The European Neighbourhood Policy as a new form of European foreign policy making?

by

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Abstract
In 2003 the European Union launched the European Neighbourhood policy (ENP) as a new policy framework towards the neighbouring countries, with the main objective “to prevent the emergence of new dividing lines between the enlarged EU and its neighbours and to offer them the chance to participate in various EU activities, through greater political, security, economic and cultural co-operation” and with the final goal to guarantee security for EU citizens.

This paper aims to discuss two aspects of the ENP in regard of the assumption that it is a new form of EU foreign policy making: First, official documents highlight the uniqueness of the ENP in regard of its “single and coherent policy framework” that is meant to combine economic, political and security policies. Secondly, I argue that within the ENP a new form of foreign policy making emerged, as the interaction between the European actors is significantly different than traditional EC or CFSP policy making. The change of roles and interactions of European actors over time (Commission, Council Secretariat, member states) will be empirically demonstrated and in the end used to argue for a distinct approach to understand and analyse the EU actors’ interaction in ENP.

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Abbreviations

CFSP Common Foreign and Security Policy
COM Commission of the European Communities
CS Council Secretariat
DG Directorate General
DG Relex Directorate General for the External Relations
EC European Community
EFP European Foreign Policy
e.g. for example
EMP Euro-Mediterranean Partnership
ENP European Neighbourhood Policy
ENPI European Neighbourhood Policy Instrument
EPC European Political Cooperation
EP European Parliament
EU European Union
HR High Representative for the CFSP
i.e. that is
IGC Intergovernmental Conference
MS EU Member States
PR Permanent Representation
**Introduction**

In March 2003 the Commission published its “Wider Europe” communication about a new policy framework towards the EU neighbouring countries that emphasises the need of intensified links with this “ring of friends” to guarantee security and stability for the Union’s citizens.\(^1\) Five years later, the assessment of this new policy framework is quite diverse. The Commission cheers the new policy with small critical remarks in some policy areas (see for example press release COM 2008, IP/08/509, accompanying publication of progress reports in April 2008), most member states view the development critically in some aspects but generally positive, and European citizens seem to primarily ignore it (see European Commission 2007) while most scientists critically predict the failure of the ENP to effectively support change in different policy areas (see e.g. Weber/Smith/Baun 2007).

There are lots of scientific contributions that describe the development of the ENP, its similarities and differences with other policy initiatives and, more recently, its shortcomings to influence third countries positively. But only a few scholars also critically ask how the ENP policy framework is different from traditional EU foreign policy making, i.e. in how far it differs from the clear separation between supranational external (economic) relations and the intergovernmental (political) Common Foreign and Security Policy (CFSP). This paper aims to contribute to exactly this question\(^2\): **In how far is the European Neighbourhood Policy a new and distinct form of EU foreign policy making?**

This implies that I will not discuss the outcome and the effectiveness of the ENP in respective third countries, but I focus on the EU actor’s interaction and their output at EU level. In this regard, the paper will investigate just two closely-interconnected ENP aspects: the “single framework” as an ongoing quest for coherence and the presumably changing interaction of European actors within the ENP-framework. These two issues are closely linked, as I will show that the single framework approach has profound implications for the interactions of Commission and Council, while in the end, of course, a changing interaction of EU actors also affects the possibility of coherent action.

I argue that the single ENP framework does not solely combine the two different forms of EU foreign policy decision-making, but that it is crucial to reflect in how far the ENP cross-pillar framework allows for a new form of EU actors’ interaction and to ask **in how far the EU actors’ interaction is different within the ENP than in previous frameworks?** Although the treaty provisions formally still clearly differentiate between economic and political aspects, I would even argue that within the ENP the decisive difference in actors’ roles is not anymore between economic and political issues, but between different stages of the policy making process: The Commission is providing drafts, the member states (MS) decide in regard of political issues, but it is the Commission again that implements and negotiates

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\(^1\) As this paper primarily aims to discuss practical and theoretical implications of the ENP, it intentionally abstains to give a general introduction to the development of the ENP. For a comprehensive and well structured overview see e.g. Johansson-Noegües 2007.

\(^2\) This paper is part of my ongoing doctoral research “The change in interaction of the European institutions in foreign policy making towards the Neighbourhood. A case study of institutional coherence and European foreign policy implementation towards Morocco and Georgia”. Similar but differently framed arguments have already been presented at the Sixth Pan-European Conference in Turin, September 2007 (see Maurer 2007).
with third countries. And although there is a clear difference between EC and CFSP issues and although the MS closely control that the Commission does not exceed its competences within the ENP framework, I assume that traditional intergovernmental/supranational decision-making schemes are not able to grasp the role of the Commission in particular and the new form of interaction of the EU actors in general within the ENP.

From a theoretical perspective this paper obviously links to literature that assumes institutional change as a slow, sometimes informal, day-to-day policy process that often gets formalised at a later point in time. Within the European integration literature this approach of “interstitial institutional change” (see special issue of "West European Politics", Vol 30(2), March 2007, especially Caporaso 2007; Farrell/Héritier 2007a, 2007b) strongly opposes a liberal intergovernmentalist perspective, i.e. that institutional change within the EC is intentionally decided by EU member states during Intergovernmental Conferences in accordance with their national (primarily economic) interests (Moravcsik 1993: 496).

The paper proceeds as following: First, I give a short overview about the different approaches to analyse the ENP and discuss their shortcomings in regard of grasping the change in EU actors’ interaction. The second part deals with the concept of a single framework and the general quest for coherent action in EU foreign policy making, before in the third part the empirical results about the EU actors’ interaction within ENP will be presented. At the end of part three these empirical observations will be used to argue for a distinct theoretical approach to analyse the interinstitutional interactions within ENP, before I come back to the main research question of this paper in the concluding remarks.

1. Scholarly approaches to analyse the ENP

The perception of the ENP in the scientific literature as well as in public discussions seems contradictory: on the one hand it is often perceived as a new policy towards our neighbours, while at the same time it is seen as a follow up of prior policy frameworks. In the scholarly debate it is agreed that primarily three internal changes and dynamics (see e.g. Del Sarto/Schumacher 2005: 19) influenced the set-up of the ENP: Enlargement, the dissatisfaction with existing relations with the neighbours and the adoption of a comprehensive security approach. Current analyses compare the ENP mostly with the first two events.

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3 As European actors I perceive the following institutions: The member states (and their permanent representations in Brussels) will on the one hand be perceived as a collective (the Council, the Council working group etc.) when the interests of the various member states are similar or in the same way affected. On the other hand and to a certain degree, the member states are also incorporated as single actors, if the interest of one specific member state is especially harmed or one member state has a special interest in changing the policy in a certain direction. Another separately defined actor is the Council Secretariat (especially the Policy Planning and Early Warning Unit) and the High Representative for CFSP. A further crucial actor for this research project is the Commission and its various Directorate Generals (DGs). The European Parliament (EP) is only incorporated in a limited sense.
1.1. **Enlargement**

The prospective sharing of borders with new neighbours was the most obvious trigger to reconsider how to organise the relations with the new neighbours (see e.g. joint letter of Patten/Solana 2002), but the there were also other internal aspects of the enlargement process that shaped the Commission’s approach. As highlighted in its first communication on the new policy, the Commission views enlargement “as the Union’s most successful foreign policy instrument” (COM 2003, 104 final: 5) and is therefore determined that a similar strategy might also be useful in other policy frameworks. Therefore instruments and logic applied during the enlargement preparations were also incorporated into the ENP: Action plans, the use of evaluation and progress reports and the principle of differentiation (Kelley 2006: 49; Del Sarto/Schumacher 2005: 37). But also human resources were shifted to the new emerging policy area: many former enlargement officials were transferred to unit D in DG Relex. The considerations behind this move of the Commission seem quite practical and pragmatic:

“The College of Commissioners discussed who should lead ENP and they found a practical solution: After the finalisation of the enlargement negotiations Verheugen did not have that much to do anymore, while Chris Patten was rushing around the world, being a busy man. Furthermore, it was planned to make DG Enlargement smaller. But as, of course, nobody wanted to loose this enlargement experts, their know-how, and experience, the College of Commissioners decided to integrate these people in the new ENP unit.” (I-7: COM).

The Commission decided pragmatically to involve officials from DG enlargement in the planning and set-up stage of the ENP, but as Kelley (2006) argues there might as well be identified rational, bureaucratic power reasons of the Commission in proposing this form of ENP to keep its successful position after enlargement in external relations:

“The ENP is a fascinating case study in organizational management theory. Its combination of socialization and conditionality exemplifies how the Commission relied on institutional learning and strategic adaptation from enlargement policies to expand its foreign policy domain.” (Kelley 2006: 29, 48)

In the scientific literature this linkage between the Eastern enlargement process and ENP is often used to compare the success of the two processes and to investigate in how far EU external governance is also effective in neighbouring third countries. The shortcoming of this approach, in my view, is that these scholars perceive the missing carrot of an accession perspective as the only difference between ENP and the enlargement process, which in their line of argument is strong enough to make the ENP fail. And although the ENP does not include the perspective of accession and this explicit negation of a membership perspective creates critical reluctance of some third countries, I fully agree with Moschella (2006: 161) that such a comparison is nevertheless misleading as the final goal of the ENP is not accession and integration, but creating stability and security for EU citizens by supporting economic and political reforms in the neighbourhood (GAERC 2007: 2). Although the applied instruments might be the same, the final goals differ.

Therefore I assume that the definition of the enlargement process as a successful foreign policy should be more critically reflected, as the final goal of the enlargement process was integration and not the achievement of a foreign policy objective.
1.2. Dissatisfaction with existing relations

Enlargement made it necessary to think about creating closer links with new bordering countries in the East. Towards the South it was the dissatisfaction with the 1995 initiated, multilateral framework of the Barcelona process\(^4\) that was perceived as moving (too) slowly and not delivering the desired results (Dannreuther 2006: 190).

The multilateral framework of the EMP only allowed development to follow the speed of the slowest member and did not allow more ambitious partners to intensify their relations with the EU according to their individual interests. Nevertheless, the single framework approach of the EMP was used as a template for the ENP, but this time to sum up the bilateral relations between the EU and its partners.

The ENP differs from the EMP in its more positive approach to conditionality and its application of a benchmarking system, as the differentiated and bilateral approach allows the European Union to reward well-behaving partner countries\(^5\). Del Sarto and Schumacher (2005: 22) furthermore argue that within the ENP framework the EU interests are more clearly defined than within the EMP: safe external borders, security and stability for European citizens are the final goals of the ENP, while the support of social, political and economic welfare in partner countries is perceived as the instrument to reach the final goals.

These scholarly comparisons demonstratively show which EMP shortcomings have been tackled by the ENP framework, but they do not really investigate what the adaptation meant for the actors at European level, although it must be emphasised that the ENP officially is not meant to substitute the EMP but is designed as “complementary” policy. I assume, nevertheless, that it would be necessary to observe more detailed in how far the “old” EMP structures and the ENP units cooperate or in how far the EU actors’ interaction is different within the ENP framework.

1.3. A comprehensive security approach and cross-pillar linkage

EU-internally the development of the ENP framework coincides with the adoption of a comprehensive security approach in 2003 that repeatedly also emphasised the importance of more coherence in external actions:

“..we need to be more active, more coherent and more capable […] The challenge now is to bring together the different instruments and capabilities. […] Diplomatic efforts, development, trade and environmental policies, should follow the same agenda.” (Solana 2003: 11 and 13)

“Building security in our neighbourhood” is, moreover, mentioned as one crucial strategic objective to provide the broadly defined goal of EU security (Solana 2003: 7-8; see also Dannreuther 2006: 186).

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\(^4\) In 1995 the European Council and the foreign ministers of 12 Mediterranean countries (Morocco, Algeria, Tunisia, Egypt, Israel, Jordan, Lebanon, Palestinian Authority, Syria, Cyprus, Malta and Turkey) had adopted the “Barcelona Declaration” that launched the EMP. The partnership was designed as a framework that coordinated and subsumed all relations between the European Union, its member states and the Mediterranean countries (for a more detailed discussion of the EMP see among others Philippart 2003; Salama 2002; Gomez 1998; Gillespie 1997; Bretherton/Vogler 1999: 158-159; Smith, H. 2002: 160-164)

\(^5\) In the recently published progress reports the Commission announced that it will intensify cooperation with Ukraine, Israel, Moldova and Morocco as these partners “have shown particular ambition and capacity” (COM 2008, IP/08/509)
During the 1990s scholars used the formal pillarisation of the treaty as justification to look only at one part of the EU “system of external relations” (Hill 1993: 322), i.e. to analyse the external (economic) relations of the EC-pillar or the intergovernmental CFSP pillar (Wessel 2000: 1135), what in the end also did not allow to grasp the emerging interaction and the mutual linkage between the two forms of policy making and their respective main actors. Cross-pillar perspectives have only recently been added to the research agenda, although this approach has not yet been explicitly applied to the Mediterranean or the ENP. I assume that these research results reveal processes that could also be interesting to test for within the ENP.

Already in 1998 Michael Smith has theoretically discussed the issue of “politicisation” and the linkage of policy areas across the pillars. He viewed the EC as agent of the actor EU and identified the process through which the external relations become politicised as the most crucial research question (Smith, M. 1998: 78). Winn and Lord (2001) choose the EU joint actions of Mostar, Dayton and the Southern Caucasus during 1996 and 1999 as case studies to analyse the interaction of European actors beyond the pillars. They concluded that the European Commission does have a certain scope as policy entrepreneur in pillars two and three, but that its role highly depends on the extent of a-priori defined national preferences of EU member states and the level of information of other (national) actors.

Similar conclusions were drawn by Krause who concluded that the EU-Africa relations became increasingly overlapping between external relations and political CFSP issues what allowed for “a mutual influence of the central actors of the two pillars on each other’s policy output” (Krause 2003: 222). In regard of the ENP it is interesting how Krause shows that the Commission intentionally used the argument of a comprehensive and coherent approach to strengthen its entrepreneurial position also in political issues.

The most extensive study on cross-pillar issues was so far conducted by Stetter who argues that because of functional linkages between policy areas a gradual integration also takes place in the area of foreign policy making (Stetter 2004: 735). For clarification, I have to add here that this form of integration is still distinct from first-pillar integration and that in my view, Stetter does not assume a communitarisation of CFSP issues. This is emphasised by Stetter’s rejection of traditional intergovernmental-supranational approaches as not appropriate to analyse the ongoing cross-pillar development that is taking place despite the formally still existing pillarisation (Stetter 2004: 724). This emerging cross-pillar setting, of course, also changes the interaction and the roles of the involved actors which in the end lead to following phenomenon:

“One of the key insights from this analysis is that the main differentiation in EU foreign affairs is neither along the 'pillar dimension' nor on the often assumed 'supranational'-'intergovernmental' divide - but rather on an actor dimension that cross-cuts the supranational-intergovernmentalist divide” (Stetter 2004: 733)

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6 In practice, during the following years a similar argument was made by critics about the incoherent EC development assistance and its weak use of political conditionality (Santiso 2002; Smith, K. 2001; Dimier 2006; for official discussion on EU level refer to COM 2005, 134 final). But apart from normative discussions about the use of conditionality there are only some legal analyses (Baratta 2002; Pocar 2002; Paasivirta/Rosas 2002) about the overlap of external relations and CFSP provisions.
I want to show in the following sections of this paper that the application of such cross-pillar assumptions also reveals interesting aspects of the EU actors’ interaction within the ENP that on the one hand have not been grasped until now and that on the other hand, are also crucial to understand certain developments of how the ENP has been developed until now. I argue that the claim for a “single framework” is the continuing quest to achieve coherence in EU foreign policy making, which was/is strategically used by the Commission to preserve its involvement in this new policy framework.

2. The concept of a “single framework” and “coherence”

In regard of the ENP the term “single framework” was only introduced recently into the ENP jargon. In its December 2006 Communication “Strengthening the ENP” the Commission praised for the first time the “single framework” in addition to joint ownership, concreteness and the better use of funds as the strength of the ENP:

“It provides a single, clear framework covering the neighbourhood as a whole in which to discuss and handle the whole range of issues between the EU and each partner.” (COM 2006, 726 final: 3, emphasis added by author)

In the previous official documents there was no notion of the “single framework” but an emphasis for the need of coherence and an integrated approach:

“to formulate an ambitious, long-term and integrated approach to each of these [neighbouring] countries. […] For the EU’s part, the whole range of the Union’s policies (foreign, security, trade, development, environment and others) will need to rise to meet this challenge. […] The EU should act to reinforce and unite its existing neighbourhood policy towards these regions […]” (Wider Europe Communication, COM 2003, 104 final: 3 and 9)

“Principles and scope - A Neighbourhood Policy for a European Union acting coherently and efficiently in the world - A comprehensive neighbourhood policy, integrating related components from all three ‘pillars’ of the Union’s present structure.” (ENP Strategy Paper, COM 2004, 373 final: 6):

Coherence and the “single framework” are meant to work in two ways: First, it should provide a framework where all neighbouring countries are covered, i.e. that all relations with third countries of the Eastern as well as the Southern shore are covered within this framework to achieve a certain level of coherence between different third countries. At the same time this coherent approach should, nevertheless, also allow for a differentiation in regard of the need, specific situation and respective national interests of the partners. Secondly, the single framework is meant to work EU-internally as a coordination tool for the diverse set of policy areas, ranging from EC issues (trade, development assistance) to political topics (including security issues) and cultural cooperation7.

On European level more coherent action in external relations is already desired since 40 years, and Art. 3 of the treaty of Maastricht incorporates coherence as a fundamental principle (Smith, M. E. 2004: 210; see e.g. Gauttier 2004: 26; Nuttall 2001; De Wilde/Glume 2004: 2; Nugent 2002: 154). There have been several attempts to improve the cooperation of the various actors,8 and formally, the Commission and the Council are responsible to ensure

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7 Whereas the cultural dimension seems still weak or even existent on paper within ENP.

8 For example, the primary aim of the incorporation of the European Political Cooperation within the institutional framework of the EU through the treaty of Maastricht was to foster coherence (Smith, M. E. 2001: 169). The treaty
consistency, each within its respective powers. At European level, coherence is still seen as a necessary prerequisite for a better international performance of the EU what was also explicitly highlighted in the Commission’s Communication to the European Council “Europe in the World – some practical proposals for greater coherence, effectiveness and visibility” (COM 2006, 278 final).³

From a conceptual point of view, coherence in the external affairs of the European Union may be achieved at different levels and either in terms of policies or in terms of polity. **Vertical** coherence (policy-level) occurs between the foreign policies of the MS as well as between foreign policies of the MS and the external actions of the European Union. **Horizontal** coherence (policy-level) applies to the dimension of policies and asks for coherent actions in different EU policy areas. Thirdly, **institutional** coherence (polity-level) shall occur between the different pillars (EC and CFSP) and the respective actors of EU foreign policy making (Nuttall 2005: 97)¹⁰.

Nuttall argues that this differentiation becomes crucial when trying to improve coherence. Institutional coherence can be solved more easily because “only” the structure of the system has to be adapted, whereas improvement of horizontal coherence, i.e. coherence between different policies, requires a more fundamental change and an “uncomfortable debate about the nature of foreign policy and the quality of the EU as an international actor” (Nuttall 2001: 3-6, 10, for similar conclusion see Gauttier 2004: 23). In opposition to Nuttall I assume that debates about the sharing of tasks, competences and means, i.e. about bureaucratic power and financial means, might be as “uncomfortable” and hard as a discussion about the nature of European Foreign Policy in general. The involved institutions as well as the member states will try to enforce its own view about the desired EU role in international affairs, whereas they will also look after their position in the EU political system. Especially within foreign policy domains there was always a strong reluctance of the member states to allow for the involvement of another actor (sovereignty argument), while especially the Commission repeatedly emphasised the need for a comprehensive and integrated approach to deliver an effective and successful policy towards the outside world (functional indivisibility argument).

Formally observed, the ENP framework brings together economic and development policies that are negotiated under Community competence and political aspects of the CFSP pillar. According to the traditional differentiation, the EC decides on economic aspects and the Council on political aspects of agreements with third countries. The EMP was set up in a very similar way, but I argue that there the division between economic and political issues was still more developed than within the ENP. The EMP was separated in economic, political and cultural baskets but this formal differentiation is not existing in the ENP, especially as these different areas are always incorporated in one document, e.g. the action plan, the country strategy paper or the national indicative programme. The formal differentiation of the applied

³ See also European Security Strategy (Solana 2003) or Christiansen (2001: 762).

¹⁰ In the literature mostly only two distinctions between vertical and horizontal coherence are made. Institutional coherence is then subsumed to horizontal coherence. Only Simon Nuttal makes this clear distinction and as it helps me to better clarify my research interest I will rely on his definition.
EU decision making procedure still exists, but the sharing of tasks is fundamentally different than in other external relations frameworks. Political and economic issues are now dealt with at the same time, with the only difference that the Council has the sole decision competence about political issues.

3. **A new form of EU actors’ interaction within the ENP?**

When we look at the formal treaty provisions only, the role of the Commission in foreign policy making did not change considerably during the last two decades and its role seems marginal. But this is misleading, and several scholars already emphasized that the impact of the Commission on foreign policy evolved considerably during the last years (White 1999: 45; Allen 1998: 48), so that the Commission is now perceived by many authors as

“the most important actor in Union policy towards the Mediterranean - taking responsibility for implementing the Euro-Mediterranean partnership” (Smith, H. 2002: 160).

Christiansen (2001: 762) emphasised in his study on inter- and intra-institutional relations in the EU "that deficits of the formal structures and the treaty provisions are compensated by informal arrangements", whereas he concluded that the formal treaty provisions do not tell the whole story about tasks and competences of European actors. Therefore, I assume it as crucial to analyse more closely the day-to-day involvement of the various actors\(^{11}\). According to my interview partners I was able to identify three larger Commission tasks, which interestingly coincide with the main tasks that Hill (2003: 76-78) categorised as vital functions of national foreign bureaucracies:\(^{12}\) routine information gathering, assistance in formulating policies, and institutional memory. In fulfilling these tasks the Commission does not that obviously differentiate between EC and CFSP issues that we would expect in regard of the treaty provisions. Of course, it acknowledges that in political questions the member states have the last say, but it nevertheless proposes its view on these issues as well. And although the member states (MS) and the Council Secretariat (CS) closely observe the involvement of the Commission, they approve its role as positive.

### 3.1. Routine information gathering

The most important task of DG Relex is to collect and provide information to assess and monitor the implementation of the association agreements and the ENP action plans in a very detailed way (I-10: COM). The country desk officers are the focal points that can rely on the EC delegations’ expertise about the on-site situation as well as on the more technical assistance of the sectoral ENP units and of other DGs (I-7: COM; I-8: COM).

The MS as well as CS-officials, generally, view the role of the Commission in gathering information very positively and acknowledge that it fulfils a very important task that can only be sufficiently performed by the Commission (I-21: PR UK). Nevertheless, the MS become

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\(^{11}\) This information was collected during expert interviews for my doctoral research in 2006. References to these interviews include the interview-number and an abbreviated designation of the institutional affiliation of the interview-partner, i.e. COM for Commission, CS for Council Secretariat and PR for Permanent Representation; For more detailed information on the interviews please refer to the reference list.

\(^{12}\) This should not imply that my intention is to proof that the Commission might be compared to a national foreign ministry but that it fulfils certain crucial tasks!
sometimes also quite jealous of the advantages of the Commission (I-13: CS), especially when they get the feeling that the Commission relies on its information-advantage:

“Vis-à-vis the working groups they [Commission officials] explain certain positions on a punctual basis but not regularly, and concerning information it depends – when they only need majority vote they often wait quite long and give the proposals to the member states just some days before the decision – so that they do not have time to look at the proposals in exact details and find points they would disagree with. For us it is not possible to look at every point in detail, especially when there should be a joint paper afterwards. It is a game.” (I-17: PR France)

Officials of other MS also confirm this problem, although they emphasize that this can not be generalized to the Commission per se, as the delivery of information depends very much on the personal attitude of the civil servant whom they are working with (I-18: PR Germany)\(^\text{13}\). Furthermore, all interview partners emphasised that the sharing of information is not a problem anymore when negotiations with third countries are taking place, as all involved actors are aware of the importance to have a common standpoint vis-à-vis third parties (I-15: CS). Officially, also the Commission highlighted the need to improve the exchange of information with the Council and the MS as a very important asset to strengthen the role of the EU as foreign policy actor (COM 2006, 278 final: 7-8).

The importance of the EC delegations was also a salient topic during the negotiations of the constitutional draft treaty and the Lisbon treaty respectively. The CS as well as the MS expect that through the set-up of an External Action Service they would be able to “use this huge potential” of the EC delegations more directly (I-15: CS). The Commission, of course, views this development more sceptical, as it fears to loose an important source of power vis-à-vis the other actors.

3.2. Assistance in formulating policies

Apart from providing information and expertise the Commission also fulfils a very important task in formulating policies within the ENP framework, even if in the end other actors might have the sole competence to decide. In 2004 and 2005, the Commission prepared the country reports, which highlighted the most needed reforms in the partner countries and were the starting point for further policy developments. It drafted the more detailed and very technical ENP action plans, which afterwards were discussed with the MS (I-14: CS). The MS, as the deciding authorities, have the difficulty during this later involvement that first, it is impossible for them to look at every point and to assess the impact in detail, and that secondly, at this stage the MS can only agree or disagree to the drafts, but they can not give their own input any more (I-17: PR France). Furthermore, the Commission sometimes acts in a very strategic way to achieve acceptance of their proposed policies, especially if only a qualitative majority is needed. Through tactically connecting different issues (for example agriculture and the free movement of workers) it actively “tries to persuade the member states” (I-11: COM). Therefore the MS often have the feeling that the huge power of drafting proposals “culminates in a rule of the Commission” (I-16: PR France) in the area of ENP.

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\(^{13}\) Various representatives of member states referred to the negotiations about the European Neighbourhood Policy Instrument to give an example of bad Commission cooperation, as according to their complains they were only informed at a very late stage about the contents of the draft.
all MS would formulate it in a such rigorous way, but they agree that the power of the Commission increased steadily during the last years (I-18: PR Germany; I-13: CS).

Formally there is a clear division between economic EC and political competences of the MS. But the CS as well as the MS often get the impression that the Commission also wants to cover political aspects (I-15: CS; I-16: PR France), and therefore they carefully control what the Commission is including in its negotiations with the third countries (I-1: PR Austria). On the other hand, all involved actors again also emphasize that the Commission is doing a very important job that could not be done by the MS or the Council alone (I-21: PR UK). They also highlight that the cooperation between CS and Commission improved significantly during the last years, especially after some turbulent first months after the ENP set-up, during which all involved actors had to get used to the new form of interaction and find a certain routine. Now, the CS as well as the MS often actively ask for the expertise of the Commission in areas where it has no formal competences at all (I-7: COM; for similar results see also Christiansen 2001: 762-764).

3.3. Providing coherence through Institutional Memory

Hill (2003: 77) argues that the institutional memory of foreign policy bureaucracies ensures a certain amount of continuity in the external relations of a state. At European level this task is meant to be performed by the CS whose primary task is to assist the rotating presidency and ensure continuity in the formulated policies of the Council. The civil servants of the Commission view themselves performing this task in the area of the ENP, as in their view also the officials in the CS often change (I-8: COM; I-19: COM). Furthermore, COM-representatives highlight that for such slow-moving processes like the ENP and the EMP the day-to-day policy making of the Commission is more important than short-term political ad-hoc decisions of the Council. Profound improvements take time and need the support of more technical and long-term strategies (I-7: COM) which in the end make the EMP and ENP more successful than possible alternative, more interventionist approaches (I-1: PR Austria).

During the last two decades there were several reorganizations of the institutional setup of the Commission that reflect quite tellingly the old discussion about how to structure foreign policy bureaucracies – along geographical or sectoral units (Hill 2003: 78-81). Today, within the Commission both of these divisions exist, but the respective geographical desk officers are the focal point for coordinating all policies towards the third country (I-8: COM; I-9: COM; I-10: COM).

Christiansen (2001) analysed how coherence between the pillars (inter-institutional) but also within the pillars (intra-institutional) changed at European level. He observed an increase in inter-institutional coordination, while coherence within the pillars decreased at the same time. Although this paper is not able to assess this general development, it was observable in the investigated cases of Morocco and Georgia, that the coordination of and with other actors is highly depend on the respective personalities in charge. CS and MS representatives complained about the bad cooperation with the head of unit F (Mediterranean) in DG Relex, as they often were not informed in an appropriate way. Furthermore, the MS had to recall proposals from this unit to third countries several times, as these drafts clearly exceeded the mandate of the Commission and were not in the interest of the MS (I-18: PR Germany). The
MS ascribe these problems not generally to the Commission but specifically to this unit. In the Southern Caucasus unit this kind of problems did not occur at all, and the Council, the Commission as well as the team of the special representative emphasized that “they have a very pragmatic share of work and that they work as a team” (I-5: COM; I-14: CS; I-22: CS). The EU approach towards the Southern Caucasus must not directly be compared to the Southern dimension, but this observation indicates that personal contacts and the attitude of the individual officials towards cooperation with other institutions play a significant role. 

3.4. Linking these empirical observations to theory

With presenting these empirical observations of the role of the Commission in policy making towards the neighbourhood I aim to show that it is not only the member states that shape foreign policy towards the neighbourhood, but that also the Commission fulfils an extensive and crucial role. But what do these empirical observations imply for a theoretical approach to understand European policy making towards the neighbourhood?

Within the European integration literature a long-standing discussion has been taken place about who are the pivotal actors in EU policy making (see short overview by Diedrichs/Wessels 2006: 209-213). Liberal intergovernmentalists assume that the key actors within the European Union are the member states and that institutional change within the EU/EC is intentionally decided by the member states during Intergovernmental Conferences (IGC) in accordance with their national (primarily economic) interests. Informal institutional change through day-to-day policy making is not relevant, and supranational institutions only play a role to the far as they can support the member states in controlling their domestic affairs (Moravcsik 1993: 507). Quite for the opposite argue neo-functionalists scholars like Haas or Schmitter who perceive the Commission as active and autonomous actor in shaping EU policies. In their view, the expertise of the Commission and its assumed representation of the European interest legitimate possible spill over effects from other policy areas.

Apart from these two opposing theoretical approaches, there has also taken place a shift towards governance-approaches which assume that the EU has not acquired the institutional requirements and the sovereignty comparable to traditional nation states, but that it is able to perform public policies that are similar to that of a state (Richardson 1996: 3, cited by White 1999: 48). These mostly neo-institutionalist approaches were elaborated over time (Pollack 1997, 1998, 2003; Kassim/Menon 2003), and they highlight the principal-agent relationship within political systems. Nevertheless, these scholars argue that their approaches are not applicable to foreign policy making, because this policy is the most important issue of national sovereignty and that no member states will ever delegate any power or function to a supranational institution within this policy area – regardless if the state has the possibility to fully control the agent or not.

In regard of the empirical results about the role of the Commission in ENP this limitation must be clearly rejected. I absolutely agree that foreign policy is different than public policies but that does not automatically imply that these approaches are not appropriate. Foreign policy is much more executive-orientated than regulatory or redistributive policies (Stetter 2004: 722),

14 Christiansen (2001: 761, 764) also highlighted this factor several times in his article.
what at European level would even point to a pivotal role of the Commission. On the other hand, it has of course to be kept in mind, that irrespective of the change in interaction and the involvement of supranational actors, it is still the member states that decide unanimously or with qualitative majority in the end. I assume, nevertheless, that with a critical adaptation of these principal-agent approaches the underlying mechanisms and causal relations can be highly useful to explain certain dynamics in the EU actors' interaction in policy making towards the neighbourhood. I suggest that for a profound analysis of the ENP processes at EU level it is necessary to move from a traditional “coherent policy approach” to an “integrated policy approach” (see figure on p. 14). These two approaches follow distinct interactions and dynamics of policy formation, and I would argue that only the “integrated policy approach” allows to grasp the distinct form of policy making within the ENP that can not be detected when using traditional theoretical approaches.

In the traditional coherent framework the different actors pursue their own policies that should not contradict the generally agreed goal and the policies of other actors. A certain level of communication between these actors is necessary, so that they know what the other policies look alike, but they do not need to interact to formulate their own policy at all. This form of interaction also does not necessarily ask for a cross-pillar interaction as every actor can formulate and implement policies on their own, i.e. the EC pursues its supranational policies and the CFSP formulates its intergovernmental positions and actions, but the actors of the different pillars do not need to interact as long as their policies do not show a strong contradiction to the general policy goal.

Within an integrated policy approach actors might also pursue their single policies from time to time (what is because of complexity reasons not shown in this figure), but mostly they have to work together to formulate, specify and produce a certain policy output. They do not have to cooperate in the sense that they are responsible and have competences for the same tasks. But within the process of policy formulation and implementation a good interaction is needed to lead to a satisfying policy output. During the different stages of the policy process the various actors perform certain tasks to a more or less stronger degree, and just a smooth mesh of the various actions leads to a policy output. These interactions can occur simultaneously, but it might also happen that one actor leads during a certain period of time, while the other one just supports and gives its input, and that at another time the roles switch.

Supporters of supranational EC-policy making might now argue that this new form of integrated policy making is similar to the ‘traditional’ supranational (i.e. first pillar) policy process, and to a certain extent it might look that way. But although the changes of the interactions seem to lead in the direction of supranational EC policy making, foreign policy is different from public policy making. Hence, I would be reluctant to define this development as anything like ‘supranationalisation’ or ‘communitarisation’, as I do not see any additional

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15 With the treaty revision of Amsterdam members states could also decide with majority when their policies are based on a Common Strategy, like it is the case in the Mediterranean policy since 2000.

16 Such an adaptation of course requires some fundamental analytical prerequisites, as e.g. a broad and output-orientated definition of European foreign Policy and the acceptance of informal process of change (for a more extensive elaboration of these prerequisites see Maurer 2007)
benefit why we should fall back into this ‘traditional’ categorisation again and as such an approach would again not allow for a cross-pillar analysis.

Figure 1: „Coherence in EU policy“ and „Integrated EU policy approach“

Comment to this illustration: this is a first attempt to illustrate the difference between the traditional approach to coherence and the suggested “integrated approach” – the shown policy areas and actors are used as examples and not all-inclusive, as well as the size of the boxes or their positioning does not have any deeper meaning or implication! Comments how to improve this visualisation are extremely welcome!
Concluding remarks

The main aim of this paper was to discuss in how far ENP policy making at EU level is different from prior or other forms of EU foreign policy making and in how far the interaction of EU actors changed within this framework.

The main argument is that the ENP is not just a framework that combines political and economic policies from the EC and CFSP pillar, but that the established single framework also changed the interaction of EU actors and the processes of how policy outputs are achieved at EU level.

The notion of a “single framework” should be perceived as another attempt to foster coherence in EU foreign policy making, although this concept was used by the Commission (more or less intentionally) to keep its stake in EU foreign policy making. Traditional theoretical approaches would now predict that member states would strictly oppose this involvement of the Commission into this foreign policy domain due to sovereignty concerns, but, interestingly, there is quite a consensus at European level that the Commission fulfills quite important tasks in gathering information, assisting in formulating policies and providing coherence within the ENP. The member states, of course, try to closely control the Commission, so that it does not exceed its limits, but on the other hand the Commission also learnt that it does not make sense to pursue a policy that is strongly opposed by member states, as then it would only risk strong opposition to its proposals. Nevertheless, it is really remarkable in how far the Commission was able to shape the set-up of the ENP according to its own preferences.

This role of the Commission to draft proposals is also apparent in day-to-day policy making within the ENP, while the role of the member states is limited to take the final decision. The following stage of implementation is again primarily dealt with by the Commission. To be able to grasp this change in interaction of EU actors, I therefore argue not to stick to theoretical approaches that insist on a supranational-intergovernmental divide but to use a “integrated policy approach” that allows to depict the sharing of tasks in this newly established policy framework.

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