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EU Foreign Policy towards its Neighbours:

A Historic Opportunity to Deal with a Historic Mistake...?

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Abstract:

The recently published EU Communications, namely 'A Partnership for Democracy and Shared Prosperity' and 'A new response to a changing Neighbourhood' provide us with the opportunity to reassess the development of EU foreign policy towards its periphery. This paper argues that these Communications could be seen as yet another unsuccessful attempt to find solutions for one historic mistake - the creation of the European Neighbourhood Policy (ENP). Taking a Principal Agent (PA) approach, the argument put forward in this paper is that the geographical scope of the European Neighbourhood Policy (ENP), its principles and instruments are the product of power struggles between the member states (principals) and the European Commission (agent). More specifically, the paper maintains that during the formulation process of the ENP, the Commission has been successfully positioning itself in the front seat of the policy at the expense of the member states, or expressed in PA terms - 'agency shirking'. This has caused a chain reaction that significantly affected the development of EU foreign policy towards its neighbourhood.

*** Work in progress – please do not quote**

Introduction

On March 8th 2011, the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy published a Joint Communication – ‘*A Partnership for Democracy and Shared Prosperity*’ (COM 200 final, 2011). This Communication was followed by another Joint Communication – ‘*A new response to a changing Neighbourhood*’ (COM 303, 2011). The above Communications add up to a list of EU Communications which were published since May 2004, when the ‘*European Neighbourhood Policy – Strategy Paper*’ was introduced (COM 373 final, 2004). Most prominent among those are the ‘*Union for the Mediterranean*’ (COM 319 final, 2008) and the ‘*Eastern Partnership*’ (COM 823 final, 2008)¹. More than eight years have passed since the European Neighbourhood Policy (ENP) was launched; a period, which cannot be compared to the long ongoing process of European integration. Yet, it is fascinating to see how much has happened in such a short period of time and it seems that, just like the EU, the ENP never stops evolving.

Indeed, there is quite a broad agreement in the academia that following enlargement and due to the disappointing results of the Euro-Mediterranean Partnership (EMP), the EU needed to actively engage with its immediate periphery in order “*to prevent the emergence of new dividing lines between the enlarged EU and its neighbours*” (COM 373 final, 2004:3) and to pursue its security objectives articulated in Solana’s ‘*European Security Strategy*’ (Solana 2003). Moreover, the situation nowadays becomes even more acute if one takes into the account the ‘Arab Spring’ in the South and the worrisome political trends in the East. Still, the ENP, the Union for the Mediterranean (UfM) and the Eastern Partnership (EaP), as well as the 2011 Communications have been subjects to critical assessments from scholars, whose attitude towards the policies is predominantly negative. Weak incentives; double standards; insufficient financial resources; no added-value; inadequate use of conditionality; misleading rhetoric; and the lack of coherence; are just a few examples which were used by academics to criticize EU’s attempt to influence its surroundings.

This paper does not aspire to offer an in-depth examination of how the EU is trying to project its model of governance; the economic/security/normative problems of EU foreign policies; whether these policies could be strengthened; or the ambiguous way in which the EU acts in the international arena. Instead, the objective of this paper is to offer a different account on

¹ The most recent EU Communications reviewing the ENP were introduced in May 2012.

the evolution of EU foreign policies. The focal point of the analysis is the relations between the European Commission and EU Member States (MS). Using Principal-Agent (PA) analysis, this paper will attempt to examine how the interaction between the Commission (as an agent) and the MS (as principals) affected EU foreign policy.

A key episode in the investigation is the establishment process of the ENP. The study's hypothesis² is that during the policy's formulation process (2002-2004), the Commission has been successfully positioning itself in the front seat of the policy at the expense of the MS. It has done so not only by copying instruments from previous policies (mainly enlargement), but also by insisting on a certain geographical scope for the new policy, i.e. combining East and South. The decision to formulate such a grand strategy was endorsed by the MS, but only half-heartedly as could be illustrated by the lack of political and financial commitment from MS' side and the attempts made by individual MS to change the course of the policy.

The remainder of this paper is structured as follows. First, it briefly reviews the literature on the policies under analysis. Then, the discussion shifts to a critical assessment of the current explanations prominent in the literature. The subsequent sections introduce a different theoretical point of view, based on principal-agent, to the evolution of the ENP. Finally, it offers some concluding remarks.

Scholars' view on EU neighbourhood policies

The ENP, and its successor policies, have attracted the attention of many scholars and were analyzed and investigated from different angles and by various disciplines³. For example, EU scholars have tried to determine which kind of international role the EU takes in its near abroad. Hyde-Price (2008) uses a realist perspective and argues that the EU is being used as a tool of the MS in the international arena. Moreover, the realist perspective of Hyde-Price and others (Johansson-Nogues 2007; Pace 2007) might be seen as a response to Manners' Normative Power Europe (Manners 2002, 2010). In other words, it could be said that these scholars see the EU in the ENP region as "*nothing but a 'normal' political force*" (Johansson-Nogues 2007:187).

² This paper is mostly based on secondary analysis and I plan to conduct fieldwork (mainly elite interviews) in the next few months.

³ For literature reviews on EU policies towards the neighbourhood, see Bicchi 2007; Manners 2010; Bechev 2011.

In addition, researchers often compare the ENP with other EU foreign policies. Good examples are the studies by Magen (2006), Kelly (2006), Tulmets (2006,2008,2010) and Gebhard (2010), who compare the ENP with the enlargement process while Baracani (2005), Del Sarto & Schumacher (2005) compare the ENP with the EMP. Lately, we can also find scholars who add more policies to the comparison – for instance, comparing the EMP, ENP and UfM (Süel 2008; Aliboni & Ammor 2009; Cardwell 2011) or the ENP, UfM and EaP (Kochenov 2009).

A different line of investigation addresses EU foreign policy from a ‘governance’ perspective. An excellent case is the use of ‘external governance’, which according to Lavenex occurs “*when the institutional/legal boundary is moved beyond the circle of member states*” (2004:683). As such, the EU is trying to project its system of governance to its neighbourhood. Applying ‘external governance’ to the ENP, she argues that “*rather than a unified foreign policy with a clear hierarchy of goals, actors, strategies and instruments, the ENP may be conceptualized as a (loosely coupled) roof over expanding structures of sectoral, functional co-operation in Europe*” (2008: 951, for other governance approaches see Tulmets 2010; Cardwell 2011).

‘Gated Community Syndrome’ (Zaiotti 2007), Europeanization (Escribano 2006), ‘ideational intergovernmentalism’ (Bicchi 2007), ‘identity construction’ (Tonra 2010), and concepts such as ‘coherence’ and ‘consistency’ (Tulmets 2008; Nervi 2011); are few more examples for approaches which are being used for the assessment of the policies being studied. Each and every one of the above theories, approaches and concepts has contributed to our understanding of EU policies towards the neighbourhood. Still, as Bechev, rightly in my view, argues that “*most of the available scholarship approaches the ENP from a strongly prescriptive angle*” and “*its central task is to make the EU approach more effective and credible*” (2011:419). Also, we encounter problems while trying to apply these approaches to our specific analysis needs, i.e. trying to capture, in theoretical terms, the relations between the intergovernmental and supranational level in the EU and their effect on foreign policy.

Thus, in comparison to Lavenex’s governance approach, the objective is not to show how the EU transfers its system of governance to third countries but rather to concentrate on the interaction between actors within the EU. Also, albeit Bicchi’s ‘ideological intergovernmentalism’ (2007) provides an excellent theoretical framework, which incorporates elements of rational choice, liberal intergovernmentalism and policy analysis

while examining the relations between the European Community and its Mediterranean neighbours; it mostly focuses on power struggles between states. Hence, even if the Commission could be considered as an active actor and, to a degree, as a policy entrepreneur in the Mediterranean, she questions the possibility of the Commission to really work against member states' preferences.

This brings us to a key observation regarding the literature concentrating on actors and actors' preferences – it is quite state-centric. More often than not, EU scholars - who examine the decision-making process which has led to the establishment of the ENP and later on to the creation of the UfM and EaP - tend to accentuate the significant role the member states have played while placing a great emphasis on MS' national preferences and on the East-South equilibrium.

Where are the gaps?

Even before the establishment of the ENP, the need to balance Europe's Eastern and Southern dimensions has been discussed in the literature (e.g. Schäuble & Lamers 1998⁴; Barbe 1998), but it became much more evident under the ENP and its successor policies. Essentially, it is important to bear in mind that from the very beginning, the ENP was created to answer the concerns of the UK about the instability in Belarus, Ukraine and Moldova and only after pressure from the Swedish government and several Southern MS, the geographical scope of the initiative was extended (Tonra 2010; Edwards 2008; Zaiotti 2007; Emerson & Noutcheva 2005; Comelli 2005). Thus, the new policy was never fully intended to address the Southern countries, their capacities and problems (Kochenov 2009; Tulmets 2008; Del Sarto & Schumacher 2005).

Indeed, various scholars claim that one of the main problems of the ENP is that it covers too many countries and *“from the very beginning, it was never such a brilliant idea to have a single ENP for South and East”* (Emerson & Tocci 2007:2). Rynning & Jensen argue that *“the ENP is so large that it is almost useless as a foreign policy guide”* (2008:3) while other scholars do not exclude the possibility of re-dividing the regions in the future (Emerson et al. 2007; Bechev & Nicolaidis 2008, Missiroli 2008; Hillion & Mayhew 2009). It is unclear, however, why there is no serious discussion why was it decided to combine both regions in the first place.

⁴Here the need to balance East and South is discussed in relations to Germany and France.

There are a few authors who, to some extent, try to examine EU's decision to merge both regions. Wallace claims that there are actually strong arguments why the regions should be combined: (a) the regions are quite similar in economic terms and the EU is their biggest trade partner, (b) the EU has in both regions interests of border control, international crime and terrorism, and (c) to balance the Eastern and Southern dimension of EU foreign policy (2003:8-10; see also Copesey 2007). An additional argument could be made that placing Ukraine or Moldova in the same group as Jordan and Tunisia, strengthens ENP's claim that it "*remains distinct from the process of enlargement*" (COM 373 final, 2004:3) (Edwards 2008; Ifversen & Kolvraa 2007; Cremona & Hillion 2006).

Now, what about the prominent explanations concerning the establishment of the Union for the Mediterranean and the Eastern Partnership? In the case of the UfM, the original rationale was to strengthen France's foreign policy position in general and its strategic position in the Mediterranean in particular; to inject new blood into the EMP; and to provide an alternative for Turkey's membership in the EU (Emerson & Tocci 2007; Escribano & Lorca 2008; Kochenov 2009). In the case of the EaP, the initiative is based on a Polish-Swedish joint proposal and it is clear that the proposal was produced in order to counterbalance the French initiative and to shift EU's focus to the Eastern front (Whitman & Wolf 2010; Wodka 2010; Michalski 2009).

Briefly concluding the above points, the decisions to combine and then divide the regions (South and East) are described by scholars as the result of a bargaining process and an attempt to balance between East and South-oriented member states, i.e. it was "*the only option available at the time in order to keep all the Member States on board*" (Copesey 2007:15). Nonetheless, I argue that the academic literature has not yet sufficiently explored the interaction between the Commission and the MS and the role the Commission has played in the whole development of the policies.

Pelerin (2008) and Nervi (2011) give a comprehensive account on the genesis of the ENP and examine the interaction between different actors. Essentially, both of them highlight the pivotal role the Commission had played during the formulation process of the policy. In addition, Nervi mentions the Commission President, Romano Prodi, as a key actor. Not only was Prodi the first who actively placed the relations with the neighbours on the agenda (Prodi 1999a, 1999b), but he was also one of the strongest advocates for the inclusion of the South in the new initiative (Nervi 2011:77-79).

There are a few scholars who support this observation. Lynch claims that the geographical scope of the ENP was expanded “*at Prodi’s insistence, it would seem*” (2003:49) while Grant argues that Prodi “*over-ruled Patten and insisted that the ENP look south as well as east*” (2006:59). Furthermore, Bicchi observes that “*it was apparently him that took the front of the stage in spearheading the inclusion to the Mediterranean countries*” (2007: 177). Nervi, however, in comparison to the examples above, which just briefly mention this fact, provides us with an in-depth investigation concerning the preferences of the Commission in general and its President in particular. According to Nervi, Prodi’s strategic preferences were to “*create an ENP for all European Neighbours*” and to “*keep the Mediterranean on the EU agenda, supported by all member states*” (2011:77). These preferences match, to a degree, the Commission’s strategic preferences which were “*to develop a comprehensive ENP for all EU neighbours*” (Ibid: 82).

Moving on to the role the Commission played in the making of the ENP and its design, Pelerin (2008:60-62) identifies five arguments which one could use in order to explain the central role of the Commission in the ENP:

1. Timing - the Commission used to its advantage the fact that the member states were occupied with the enlargement process (see also Wallace 2003).
2. Experience – since the Commission has proven itself in the enlargement process, it was only natural to give it an active role in the new initiative.
3. Capacities – the Commission has the manpower and expertise to deal with partner countries on a daily basis.
4. Instruments – although the ENP is a cross-pillar policy, the Commission gave a strong emphasis to the offer of access to EU’s first pillar and internal policies and thus blurred the borders between internal and external policies (where it is weaker).
5. Legal foundation – the fact that the ENP is a non-legislative policy benefits the Commission because the Action Plans (APs) and the progress reports are not subject to the co-decision process, which gives more power to the Council and the European Parliament vis-à-vis the Commission (see also Herman 2006).

Following the same line, Magen (2006) and Kelly (2006) argue that the Commission is trying to expand its foreign policy role (Magen 2006:390; Kelly 2006:4, see also Vobruba 2007). Furthermore, they use historical institutionalism and path dependency in order to explain the Commission's choices (copying concepts like positive conditionality, differentiation, socialization and action plans), following the success of the enlargement process, in conceptualising the ENP (Magen 2006; Kelly 2006, see also Gebhard 2010; Emerson et al. 2005). Nonetheless, although many aspects of the ENP resemble the pre-accession process/instruments, the reasons behind the decision to combine the Eastern and Southern dimensions into one policy framework are overlooked. Also, the common conclusion of the historical institutionalist analyses was that the same instruments which worked quite well in the accession process will not have the same desirable effect in the case of the ENP (Kelly 2006; Magen 2006; Gebhard 2007). As such, "*the major analytical puzzle does not exactly emerge from the question whether the ENP has been and is subject to this sort of mechanisms or not*" (Gebhard 2010: 92).

Notwithstanding the aforesaid, the existing literature fails to explain the decision to combine both regions instead of, for example, exploring the possibility of creating a new policy towards the East while redesigning and strengthening the EMP. True, it is not really a secret that the EMP failed to reach its objectives (Pace 2007; Baracani 2005; Emerson & Noutcheva 2005, see also COM 104 final, 2003:7; COM 373 final, 2004:7) and South-oriented MS - fearing that enlargement and the new initiative will shift the focus entirely towards the East - wanted the Southern neighbours to be included in the policy. The point here is that although the EMP has a strong multilateral component, it also has a bilateral component (i.e. the Association Agreements). As such, the argument that the added value of the ENP is its bilateral track seems pretty weak (Biscop 2007; Stetter 2005; Ortega 2003). As one official from an ENP Southern country argued that "*it was difficult for him to understand why his country, whose Euro-Mediterranean Association Agreement with the EU had just entered into force, had to embark upon a new different negotiation with the EU in order to conclude an Action Plan within the framework of the European Neighbourhood Policy*" (Comelli 2005:2).

Finally, it seems that the literature on the UfM and EaP focuses primarily on the reasons for the foundation of both policies (with a special emphasis given to MS' national interests and the comparison with the ENP, enlargement or EMP). However, it is quite puzzling why,

regardless of the fierce opposition, Sarkozy's political stunt (the UfM) was able to break the East-South equilibrium.

To sum up, following these questions and lacking satisfactory explanations in the existing literature, I would like to offer principal-agent analysis as a theoretical framework, which might provide additional insights to the development of EU foreign policies towards its periphery.

Enter Principal-Agent

The Principal-Agent (PA) approach was originally conceived in the study of economics. Ross defines an agency relationship as a situation when “*one, designated as the agent, acts for, on behalf of, or as representative for the other, designated the principal, in a particular domain of decision problems*”(1973:134). PA analysis has been quickly applied to the political science sphere and was first used to study US politics (e.g. McCubbins & Schwartz 1984; Epstein & O'Halloran 1999), and eventually began to flourish in EU studies.

According to the PA approach, the principal delegates power to an agent to act on his/her behalf. Why should principals delegate authority to an agent? Basically, there are several reasons why principals decide to do so. Most prominent among those are: (1) to minimize transaction costs and to improve the political decision-making process⁵ (Keohane 1984; Moravcsik 1993; Pollack 1997; Hawkins et al. 2006), (2) to enhance credibility (Pollack 1997; Thatcher & Sweet 2002; Hawkins et al. 2006) and (3) to shift blame for unpopular decisions (Fiorina 1982; Thatcher & Sweet 2002; Tallberg 2002).

Following the act of delegation, the principal encounters an immediate problem which is at the heart of PA analysis –the fact that agents often have different preferences than their principals and could use, for example, their asymmetric information advantage or conflicts between multiple principals and “*behave opportunistically, pursuing their own interests*” (Kiewiet & McCubbins 1991:5). The result of such behaviour is known as ‘agency losses’. Agency losses might occur in two forms: as a bureaucratic drift or ‘shirking’, i.e. “*the ability of an agency or other executive actors to enact outcomes different from the policies preferred by those who originally delegated power*” (Epstein & O'Halloran 1994: 699); or in the form

⁵ Under this category one could also mention overcoming cooperation problems or information asymmetries and profiting from agents' expertise.

of ‘slippage’, i.e. “*when the structure of delegation itself provides perverse incentives for the agent to behave in ways inimical to the preferences of the principals*” (Pollack 1997:108).

The principals, in response, will try to keep their losses to a minimum. In so doing, the principals can use *ex ante* (e.g. agency design, legal instruments, administrative procedures) or *ex post* (e.g. fire-alarm, institutional checks and police-control oversights) control mechanisms (Kiewiet & McCubbins 1991; McCubbins & Page 1984; McCubbins & Schwarz 1984). However, in some cases when the interests of the principals and agents differ “*it is not the principal’s interest to minimize such difference*” (Majone 2001:110). For example, the principals might want to enhance the credibility of a policy commitment or that there is an increased policy uncertainty (Majone 2001; Miller 2005).

Referring to EU studies, the great advantage of using PA analysis to study the European Union is that “*it does not come with a similarly extensive theoretical baggage as do the traditional macro-theories of European integration* (Dür & Elsig 2011: 331). In their analysis, PA scholars usually focus on EU internal policies while treating the MS as principals and the Commission, the European Parliament, the European Court of Justice or the European Central Bank as agents (Moravscik 1993, 1995; Doleys 2000; Franchino 2007; Elgie 2002; Blom-Hansen 2005; Pollack 2006). Moreover, there is a tendency to look at the reasons why principals decide to delegate competences, how could principals monitor their agent, or trying to explain variations in the balance between principal control and agency autonomy. Finally, regarding the question of control, a strong emphasis is given to the committees system – ‘Comitology’ (see for example Pollack 2003; Ballmann et al. 2002). Only recently has there been a shift towards applying PA analysis to EU external relations/foreign policies (Damro 2007; Billiet 2009; Delreux & Kerremans 2010; Dür & Elsig 2011). Nevertheless, the focal point of the analysis is mainly connected to (a) (the former) first pillar issues (competition, trade, and environment) and (b) questions like why delegate and how to control.

Referring to the literature on EU neighbourhood, one can only find a few sporadic examples to the use of PA analysis. For instance, Emerson and others (2005) argue that in the field of democracy promotion towards the neighbourhood⁶, the MS could be seen as principals, while the Commission “*is an agent that has been acquiring such extensive mandates and*

⁶ Here, the term neighbourhood includes not only the ENP countries but also the Balkan countries, Russia and Turkey.

instruments of action that it partly turns into a principal in its own right” (2005:32). While in the case of Emerson’s study the use of PA is actually a matter of terminology; a way to describe a certain situation, Bodenstein & Furness (2009) provide a comprehensive analysis which is based on the principal-agent framework. Yet, in their analysis of EU-Mediterranean relations, instead of taking the Commission as an agent and the MS as principals, they see the Commission as a principal and the Mediterranean partners are treated as agents.

Applying PA to EU foreign policies towards the neighbourhood

How do we put into practice PA analysis? Our departing point is that we treat the MS as principals who delegate power to the Commission, which, in turn, acts as an agent. Moreover, Tallberg points out to the fact that *“P–A relationships are seldom static. Rather, delegation tends to be an on-going process, in general, as well as in the EU case”* (2002:36). Thus, the analysis does not focus on the European Neighbourhood Policy as a snapshot, but rather takes the formulation process of the ENP as its starting point and then continue by posing questions regarding the development of the policy.

Principally, we can argue that the reasons for delegating competences to the Commission (e.g. negotiate agreements, financial management, policy implementation) in the external relations/foreign policy field are due to Commission’s informational advantage and the fact that it has the manpower to collect information on a daily basis from EU delegations in the partner countries; its expertise in formulating the complicated and highly technical APs; or its ability to act as a mediator between South and East-oriented member states. Furthermore, knowing that usually the agents try to pursue their own interests, the MS established control mechanisms (e.g. the Commission needs the MS’ authorization in order to open negotiations with partners or referring to finance – the Commission is being monitored by a management committee).

Now, ‘diving’ into the establishment process of the ENP, there is one important question which deserves our attention –whether the ENP, regardless of the existing control mechanisms and the last-minute activism from MS’ side, has suffered from ‘agency losses’ or whether the final output of the policy is a result of MS’ endorsement of the policy as a whole. Trying to answer this question is quite a challenge given the fact that we could encounter the problem of ‘observational equivalence’; meaning that even if *“principals do not complain about agents’ actions, it cannot be automatically concluded that either agents comply or principals fail to control”* (Dür & Elsig 2011:329-330; Damro 2007; Pollack 2002).

On the one hand, we could find some evidence for agency shirking and explanations, which are in line with PA assumptions of how it could have occurred. Firstly, the Commission certainly enjoyed the fact that during the early stages of formulating the ENP, the Council was very busy dealing with the enlargement process (Nervi 2011; Pelerin 2008; Wallace 2003); allowing the Commission to design the policy according to its own preferences. Secondly, the fact that there was a disagreement between its multiple principals (the MS) or even a general lack of interest from their side helped the Commission to become the main policy entrepreneur as well as establishing itself as the key actor in the ENP (Nervi 2011; Pelerin 2008). Thirdly, during the last stages of the formulation process (beginning of 2004), the Commission not only started the negotiations on the APs with the partners without the Council's approval but also discussed matters related to the second and third pillars (Pelerin 2008; Jeandesboz 2007; Johansson-Nogues 2007; Emerson et al. 2005). Moreover, during this time period *"the Commission being called up repeatedly by the Council Secretariat to give reports to the Committee of Permanent Representatives (COREPER) on the ENP"* (Jeandesboz 2007:403).

In this perspective, the Commission could be viewed as a 'competence maximizer', wanting more competence for itself as an institution or for the EU in general (Pollack 2003b:35). A possible explanation for the Commission's actions might be its aspiration to strengthen its position in the South. Indeed, apart from the experience which the Commission gained in the field of foreign policy due to accession process, one cannot dismiss the important role and the increased power the Commission has acquired under the EMP framework since 1995 (Aliboni & Ammor 2009; Pardo & Zemer 2005). Still, in the EMP institutional framework there is a clear differentiation between economic and political/security chapters and MS are (at least theoretically) the key actors (Barcelona Declaration 1995; European Council 2000). Thus, *"in comparison with the case of Eastern Europe, the Commission never played an active role in relation to the Mediterranean 'to a unique extent'"* (2007:187). However, the combination of East and South and the instruments which the Commission decided to use in the ENP put the Commission in a stronger position in both regions.

In fact, the combination of East and South under one framework was the Commission's preference, even before 2002; which usually marks the beginning of the ENP. Evidence can be found not only in Prodi's speeches (Prodi 1999a, 1999b, 2001a, 2001b) but also in the Commission's work programme for 2002, where it states that *"regarding the European Union's near neighbours...the Euro-Mediterranean policy will have to be part of a broader,*

coherent and active policy aimed at all our neighbours, in an arc stretching through Russia and Ukraine to the Mediterranean” (COM 620 final, 2001:8).

Furthermore, referring to the principals - the MS could be seen as working within bounded rationality and thus “*acting on the basis of available rather than full information. Even if government principals realise that the supranational institutions they set up and empower are likely to develop their own private agendas, they are unable to foresee the exact shape of the strategic setting.*” (Tallberg 2002: 37). Finally, following the same line, Pollack adds that “*the influence of a supranational entrepreneur is greatest when member governments have imperfect information and are uncertain of their own policy preferences and when supranational institutions possess more information and clear preferences*” (1997:130).

On the other hand, it is also possible to locate first signs of MS’ control following the Commission Communication - *Wider Europe* (COM 104 final, 2003) and the introduction of the *European Security Strategy* (Solana 2003), especially concerning the securitization of the initiative and watering down the Commission’s idea to offer the partners the four freedoms (Kochenov 2008; Zaiotti 2007). Later on, the beginning of 2004 could be marked as *the* period of ‘turf wars’ between the Commission and the Council. As already mentioned, the Commission started preliminary negotiations with the partner countries without approval while discussing matters outside of its area of competence. Thus, the Council accused the Commission of transcending its competences. Subsequently, all talks between the Commission and the partners were suspended while the MS (in a way, for the first time) started giving their input almost on every aspect of the policy, i.e. the added-value of the policy, incentives offered and the membership question (Nervi 2011:74). In addition, “*from this point onwards, a representative of Javier Solana was appointed to follow the neighbourhood process, and meetings regularly occurred between the higher ranking officials of the WETF⁷ and of the relevant geographical directorates in the Council Secretariat*” (Jeandesboz 2007:403-404; Kochenov 2008).

Yet, even if the Council “*was only able to gauge the consequences...when the Commission started to negotiate Action Plans with partner countries* (Pelerin 2008:55), at this late stage of policy’s conceptualisation “*it would seem strange to question everything, after having endorsed it previously*” (Nervi 2011:86). This is a key point because in comparison to Nervi,

⁷ Wider Europe Task Force.

who continues by saying that there was still enough time to forge a compromise suiting all actors and that in any case, the veto power of the member states, enabling them to block the adoption of the initiative, could have been used if that was not the case (Ibid: 87); this study questions this claim.

True, in the end of the day, the MS have the final word and technically, they have endorsed the ENP (GAERC 2004; Brussels European Council 2004). Still, was there a real possibility that, at such a late stage, the MS will be able to revise the policy, change its general guidelines or cancel it altogether; especially if one takes into account that negotiations between the Commission and the partners have already started. The fact is that there is a chance that the MS endorsed a policy which they were not really committed to, thus resulting in what Thompson (2006) terms the ‘principal problem’.

The principal problem and the post-2004 era

Essentially, Thompson argues that the majority of PA scholarship focuses on the ‘agency problem’, i.e. blaming the agent for policy outcomes or policy inefficiencies. However, Thompson calls attention to the fact that “*just as agents can undermine their principals’ interests, principals can undermine agents who are faithfully pursuing agreed-to goals*” (2006: 9). Moreover, Thompson distinguishes between three types of problems:

1. *Principal shirking* – when principal do not provide the agent the adequate resources in order to carry out the tasks it was assigned to;
2. *Principal drift* – when there is disagreement between the principals and as a consequence, the agent receive confusing or even contradictory signals from its principals; a fact which could have a negative effect on the performance of the agent and;
3. *Principal subversion* – when individual principals take action (usually the powerful ones) and attempt to weaken the agent (Ibid: 9-10).

Looking at the evolution of the ENP since 2004, it appears that the Commission faces all three types of the principal problem while trying to operationalize the ENP. One fundamental reason why the MS could hinder the implementation of the policy is the legal basis of the ENP, or to be more accurate, the lack of it. The legal basis of relations between the EU and its neighbours is based on previous agreements – the Association Agreements (AA) for the

Southern neighbours and the Partnership and Cooperation Agreements (PCA) for the Eastern Partners. The action plans, which are the main instrument under the ENP framework, are only political documents⁸. Hence, although the non-legislative nature of the ENP might help the Commission to expand its powers, it also gives the MS a great leeway to avoid any obligations which are against their preferences⁹. In other words, the action plans for the Commission could actually be seen as a double-edged sword.

From the moment the ENP was introduced and the Action Plans were signed, the Commission could be viewed as an obedient agent who tries to implement existing commitments in a quite technocratic way, focusing on running programs (Grant 2011:11; Witney 2011; Korosteleva 2011). Furthermore, the Commission tries to keep the *status quo* established under the ENP framework and “*there is no serious evidence for any efforts within the European Commission to revise the global approach of the policy, let alone to recalibrate it altogether*” (Gebhard 2010:104).

Principal shirking

Following the classic line of PA analysis (i.e. blaming the agent), one could point out to the fact that the Commission, as the main actor in the ENP, does not really do a great job in ‘selling’ the policy to the public and “*that does not encourage national governments to take the policy as seriously as they should*” (Grant 2006:56). However, it could also be argued that the MS, even if they gave their formal blessing, were never too enthusiastic and committed to the policy as a whole, and on some occasions were even hostile to the idea of deepening ties with their neighbours (Casier 2010:105; Harasimowicz 2006:342; Grant 2006:55-56). Also, regardless of the strong rhetoric being used by the EU to emphasize its commitment to the neighbourhood, it would seem that the MS just have other priorities; be it the preparation of enlargement in 2002-2004, the reform treaty in the first years of the ENP and nowadays the financial and Euro-zone crises (Popescu & Wilson 2011).

In fact, the Commission was not too shy to criticise the MS for their lack of commitment. First, in December 2006, when the Commission argued that in order to strengthened the ENP “*member States will need to play their part – the enhancements proposed here will require both full political commitment and a commensurate economic and financial*

⁸ At least until Ukraine’s first generation of neighbourhood agreements will be signed and ratified.

⁹ Obviously, the partner countries could exploit this fact as well.

commitment“(COM 726 final, 2006:14, emphasis added). Second, in December 2007, the Commission stressed that “*the focus in the coming period must be on implementation of existing commitments, both by partner countries, and by the EU*” (COM 774 final, 2007:2, emphasis added) and “*the EU side needs to show increased political commitment to foster economic integration and to improve market access*” (Ibid: 4, emphasis added). Thus, agreeing with Casier that “*even if the Commission is committed to softening the negative impact of enlargement, the member states will play a crucial role in taking concrete decisions that lead there*” (2010:105).

Examining the financial resources, the budget of the European Neighbourhood Policy Instrument (ENPI), which replaced the old financial instruments (MEDA and TACIS) from 2007 onwards, is almost 12€ Billion (2007-2013 period); an increase of 32% in real terms in comparison to the budgetary period of 2000-2006 (ENP web-site). Yet, if one takes into account (a) that the Commission has asked for a bigger budget (15€ Billion) (COM 628 final, 2004), (b) the situation in the ENP countries and the size of their population, (c) the ENP’s ambitious objective of “*promoting reform, the rule of law, stable democracies and prosperity*” (ENP web-site), (d) the costly pre-accession instruments being used in the ENP and (e) the resources available for other policies like cohesion policy (308€ Billion) or CAP (371€ Billion); the financial resources¹⁰ available for the Commission are far from being sufficient (Chilosi 2006:5-6; Kratochvil 2006:46, see also Tulmets 2007; Tocci & Cassarino 2011) and does not represent a real sign of commitment from the MS’ side. Furthermore, the lack of financial resources is not only evident in the case of the ENP but also exists in the UfM and EaP. Referring to the UfM, although the projects offered by the initiative were supposed to receive financial support from various sources (both public and private), it is questionable whether the UfM will be able to raise more funds apart from using the existing European Mediterranean budget (for the EMP/ENP) which is, in any case, rather scarce¹¹ (Escribano & Rodriguez 2011; Balfour 2009). Similarly, the resources available for the EaP do not really represent a significant increase of funds and most of the money is being taken from the existing budget of the ENPI (Grajauskas & Gira 2009; Boobstra & Shapovalova 2010).

¹⁰ Even if one includes the governance facility and the Neighbourhood Investment Fund.

¹¹ At least until the new budgetary period of 2014-2020.

Neither having a strong political backing from its principals nor the resources, the Commission faces quite a challenge of trying to implement a very ambitious set of objectives. It remains to be seen whether the Council and the Parliament approve the proposed budget for the new financial instrument – the European Neighbourhood Instrument (ENI) – 18.182€ Billion for 2014-2020.

Principal drift

During the conceptualisation process of the ENP, the Commission had to take into consideration the 15 member states' positions while it also evident that Poland, even when it was a candidate country, was very active in trying to put the relations between the EU and its Eastern neighbours on the agenda (Nervi 2011; Copsey 2007; Buras & Pomorska 2006). Nonetheless, ever since the ENP was introduced, the Commission's job became even more challenging since it has to please and balance the interests of 27 member states¹².

One of the best examples is, unsurprisingly, the question of future enlargement. Examining several MS' positions, one could differentiate between three camps: (1) against offering membership perspective to ENP's Eastern partners (e.g. Spain, Italy and France), (2) pro-enlargement (e.g. Estonia, Lithuania, Poland, Romania and Hungary¹³), and (3) MS such as Finland, Austria, Sweden and the UK, which favour an 'open door' policy. Another case in point is the question of conditionality. For instance, the UK and Hungary encourage strong emphasis on political conditionality whereas for Italy (and to some extent Spain), conditionality only plays a secondary role (Lippert 2007, more on national positions see Natorski 2007; Copsey 2007; Schumacher 2011).

How to deal with terrorism, cross-border crime and illegal immigration? What and where are EU's main geopolitical interests? How to treat Russia? All the above questions constitute some of the main points of disagreement between the MS. As a result, the Commission has to 'run between the raindrops' and manoeuvre between member states who want different things, have different priorities, and push towards different directions.

¹² Not to mention taking into account the neighbouring partners and other regional and international powers' preferences.

¹³ But sometimes still divided over which countries in the Eastern neighbourhood should receive the European perspective.

Principal subversion

Not only that the Commission sometimes receives contradictory signals from the MS, but in several occasions there are also active attempts from individual member states to change the direction of the policy. Here, one could mention three examples.

First, there is the case of Germany and the 'ENP Plus'. In July 2006, several months before the German Presidency, the German Foreign Affairs Minister, Franz Walter-Steinmeier, offered to create a new *Ostpolitik* or 'ENP Plus' towards ENP's Eastern European partners, Russia and Central Asia (Frankfurter Allgemeine Zeitung 03.07.2006). As such, in comparison to the broad geographical scope of the ENP, the 'ENP Plus' attempts to shift the centre of attention towards the East while trying "*to implement a more attractive and more realistic policy, to encourage security and stability in the countries bordering on the EU*" (Kempe 2007:2). Although some aspects of the 'ENP Plus' were taken into account in the 2006 Communication on the ENP (COM 726 final, 2006), the Germans were not successful in shifting EU's orientation towards the East. Thus, the Commission and the Southern member states were able to keep the East-South balance under the framework of the ENP (Kempe 2007; Rynning & Jensen 2008; Smith & Weber 2008).

Second and clearer example of principal subversion is the French idea to establish the Mediterranean Union. In this case, France did not only want to shift the focus to the South but also wished to create an institutional framework which covers only the Northern and Southern Mediterranean coastal countries, thus excluding the agent (and some of the principals) from the new initiative. The proposal faced fierce opposition from all possible directions (e.g. Germany, Southern MS, Turkey and the Commission). The main critiques were that the new proposal should not be separated from EU framework or exclude other MS, nor should it duplicate existing frameworks towards the South (Colombo & Tocci 2012; Kochenov 2009; Balfour 2009; Gillepsie 2008). Notwithstanding the Commission and other MS' attempts to sideline the French idea off the agenda (Colombo & Tocci 2012), a revised version of the initiative (a German-Franco proposal), based upon the existing EMP, was approved in principal by the Brussels Council in March 2008. Following an invitation from the European Council (Brussels Council 2008:19), the Commission introduced its Communication - '*Barcelona Process: Union for the Mediterranean*' in May 2008 (COM 319 final, 2008). The Communication was approved again by the European Council in June 2008

(Brussels Council 2008b:18) and finally, the new initiative, now called *'The Union for the Mediterranean'*, was officially launched at the first UfM summit in Paris on July 13th 2008.

Third and a direct consequence of the second example is the Eastern Partnership. The formulation process of the EaP began with a Polish-Swedish proposal presented in May 2008 at the Council (GAERC 2008:24). The original idea, eventually excluded from the final version of the policy, was not only to deepen the relations with the Eastern neighbours but also to prepare them for membership. Also, as mentioned before, the EaP was produced in order to counterbalance the UfM and by way of saying that *"if pure ENP is not good any more for the Mediterranean, why should it be sufficient for the partners in the East...?"* (Kochenov 2009:30).

Similar to UfM, the proposal also faced some opposition. The key issue for some MS was, unsurprisingly, the idea of a membership perspective. However, there are also the questions of how to connect the EaP with the ENP and other regional policies (like the Black Sea Synergy) as well as whether the EaP actually has a significant added value in comparison to existing policies (Wodka 2010; Michalski 2009; Grajauskas & Gira 2009). Eventually, following an invitation from the Council to prepare a proposal (Brussels Council 2008b:18), the Commission published its first communication in December 2008 (COM 823 final, 2008) and the EaP was officially introduced at the first EaP summit on May 7th 2009.

Essentially, both the EaP and the UfM represent individual efforts by the MS to sideline the ENP (Kochenov 2009; Hillion & Mayhew 2009). However, the fact that these efforts were successful is quite problematic. On the one hand, due to dissatisfaction of some of the MS from the ENP, two regional initiatives were created. On the other hand, as the MS disagree over the future course of action towards their neighbours, the end result was two policies, which not only add to the institutional complexity of EU relations with its neighbours but also lacking any substantial added value since they were stripped of their original idea to modify the policy. What is more, the Commission, as an agent, is left with the agonising task of trying to incorporate the EaP and especially the UfM (due to its institutional structure and separate UfM Secretariat) into the existing frameworks¹⁴; or in the case of the 2011 Communications, the Commission (and now also the High Rep.) ends up with pretending to introduce something new into the framework of the ENP (Kochenov 2011:587).

¹⁴ Recently, the institutional complexity has become even more complicated due to creation of the EEAS.

The 2011 Communications

Examining the 2011 Communications, it appears that the MS are still not ready to fully commit themselves and the ENP will continue to suffer from the ‘principal problem’. Indeed, *“the Arab Spring has provided the Commission with an opportunity to sideline the UfM, which has been delegitimised by its neglect for political reform”* (Colombo & Tocci 2012:84) and the fact that the EU reacted quickly to the political events in the South, the immediate increase of funding, the clearer benchmarks, the separation between the Eastern and Southern dimension and the emphasis on the role of civil society in the partner countries; could all be seen as positive developments. However, we should take these developments with a pinch of salt.

Looking at long-term perspectives, one might point out that notwithstanding the statements concerning a new and innovative approach, there is nothing new neither about the ‘Partnership for Democracy’ (COM 200 final, 2011) nor about the ‘new response to the ENP’ (COM 303, 2011). The shared commitment to common values, the differentiation principle and the incentive-based approach (now known as ‘more for more’) could also be found in previous Communications. In addition, one should not overestimate EU’s immediate response since it was *“fortunate to have already been engaged in a major mid-term review of its ENP for several months”* (Colombo & Tocci 2012:84). Similarly, the increase of funding should not be viewed as a significant change in prioritisation as illustrated by the Tunisian response to the €17 million emergency increase of funds when the *“Tunisian interlocutors sneeringly dubbed the increase as ‘ridiculous’: evidence of the EU’s failure to capture the scale of historical change in the region”* (EurActive 18.02.2011, qtd. in Tocci & Cassarino 2011:14, see also Stroß 2011).

By a way of conclusion

The focus of this paper was the development of EU foreign policies towards its periphery. Applying a principal-agent approach to the policies under analysis, the paper argues that we might observe an interesting combination of how the ‘agency problem’ could lead eventually to the ‘principal problem’. To put it differently, the ENP has evolved from a point where the principals had difficulties controlling the agent (2002-2004) and eventually endorsed a policy, which was mostly designed pursuant to the agent’s preference; to a point where the agent faces problems implementing a policy due to principals’ reluctance to commit or their inability to agree on a long-term strategy.

These analytical insights highlight the relevance of several other questions, which are linked to the historical development of the ENP. First, why the Commission was keen on creating a grand strategy instead of having two separate policies? Second, are there any other reasons, which were overlooked in the literature, why the MS have eventually decided to give their blessing to the ENP? And third, how can we explain the fact that the German initiative to create the 'ENP Plus' in 2006 has failed, while the UfM and the EaP were endorsed by the MS?

Moving on to more pressing matters, nowadays, following the 'Arab Spring', the EU has a historic opportunity to engage in dialogue with its Mediterranean partners on an entirely different level than before while in the EU's Eastern front, "*the eastern neighbourhood now looks increasingly like the southern neighbourhood did before the revolutions this year...consolidated authoritarian regimes rather than dynamic states in search of European solutions*" (Popescu & Wilson 2011:4). Could the EU deliver? And will the agent receive the political and financial backing of its principals in order to implement the ENP's objectives?

In the end of the day, as long as the MS (a) will not put the neighbourhood as a top priority, (b) will not reach an agreement regarding the *finalité politique* of the ENP, both towards the East and the South, (c) give the necessary political and financial backing to the Commission or (d) the EU will have enough competences to act without the constraints of the MS; there is no reason to believe that the ENP will reach its objectives. This, unfortunately, is not likely to happen anytime soon (Stroß 2011; Kochenov 2009). In 1998, Allen posited that "*competition between the Commission and the Council for the ultimate control of European foreign policy is here to stay*" (1998:58). Considering the development of the ENP since 2004, the MS still have the upper hand over the Commission. However, MS' mutual control over the Commission, as well as their inability to reach an agreement regarding the long-term goal of the ENP cancels the value of the policy for all parties, also at the expense of ENP partner countries.

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