European Neighbourhood Policy
Conditionality and Incentives

Policy Paper

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Introduction

Back in 2004, the European Union increased its size and welcomed 10 countries from mainly Central and Eastern Europe into its structures and institutions. This enlargement caused a chase within the EU’s neighbours. The European Union had to react to new challenges connected with security and their relations with other non-EU member states. This situation brought with it the idea of creating the European Neighbourhood Policy (ENP) where both Eastern and Southern neighbour states are included in order to establish proper and legal relations with countries such as Ukraine, Moldova, Israel, Tunisia or Morocco.

The Neighbourhood Policy was established for those countries where the prospect of membership to the EU is not a realistic option in the short or even medium term; however, it can be assumed that several countries in Eastern Europe that are included in ENP will become full members in several years. Nevertheless, the ENP is primarily to settle proper relations – economic, political or cultural between the EU and the neighbouring state. To have well arranged and established relations with your neighbours will offer the opportunity for stable and secure relations that ensure security, and this is the reason for the European Union to call for more discussion with neighbouring states.

The ENP consists mainly of bilateral agreements between the EU and a relevant country. The main tool of the ENP lays in its use of conditionality, which essentially means, a set of conditions under which mutual relations can be tied closer. Conditions given by the EU are agreed in order to fulfil the aims and purposes of the EU. But the success of European Neighbourhood Policy is not only to build on conditionality but on incentives too. This means the reciprocity in mutual relations in order to create a stable regional rear for both EU and non-EU countries.

After a number of years of the ENP being implemented as one part of the Common Foreign and Security Policy fields of the European Union, it is time to reassess the efficiency and success of the EU’s effort to build closer ties with its neighbours and consequently strengthen the security of the region and the EU. By analyzing the bilateral relations within the framework of ENP, several issues were identified. One of the detrimental issues linked with the implementation of ENP is institutional isomorphism. Also an issue is the non-efficient allocation of funding available. However, what was found to be the most pressing issue stemming from the analysis of the ENP is the insufficiently defined conditionality and incentives that play a reciprocal role in reform efforts within neighbouring countries.

The incentives given by the European Union are necessary to have a strong and close relationship with EU neighbour states. This is complemented by conditions which have to be concretely established to
be effective. This policy paper aims to show that conditionality and incentives working together shall be a key instrument of the ENP and their reform is necessary.

With the example of three countries – Israel, Jordan and Tunisia, this policy paper will show that current conditions are not sufficient enough in order to cooperate and deepen the mutual relations with the aim to achieve successful reforms that would make the relevant countries a more stable and reliable partner for the EU. Finally, the paper will offer a set of recommendations how the conditionality and incentives should be modified or strengthened so the efficiency of the European Neighbourhood Policy increases to such a level where the policy will bring benefits to both sides – the EU and the relevant country within the ENP.

The authors of this paper understand that the ENP is a broad policy that consists of many aspects and areas of mutual cooperation, therefore this paper will demonstrate the above points mentioned in the area of fostering democracy and human rights. These two areas are, among others, of central interest of the EU’s foreign policy. Neighbours that are stable and based on democratic principles increase and ensure the security and development of the region.

As well as the areas of interest being numerous, the number of countries that participate in the European Neighbourhood Policy is high. For the purposes of this paper, the authors decided to choose three countries – Israel, Jordan and Tunisia. The states have been chosen in recognition of their long relationship with the EU, having signed Association Agreements in 1995 for Israel and Tunisia, and 1997 for Jordan. The economic development of Tunisia over the last decade has produced a strong and stable trade partner but this has been achieved through non-democratic means and human rights violations. This undermines the core principles and values of the relationship the EU wants to experience. Israel is one of the most important partners to the EU, however, relations recently worsened due to the different positions and views on Israeli-Palestinian conflict. All the same, it is in the EU interests to have Israel as a strong cooperating partner through deepening the dialogue on common values. Jordan has had periods within its recent history of developing dialogue and action concerning the proposed areas of examination. These however have not flourished into consolidated practices, with negative reforms being made after periods of progression. It will be important under such circumstances to disseminate ideas which will keep reform efforts moving in a positive direction.

All three countries are also differentiated in the people that inhabit them, their geographical positioning and their political make up. Such diversity generates the possibility of discovering concrete positions of reform for the ENP. This paper will show then three case studies on which the authors will try to support the argument that the ENP suffers from lack of conditionality and incentives to successfully contribute to neighbouring countries’ development. All three countries were chosen from the Mediterranean area as the differences between the Eastern Europe and Mediterranean countries are big to such a level where a comparison would not be that efficient.
The literature used come from that which is focused on the ENP, from official EU institutions and expert analyses on the discussed topic. The Freedom House Index and Country Reports will be used to support statements made in the case studies. The results of the paper shall take the form of recommendations for the modification of the European Neighbourhood Policy.

**Case Studies**

When the European Neighbourhood Policy was launched in 2004, one of its main objectives was democracy and human rights promotion. These values are not new in the European foreign policy, on the contrary, sharing of these values forms the basis for mutual relations of the EU and its partners.

In the context of Mediterranean Partnership, the Barcelona Declaration from 1995 also listed that “the general objective of turning the Mediterranean basin into an area of dialogue, exchange and cooperation […] requires a strengthening of democracy and respect for human rights, […], measures to combat poverty and promotion of greater understanding between cultures, which are all essential aspects of partnership.”

As the ENP countries do not have the perspective of future membership (with some exceptions in the Eastern Europe countries that make part of the ENP) and they are rather taken as privileged partners with whom the EU wants to establish close ties, this conditionality of stable democracy and human rights promotion is not supported by sufficient incentives in order to be marked efficient.

The Strategy Paper on European Neighbourhood Policy states that the privileged relationship with neighbours will build on mutual commitment to common values principally within the fields of the rule of law, good governance, the respect for human rights, including minority rights, the promotion of good neighbourly relations, and the principles of market economy and sustainable development. These principles then show the main priorities of the ENP and these principles shall form the framework of mutual cooperation on bilateral level – “EU-relevant ENP country”.

The Strategy Paper also discusses the question of differentiation of countries which was taken into consideration when the Action Plans were prepared. This differentiation is a key factor in the ENP, and how the individual Action Plans differ in the field of democracy and human rights can be seen from the case studies that are presented later in this paper. Nevertheless, differentiation is a very important factor but we have to bear in mind that the ENP represents itself as a unified policy and

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because of this fact, there shall be stress put on common priorities and one framework that can be found in every bilateral agreement within the ENP, with relevant details and modifications depending on the country.

In the following section, there are the case studies of three countries – Israel, Jordan and Tunisia. They will demonstrate how the European Union works together in order to promote democracy and human rights in neighbouring countries through the ENP. Due to the fact that the ENP is formed of two completely different regions, the selection was from Mediterranean Partnership countries only as it is assumed that even in this region there exist differentiated circumstances that will justify the hypothesis given previously in this paper.

The question of conditionality, especially in our case, political conditionality, is taken into consideration and its modification shall be applied. This issue is also connected with the European *acquis communautaire* that makes the cooperation more difficult because of its complicacy. This statement shall be supported by the case studies that are divided into two sections – democracy and human rights promotion, and EU efforts in this area which are analysed in all three selected countries.

1.1. Democracy

1.1.1. Israel

The situation concerning democracy in Israel is a complicated matter. Whilst sharing and practicing many of the same values as the EU, this is an experience mainly for Jewish-Israeli people. The government of Israel has purposefully not extended these same practices towards Arab-Israeli’s. This case study shall to demonstrate both aspects mentioned. In the Israeli Action Plan (AP) it states that reform is needed to ‘work together to promote the shared values of democracy, rule of law and respect for human rights; and international humanitarian law; promote and protect rights of minorities, including enhancing political, economic, social and cultural opportunities for all citizens and lawful residents; promote evaluation and monitoring of policies from the perspective of gender equality; and promote a dialogue on policies for the physically and mentally disabled’.* Again, much like the conditions in the Tunisian AP (see below), there is a level of vagueness which clearly does not inform the reform programme desired by the EU.

An EU progress report from 2008 demonstrates that reform efforts have been met with mixed results. The report states that ‘Israel’s willingness to engage with the EU in a constructive dialogue on

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sensitive issues continued to grow, and closer political cooperation and dialogue was achieved\(^5\). Discussion is evidently progress to a degree, however this must not be overstated, as a lack of tangible reform is apparent. The EU clarifies this point when it states that ‘progress with regard to the promotion of democracy, rule of law, and international humanitarian law was limited’\(^6\). This is particularly the case when referring to the blockade in Gaza\(^7\). This point brings in an important issue, which concerns, as mentioned before, Arab-Israeli’s.

The EU progress report clearly states ‘the promotion and protection of the Arab-Israeli minority remained unsatisfactory during the reporting period, particularly in areas like land allocation, housing, planning, economic development, investment in social infrastructure and justice’\(^8\). This is a vast array of areas which if continued clearly demonstrate an obstruction of democratic autonomy for Arab-Israeli’s compared to their Jewish counterparts. The question must then be begged why such detail is not accounted for within the Action Plan. This point is only further compounded when the progress report states that ‘restrictions to freedom of expression and assembly could be noted since the onset of Israeli operations in Gaza, leading to the arrest of over 700 Arab-Israeli’s demonstrating against the offensive, including 200 minors’\(^9\). Whilst there is brief mention made to women’s rights and an improvement in some aspects here\(^10\), there is no mention of the development of policies concerning physically and mentally disabled individuals, explicitly outlined in the AP\(^11\).

Throughout the period of legal relations between the EU and Israel, including the signing of the Association Agreement (AA) in 1995, the inception of the ENP in 2004, the signing of the AP in 2005 and the introduction of the ENPI in 2007, Israel has stood at a rating of 1 and ‘Free’ according to Freedom House\(^12\). Democracy in Freedom House terms refers to ‘Political Rights’\(^13\) which are on a numerical scale of 1-7, with 1 being the best rating and 7 being the worst.

There is evidently a contradictory democratic culture prevailing in Israel. Whilst Jewish-Israeli’s experience practices close to their EU counterparts, the same cannot be said for Arab-Israeli’s who further have their democratic autonomy quashed. The ENP has failed to induce reform in this area. The problem is only further exacerbated when viewing the ongoing conflict with the Palestinian people, where Israel has a disproportionate opportunity to negatively affect living standards and

\(^6\) Ibid.
\(^7\) Ibid.
\(^8\) Ibid.
\(^9\) Ibid. p.4.
\(^10\) Ibid. p.4.
\(^11\) Ibid. p. 2-7.
\(^13\) Please refer to Freedom House, Worst of the Worst Survey (2009) Pg.34 for a checklist of Political Rights that determine ratings.
democratic practices. The EU working with Israel has the opportunity to play a strong role in rectifying these situations, but as yet, has not done so.

1.1.2. Tunisia

The Tunisian Action Plan (AP) for democratic reform has a limited set of conditions. This is the case even with the leadership being an authoritarian regime verging into the realms of a dictatorship. The AP states that reform is needed to ‘further increase participation by all sections of Tunisian Society in political life; further develop the role of civil society; encourage exchanges of experience between Tunisian and European Members of Parliament in all the priority areas of the action plan; [and] continue support to political parties so as to further strengthen their involvement in the democratic process’14. These conditions, not only being limited in number, are also vague to the point of being redundant of practical meaning in complex modern societies.

As is evident, the above reform practices have not taken place. Using a country report from Freedom House (2007), the detail available demonstrates this point. Although able to vote in elections for the legislature and President, citizens are unable to change their government15. The RCD16 have a monopoly over all levels of government from the cabinet to local government17. In the Chamber of Deputies18, ‘majoritarian electoral rules continue to facilitate the RCD’s domination’19. The 2004 elections were also marred by unequal campaigning rules and accusations about the Presidential vote being rigged20. Media coverage was also monopolized, with use of private media outlets for campaigning made illegal21. A brief foray into ‘democratic’ practices clearly demonstrates the lack of compliance to agreements between the EU and Tunisia over a long period of time.

The details outlined above give a glimpse into ‘democratic’ life in Tunisia. It is prudent however to give an overall view from Freedom House indicators22 to the level of reform that has occurred in Tunisia over a longer period. With an opening of democratic structures at the beginning of Ben Ali’s

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16 Constitutional Democratic Rally Party.
18 The Chamber of Deputies is part of the Parliament of Tunisia, the bicameral legislative branch of the government.
20 Ibid. p.5.
21 Ibid. p.5.
22 Freedom House figures are considered the best indicators of democracy and human rights conditions within states.
rule\textsuperscript{23}, there are promising reforms made, however these are brought back under tight control before the point of signing an Association Agreement (AA) with the EU in 1995, with the Barcelona Process coming into affect in the same year. The Tunisian rating moves from 5 to 6, and a summary change of ‘Partly Free’ to ‘Not Free’\textsuperscript{24}.

Tunisia up to and including the inception of the ENP continues to stand at a rating of 6 and Not Free\textsuperscript{25}. The ENP aims to foster even deeper relations than those experienced through the Barcelona Process. The ENP also aims to develop relations on a bilateral level. This development, along with the introduction of the ENP Instrument in 2007 (to replace MEDA) which offered greater financial assistance, was seen as an opportunity alongside the conditionality of EU values to produce strong reform efforts. This again has not been the case. Tunisia, throughout the period of 2004-2006 (which includes the period of the AP being signed) still experienced a rating of 6 for Political Rights\textsuperscript{26}. In the period of 2007-2010 when the ENP, AP and ENPI have come into full effect this rating has worsened to 7\textsuperscript{27}, the worst possible for Freedom House.

\textbf{1.1.3. Jordan}

The Jordanian AP much like that of Tunisia has a limited set of conditions concerning democratic reform. This again is a troubling situation as King Abdullah II has demonstrated a propensity for the centralization of economic and political power and the rolling back of reform pledges\textsuperscript{28}. The AP states that Jordan should ‘Establish a political dialogue between the European Parliament and the Jordanian Parliament; Support ongoing efforts to improve good governance and transparency in line with UN conventions to which Jordan is party; Promote national dialogue on democracy, political life and relevant issues; Reform of the political parties law and the election laws; [and] implement government plans for preparing a comprehensive national programme for public sector reform’\textsuperscript{29}.

The reform efforts of Jordan have been a mixed story. Following King Abdullah II ascendency to the throne a process of ‘backsliding on political reforms’\textsuperscript{30} was already taking place. The King, in 2001,
suspended parliament and over the next two years ruled by decree, enacting some 250 temporary laws. This was followed by a crisis in 2004 within the Interior Ministry and with Security Officials as they attempted to deny the associations the freedom of assembly and expression for the nations professional associations, the largest civil society organisation. Since the signing of the AP, there have been some tentative positive steps concerning democratic reform. Jordan has amended election law by providing a 20% quota for woman in municipal council seats and by reinstating the direct election of mayors and councils. In 2007, a new law concerning political parties as introduced which reformed in a limited manner membership and funding issues. There has also been an implementation of law that ensures financial disclosure and the creation of an Anti-Corruption Commission which consults a wide range of actors and has conducted itself effectively.

An overview from Freedom House will generate a strong assessment of the reform efforts taking place in Jordan. King Abdullah’s father, King Hussein, set a reform programme in place for democratic rights during the end of the 1980’s. This had meant that at the signing of the Barcelona Declaration in 1995 Jordan had moved from a rating of 6 and Not Free in 1988 to 4 and Partially Free. However, with King Hussein’s death, his son Abdullah II reined back these reforms with a rating of 6 in 2002. This rating improves at the inception of the ENP in 2004 with movement to 5. The detail previously demonstrates a burgeoning reform programme occurring, but in the period of 2004-2007, the rating for Jordan remains at 5, highlighting that reforms although occurring in some areas, are still largely at the stage of dialogue and more action is needed. This point is further highlighted when looking at the period of 2007-2010 when the ENPI comes into effect. Again, there is no change in status from Freedom House with a rating of 5.

From this brief study it is clear that Jordan has a turbulent history concerning democratic reform. This reform has taken a cyclical structure with an opening up of democratic practices followed by a reversal of this trend. It is therefore not evident whether the current positive trend of dialogue will be fully actioned, and whether EU conditionality in its present form will have the desired affect of inducing reform.

31 Ibid.
32 Ibid.
33 Ibid.
36 Ibid.
1.2. Human Rights

1.1.4. Israel

The European Union and Israel signed the joint Action Plan within the European Neighbourhood Policy (ENP) in 2004 and it came into force in 2005. This Action Plan was designed for the period of 3 years, which is a difference in comparison to other Action Plans the European Union signed in the framework of the ENP.

This section focuses on human rights situation that is considered by representatives of Israeli civil society and NGOs to get worse during the implementation of the Action Plan. When the Action Plan was signed in 2004, the section concerning human rights was described in very vague and general terms. Both sides shall work together to promote the shared values of democracy, rule of law and respect for human rights and international humanitarian law. The rights of minorities shall be promoted and protected as well as the dialogue on policies for the physically and mentally disabled shall be deepened.

According to the progress report published by the EU in 2009, the protection of minorities remained at an unsatisfactory level. Furthermore, the progress in the area of human rights was rather limited and still is which can be now explained by the cooling of mutual relations due to the Arab-Israeli conflict where the position of the EU stands clearly at the side of two states – Israel and Palestine while Israel considers this question as exclusively a domestic one.

There was established an informal working group on human rights but not at an official level. This informal arrangement lacks transparency and a frequency of meetings as there is no pressure on their work which would be the case with an establishment of a sub-committee on Human Rights that would be operated by both partners – EU and Israel. The main problem for the evaluation and monitoring of the progress in the field of human rights promotion then lays in non-sufficient structure of the mutual cooperation and not deep enough dialogue on principal questions of the mutual interest.

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42 EU-Israel Action Plan within the ENP, available online [accessed: 04/03/10]
44 EU-Israel Action Plan within the ENP, p. 4, available online [accessed: 04/03/10]
46 The EU-Israel Action Plan within the European Neighbourhood Policy: What is the impact on the EU-Israel Action Plan on Human Rights in Israel and the Occupied Palestinian Territories?, April 2007
According to the data from Freedom House Index\(^{47}\), Israel is considered as a free democracy, but the level of civilian liberties which are taken in this case study as the basis for promotion of human rights evaluation was at stage of 2 out of 7 in 2009 where 7 is the worst. The level of civilian liberties improved since 2005 but there are still gaps and overlaps where the EU and Israel shall further cooperate. In the 1995, when the Barcelona process has started, the level of civilian liberties was at stage 3, five years later, when the Association Agreement came into force in 2000, the rating of civilian liberties was 3. In 2004 and 2005 when the Action Plan was signed, civilian liberties reached the rating of 3, resp. 2. In 2008, when the Action Plan duration was extended, civil liberties had rating of 2 which shows slight progress. Nevertheless, the rating of civilian liberties in the Freedom House index oscillates between 2 and 3 for last 15 years, which means that the EU did not have such an influence on promotion of human rights.

1.1.5. Tunisia

The European Union (EU) enshrined in the Action Plan (AP) with Tunisia differentiation within human rights definitions. The AP distinguishes between “human rights and fundamental freedoms”, “freedom of association, freedom of expression and for media pluralism in accordance with the UN International Covenant on Civil and Political Right”, and “rights of women and children”. In the first category, human rights and fundamental freedoms, the AP aims to “ensure that national legislation complies with international law on human rights and with UN recommendations; pursue and extend dialogue on human rights issues, particularly in the context of the UN Commission on Human Rights; support training measures in the human rights field aimed at law enforcement agents; and examine the possibility of accession to the optional protocols to international human rights conventions to which Tunisia is party”\(^{48}\)

In the area of freedom related to the political rights, the AP stresses the continuing promotion concerned with the freedom of association and opinion on the basis of the UN’s ICCPR Committee recommendations. Furthermore, the reform of legislation in the area of private data protection, the liberalizing of the information industry, the development of information and communication media, as well as the promotion of the civil society have been the priorities of the AP\(^{49}\). Women empowerment, combating the discrimination against them and the development of children’s rights are the others priorities in this AP\(^{50}\).


\(^{49}\) Ibid.

\(^{50}\) Ibid.
A Freedom House country report 2009 concerning Tunisia shows that these reforms have not occurred. Practices condemned by international conventions, which the AP is referring to, still continue. Examples of these are torture and other cruel, inhuman and degrading treatment or punishment\(^{51}\), which has been practiced in prisons. The rights to express freely one’s opinion, the freedom of the media (television, radio press etc) are also limited. The situation for journalists is said to be one of the worst in the Arab world\(^{52}\). Academics are not allowed to discuss sensitive topics in the public arena\(^{53}\).

In the matter of promoting women rights, Tunisia has made some progress. In comparison, women in Tunisia enjoy more social freedoms and legal rights than their counterparts in many other Arab countries\(^{54}\). Tunisia has a strong welfare system and programs to promote women's employment, welfare and citizenship rights\(^{55}\). Women enjoy the same legal status as men, and the government has advanced those rights in the areas of divorce and property ownership\(^{56}\). Equal pay for equal work is required, despite the lack of statistics to compare the average earnings of men and women. A slight majority of university students are women. The participation of women in Parliament is also promoted by the government.

Using the figures of Freedom House, which are on a numerical scale of 1-7, with 1 being the best rating and 7 being the worst, it can be demonstrated that Tunisia has not seen vast improvement in human right conditions. Under the signature of the Barcelona Treaty in 1995 the rating was 5 and “Not Free”. Until 2008 this rating is stable, with the move from “Not Free” to “Partly Free” in 1997. This demonstrates the little consideration Tunisian authorities have accorded human rights’ improvements.

In conclusion, it can be argued that human rights in Tunisia have been seriously undermined, as the reports show. Despite the fact that women’s rights and the promotion of some minorities’ rights have been taken into consideration, the government will have to make greater efforts to improve the human rights situation in this country, as it has been stipulated in the Barcelona Process and the European Neighborhood Policy (ENP).


\(^{53}\) Ibid.


1.1.6. Jordan

The EU-Jordan Action Plan\(^57\) that was signed in late 2004 and came into force in the beginning of 2005 has developed the section on human rights more concretely and profoundly than the Action Plan EU-Israel. The attention is stressed upon strengthening the Higher Media Council, implementation of the government’s plans for development of civil society. The AP also shows that both sides are encouraged to cooperate in ensuring human rights and fundamental freedoms promotion in line with Jordan’s international commitments, such as an effective implementation of core UN Conventions to which Jordan is party, and the protection of women and children’s rights.\(^58\)

As for the fulfilling of the Action Plan and the success of its implementation, there were several steps taken, but more from a theoretical rather than practical point of view. Several laws have been amended in order to adapt more to the EU and international standards.\(^59\) Among these amended laws, it can be listed the Press and Publications Law prohibiting the arrest of anyone expressing their views. There still exist, however, reserves, such as the Penal Code which (according to the EU) contains certain issues restricting the freedom of expression. What is more, the dissolution of the Higher Media Council, one of the AP priorities in terms of human rights promotion, in 2008 had a strong regression in supporting media in Jordan.

Women rights witnessed changes as well. The UN Convention on Elimination of All Forms of Discrimination against Women was ratified by Jordan and the women’s participation in public life increased after being granted a 20% quota of municipal council seats and six seats in the lower house of Parliament.\(^60\) A lot of work is still to be done by the government, though.

The National Centre for Human Rights (NCHR) is in office with main focus on marginalized groups such as children, elderly and people with special needs. The NCHR also established proper relations with Jordanian government that shows the government will continue and sustain efforts to pursue reforms and human rights promotion. This can also be demonstrated by the establishment of the Permanent Committee for Human Rights headed by Ministry of Foreign Affairs.

To evaluate the progress within the implementation of the Action Plan, Freedom House Index data are used as well as in previous case studies. In 1997, when the Association Agreement, that forms the legal basis for mutual relations EU-Jordan, was signed, the rating of civilian liberties was at the level


\(^{60}\) Ibid, p.4
4. In 2002, the year of Association Agreement coming into force, these liberties got worse to 5 to improve again in 2004 and 2005 when the Action Plan was initially implemented. In 2008, the rating got worse again to the level 5. Jordan is considered to be a Partially Free state according to the Freedom House Index.61

From this short view into the mutual cooperation within the EU-Jordan Action Plan it can be seen that no great progress has been made. There are several improvements but rather on theoretical basis, stemming from the government efforts in order to receive financial contributions that were promised. The data then does prove that the conditionality the EU has within the ENP is not sufficient enough to provide a successful transition into democratic and stable states that surround EU borders.

**Summary/Conclusion**

The case studies of this paper clearly demonstrate that a reform culture surrounding democracy and human rights has not emerged throughout the period of a functioning European Neighbourhood Policy and the EU’s previous engagements since 199562.

Tunisia as has been demonstrated has regressed to a form of statehood verging on a dictatorship where political life is tightly controlled. This control is backed up by human rights abuses which have worsened as control has been exerted. Jordan has demonstrated a capability for impressive rhetoric concerning these two fields, but little in the way of action. Added to this, reform action that has taken

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62 There is a large body of work now available to support these findings with the use of these as supplementary texts a vital tool in understanding this field of work. All these papers demonstrate that the EU has not been able to support reform programmes in states with a concluding point alluding to a lack of well defined incentives being a key component to this issue. See:


place has often been reneged upon at a later date. Israel compared to the other studies has a system far
closer to that of the EU when evaluating the values of democracy and human rights. These aspects
however are only considered to be consolidated in Israel and have yet to move to a status of quality in
their assessment. This has been the case for a number of years. The Arab-Israeli conflict is predictably
the primary obstacle, and although counted as Free by Freedom House, Israel continually
demonstrates little value in democracy and human rights that the EU holds in high regard when
dealing with Arab-Israeli’s and the Palestinian people.

What does this mean for the EU and ENP? It has been demonstrated that the ENP as a tool for
legislative and value reform is insufficiently equipped to produce the reform programmes that are laid
out. Next, the main reasons why conditionality and incentives are considered insufficient within the
framework of the ENP will be explained and followed by set of recommendations for the better
efficiency of the ENP.

In the introduction of this paper the recent enlargement was alluded to, in which the need to build a
new set of relations with neighbours was recognised. The major difference apparent however, was that
membership to the EU was either a long term ambition or essentially unrealistic at any period in the
future. This presented the EU with the problem of replacing what as Commissioner Prodi stated has
been the EU’s most effective foreign policy tool, namely the realistic prospect of membership. The EU
in this instance has been unable to reform its mechanisms to compensate for this, suffering from sociological institutional isomorphism. This has created unreflexive behaviour from the EU in which
‘the EU promotes its own highly successful model of Western integration. It highlights cases of our
size fits all attitudes’63. This problem is highlighted by the case studies presented. The EU although
enhancing relationships to an unprecedented level has demonstrated incapability to position through
AP’s a reform programme which is both conditioned and incentivized to induce reform programmes.
Whilst states are willing to benefit themselves economically to the conditions laid down in the ENP
and Action Plans, democracy and human rights reforms do not become a priority when membership is
not available demonstrating the need to a better platform to which reform can take place.

This is a damaging position as the EU has seemingly been unable to react to the changing
circumstances it is faced with. This is highlighted with the movement from Directorate General for
Enlargement to DG External Relations, as there is a problem with the practices that the EU carries out.
The processes of enlargement which were experienced prior to the enlargements of 2004 and 2007
continue, without the prospect of membership. This is a distinct issue for the EU when attempting to
develop a policy which aims to induce closer and deeper relations which suit both sides, without

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Studies. Vol.44/1.
membership. With this movement and the lack of membership prospects the EU must recognise that states do not have to reform democratic structures whilst a tangibly beneficial area such as economic deepening between the two parties is occurring. There must clearly be strong reasoning for reform in democracy and human rights to take place as a continual deepening in relations with vague statements surrounding these two values will continue to see reform stagnation and reneging that has been seen in the case studies.

The above point is only compounded by the fact that the acquis of the EU is an expansive and expensive set of legislative procedures to implement. If membership is not a realistic option for most ENP states, the prospect of implementing a value laden acquis totaling 80,000 pages is a disenchanting prospect. As demonstrated by Tocci who states that ‘such a stake (in the internal market) requires costly harmonization with thousands of pages of minute laws, rules and regulations...[and that]...harmonization would also be politically costly, given that it often entails hindering free access to kin communities in neighbouring states’ 64. Without the clear role for incentives and conditionality within the ENP, reform efforts that are reneged upon as the examples of Jordan and Tunisia demonstrate are more likely to occur on a regular basis. As Tocci states again this is clear that ‘the ENP’s stalled potential...is due to the insufficient incentives on offer’ 65. There is no opportunity to offset these reforms; neither is there a well defined structure that demonstrates what is in place if these reforms do take place 66. Compounding this when viewing Tocci’s statement concerning internal market reform is that if something as tangibly beneficial as moving towards the EU’s internal market is a difficult and expensive process to achieve then there seems little hope for areas where this benefit is not so obvious. It is apparent where reform will take place, economically. There must be a greater balance between the enacting of the acquis which recognises the difficulties in implementing it, whilst ensuring areas such as democracy and human rights receive sufficient attention to generate a holistic approach.

In further relation to the implementation of the acquis and ENP conditions, there seems little recognition on the part of the EU that many states in the ENP are starting from a relatively lower point economically than was the case for Central and Eastern European Countries acceding to the EU 67.

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With the acquis as already stated, an expensive thing to implement, and a lack of well defined incentives for if and when reform takes place, the economic position of these states can create a real block to reform efforts. Again compounding this point is the unrealistic prospect of membership and the inability to replace this successful instrument. It is also the case that with the expectation of implementing large sections of an expensive acquis, the lower economic capabilities and an insufficient incentive base, that the EU as failed financially to live up to the necessary requirements for these reform programmes.\footnote{Missiroli, A (2007) The ENP three years on: where from – and where next? European Policy Centre. Policy Brief. p. 3.}

Funding for Mediterranean states has primarily been through MEDA and has faced criticism of lacking the necessary capacity to offer real support. With the replacement of this funding stream by the ENP Instrument in 2007 and increased funding earmarked\footnote{Ibid.} there was hope this situation may have been rectified. This has not been the case though with the vagueness of AP’s from the case studies entrenching this problem. Without focused conditions and an incentive platform which correlates, AP’s have become ineffectual tools in their current guise. This vagueness has left open a whole raft of reform procedures which creates a need for financial assistance which cannot be met. This has led to states reforming in areas where economic gains can be made with again areas such as human rights and democracy being ignored. If the EU is to expect improvements in these reforms areas, it must also be willing to demonstrate that it is serious about reform occurring through a focused approach financially.

forum to air these views. Although, a forum which is meant to build differentiated and bilateral dialogue concerning the reform programme to take place, as stated Action Plans have become stagnant documents, unable to support reform efforts of the ENP. As Edwards states ‘…Although drafted in consultation with the neighbours, the Action Plans are first and foremost a vehicle for the EU to project a corpus of norms and practices considered to be appropriate for political and economic reform’\(^{72}\) Bilateral agreements are limited as the EU seeks to push its agenda through the AP’s. This is evident from the AP’s presented in the case studies. Without real bilateral discussion, the AP’s have become vague generic statements of value direction. Without concrete conditions in place, which have been agreed with both parties, the states used in this paper have shown a distain for reform programmes which the EU desires. In this current form, conditions within AP’s do not have joint ownership, leading to a lack of joint responsibility. A reconfiguration of developing AP’s with ENP states could dramatically see improvements in the areas of human rights and democracy reform.

The above points lead to the root problem of the ENP, the role that conditionality and incentives play in inducing reform efforts. The EU has seemingly been unable to placate the concerns of ENP states when membership is not a viable option even over the long term. This role has not been reevaluated to the extent that is necessary, with a systematic overhaul of how conditionality and incentives work together needed, which would delineate a path where these provisions can work in unison. It is also simply the case that the incentives on offer are not qualitatively sufficient, nor numerous enough. As stated by Lavenex, ‘it is unclear how the leverage mechanism of policy transfer – conditionality – shall work in the absence of…strong incentives for adaption’\(^{73}\); and by Grabbe who shares the shame disillusion at reform efforts with the ‘feebleness of the incentives so far proposed’\(^{74}\).

The above is coupled with a set of conditions which hold little real relation to the specific circumstances apparent in ENP states, which generate the realisation, that there is little opportunity in its present form, that the ENP can function to its potential\(^{75}\). The above demonstrates that the EU has not gained full recognition of what is appropriate reward and punishment for the enhancement or reneging of reform programmes. Tocci supports the above by stating that ‘an effective neighbourhood policy would call for the automatic entitlement to rights when obligations are fulfilled and the


\(^{75}\) Discussion surrounding incentives demonstrates that what the EU wants to offer and what the ENP states hold in high regard differ dramatically on occasion. For an example of this discussion see: Grabbe, H (2004) How the EU should help its neighbours. Centre for European Reform.
automatic withdrawal when they are not\textsuperscript{76}. It is therefore problematic to identify where both the EU and ENP states derive their mutual benefit from when using the ENP as a facilitator of this relationship.

This point is exacerbated when stated that ‘the instruments of the ENP and the alleged incentives it offers are ill defined and inadequate for reaching the explicit and implicit policy objectives\textsuperscript{77} of the EU and neighbouring states. Whilst the EU is unable to concretely distinguish a suitable set of conditions and incentives, hindering reform programmes of ENP states; ENP states do not see the worth in taking practical reform steps that will not see an appropriate set of rewards which they place importance upon. The role of incentives and conditionality is therefore paramount to induce the reform of democracy and human rights practices. The AP’s have the opportunity to clearly outline what is available for successful reform efforts and how relations will be affected if reform is not forthcoming. It also has the opportunity to lay this out in an amenable time frame to both parties. It fails to do both, leaving vague guiding statements to be the barometer of progress. Concrete provisions set alongside timeframes agreed upon bilaterally will ensure a framework that will not only see economic provisions being reformed as they are now, but the opportunity for real importance to be placed upon values such as human rights and democracy, which through the case studies has been demonstrated to not be forthcoming in almost all cases.

**Recommendations**

**One framework for every country with more reciprocal relations in fulfilling in the detail**

European Neighbourhood Policy shall be presented as a comprehensive, compact policy even though it is based mainly on bilateral relations and negotiations. Because of that fact, one general framework is necessary to ensure the balanced treatment of participating countries. Country diversities and singularities must be taken into account, though. The ENP shall be based on structured framework that would be fulfilled by specific details that characterize the country and the mutual EU-ENP country relationship.

**Concrete targets with a time scale set alongside details of the action plan**

The previous case studies showed that where there are no concrete targets with a time scale, there are not any real improvements and progress made. This should be established within the Action Plan with an expected time of achievement. Thanks to these concrete targets, the


efficiency of the whole ENP will increase and the progress that is laid out in the Action Plan, the whole policy can be successful and a “ring of friends” can be created. These concrete targets with a time scale will also offer better feedback in case of delay or issues caused by insufficient cooperation at a bilateral level.

**Clear incentives that are effective for generating a reform platform for meeting details of action plans**

With a clearer framework and a higher degree of bilateral relations, there must also be the recognition that within such discussions must be offered a more amenable set of incentives and rewards for meeting the criteria laid out in the conditions and timeframes. There must also be a willingness to be open to suggestions from the ENP countries about what they want in return for deeper reforms. If a set of incentives are offered for compliance that have a desired tangible affect upon the ENP country, the chances for reforms in these countries will dramatically increase. This will also generate a higher level of responsibility on both parties to generate reforms. This should be clearly set out in the AP’s.

**The EU must be willing to ‘punish’**

With a greater level of responsibility for both parties and a strong incentive platform offered, the EU must also be willing to remove incentives for non compliance within agreed reform programmes. The ENP will not be as effective without a mechanism which demonstrates that the EU is serious about ensuring that legal agreements are upheld. This process will start from the current circumstances experienced within each state; and again this process must be a bilateral one, which sees both parties take joint ownership over its development through the AP’s.

**Greater focus when allocating the ENP budget**

ENP budget for 2007-2013 is 12 billion Euros. Financial assistance should be tailored to the needs and capabilities of each partner, and assist in the implementation of the specific provisions contained in the Action Plans. With a greater focus upon the allocation of the financial budget, an expansive acquis becomes more manageable to ensure reform in areas which are of paramount importance to both the EU and the ENP state. With this proposal, there demonstrates that the financial assistance although could be improved upon, efficiency of allocation is more realistic in the current economic climate and should be attempted. The case studies show that the renegotiation of financial aid issues in the Action Plans would be appropriate.
**Greater level of dialogue and encouragement within civil society**

The high involvement of civil society is essential. A structure should be developed to discuss on a frequent basis with NGOs, associations etc, that are in both the EU and the neighbourhood countries. This would encourage socialisation of each partner to the target of the ENP and by so doing, civil society would be able to bring into light the problems of the population and also let them be solved appropriately, according to the specific set of circumstances.

**Literature**


Tocci, N (2005) Does the ENP Respond to the EU’s Post Enlargement Challenges? The International Spectator. 1/2005

