*. - <http://eur-lex.europa.eu/> (9. 3. 2013)

¹¹⁸ EUROPEAN COMMISSION (1999): *The European Union's Relations with the South Caucasus, under the PCAs*, COM(1999) 272 final, p. 14.

¹¹⁹ OSCE Minsk Group was established with the aim to settle the conflict of Nagorno-Karabakh. From the EU MSs, France, Italy, Germany, the Netherlands, Portugal, Sweden and Finland participate in it. Germany, France and the UK are also present in the Group of Friends of the UN Secretary General for Abkhazia. [DELCOUR, L. and DUHOT, H. (2011): *Bringing South Caucasus Closer to Europe. Achievements and Challenges in ENP Implementation*, p. 7.]

competence (specifically commercial relations and providing humanitarian assistance).

Under these circumstances, the EU provided financial assistance through the TACIS programme, which was initially aimed predominantly at government capacity building and after the PCAs entered into force at the implementation of their objectives. In Georgia, the funding was allocated primarily to reform of justice, in Armenia to education and securitization of the nuclear power plant and in Azerbaijan to border administration.¹²⁰ Within the period of 1991-2006, the EU provided to SC countries through the TACIS about € 377, 1 million.¹²¹ When taking into account countries' population, i.e. approx. 16 million people¹²² altogether, the financial assistance was about € 23, 5 per capita. Comparing this with the funding provided e.g. to Moldova in the same period (i.e. € 300 million to 3, 6 million people¹²³), which amounted to € 83, 3 per capita, the finances provided to SC countries were much lower and thus it revealed the low interest of the EU MSs in the SC region.

The means, the EU applied towards SC countries, were further based on bilateral agreements. In 1999, during the EU-South Caucasian summit in Luxemburg, the EU made clear that its increased assistance to the countries would depend on the progresses of the conflict settlements.¹²⁴ However, the internal capabilities of the EU consisting in the limited interest of MSs in the region and political disunity of the EU did not allow the EU releasing significant sums of money. The promised commitments were marginal in comparison with e.g. Azerbaijan's oil and gas revenues and therefore they did not mean any motivations for the disunited countries to reconcile their disputes.¹²⁵

Besides this resources gap, there was also the gap between requirements of the situation and the real political will of the EU to cope with the problems. Although in July 2003, the Council of the EU appointed a special representative for the SC,

¹²⁰ DELCOUR, L. and DUHOT, H. (2011): *Bringing South Caucasus Closer to Europe. Achievements and Challenges in ENP Implementation*, p. 5.

¹²¹ NATIONAL CO-ORDINATION UNIT IN UZBEKISTAN (2007): *TACIS in Tables*. - http://tacis.uz/docs/Tacis_tables_EN.pdf (18. 4. 2013)

¹²² CIA: *The World Factbook*. - <https://www.cia.gov/library/publications/the-world-factbook/> (6. 4. 2013)

¹²³ Ibidem.

¹²⁴ RADIO FREE EUROPE (1999): *Caucasus: EU Seeks To Bolster Transition in Armenia, Azerbaijan and Georgia*. - <http://www.rferl.org/content/article/1091604.html> (18. 4. 2013)

¹²⁵ DANNREUTHER, R. (eds.) (2004): *European Union Foreign and Security Policy. Towards a Neighbourhood Strategy*, pp. 130-131.

whose one of the tasks was to help in the conflict resolution by supporting activities of the UN and OSCE in the region,¹²⁶ the EU was missing the political will to assume a more decisive role in the exiting peace processes. Consequently, the EU was not able to participate as an adequate party in the peace process settlements.¹²⁷

Nevertheless, I would claim that the means the EU applied towards the SC region were normative as they were in accordance with internal EU law as well as international obligations. The EU provided the countries with technical assistance through TACIS to promote economic and political transition, and humanitarian aid through programmes such as Food Security Programme or European Commission Humanitarian Office¹²⁸ as well as with financial support to infrastructure projects (INOGATE and TRACECA). Furthermore, the EU established gradual commercial relations according to PCAs and became main trading partner with the SC countries. The provisions in PCAs on democratic and human rights promotion were rather vaguely formulated and they contained no binding clause.

The EU's engagement in the region was however hampered by the internal incapacity. As a result, the EU was able neither to assume more active role in the conflict resolution processes nor to take measures aiming at confidence building between the parties. In addition, the financial amounts committed by the EU did not convince the counterparts to make improvements in the conflict settlements. Although the EU mandated the special representative to support the conflict resolutions, its involvement in dispute settlements was not sufficient but its undertaken instruments complied with law.

The impact of the EU's policies towards the SC countries was largely influence by the domestic political situations as well as by the presence of other international actors in the region. The main challenge for the actors presents the regional conflicts and the very tense relations between the countries.

Many international and regional players and organisations have engaged in the region since the dissolution of the Soviet Union. Among the most central were the USA, Russia, Turkey and Iran. The USA was under Bush governance very active

¹²⁶ COUNCIL OF THE EU (2003): *Joint Action Concerning the Appointment of an EU Special Representative for the South Caucasus*, Official Journal of the EU, L 169/74-75.

¹²⁷ DANNREUTHER, R. (eds.) (2004): *European Union Foreign and Security Policy. Towards a Neighbourhood Strategy*, pp. 130-131.

¹²⁸ DELCOUR, L. and DUHOT, H. (2011): *Bringing South Caucasus Closer to Europe. Achievements and Challenges in ENP Implementation*, p. 6.

through military cooperation, financial and economic assistance as well as diplomatic and political leverage.¹²⁹

Crucial actor in the region is also Russia as a successor of the Soviet legacy, which strives for exclusive position in the SC according to concept of “near abroad”. It is a key subject in the peace processes. Russia has had its military bases in the autonomist entities of Georgia (South Ossetia and Abkhazia) and has been the main ally of Armenia that has been in dispute with Azerbaijan over the Nagorno-Karabakh enclave.¹³⁰

Azerbaijan and its ally, Turkey, have both closed their borders to Armenia, which make the country isolated.¹³¹ Turkey as candidate country to the EU has been an important player in the region and with its accession to the EU; the EU could get more closer to the regional problems. Consequently, due to presence of many actors in the region and balancing their power between the countries, the EU was restrained to involve actively.

Finally, internal political, cultural and historical situations of the countries have significantly influenced the impact of the EU’s policies. Post-Soviet states have been characterised by pervasive corruption, strong centralised authoritarian regimes and weak role of the civil society. The law has traditionally belonged to those who hold the power. Relations between people have been founded on kinship, patrimony and ethnicity. Therefore, people have had different perceptions of others and any kind of attempt to impose liberal values can be perceived as a pressure from the West.¹³²

In 2005, the SC countries had the same freedom ranking status as ten years before, i.e. Armenia and Georgia were partly free and Azerbaijan was not free (see the Appendix 3). The EU’s insufficient presence and engagement in the region, together with the non-normative goals, which were preferred, and resilience of the regimes

¹²⁹ DELCOUR, L. and DUHOT, H. (2011): *Bringing South Caucasus Closer to Europe. Achievements and Challenges in ENP Implementation*, p. 8.

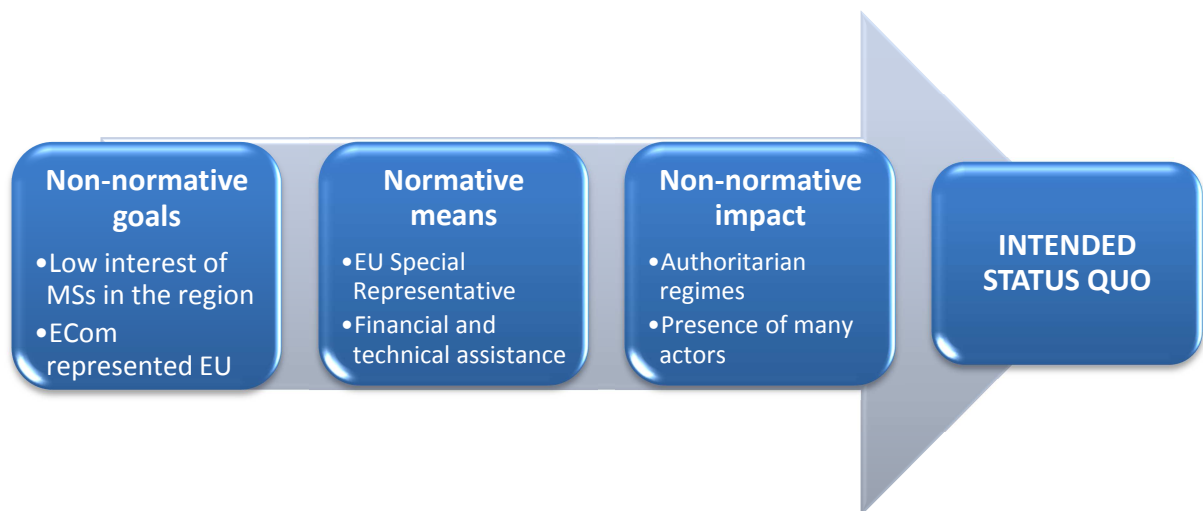
¹³⁰ PLATE, K. CH. (2011): *Konflikt um Bergkarabach Spitzt sich zu*, Regionalprogramm Politischer Dialog Südkaukasus, p. 2; and GERMAN, T. (2006): *Abkhazia and South Ossetia: Collision of Georgian and Russian Interests*, Institut Français des Relations Internationales (IFRI), p. 4.

¹³¹ TOCCI, N. (eds.) (2007): *The Closed Armenia-Turkey Border: Economic and Social Effects, Including those on the People; and Implications for the Overall Situation in the Region*, European Parliament, Directorate General External Policies of the Union, p.7.

¹³² DANNREUTHER, R. (eds.) (2004): *European Union Foreign and Security Policy. Towards a Neighbourhood Strategy*, pp. 131-132.

forming unfavourable environment have caused that the FP, the EU pursued towards the SC states, was *intended status quo* (see the Figure 2-4).

Figure 2-4: EU's FP towards the South Caucasus countries



Source: Own compilation.

Coming back to my second hypothesis, I stipulated at the beginning that the EU's FP behaviour in the post-Soviet region after the dissolution of the USSR was rather fragile without clear strategy to promote normative values and thus based more on non-normative cooperation this hypothesis is also validated. Towards Ukraine and Moldova, the EU's policy was non-normative but having normative impact due to the partner countries' ambitions to join the EU. In case of Belarus, it was precisely the other way round. The EU followed normative goals and means while leaving the non-normative impact caused by embedment of strong national ideology as well as by the Belarusian authoritarian regime together with rather negative nature of the applied measures aimed at it. The EU's FP towards the SC countries combined non-normative goals and normative means and its result was non-normative implying no progress towards democratization. The missing strategy of the EU to promote normative agenda towards post-Soviet republics reflected the insufficient interest and engagement of the EU MSs in the area. In no case, the EU acted as a normative FP actor. Although relations towards Belarus were based on normative goals and means, they were not enough adequate to induce normative impact.

3. ENP and Developments since 2004 from the NPP

3.1. Inception of the ENP

3.1.1. Impetuses to Launch the ENP

The previous chapters focused on EU's FP towards the southern Mediterranean region and the Eastern region encompassing WNIS and countries of SC. However, the year 2004 meant a turning point as a new form of foreign policy towards the EU closest neighbours was established. What was however, the reason that the two different policy approaches were merged under one framework?

As soon as it became obvious that the EU would be enlarged by ten new MSs in 2004 and as soon as the internal institutional reforms were adopted, the EU could start to focus on its relations with new neighbours. The big-band enlargement increasing the population of the EU up to more than 450 million people and almost €10000 billion high GDP¹³³ boosted not only the EU's significance on the European continent but also its international status.

The initial idea was actually to develop a FP approach towards new neighbours on the external eastern European borders in order to tackle geopolitical changes and security issues such as migration flows, border control or organized crime, but also to promote stability in the immediate neighbourliness. In April 2002, the UK and Denmark¹³⁴ submitted a proposal to establish a "New Neighbourhood Initiative targeted to Ukraine, Moldova and Belarus" as they were concerned about their internal situations with coming closer to EU borders. Another reason to launch a new policy was more practical and followed from the obsolescence but also weaknesses of the existing cooperation instruments. The PCAs were concluded in mid-1990s and reflected cautious approach of the EU towards the post-Soviet region.¹³⁵

¹³³ EUROPEAN COMMISSION (2003): *Wider Europe – Neighbourhood. A New Framework for Relations with our Eastern and Southern Neighbours*, COM(2003) 104 final, p. 3.

¹³⁴ The UK has been a pro-enlargement MS and supporter of the ENP [LIDINGTON, D. (2011): *EU Enlargement – A UK Perspective*. - <https://www.gov.uk/government/speeches/eu-enlargement-a-uk-perspective> (29. 3. 2013)]; as well as Denmark being a strong and active proponent of the ENP [MINISTRY OF FOREIGN AFFAIRS OF DENMARK: *The EU as a Global Player*. - <http://www.netpublikationer.dk/um/8466/html/chapter03.htm> (29. 3. 2013)]

¹³⁵ WISSELS, R.: *The Development of the European Neighbourhood Policy*, p. 8.

Nevertheless, immediately after this UK-Danish proposal, France and Spain pressured to incorporate the EU's Mediterranean neighbours into this new policy approach, too, because they were afraid that the alterations occurring on the continent would negatively influence the EMP. As these are strong EU members, they were successful and finally, the ECom covered the Mediterranean partners in the new project as well.¹³⁶ The integration of the EMP into the new neighbourhood policy resulted from the struggle of Southern European countries to balance East and South EU policies and did not actually cope with the real shortcomings the EMP was facing in the past decade, particularly in the political cooperation. The ENP was designed to complement and support the EMP.¹³⁷ The only pragmatical justification to embrace the Mediterranean countries was that the AAs did not deal with the issues resulting from the events of 9/11 such as international terrorism or proliferation of weapons of mass destruction and therefore it was necessary to upgrade them.

Consequently, in March 2003, the ECom issued the *Communication on Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours*. In the Communication, the ECom recognised the importance of the geographical proximity that increases the necessity to establish a partnership in order to combat threats together and to share benefits from the partnership. The ECom pointed out that the objective of the new Neighbourhood Policy is to render framework for a new form of relationship based on mutual interests that in the medium-term would not contain a perspective of membership or a participation in the institutions of the EU.¹³⁸

The Communication on Wider Europe however did not mention Armenia, Georgia and Azerbaijan but the Eastern neighbours within the ENP were meant only Belarus, Moldova and Ukraine. Such exclusion could be explained by the fact that no of these countries had a direct land or sea border with the EU in 2003. So, what prompted the EU to include the SC into ENP at the last moment?

Breaking point in the EU's approach towards SC was the Rose revolution of November 2003 occurring in Georgia. Thousands of demonstrators rejected to accept results of parliamentary elections and went into the streets to protest against

¹³⁶ CIANCIARA, A. K. (2009): *The Union for the Mediterranean and the Eastern Partnership: Perspective from Poland, Czech Republic and Hungary*, pp. 7-8.

¹³⁷ EUROPEAN COMMISSION (2004): *ENP. Strategy Paper*, COM(2004) 373 final, p. 4.

¹³⁸ EUROPEAN COMMISSION (2003): *Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours*, COM(2003) 104 final, pp. 5-6.

fraudulent elections. Opposition with Mikhail Saakashvili in the lead and backed by the demonstrators was finally successful. They were able to depose President Eduard Shevardnadze from his office and install a path towards reforms and Western-oriented FP.¹³⁹ This watershed induced the ECom, after consultations with the High Representative of the Union for Foreign Affairs and Security Policy (HR of the EU) and EU Special Representative, together with the EP to submit a proposal to Council to include all three SC countries in the ENP.¹⁴⁰ The European Council then passed such decision with the aim to promote stability and development in this region.¹⁴¹

When looking back to beginning of 21st century, there was also one strategic reason, why to integrate SC countries, despite not so striking. With the approaching 2004 enlargement, it was obvious that the EU would become even more dependent on Russian gas supplies when the new MSs have been strongly, some of them even one hundred per cent, dependent on Russia's gas.¹⁴² In case of gas supplies turn offs, it will affect the whole EU. Therefore, it was necessary to think of new routes how to reduce European dependency on Russia by diversifying gas supplies. The South Caucasus offered one of the possibilities opening both energy production and transition potential.¹⁴³ Furthermore, the South Caucasus represents strategic region in terms of security issues and provides important location to tackle the roots of the international terrorism and crime.

In May 2004, the ECom adopted strategy paper on the ENP launching formally the ENP. It was targeting 16 countries surrounding the EU (see the Appendix 5) ten of them being participants of the existing EMP (Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Syria, Tunisia, and Palestinian Authority), and then the new neighbours of the enlarged EU (Belarus, Ukraine, Moldova) and countries of SC

¹³⁹ BBC News (2005): *How the Rose Revolution Happened*, 2005. - <http://news.bbc.co.uk/2/hi/europe/4532539.stm> (30. 3. 2013)

¹⁴⁰ EUROPEAN COMMISSION (2004): *ENP. Strategy Paper*, COM(2004) 373 final, p. 10.

¹⁴¹ DELCOUR, L. and DUHOT, H. (2011): *Bringing South Caucasus Closer to Europe. Achievements and Challenges in ENP Implementation*, p. 8.

¹⁴² As of 2005, the total dependence on Russian gas was for four of the 10 new EU MSs: Estonia, Latvia, Lithuania and Slovakia. [PARLIAMENT UK (2008): *The EU's Dependence on Russian Energy*. 2008. - <http://www.publications.parliament.uk/pa/ld200708/ldselect/ldcom/98/9808.htm> (31. 3. 2013)]

¹⁴³ EUROPEAN COMMISSION (2004): *ENP. Strategy Paper*, COM(2004) 373 final, p. 11.

(Armenia, Azerbaijan and Georgia).¹⁴⁴ Russia was also invited to participate in the ENP but decided to build with the EU privileged strategic partnership.¹⁴⁵

3.1.2. The ENP – A New Strategy

In order to assess whether the EU changed its strategy and acted in a normative way in its new FP, it is necessary to find distinct features of the ENP. The ENP was designed with general aim to share the benefits of the EU's 2004 enlargement with neighbouring countries as far as the stability, security and welfare for all engaged are concerned. Widely proclaimed, mainly due to recent memories of Iron Curtain between Eastern and Western world, was that the ENP shall prevent from the appearance of new dividing lines between the enlarged EU and its neighbours. The ENP would offer them a chance to take part in a series of EU activities in political, security, economic and cultural areas. The ENP's normative mission emphasized the relationships to be based on mutual commitment to shared values such as democracy, human dignity, equality, the rule of law, good governance, the respect for human rights, the promotion of good neighbourly relations, and the principles of market economy and sustainable development.¹⁴⁶

The key elements of the ENP have been differentiation, joint ownership, better measurability and thus evaluation of progress and benefit-bestowment or so called "positive conditionality". The base of each relationship is a tailor-made Action Plan (AP), jointly assented by the EU and a partner country, in which the signatories have agreed on a set of different priorities to be achieved. The APs would encompass two areas. In the first area, there are obligations to actions, which would draw the partner country nearer to the EU. The second area covers actions to underpin commitment to shared values. Joint ownership means that the signatories are both involved in the process of conciliation on the priorities and the commitments.¹⁴⁷ Up to date the EU negotiated Aps with twelve ENP countries, seven southern and five eastern partners (see the Appendix 4).

¹⁴⁴ EUROPEAN COMMISSION (2004): *ENP. Strategy Paper*, COM(2004) 373 final, p. 7.

¹⁴⁵ The framework agreement for this partnership creates the Partnership and Co-operation Agreement from 1994. The relations have been further developed by sectoral agreements establishing "four common spaces" of cooperation: Economic; Freedom, security and justice; External security and Space of research, education and culture. [SVOBODA, P. (2010): *Právo vnějších vztahů EU*, p. 192]

¹⁴⁶ EUROPEAN COMMISSION (2004): *ENP. Strategy Paper*, COM(2004) 373 final, pp. 3 and 12.

¹⁴⁷ Ibidem, pp. 3, 8-9.

Value added of the ENP is deemed the phase of monitoring and benchmarking, in which the achieved developments (or standstill)¹⁴⁸ are more easily measurable through committees and sub-committees (concentrating on particular issues), set up already under the AA or PCA.¹⁴⁹ The concept of joint ownership is thus included also in this stage. Furthermore, the ECom should work out regularly progress reports in cooperation with the HR of the EU and take into account recommendations of the authorities from the partner countries. Such reports can then serve for the Council as groundwork to proceed to further activities in the contractual relationships.¹⁵⁰

The ENP was inspired by the enlargement policy that brought about political transformations in CEEC. As a new essential element, the ENP introduced positive conditionality – provision of certain advantages would be dependent on the successful implementation of the concluded measures and fulfilment of the provisions. These benefits especially in areas of economic, social and technological cooperation would have the forms such as “stake in the EU Internal Market”, enhanced preferential trade relations, further liberalization or increased financial and technical aid etc.¹⁵¹

For the new ENP, the EU founded a new funding mechanism, European Neighbourhood and Partnership Instrument (ENPI), which entered into operation in 2007 and replaced its predecessors MEDA and TACIS. ENPI was created with the intention to allot the money more flexibly according to the needs of countries and their implementation achievements. ENPI funds are designed promote a number of programmes. Majority of the resources is aimed to support bilateral actions, i.e. country programmes. Others support regional and inter-regional cooperation activities and cross border cooperation. For the period 2007-2013, the EU committed to allocate about € 12 billion to all ENP partners.¹⁵² In the ECom’s communication on strengthening the ENP from 2006, the ECom launched two new facilities, to promote

¹⁴⁸ EU clearly stated that development and reform in the partner countries is primarily in their own interest, and it is their sovereign responsibility. [EUROPEAN COMMISSION (2006): *Strengthening the ENP*, COM(2006) 726 final, p. 4.]

¹⁴⁹ The committees consist of representative from partner country, member states, the ECom and the Council Secretariat. [EUROPEAN COMMISSION (2004): *ENP. Strategy Paper*, COM(2004) 373 final p. 10.]

¹⁵⁰ EUROPEAN COMMISSION (2004): *ENP. Strategy Paper*, COM(2004) 373 final, p. 10.

¹⁵¹ Ibidem, p. 14.

¹⁵² EU NEIGHBOURHOOD INFO CENTRE: *About the ENPI*. - http://www.enpi-info.eu/main.php?id_type=2&id=402 (6. 4. 2013)

governance and investments, and allocated from the ENPI € 300 million for Governance Facility and € 700 million for Neighbourhood Investment Fund for period 2007-2013.¹⁵³

Thus, path towards a single policy framework of the ENP roofing relationships of the EU with different neighbouring countries was completed. The main difference is that whereas previous agreements, PCAs and AAs in the respective targeted region, were of similar character regarding their policy areas and conditions, the APs offered the partner countries unique chance to profile themselves differently and enabled the progress to be better measurable and thus more visible. Furthermore, the EU abandoned the concept of building partnerships on negative treatment and instead introduced granting positive measures in exchange for appropriate implementation and achieving good results. However, these benefits were of limited significance when the liberalisation of trade in specific agricultural products was not offered. The obvious distinction between the two regional cooperation was that even under the ENP, the Euro-Mediterranean relations could enjoy the advantage of having the multilateral regional platform of the EMP, while the Euro-Eastern relations not. On the other hand, the Euro-Med conferences brought about no progress in the Middle East peace process and they were rather hampered by the Israeli-Palestinian conflict.

3.2. A New Split up of the ENP?

3.2.1. Attempt to Restart the EU-Mediterranean Relations

However, after less than three years of functioning of the ENP, in February 2007, the then French presidential candidate Nicolas Sarkozy came up with the idea to establish a union that would address the shortcomings and weaknesses of the EMP and would encompass only countries lying around the Mediterranean Sea.¹⁵⁴ Some analysts nonetheless claim that the main reason to launch this project were not the drawbacks of the EMP but the French declining role in the Mediterranean, which Sarkozy aimed to strengthen. His proposal for Union for Mediterranean (UfM) excluded the non-

¹⁵³ EUROPEAN COMMISSION (2006): *Communication on Strengthening the European Neighbourhood Policy*, COM(2006) 726 final, pp. 12-13.

¹⁵⁴ These were only five North African states, Morocco, Algeria, Tunisia, Mauritania and Libya, and five EU MSs - France, Spain, Italy, Portugal and Malta. [EURACTIV (2008): *Germany and France Reach Agreement on Mediterranean Union*. - <http://www.euractiv.com/enlargement/germany-france-reach-agreement-m-news-219462> (31. 3. 2013)]

Mediterranean EU MSs as well EU as a whole but offered them to participate as observers and to the EU to become a partner of the UfM.¹⁵⁵

Sarkozy's proposal naturally met with the resistance within the EU. Even the Southern Mediterranean countries and some Southern EU MSs e.g. Spain raised objections to it. The most vocal reservation was made by German Chancellor Angela Merkel who saw this project, including only the costal MSs but funded by the EU as a whole, as unacceptable. Germany backed by other EU MSs considered the project to disrupt the existing ENP but also the unity and integrity of the EU's external relations. The Commissioner for External Relations and ENP also called the project to be included into existing structures with full association of the ECom.¹⁵⁶

The final compromise was achieved a year later, in March 2008, after a series of informal meetings and diplomatic discussions between France and Germany were held. Germany consented to create the UfM, as Germany perceived that the EU has to play a central role in the region. On the other hand, Germany was assured by French President Sarkozy that such project would comprise all 27 EU MSs.¹⁵⁷

In May 2008, the ECom elaborated Communication on the new instrument and to symbolize the continuation with the existing policy frameworks, it was named *Barcelona Process: Union for the Mediterranean*. It was developed to complement the bilateral agreements under the ENP and to strengthen positive features of the EMP while at the same time to tackle deficiencies of these projects. The benefit would be the enhanced multilateral cooperation by promoting regional and trans-national projects. The three new impulses were suggested, namely to upgrade political level of cooperation, to increase co-ownership in multilateral relations and to make the partnership more visible through regional programmes.¹⁵⁸

However, as the UfM expanded the membership basis by including other Mediterranean countries (particularly Croatia, Bosnia and Herzegovina, Montenegro

¹⁵⁵ CIANCIARA, A. K. (2009): *The Union for the Mediterranean and the Eastern Partnership: Perspective from Poland, Czech Republic and Hungary*, pp. 10-11.

¹⁵⁶ Ibidem, pp. 11-12.

¹⁵⁷ EURACTIV (2008): *Germany and France Reach Agreement on Mediterranean Union*. - <http://www.euractiv.com/enlargement/germany-france-reach-agreement-m-news-219462> (31. 3. 2013)

¹⁵⁸ EUROPEAN COMMISSION (2008): *Barcelona Process. Union for the Mediterranean*, COM(2008) 319 final, pp. 4-5.

and Monaco) and observers of the EMP (Albania, Turkey, and Mauritania),¹⁵⁹ it became even more difficult to agree upon some ambitious goals in sphere of democracy and human rights promotion. Due to diverse interests, the proposed projects had to be uncontroversial and the idea of the EU to remedy drawbacks of EMP was thus diluted. The first initiatives proposed by the ECom¹⁶⁰ strikingly resemble Blue Plan initiative within the scope of the United Nations Environment Programme's Mediterranean Action Plan (UNEP/MAP). The Blue Plan is an environmental regional cooperation consisting of all countries bordering the Mediterranean Sea and the EU. In 2006, Blue Plan report identified six-priority activity areas - water, energy, transport, urban, rural and coastal areas - in order to achieve a sustainable future for the Mediterranean.¹⁶¹

The most significant inventions the UfM brought were in the institutional sphere. Besides regular summits every two years, system of co-presidency and secretariat were established. The co-presidency, consisting of one president of the EU and one of the Mediterranean partners, should symbolize equality between the northern and southern partners and recover mutual relations.¹⁶² On the one hand, this step meant substantial progress as it enriched the partnership with the equality element, on the other hand it entailed obstacle in political cooperation, as the one president could not approve something when the other would oppose it. Therefore, some kind of condemnation of non-democratic regimes or progress in the field of democracy and rule of law were impossible. The initial aim of the EU to remedy drawbacks of EMP was hence diluted. The topics such transport, energy, tourism as well as environment were already included not only in the EMP but also in the Blue Plan of the UNEP, and thus the UfM had no real value added.

¹⁵⁹ EUROPEAN COMMISSION (2008): *Barcelona Process. Union for the Mediterranean*, COM(2008) 319 final, p. 4.

¹⁶⁰ These are cleaning up the Mediterranean Sea, building sea routes and land motorways, projects to cope with natural and artificial disasters, development of the Mediterranean solar plan, foundation of the Euro-Mediterranean University in Slovenia and promotion to small and medium sized enterprises. [EUROPEAN EXTERNAL ACTION SERVICE, 'EU, Mediterranean and Middle East'. - http://eeas.europa.eu/delegations/jordan/eu_med_mideast/index_en.htm (1. 4. 2013)]

¹⁶¹ UNEP. MAP (2006): *A Sustainable Future for the Mediterranean. The Blue Plan's Environment and Development Outlook*, Executive Summary.

¹⁶² EUROPEAN COMMISSION (2008): *Barcelona Process. Union for the Mediterranean*, COM(2008) 319 final, pp. 5-6.

3.2.2. Echo to UfM in the Eastern Europe

Parallel to the creation of the UfM (its official launch is dated to July 2008)¹⁶³; discussions on the similar project within the eastern dimension of the ENP became animated. On the first sight, it can appear that eastern-oriented project was a reply to the intensified cooperation with the Mediterranean states but the reverse is true.

The origins of the enhanced Eastern agenda go back to January 2003, when Poland submitted a non-paper on greater cooperation with the eastern neighbours and has been continuously promoting the eastern partnership within the ENP since then. At that time, it did not meet with success. However, the creation of the UfM in 2008 offered a great opportunity for the Polish proposal on the Eastern Partnership (EaP) to be adopted by all 27 MSs.¹⁶⁴

During the European Council summit in March 2008, when the UfM was debated, Poland proposed to vitalize also the relations with the East. France reacted with the promise to support Poland with the Eastern project if Poland backed the UfM. Nonetheless, Poland learnt that it would be difficult to pass the EaP alone and was looking for an ally – Sweden. The Polish-Swedish proposal was welcomed at the European Council in June 2008, which then called the ECom to elaborate such proposal and to submit it for approval in spring 2009.¹⁶⁵

The unexpected conflict between Russia and Georgia of August 2008 over Abkhazia and South Ossetia however led the Extraordinary European Council summoned in September 2008 to call for acceleration of the Eastern Partnership project supporting regional cooperation. The ECom thus presented the EaP proposal in December 2008. For the very first time, multilateral dimension towards the Eastern partners was established besides intensification of bilateral relations.¹⁶⁶

The multilateral cooperation was suggested to realize at four levels. The conferences of Heads of State or Government as the top-level session should be biennial whereas the Foreign Affairs ministerial meetings should be held every year in spring. At the third level, senior officials' level, there were set up four thematic platforms to deal with the major policy areas. These were promotion of *democracy*,

¹⁶³ EUROPEAN COMMISSION (2010): *Taking Stock of the European Neighbourhood Policy*, COM(2010) 207, p. 13.

¹⁶⁴ CIANCIARA, A. K. (2009): *The Union for the Mediterranean and the Eastern Partnership: Perspective from Poland, Czech Republic and Hungary*, pp. 8, 22.

¹⁶⁵ Ibidem, pp. 25-26.

¹⁶⁶ EUROPEAN COMMISSION (2008a): *Eastern Partnership*, COM(2008) 823 final, pp. 2-3.

good governance and stability, economic integration and convergence with the EU policies, energy security and contacts between people. The last organisational level has been formed by panels, which shall provide assistance to thematic platforms for various issues.¹⁶⁷ The European Council then adopted the proposal and the EaP was officially launched in May 2009.

3.3. Assessment of the ENP until the End of 2011

The ENP was officially launched in May 2004 and it took some time until the new policy instruments, APs, were negotiated and adopted by both sides. However, unlike the previous experiences, this time the process of adoption of the agreed APs was considerably faster. For example, as it can be seen in the table in the Appendix 4 the APs agreed with Israel, Jordan Moldova, Morocco, Palestinian Territory, Tunisia and Ukraine were all agreed by the end 2004 and the EU adopted them already on 21st February 2005. Among the last APs that were adopted were Armenia, Azerbaijan and Georgia (November 2006), Lebanon (January 2007) and Egypt (March 2007). Altogether, 12 ENP countries have their APs activated creating the base of mutual relations.

While assuming Manners' tripartite method of assessing normative FP behaviour, the pending question now being raised is whether the EU has been acting in a normative way towards its ENP partners. As far as the goals, the EU pursued towards its ENP partners since 2004, are concerned, their nature followed from the mutually agreed AP. Based on the new element of ENP - joint ownership, both sides negotiated the content of mutual relation and set the goals as well as commitments to be fulfilled. The EU thus limited itself in terms that it could not order to other party the normative goals but instead assumed a role of being a reasonable partner that is able to find mutually beneficial solution.

The major priority of APs was set the economic development by promoting investment friendly environment and productivity profits. Among the other goals stipulated were predominantly economic aims such as liberalisation of trade,

¹⁶⁷ EUROPEAN COMMISSION (2008a): *Eastern Partnership*, COM(2008) 823 final, pp. 9-11.

achieving macroeconomic stability, improvement competition policy or removing obstacles to the creation of enterprises.¹⁶⁸

The ECom, as the main supranational ENP driver, has been issuing regularly overall assessments on the ENP activities with proposals for improvement. In its Communication from 2006, the ECom apprehended the ENP had weaknesses and needed to be strengthened. A year later the ECom specified three issues where the improvements need to be done. Firstly, economic integration should be strengthened by concluding so called deep and comprehensive free trade agreements (DCFTAs), which would cover all trade in goods and services but also strict legally-binding regulatory provisions on trade and economic matters. Secondly, progress was desirable in mobility policy, where significant constraints to entry into the EU so far existed and thus put up a bad show on mutual, especially European, awareness. The last issue to be addressed are the regional (frozen) conflicts that endanger the EU's safety; particularly through conflict escalation, unregulated migration flows, interruption of energy supplies or creation a base for terrorist and criminal activities. Their resolution is therefore a precondition for successful promotion of political as well as economic reforms.¹⁶⁹

The first communications did not touch the question of promotion democracy and rule of law or human rights issues but the overall assessment from 2008 already described political progress as well as shortages quite elaborately. The ECom admitted that the political dialogue and reform process agendas remain distinguished and for the first time the ECom identified the political achievements as well as setbacks in all ENP countries.¹⁷⁰

The ECom observed that there are ENP countries, which are willing to carry out reforms towards democracy, rule of law and compliance of the human rights, but also countries that are hesitant to do so.¹⁷¹ Differentiation and joint ownership principles made that the EU did not always pursue normative goals towards its ENP

¹⁶⁸ EUROPA (2012), 'European Neighbourhood Policy', Economic and Financial Affairs. - http://ec.europa.eu/economy_finance/international/neighbourhood_policy/index_en.htm (29. 4. 2013)

¹⁶⁹ EUROPEAN COMMISSION (2007): *A Strong European Neighbourhood Policy*, COM(2007) 774 final, pp. 4-6.

¹⁷⁰ EUROPEAN COMMISSION (2008b): *Implementation of the European Neighbourhood Policy in 2007*, COM(2008) 164

¹⁷¹ EUROPEAN COMMISSION (2006): *Communication on Strengthening the ENP*, COM(2006) 726 final, p. 2.

partners. The table in the Appendix 7 shows that only in three cases - Azerbaijan, Georgia and Israel - the normative agenda created more than 1/3 of total spending during 2007-2010. Nevertheless, the normative impact was visible neither by Azerbaijan nor by Georgia because their freedom rating performance did not improve in 2012 (as seen in the Appendix 3). Exception creates Israel, which is a democratic country and thus the normative objectives can be easily agreed as well as pursued. However, in cooperation with other countries, other policy areas than normative were preferred.

As far as the instruments the EU applied towards partner countries are concerned, the implementation of AP has been supported by political dialogues at various levels as well as by financial and technical support. To achieve economic objectives, the EU launched negotiations on DCFTAs with the prospect of economic integration with the EU Internal Market. Adoption of such agreements would require a wide set of institutional reforms in the partner country leading to approximation of EU standards and practices as well as WTO membership.¹⁷² Moreover, in February 2012 the EU adopted Regional Convention on pan-Euro-Mediterranean preferential rules of origin, which would replace current bilateral protocols and thus contribute to regional trade cooperation, which was underdeveloped, and foster economic growth and prosperity.¹⁷³

The main financial instrument has been the ENPI, whose financing allocations to particular countries depend on three factors. These are the needs of the country, its absorption capacity and implementation of contracted reforms.¹⁷⁴ As seen in the table in the Appendix 6, for the period 2007-2012, the EU committed to deliver to Mediterranean countries € 7 425.9 million through bilateral actions and inter-regional and regional activities. To its Eastern partners (without Russia) it pledged to allocate € 2 990, 5 million.¹⁷⁵ These figures signify that the Mediterranean bilateral countries' initiatives received about two thirds of the resources whereas to the Eastern bilateral

¹⁷² EUROPEAN COMMISSION and EUROPEAN UNION EXTERNAL ACTION (2011): *A New Response to a Changing Neighbourhood. A review of European Neighbourhood Policy*, Brussels, COM(2011) 303.

¹⁷³ EUROPEAN PARLIAMENT (2012): *Resolution on the proposal for a Council decision on the conclusion of the regional Convention on pan-Euro-Mediterranean preferential rules of origin*, 2012/2519(RSP).

¹⁷⁴ EUROPA (2012a), 'European Neighbourhood & Partnership Instrument', European Commission, Development and Cooperation EuropeAid. - http://ec.europa.eu/europeaid/how/finance/enpi_en.htm (1. 5. 2013)

¹⁷⁵ EUROPEAN COMMISSION and HR of the EU(2013): *Implementation of the European Neighbourhood Policy in 2012: Statistical Annex*, SWD(2013) 87 final, p. 34.

programmes was allocated one third. However, when taking into account the population of the ten Mediterranean countries (approx. 211, 3 million people)¹⁷⁶ and the population of the six Eastern partner countries (approx. 75 million people),¹⁷⁷ the disbursements per capita favour to the Eastern partners. Nonetheless, the money, the EU disbursed within 2007-2012, came mainly to support economic governance, competitiveness and social reforms¹⁷⁸ regardless of the achievements in political governance. Thus, the positive conditionality was diluting in the ENP.

Besides providing technical and financial assistance through ENPI, the EU continued providing funding through EIDHR to civil society. The European Initiative for Democracy and Human Rights was replaced in 2006 by European Instrument (EIDHR). The EIDHR aims to endorse civil society entities, individuals and intergovernmental institutions advocating democracy and respect for human rights. The supported activities within EIDHR for the period 2007-2010 were among others promotion of internet access, freedom of media, right to freedom to assemble peacefully etc. in order to increase respect for human rights and fundamental freedoms.¹⁷⁹ During 2007-2010, the EU allocated through EIDHR to the Middle East and North Africa € 24, 6 million and in 2011, it was even € 11, 4 million.¹⁸⁰ During the same period (2007-2012), the EU provided through EIDHR to Eastern neighbouring countries € 19, 85 million.¹⁸¹ Needless to say, these resources provided to civil society subjects are significantly low compared to the funding allocated from ENPI.

In spite of the fact that these grants have been aimed at civil society actors, the instrument still faces several deficiencies. Some, especially the less professionalized civil society subjects, have problems in achieving the funding because of the lengthy and complicated application process, which is carried out only in English. Particularly the small civil initiatives and social movements without experienced background

¹⁷⁶ CIA: *The World Factbook*. – <https://www.cia.gov/library/publications/the-world-factbook/> (6. 4. 2013)

¹⁷⁷ Ibidem.

¹⁷⁸ EUROPEAN COMMISSION and HR of the EU (2013): *Implementation of the European Neighbourhood Policy in 2012: Statistical Annex*, SWD(2013) 87 final, pp. 37-72.

¹⁷⁹ DG RELEX: *EIDHR Strategy Paper 2007 – 2010*, DG RELEX/B/1 JVK 70618, pp. 5-7.

¹⁸⁰ EUROPE AID, EIDHR: *Delivering on the Arab Spring*, Highlights of the Semester, July-December 2011. – <http://www.enpi-info.eu/files/publications/Delivering%20on%20the%20Arab%20Spring.pdf>. (6. 4. 2013), p. 5.

¹⁸¹ YOUNGS, R. and SHAPOVALOVA, N. (2012): *EU Democracy Promotion in the Eastern Neighbourhood: A Turn to Civil Society?* FRIDE, p. 4.

have been harmed by this condition and once the application is submitted, it can take months until the grant is awarded and the original goal may become obsolete.¹⁸²

Furthermore, the neighbouring countries are supported by the European Investment Bank (EIB). Towards the Mediterranean partners, the EIB established so called Facility for Euro-Mediterranean Investment and Partnership (FEMIP), which is aimed at two policy areas, i.e. support of a private sector, especially small and medium-sized enterprises, and an investment-friendly environment. Moreover, it contributes to achievement of the goals of UfM. For the period 2007 to 2013, the EIB set aside € 8, 7 billion.¹⁸³ Similarly, in the Eastern Partner countries the EIB supports the projects that are of EU's interests, mainly in transport, energy, telecommunications and environmental infrastructure and small and medium sized enterprises. For the period 2007 to 2013, the EIB earmarked € 3, 7 billion (including the projects in Russia).¹⁸⁴ In spite of the amounts spent this kind of financial support neither included the promotion of democratic values nor made it conditional on them.

The EU in its Communication from 2010 recognised that the implementation of human rights and fundamental freedoms conventions and protocols poses problems, particularly when it comes to fight against torture, or to respect the right for freedom of expression or association.¹⁸⁵ However, these drawbacks were by no way reflected in the EU's financial commitments. The mechanisms set up under the APs were not always properly used, especially when it came to positive conditionality. For example, in the progress report Egypt of 2010, the ECom pointed out lack of progress on independence of judiciary or Emergency Law posing a great obstacle for enjoyment of human rights and fundamental freedoms.¹⁸⁶ As seen in the table in the Appendix 7, only 6, 3% of the total funding for the period 2007-2010 was used for political goals. Despite this, the ECom increased its financial aid provided to

¹⁸² YOUNGS, R. and SHAPOVALOVA, N. (2012): *EU Democracy Promotion in the Eastern Neighbourhood: A Turn to Civil Society?* FRIDE, p. 6.

¹⁸³ EUROPEAN INVESTMENT BANK (2011), 'EIB financing in the EU's Mediterranean Neighbours'. - http://www.eib.europa.eu/attachments/country/eib_factsheet_mediterranean_neighbours_en.pdf (29. 4. 2013)

¹⁸⁴ EUROPEAN INVESTMENT BANK, 'EU Eastern Neighbours'. - <http://www.eib.org/projects/regions/eastern-neighbours/index.htm> (29. 4. 2013)

¹⁸⁵ EUROPEAN COMMISSION (2010): *Taking Stock of the European Neighbourhood Policy*, COM(2010) 207, p. 3.

¹⁸⁶ EUROPEAN COMMISSION (2010a): *Progress Report Egypt. Implementation of the European Neighbourhood Policy in 2009*, SEC(2010) 517.

Egypt for the next years and moreover the ECom programmed for the political priority only 11, 1% of funding during 2011-2013.¹⁸⁷

In economic cooperation, the result of the ENP was different commercial relations. The first group of countries create the Mediterranean partners whose relations have been based on AAs and supplemented by APs. However, these contractual relations arranged for a gradual transition towards tariff-free trade in industrial goods, not in agriculture. In last years, the EU decided to award to some of these countries preferential access in that sense that it reduced tariffs and quotas in some fruit and vegetables. Nevertheless, the EU still named the products that are excluded from entire elimination of barriers and in the end granted only moderate reduction of tariffs and quotas of these products. The liberalisation of trade in services did not mark a progress and the overall goal of the Barcelona process, to create a FTA by 2010, was not achieved.¹⁸⁸ In the second group, there are the countries, which do not have any agreement relating to trade liberalisation since 1990s. These are Azerbaijan, Syria and Libya.¹⁸⁹

The last group create the countries towards that the EU started negotiations on DCFTAs. Ukraine is the country that made the greatest progress on this matter as its DCFTA was already formally concluded in late 2011.¹⁹⁰ In February 2012, the EU launched negotiations on DCFTAs also with Moldova, Georgia and Armenia.¹⁹¹ In 2011, after the revolts in Mediterranean known as “Arab Spring”, the EU decided to propose these agreements also to the Mediterranean states.¹⁹²

The impact of the ENP in political matters continued to be influenced largely by domestic regimes and reflected the EU’s differentiated policy goals and means, especially the non-normative ones. In normative agenda, not much was attained. Progress in the freedom ranking was achieved in 2012 in these ENP states: Egypt (became partly free), Libya (became partly free), and Tunisia (became partly free).

¹⁸⁷ EUROPEAN COMMISSION and HR of the EU (2013): *Implementation of the European Neighbourhood Policy in 2012. Statistical Annex*, SWD(2013) 87 final, p. 46.

¹⁸⁸ DREYER, I. (2012): *Trade Policy in the EU's Neighbourhood: Ways Forward for the Deep and Comprehensive Free Trade Agreements*, Notre Europe, pp. 18-19.

¹⁸⁹ Ibidem, pp. 18-19, p.21.

¹⁹⁰ Ibidem, p.24.

¹⁹¹ EUROPEAN COUNCIL ON FOREIGN RELATIONS: *Relations with the Eastern Neighbourhood on Trade*. - <http://www.ecfr.eu/scorecard/2013/wider/48> (1. 5. 2013)

¹⁹² DREYER, I. (2012): *Trade Policy in the EU's Neighbourhood: Ways Forward for the Deep and Comprehensive Free Trade Agreements*, Notre Europe, p.21.

The improvement of the status of these three countries was greatly influenced by domestic revolts occurring in North Africa in 2011, when people mobilized and expressed their dissatisfaction with the current situation. The internal causes such as unemployment, high inflation and shortage of necessities, public frustration with corruption as well as ageing dictatorships made people to protest against the regimes.

On the other hand, Palestinian Authority and Ukraine worsened their status. In Palestinian Authority, the missing improvement could be explained by the deadlock of the Palestinian-Israeli conflict, which is the precondition for building a democracy-value based state, whereas Ukraine was disappointed by the fact that the EU did not offer it a clear prospect of membership and started to lose its motivations.

As my last hypothesis, I have stipulated that with the new ENP, the EU has assumed more decisive attitude in the neighbourliness reflecting the need on strengthened cooperation on FP matters inside the EU and thus pursuing the vision of normative FP actor. Although there are some variations among the ENP partners, especially the most exceptional cases create the countries without the contractual relations and Israel as it is the only democratic state of the ENP; it is possible to draw some general conclusions on the ENP as a whole. The aims the EU pursued towards the ENP countries until 2011 continued their trajectory from the previous forms of cooperation with the difference that this time the goals and commitments of mutual relations were individually agreed and thus could slightly differ according to country's preconditions. Nevertheless, the non-normative goals were prioritised.

In spite of the fact that some instruments used were legal and helpful, particularly the monitoring committees enabled to achieve more clear results; the positive conditionality was rather suppressed and not always properly applied. Support for democratization processes and human rights protection was rather neglected and financial resources provided to civil society organisations were low and hardly attainable. Furthermore, the commercial relations remain hindered by the existing trade obstacles, which are not in accordance with WTO standards. Whether the DCFTA will be a successful policy instrument leading also to approximation of EU rules and practises as well as towards its common values, will depend on not only on

EU, if it allow for entire liberalisation of trade in goods, but also on the partner country's will to undergo political reforms.

My last hypothesis that with the new policy the EU would assume a more decisive role in following the vision of normative FP actor towards the neighbourhood has thus been disproved. The EU applied mainly non-normative goals followed by non-normative means, which had various impacts in partner countries, depending on their internal environments. Majority of countries marked no progress towards democratisation and those that marked were influenced by the national uprisings against the existing regimes. Therefore, the ENP brought about no reinforcement of the normative power identity of the EU in its close neighbourhood.

3.4. A New Approach to the ENP Introduced in 2011

Following the revolts in the Mediterranean, the EU had to change its approach. It was not possible to assure the stability in the region by the cooperation with authoritarian regimes in the Mediterranean and the EU realized that these regimes now pose a problem. Therefore, it developed quite soon a new strategy. In March 2011, the HR of the EU and the ECom issued joint communication "A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean" and two months later in May 2011, they launched a new strategy called "A New Response to a Changing Neighbourhood." This strategy has been aimed at all EU neighbours, not only at Southern partners, and has been based on new elements.¹⁹³

The renewed policy was concretized a year later in the joint communication of ECom and HR of the EU. The core of this approach is "more for more" principle, which means that more benefits (especially financial assistance, mobility possibilities for people and economic advantages) will be provided by the EU in case that more is achieved towards democracy, rule of law and human rights protection. The new approach explicitly says that in case no reform takes place, the EU will reconsider or even decrease its funding. Second main feature is establishment of partnerships with civil society subjects, i.e. NGOs, academia, media, unions, religious groups. Promotion of mutual accountability and making the policy dialogues more frank is another goal

¹⁹³ EUROPEAN COMMISSION and HR of the EU (2012): *Delivering on a New European Neighbourhood Policy*, JOIN(2012) 14 final.

outlined in the new strategy. To achieve these set objectives, the communication delineates concrete steps to be taken in practice.¹⁹⁴

Although it is difficult to predict whether this renewed approach would result in the strengthened normative role of the EU in the ENP, from my point of view there are three alternatives of development, which can occur.

The first scenario is that the EU would pursue active normative foreign policy based on the renewed strategy, i.e. the EU would firmly follow the normative goals and means that would be properly targeted and thus they could induce normative impact. In this scenario, the EU would put greater emphasis on the performance of democracy and human rights issues and would adhere to its delineated principles such as *more* would be rendered for *more* progress in political area. By sticking to this, the EU would not only be perceived as a normative power but it could be claimed that the EU behaves in a normative way in its ENP.

The second scenario is that the EU would continue in exercising its existing policies, i.e. without strict pursuance of democratic goals and means. The EU would prefer promoting self-interest goals, although declaring commitment to shared values. In this case, the EU would keep on using non-normative means such as restriction of the trade exchanges especially in agriculture or neglecting the outlined principles and mechanisms to promote democracy and human rights. Thus, the EU could not be labelled as behaving in a normative way in its neighbourhood and would be rebuked for lacking a coherent vision in the ENP.

The last option that can happen is that the EU would withdraw from the neighbouring countries, which would mean stopping all activities and concentrating more on own internal EU affairs. This scenario is from my point of view rather improbable as the EU wants to play a role in the international scene, starting with its surroundings.

¹⁹⁴ EUROPEAN COMMISSION and HR of the EU (2012): *Delivering on a New European Neighbourhood Policy*, JOIN(2012) 14 final, pp. 2-6.

Conclusion

The chapters of this Master's Thesis have provided a unified view on the evolution of the normative power behaviour of the EU in the ENP and its previous forms of cooperation. The notion of normative power is not new in international relations but it obtained a renewed attention with the recent developments in the European integration processes. The NPE approach by Ian Manners, which creates the theoretical background for this thesis, is according to its author a worthy complement to existing concepts of grasping the EU. Ian Manners provided a definition of NPE as being able to shape, engrave, disperse and thus 'normalise' norms and principles in the world politics. Nevertheless, one thing is that the actor is assessed as a normative power; another is whether the actor behaves in a normative way. To evaluate the latter, Ian Manners set up a three-way analytical method based on assessment of goals and means used by a particular FP actor and the impact of its actions. This concept was further elaborated by Nathalie Tocci, who distinguished eight different FP types according to various combinations of these three variables. Furthermore, she stated that there are conditioning factors, which influence the particular variables, namely internal political context of the international actor, its internal capabilities and external environment of the targeted country.

In the thesis, I discovered that the normative power identity of the EU has gradually been shaped and consolidated with the founding EU treaties since 1990s and became part of its foreign policy. The Lisbon Treaties established the EU's normative role in the international relations and incorporated for the first time special relationships with the neighbouring countries that are based on the EU values.

Adopting the fact that the EU has normative power identity, it does not have to be true when pursuing a particular FP action in a specific time and place. Therefore, in the beginning of the thesis, I specified the research question whether, and how the normative power of the EU has worked in the ENP and its previous forms of cooperation. Furthermore, to answer it properly I set up three hypotheses, each concerned with particular time and region.

The first hypothesis was aimed at the EU's FP towards the Mediterranean countries until 2004. I claimed that the EU carried out towards the Mediterranean partners non-normative FP, realizing particularly through commercial relations and

greatly shaped by undemocratic regimes of the North African states. The hypothesis was validated in the thesis. In the mutual relations, the EU preferred *self-interest* goals i.e. commercial ties and regional stability, whose achieving was supported by providing financial assistance to official state representatives. Comparatively small amounts of money were allocated to civil society organisations with the aim of promoting human rights and democracy. Although the political cooperation was still present in the partnership, in my opinion, the EU suffered from a lack of political will to induce some political changes and its determination to take measures based on violations of the human rights clause was weak. Instead, the EU favoured having stable ties with authoritarian but western-oriented Arab dictators. These relations were of reciprocal benefit because the Arab regimes guaranteed a particular degree of regional stability against the rise of fundamentalists, and also stable trade cooperation and control of migration flows and Arab regimes on the other hand obtained certain level of legitimacy from the EU.

The second hypothesis related to the EU's FP behaviour in the post-Soviet region after the dissolution of the USSR and I envisaged that the EU's PF was rather fragile without clear strategy to promote normative values and thus it was based more on non-normative cooperation. This hypothesis was also validated. The Eastern countries were extremely differentiated even with some potential EU candidates and the EU was not able to develop a single political framework aimed at all countries in the post-Soviet space. Towards Ukraine and Moldova, the EU's FP was non-normative but it had unintentionally normative impact as the countries struggled to become members of the EU and thus they made political and economic progress from its own initiatives. The EU's FP towards Belarus was precisely quite the contrary. The EU promoted normative goals and means but the impact of its policy was non-normative, strongly affected by the national perceptions and authoritarian regime against which the EU applied negative sanctions. Towards the SC countries, the EU combined non-normative goals and normative means resulting in non-normative outcomes without any substantive achievements in the political cooperation. The EU lacked a clear strategy to promote normative goals through normative instruments towards post-Soviet republics, which was reflected in different FP approaches and caused by the insufficient interest and engagement of the EU MSs in this region. The EU did not pursue normative FP towards any of these countries. In spite of the fact that the FP

towards Belarus was based on normative goals and means, it was not enough adequate to encourage normative impact as it was based on negative measures against the leadership, which could hardly promote establishment of positive ties.

As the last hypothesis, I expected that with the newly developed policy, the ENP, the EU has assumed a more decisive approach in the neighbourliness reflecting the need on strengthened cooperation on FP matters inside the EU and thus pursuing the vision of normative FP actor. This hypothesis unlike the previous two was disproved. The EU continued in its trajectory from previous forms of cooperation and mainly non-normative goals were prioritised in APs in spite of the fact that the normative dimension was present but to a lesser extent. Although the ENP introduced instruments that were legal and helpful, the essential one, positive conditionality, was not always appropriately applied and the finances were further provided regardless of the drawbacks or achievements in APs implementation by a particular country. Furthermore, the financial resources awarded to civil society organisations were lower than the assistance provided through ENPI to state officials and for some entities it was difficult to achieve.

The EU carried out non-normative goals by using non-normative means, which left various impacts in partner countries, depending on their domestic environment. Majority of countries made no progress towards democratisation except for those where the national uprisings against the existing regimes occurred. Therefore, it can be concluded that the EU did not behave in a normative way in the ENP.

The aim of the ENP is not to enforce reforms to other countries from outside but to help them with their transitions from within. However, it is necessary that the EU would define such goals towards the partner countries and persist in promoting them by normative means. As this Master's Thesis has shown, the EU was not consistent in performing normative FP and thus it was somewhat expectable that its impacts would be normative. On the other hand, as the normative and non-normative goals can be compatible in the longer term, it can happen that e.g. by promoting economic cooperation greater respect for human rights would be achieved but on condition that if there were rightly settled instruments to obtain that.

To conclude, the first two hypotheses on non-normative EU's FP were validated whereas the last one claiming normative behaviour in the ENP was disproved. Therefore, it implies that the normative power of the EU has worked neither in the ENP nor in its previous forms of cooperation. However, I believe that the new approach outlined and particularized after the Arab Spring uprisings would make the ENP effective foreign policy in promoting the normative agenda in the closest neighbourliness.

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Appendix 1: Euro-Mediterranean Association Agreements

Country	Start of Negotiations	Agreement Concluded	Agreement Signed	Entry into Force
Tunisia	December 1994	June 1995	July 1995	December 1997
Israel	December 1993	September 1995	November 1995	June 2000
Morocco	December 1993	November 1995	February 1996	March 2000
Palestine	May 1996	December 1996	February 1997	July 1997*
Jordan	July 1995	April 1997	November 1997	May 2002
Egypt	March 1995	June 1999	June 2001	June 2004
Algeria	June 1997	December 2001	April 2002	September 2005
Lebanon	November 1995	January 2002	June 2002	April 2006
Syria	March 1998	October 2004 / December 2008		

* Interim agreement signed by the EU and the PLO (to the benefit of the Palestinian Authority).

Source: MED 2012. *The Euro-Mediterranean Association Agreements*. - http://www.iemed.org/observatori/recursos/documents/annexos-anuari-med.2012/arxiu-annexos-anuari-2012/Agreements_en.pdf (15. 2. 2013)

Appendix 2: Freedom Rating of Mediterranean Countries

COUNTRY	1995		2005		2012	
	PR / CL	Status	PR / CL	Status	PR / CL	Status
Algeria	6 / 6	NF	6 / 5	NF	6 / 5	NF
Egypt	6 / 6	NF	6 / 5	NF	5 / 5	PF
Israel	1 / 3	F	1 / 2	F	1 / 2	F
Jordan	4 / 4	PF	5 / 4	PF	6 / 5	PF
Lebanon	6 / 5	NF	5 / 4	PF	5 / 4	PF
Libya	7 / 7	NF	7 / 7	NF	4 / 5	PF
Morocco	5 / 5	PF	5 / 4	PF	5 / 4	PF
Syria	7 / 7	NF	7 / 7	NF	7 / 7	NF
Tunisia	6 / 5	NF	6 / 5	NF	3 / 4	PF
Palestinian Authority	5 / 6	NF*	5 / 5	PF	6 / 6	NF**

Source: Own compilation based on data from FREEDOM HOUSE: *Country Ratings and Status by Region, FIW 1973-2013*. - http://www.freedomhouse.org/sites/default/files/Country%20Status%20and%20Ratings%20By%20Region%2C%201973-2013_0.xls (30. 3. 2013)

Legend:

NF: Not Free

PR: Political Rights

PF: Partly Free

CL: Civil Liberties

F: Free

* The first available data are from the year 1996.

** The last available data are from the year 2009.

Appendix 3: Freedom Rating of Eastern European Countries

COUNTRY	1995	Status	2005	Status	2012	Status
	PR/CL		PR/CL		PR/CL	
Armenia	4 / 4	PF	5 / 4	PF	5 / 4	PF
Azerbaijan	6 / 6	NF	6 / 5	NF	6 / 5	NF
Belarus	5 / 5	PF	7 / 6	NF	7 / 6	NF
Georgia	4 / 5	PF	3 / 3	PF	3 / 3	PF
Moldova	4 / 4	PF	3 / 4	PF	3 / 3	PF
Ukraine	3 / 4	PF	3 / 4	F	4 / 3	PF

Source: Own compilation based on data from FREEDOM HOUSE: *Country Ratings and Status by Region, FIW 1973-2013.* -

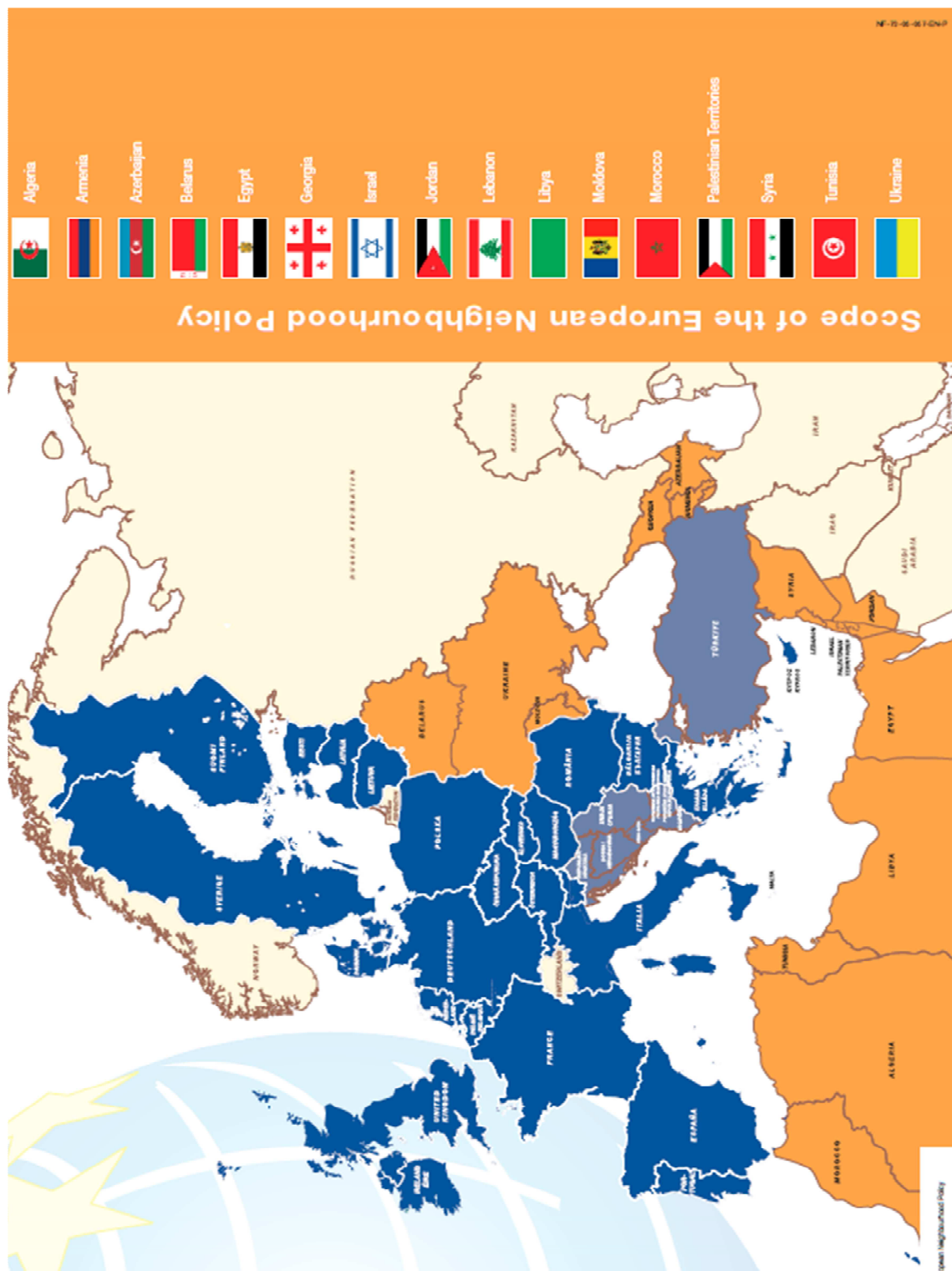
http://www.freedomhouse.org/sites/default/files/Country%20Status%20and%20Ratings%20By%20Region%2C%201973-2013_0.xls (30. 3. 2013)

Appendix 4: Contractual Relations of the EU with the ENP Countries

ENP partner countries	Entry into force of contractual relations with EU	ENP Country Report	ENP Action Plan	Adoption by EU	JOINT adoption WITH partner country
Algeria	AA - September 2005	--	--	--	--
Armenia	PCA – 1999	March 2005	Agreed autumn 2006	13.11.2006	14.11.2006
Azerbaijan	PCA – 1999	March 2005	Agreed autumn 2006	13.11.2006	14.11.2006
Belarus	--	--	--	--	--
Egypt	AA – June 2004	March 2005	Agreed Spring 2007	05.03.2007	06.03.2007
Georgia	PCA – 1999	March 2005	Agreed autumn 2006	13.11.2006	14.11.2006
Israel	AA - June 2000	May 2004	Agreed end 2004	21.02.2005	11.04.2005
Jordan	AA - May 2002	May 2004	Agreed end 2004	21.02.2005	02.06.2005
Lebanon	AA - April 2006	March 2005	Agreed autumn 2006	17.10.2006	19.01.2007
Libya	--	--	--	--	--
Moldova	PCA - July 1998	May 2004	Agreed end 2004	21.02.2005	22.02.2005
Morocco	AA - Mar 2000	May 2004	Agreed end 2004	21.02.2005	27.07.2005
Occupied Palestinian Territory	Interim AA - July 1997	May 2004	Agreed end 2004	21.02.2005	04.05.2005
Syria	--	--	--	--	--
Tunisia	AA – March 1998	May 2004	Agreed end 2004	21.02.2005	04.07.2005
Ukraine	PCA – March 1998	May 2004	Agreed end 2004	21.02.2005	21.02.2005

Source: EUROPEAN COMMISSION: *ENP*. The Policy. Frequently Asked Questions.
http://web.archive.org/web/20130212174535/http://ec.europa.eu/world/enp/faq_en.htm
 (16. 2. 2013)

Appendix 5: 16 Countries Participating in the ENP



Source: EUROPEAN COMMISSION. External Relations: *The European Neighbourhood Policy*, Scope of the European Neighbourhood Policy. - http://www.enpi.info.eu/files/publications/ENP_Map_2007.pdf (9. 3. 2013)

Appendix 6: EU Commitments Amounts under ENPI (€ Million)

	2007	2008	2009	2010	2011	2012	Total 2007-2012	Average 2007-2012
Bilateral activities								
Algeria	57	32.5	35.6	59	58	84	326.1	54.4
Armenia	21	24	24.7	27.7	43.1	75	215.5	35.9
Azerbaijan	19	22	20	7	31	19.5	118.5	19.8
Belarus	6	5	10	10	17.07	22.3	70.37	11.7
Egypt	137	149	140	192	92	250	960	160.0
Georgia	24	90.3	70.9	37.2	50.7	82	355.1	59.2
Israel	2	2	1.5	2	2	2	11.5	1.9
Jordan	62	65	68	70	111	110	486	81.0
Lebanon	50	50	43	44	33	92	312	52.0
Libya	2	4	0	12	10	25	53	8.8
Republic of Moldova	40	62.3	57	66	78.6	122	425.9	71.0
Morocco	190	228.7	145	158.9	156.6	207	1086.2	181.0
Palestine	452.7	387	352.6	377.9	413.7	224	2207.9	368.0
Russia	13	5	18	26.5	4	0.0	66.5	11.1
Syria	20	20	40	50	10	48.4	188.4	31.4
Tunisia	103	73	77	77	130	130	590	98.3
Ukraine	142	138.6	116	126	135	149	806.6	134.4
Total East	265	347.2	316.6	300.4	359.47	469.8	2058.47	332
Total South	1075.7	1011.2	902.7	1042.8	1016.3	1172.4	6221.10	1036.8
Total	1340.7	1358.4	1219.3	1343.2	1375.77	1642.2	8279.57	1379.9
Regional								
Regional/interregional cooperation East	131.2	99.5	112.7	209.5	209.4	236.2	998.5	166.4
Regional/interregional cooperation South	157.7	151.5	194.7	171.1	233.3	296.5	1204.8	200.8
Total	288.9	251	307.4	380.6	442.7	532.7	2203.3	367.2
Cross Border Cooperation ENPI¹⁹⁵	4.2	60	69.2	68.4	83.5	95.2	380.5	63.4
Grand Total	1633.8	1669.4	1595.9	1792.2	1901.97	2270.1	10863.37	1810.6

Source: EUROPEAN COMMISSION and HR of the EU (2013): *Implementation of the European Neighbourhood Policy in 2012. Statistical Annex*, SWD(2013) 87 final, p. 34, modified.

¹⁹⁵ including special measure in support to Civil Society

Appendix 7: Realised Share of Political Priority 2007-2010

	2007-2010	Political Priority (Specification)
Algeria	9,2 %	Reform of Justice
Armenia	30%	Democratic structures and good governance
Azerbaijan	43 %	Democratic development and good governance
Belarus	22 %	Democratic development and good governance
Egypt	6,3 %	Reform in democracy, human rights and justice
Georgia	37 %	Democratic development, rule of law and governance
Israel	100 %	Implementation of priorities in AP
Jordan	6,4 %	Political reform, justice, human rights
Lebanon	11,76 %	Political reform
Libya	0	
Republic of Moldova	25 %	Democratic development and good governance
Morocco	1,2 %	Governance, human rights
Palestine	3,5 %	Institution-building
Syria	23 %	Political reform and administrative reform
Tunisia	0	
Ukraine	7 %	Democratic development, good governance

Source: Own compilation based on data from EUROPEAN COMMISSION and HR of the EU (2013): *Implementation of the European Neighbourhood Policy in 2012. Statistical Annex*, SWD(2013) 87 final, pp. 37-71.

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