

Policy Department External Policies

THE EASTERN EU NEIGHBOURHOOD: HOW TO ENHANCE THE EU'S PARTNERS' OWNERSHIP OF THE ENP

FOREIGN AFFAIRS

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Abstract

The concept of the ENP's "joint ownership" is a basic approach of this policy. It is found in all strategic EU documents but is insufficiently researched so far. This paper aims at analyzing the concept against the EU's potential to act as a transformative power in its Eastern neighbourhood and focuses on the notion's diverging interpretations by the EU (as a deliberative tool) and by its ENP partners (as part of hard give-and-take bargains). It asks if and to what degree the EU has proven the dominant partner in the ENP relationship with its Eastern neighbours (irrespective of joint ownership), and examines on which issues and how far the partner countries have managed to place their own interests on the common ENP agenda (on the basis of this principle). The text offers an insight into "actor ownership" of policy by emphasizing mostly the role of civil society in the ENP partners in the process of policy design and implementation, but also shedding light on the potential of other non-state actors. It makes several recommendations towards enhancing joint ownership in the future implementation and development of the ENP in the Eastern EU neighbourhood.

Summary

The concept of joint ownership applied to the European Neighbourhood Policy (ENP) can be traced in all political documents of the European Union (EU). It reconciles two sets of foreign policy goals in the Union's Eastern neighbourhood – those making the EU a recognizable transformative power and those driven by more down-to-earth material interests. It explains the adaptation of the EU enlargement policy experience to the realities of the ENP by merging classical conditionality and socialization into “negotiated conditionality”. ENP actors perceive it from two different perspectives – as a pure instrument of deliberation (EU member states and Commission), or as part of hard give-and-take bargains (ENP partner countries).

The EU has dominated the ENP process in its Eastern neighbourhood – irrespective of joint ownership – as regards both temporal aspects of relations, agenda setting and policy implementation. Nonetheless, thanks to joint ownership, the Eastern ENP partners managed to implant a non-negligible number of their own objectives for action, and even push them up the priority lists in some cases. This approach was left abandoned, however, together with differentiation, when negotiations with one problematic partner blocked the whole ENP process.

In the broader context of designing and implementing the substance of ENP, the relationship between the EU and its Eastern ENP partners is highly asymmetrical and the ENP is clearly not as characterized by the principle of joint ownership as the rhetoric suggests:

- Vagueness of EU commitments results in a blurred ownership, which can fire back at the stage of evaluation.
- Imbalance of EU commitments is the object of particularly critical assessment. It shows disproportion of objectives and tasks assigned to the EU and its partners respectively, mismatch between domestic reforms expected from the Eastern neighbours and EU assistance, the Union's reluctance to give a comprehensive response to specific demands (involvement in conflict resolution is a case in point).
- Perceived failure of the EU to meet commitments made (as on concluding an agreement on the EU's using Ukrainian long-haul aviation in peace keeping missions).

The commitment of the EU's Eastern ENP partners to the principle of joint ownership is tested in some key fields of ENP implementation.

- Commitment to domestic reforms in general is confirmed at declaratory level in most countries of the region. It is viewed as the “only resource” capable to empower these societies and as a “self-disciplining process” of the government, administration and civil society. It is facilitated by an anticipatory application of Central Europe's experience in the enlargement process. It might be confused by diverging reform strategies applied by external actors alongside the EU. The Eastern partners show prudence in embarking on more substantive

transformations, such as the application of internal market regulations. The question of sustainability of reforms will be crucial for the application of joint ENP ownership in the future.

- Strengthening democracy and human rights is an example of using joint ownership in the direction of uneven application and dilution of the system of targets and benchmarks in the negotiation process across the region. Civil society in most countries in the area was and remains a strong advocate in the field exerting pressure on both national governments and the Commission.
- Joint ownership has been applied to conflict resolution with partial success. Despite initial reluctance, the EU has launched specific actions focused on post-conflict activities (the BAM in Transnistria, fact-finding mission in Abkhazia). More substantive involvement in frozen conflicts is demanded by the Eastern ENP partners in the future.

Joint ownership is influenced by (dis)incentives, such as (a) temporal factors: the question of the membership perspective, the upgrade of contractual relations, (b) spatial factors: formats for regional cooperation, the EU's and partners' relations with Russia.

Understanding joint ownership as the participation of specific societal actors is extensively applied with regard to civil society in Eastern partners. The involvement of "outside-in" and "top-down" NGOs has been completed and overshadowed by coalitions of home-grown and more specialized NGOs, who have made valuable contributions in ENP negotiation and implementation. Their role is focused mostly on dissemination of information and awareness raising and increasingly on monitoring progress in ENP implementation. Intervention of NGOs has proven productive in exerting pressure on governments towards aligning with EU positions in some publicized cases. The ENP process has witnessed slowly growing autonomy of civil society vis-à-vis the government.

The involvement of other specific actor groups in the Eastern ENP partners, such as the business community, local and regional authorities, minorities and diaspora, etc., should be targeted in the future.

The EU will have to develop a more comprehensive approach to enhancing joint ownership, which should be differentiated to fit relations with partners and partner groups. Specific recommendations to step-up ownership should focus on general approaches, structure and process, as well as on selected policy fields.

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1. Introduction

The concept of joint ownership applied to the European Neighbourhood Policy (ENP) can be traced through practically all important policy documents of the Commission. According to the Strategy Paper of 2004, “joint ownership of the process, based on the awareness of shared values and common interests, is essential. The EU does not seek to impose priorities or conditions on its partners.” (Commission..., 2004a) Even earlier, the Commission pointed at the need to develop policy instruments (benchmarks) “in close cooperation with the partner countries themselves, in order to ensure national ownership and commitment” (Commission..., 2003). Action Plans and Progress Reports for all Eastern EU neighbours take this principle as a point of departure. One of the main conclusions from the recent international conference on the ENP organized by the Commission in Brussels on 3 September 2007, which commissioner Ferrero-Waldner (2007b) formulated in her report to the European Parliament, was that “many participants underlined the need to further develop the sense of shared ownership”.

2. The ENP concept of joint ownership

As a basic approach to designing and practicing the ENP, joint ownership should be viewed from the perspective of the development of this EU policy as a follow-up of the Eastern enlargement. More generally, this concept should be placed in the context of the broad spectrum of principles, approaches and instruments used by international actors in pursuing their foreign policy goals.

2.1. EU goals in the neighbourhood: joint ownership between transformation and cooperation

The complex character of the EU as a post-Westphalian international actor is well displayed by the Eastern dimension of the ENP. On one hand, the enlarged Union aims at transforming its international environment by exporting its governance regime – i.e. it pursues “milieu goals”. On the other hand, it aims at promoting more specific interests in terms of scope of action (e.g. separate sectors of economy), subjects (member states) or duration – it pursues “possession goals”.¹ Unlike traditional foreign policy actors who conduct their policies mainly on the basis of security concerns, the EU has developed a recognizable external profile over several decades, which has been broadly described as civilian, normative, or transformative power. The “oscillation” (Lavenex & Schimmelfennig, 2006: 144) between the EU’s milieu goals and possession goals is made more acute by its multi-cephalous character as an international actor: While the “Union” as such is seen to be a normative power, its

¹ For a definition of “milieu goals” and “possession goals” see Wolfers (1962).

(mostly bigger) member states are perceived as flag-bearers of strategic possession goals.

In the EU's relations with its Eastern neighbours, problems with these two types of goals appear where and when they compete or even contradict – at given moments in time or in specific settings. The latter is driven by two different logics of policy – milieu goals design the environment of “tomorrow”, they focus on transforming the object of external action to fit in the design, while possession goals, on the contrary, presume cooperation with this object in securing EU interests, they try to make the best out of “today”. The desire to minimize such inherent tension between change and status-quo in the neighbourhood brings joint ownership and shared responsibility in the picture. Since the launch of the ENP this approach implied placing (most of) the burden of transformation on the EU's neighbours. By proclaiming the voluntary character of these partners' engagement with the Union, joint ownership is a key part of “the new external governance mechanisms” (Barbe, 2007).

The growing preeminence of security concerns, such as terrorism and organized crime, migration and borders, energy supply, etc., and the ensuing dependence of the EU on some of its neighbours, has prompted questioning of the validity of “normative power Europe”.² In many cases, as Tocci (2006: 11) puts it, “if faced with a choice, EU actors often prioritise possession over milieu goals”. Within the span of almost five years, the ENP philosophy appears to have gradually shifted from transformation towards cooperation. The comparison is striking: In December 2002 there were the “Copenhagen proximity criteria” proposed by Prodi (2002). In September 2007, the speeches of Barroso and Ferrero-Waldner at the big ENP conference in Brussels made no reference to democracy promotion and human rights protection. In such a context, the discourse about shared ownership and responsibility serves the purpose of covering up this evolution.

2.2. Joint ownership and the “post-enlargement” EU policy to its Eastern neighbours

The second framework for considering joint ownership is that of the adaptation of the enlargement policy experience to (the Eastern dimension of) the ENP. Comparisons between both EU policies and conclusions concern discourse (the Copenhagen accession criteria, the “Copenhagen proximity criteria” and shared values), policy design (basic principles, policy modes and approaches, such as the notion of conditionality complemented by – or replaced by – the philosophy of joint ownership, partnership, differentiation, participation, deconcentration/decentralisation and benchmarking) and instruments (legal, political, administrative and financial). It is generally accepted as commonsensical that the ENP is a development and adaptation of enlargement policy (within Richard Rose's definition for policy adaptation³).

Such parallels lack a temporal perspective and thus fail to fully explain the ENP's complexity. Analysis of the applicability of joint ownership should be made in full awareness that the *late* enlargement policy is being compared to an *early* ENP. The late, pre-accession phase (1997-2004/07) of the process of the EU's Eastern

² For an illustration of the evolving debate, see just the two papers by Manners (2002, 2004).

³ For Richard Rose, policy adaptation is the process by which “a programme in effect elsewhere [becomes] the starting point for the design of a new programme allowing differences in institutions, culture and historical specifics. Adaptation rejects copying every detail of a programme; instead, it uses particular measure as a guide to what can be done.” (Rose, 1993:31, quoted in Tulmets, 2004: 54)

enlargement is distinct from its earlier, association phase (up to 1997). In the context of enlargement, pre-accession was characterized by ever stricter conditionality (esp. in 2003-2006 towards Bulgaria and Romania), by the candidates' obligation to adopt 80 thousand pages of the *acquis*, and by substantive accession-driven financial support. On the contrary, the early "rapprochement" phase of the Fifth enlargement process (1989-1997) did not offer the countries from Central Europe a firm EU commitment to membership (in what it shares one major feature with the ENP of today), it supported demand-driven political and economic reforms, and, before fully instrumentalising the Copenhagen criteria, it emphasized softer methods of exporting EU governance, such as the many forms of socialization – structured political dialogue and the multilateral relationship formulated in Essen in 1994 (Nikolov, 1998). Kratochvil (2006: 16-18) implicitly shows awareness of the need to compare the ENP to two distinct sets of enlargement experience by offering an interpretation of the ENP, which he calls "pre-enlargement policy", although he does not evaluate this policy's potential to *prepare* the Eastern ENP partners for EU membership, nor simply to *precede* a true enlargement policy for these countries, as the term would suggest.

A comparison of the ENP with the whole process of the Fifth EU enlargement could better explain the hybrid character of this young policy. Principles, approaches and instruments of *both* enlargement phases seem to have been selected and merged into one package. The classical conditionality approach has been complemented by several elements based on deliberation (twinning, reporting, benchmarks, peer pressure, etc.) aimed at socializing the EU's neighbours by exposing them to Union norms, values and standards and pointing at the same time to their own responsibility for domestic reform. Assembling this package of policy tools has led to the ENP being perceived as what Barbe (2007) calls a sort of "bargain policy", about which already the 2003 policy paper of the Commission was quite explicit. This process of adaptation of the enlargement experience to the realities of the enlarged EU's neighbourhood is seen to have formed an "overarching method" of a more flexible "negotiated conditionality" (Tulmets, 2006: 41-42). The joint ownership approach, with its consultations, the desirability of reaching an agreement on common goals and agendas, the involvement of societal actors in policy dialogues, the social learning process during monitoring and reporting, stands central in this specific ENP design as a bridge between traditional conditionality and traditional socialization.

2.3. Eastern partners' views: process but also content

The concept of joint ownership is usually viewed as a deliberative instrument for policy export (Gstöhl, 2007: 22). As such, it is understood as appropriate for promoting acceptance and internalisation of European norms and values through the processes of learning, socialisation and persuasion, and is placed alongside with other positive instruments as twinning, political dialogue, TAIEX, people-to-people exchanges, or with negative ones as peer pressure, "naming and shaming", etc. By touching on the behavioural aspects of bilateral relations this concept tries to play down the fact that, in essence, success in the ENP is conditioned on the "good behaviour" of the partners, not of the EU itself. (Smith, M., 2007: 5) On the other hand, substantive incentives and sanctions are seen as a separate group of policy instruments, also in the ENP context – preferential trade, financial aid, participation in conflict resolution, suspension of bilateral arrangements, etc. Such an approach to

joint ownership focuses only on process-related aspects of bilateral EU relations with ENP partners – shared agenda setting, monitoring, consultations and dialogue, etc.

Limiting the notion of joint ownership only to procedure is far from satisfactory for the Eastern ENP partner countries. When touching this topic, their public discourse does indeed offer either support for or criticism to the *process* of ENP making and implementation (depending on the specific policy field), but it also tends to quickly step beyond procedure and dwell into the *content* of relations. Political debates invoke also other notions – e.g. (im)balance of commitments, matching incentives and rewards, gaps between commitments and delivery, etc. – which the EU's Eastern partners find essential for substantiating the ownership concept. Therefore, discussing joint ownership and developing it further should take into account both process- and content-related problems and opportunities.

3. Joint ownership and the ENP process

Analysing joint ownership from a process perspective is essential in itself in view of the deliberative character of this approach. Moreover, this is exactly the aspect that is consistently emphasised by EU actors (Commission and member states) in an effort to assert universal validity of this interpretation.

The process of launching and carrying out the ENP in the Eastern EU neighbourhood was influenced by a set of factors, such as power inequality (with the EU being obviously the stronger player, even in relations with Ukraine), the blueprint of the EU's enlargement policy, geopolitical challenges. The rigidity and complexity of EU procedures had their impact on the application of the philosophy of partnership, ownership and participation with various shortcomings. (Tulmets, 2006: 38)

3.1. The ENP process at the Action Plans negotiation stage

Negotiations between the EU and its Eastern neighbours took place between January and June 2004 (with Moldova and Ukraine) and between November 2005 and May 2006 (with Georgia, Armenia and Azerbaijan). When assessing this stage of the ENP in retrospect, virtually all observers agree that the Union's capacities of an influential actor were unchallenged “despite the lack of convincing sticks or carrots” (Helly, 2007: 111) for the partner countries.

Views on the application of shared ownership are not so unanimous. The Commission claims to have kept its promise: its official papers of December 2006 stated that the Action Plans had been “fully negotiated and mutually agreed at political level” (Commission..., 2006g, see also 2006e, 2006f). Some analysts disagree and refer to the rigidity of the Action Plans framework (Popescu, 2006: 8). They note that the first series of Action Plans, in particular, was “but little negotiated” (Helly, 2007: 105) and that only negotiations with Egypt served as a break-point (Israel being a special case). Others, by contrast, admit that even at the initial stage, when memories from enlargement were still fresh in the minds of Commission officials, the first Action Plans (with Moldova and Ukraine) were “individually negotiated and jointly agreed” (Buscaneanu, 2006: 15). A more detailed assessment would need to consider the

Commission's responsiveness to partners' initiatives and the dynamics of negotiations.

Commission responses to partners' draft Action Plans

Practically all Eastern ENP partners – those from the first (Moldova and Ukraine) and from the second (Georgia, Armenia, Azerbaijan) “waves” – had developed their national strategies on European integration *before* Action Plan negotiations started. On the basis of such a concept document, it became a challenge for Moldova's negotiating team to develop the country's priorities in the format that would exactly fit the design of the Action Plan. The country's Foreign Minister Andrei Stratan committed himself and his team “to prioritise the actions to be taken and come up with its own vision of the document”⁴ only *after* holding the first negotiation round on the Action Plan. Armenia and Georgia drafted their own “Framework Proposals for Action Plan” in June 2005 – a trimester before the start of their negotiations. (Stritecky, 2006: 66)

Declarations about joint ownership failed to materialize at the opening of talks. In the view of Georgian negotiators, the Commission delegation was shocked that Georgia had dared propose its draft and put it aside. Commission officials claimed that “this is our document!”⁵ and insisted that the EU Action Plan structure be accepted as a basis of further talks. Earlier experience of Commission staff with Accession Partnerships, which had been written “almost by ourselves”, set a very difficult pattern of negotiations with the Eastern ENP partners, which were “sovereign states” without a membership perspective.⁶

The tempo of negotiations: impact on differentiation and joint ownership

Additional rounds of talks

Negotiations were structured to take place in three rounds of talks. That was the pattern foreseen in advance, and that became the established practice during the “second wave” of Action Plans preparation with ENP partners in the South Caucasus. What helped confirm this pattern was the steep learning curve at the initial stage (the first series of Action Plans). Moldova's example is telling. Out of four working groups preparing this country's Action Plan – on political dialogue and regional cooperation, on economic development, on infrastructure, education and environment, and on justice and home affairs – all except the first managed to conclude their work during the third round of talks.⁷ The demand of Moldova to obtain EU commitments for a pro-active role in the settlement of the Transnistrian conflict – which occupied the bulk of time of negotiations under the political dialogue and regional cooperation section – necessitated an additional round of talks in June 2004, while the rest of the text had already been finalized and agreed.

Short deadlines: impact on quality and ownership

The difficulty of applying the “joint ownership” principle in the Moldovan case arose from (a) the very short deadlines for response set by the Commission, and (b) the absence of sufficient English language knowledge among key civil servants, mostly in

⁴ Quoted in ADEPT (2004/24).

⁵ Interviews at the Mission of Georgia to the EU, September 2007, Brussels.

⁶ Commission staff retrospective views are based on an interview at DG “Relex” in February 2006, quoted in Tulmets (2006: 44).

⁷ Press-release of Moldova's Ministry of Foreign Affairs quoted in ADEPT (2004/32).

line ministries, which necessitated two-way translations of draft texts and thus limited time available for generating substantive input. (Gheorghiu, 2005b: 10)

Looking back at the negotiation stage, the EU's partners in the East emphasise that joint ownership can be fostered if the EU/Commission treats its interlocutors within the ENP as respectful partners and if it avoids sending documents for approval within 48 hours, which makes inter-ministerial coordination very inefficient, if not impossible.⁸ Short deadlines have become a headache for diplomats from Ukraine and Moldova in the process of alignment to EU declarations and positions under CFSP. Similar headaches await their colleagues from the South Caucasus, who have recently been invited to join the exercise. Unfortunately, previous experience within the accession process cannot be very encouraging for ENP partners, as it suggests that this is standard Commission practice: imposing extremely short deadlines on partners while protracting its own deadlines for reaction.

Negotiation delays: hostages of parallel talks

The tempo of negotiations was dictated almost unilaterally by the EU also in the other direction – it was slowed down both by the Commission as an on-site negotiator, but more importantly by the member states. Since at both stages (first and second “wave”) talks were conducted with all selected ENP partners on the East and on the South, individual bilateral problems between one/some EU member states and one single partner country blocked the whole process. This occurred:

- In-between negotiating rounds: For example, Moldova had a gap of 3½ months from the 2nd to the 3rd round of talks because EU member states wanted to “review negotiation outcomes with all neighbouring countries [...] so as to determine future actions”;⁹
- After the whole text of the Action Plan with the respective ENP partner was agreed. This happened both at the first and at the second stage.
 - Action Plans with Ukraine and Moldova were ready by the end of June 2004, their signature was expected in July 2004, so that they become effective by September of the same year.¹⁰ However, stalemate in EU negotiations with Israel blocked all seven documents, and the whole package was launched by the Commission only in December 2004.
 - Although the texts of Action Plans with Georgia and Armenia had been agreed by the summer of 2006, these negotiations became hostage to the blockage of talks with Azerbaijan, which had been complicated by a completely unrelated conflict with Cyprus over a charter flight from Baku to the “Republic of Northern Cyprus”. In that case, too, signature of all three documents was delayed till November 2006. (Stritecky, 2006: 66; Helly, 2007: 105)

Failures of differentiation and impact on ownership

The two cases above can be regarded as proofs that “the EU is bad at differentiation”. (Popescu, 2006: 8) This basic principle of the ENP, which implies direct dependence of the intensity, level and dynamism of bilateral relations on the commitment of the respective ENP partner to the agenda of political and economic reforms, has been repeatedly emphasized in Commission policy papers and in public speeches of EU

⁸ Interviews at the Mission of Moldova to the EU, September 2007, Brussels.

⁹ Press-release of the British embassy in Chisinau on behalf of the British Presidency of the EU, quoted in ADEPT (2004/27).

¹⁰ Press conference of Andrei Stratan, Moldova's Foreign Minister, quoted by Buscaneanu (2006: 20).

leaders (from EU institutions and EU presidencies alike). It is directly related to the joint ownership approach, insofar as it encourages the initiative of the EU's partners and their decisiveness in taking their own responsibilities in moving the ENP forward. Thus, the joint ownership of the Action Plans is viewed as "the second aspect of differentiation" (Tulmets, 2006: 35).

The EU's failure to apply the principle of differentiation gives the impression of the ENP being based on a "one-size fits all approach" (Tulmets, 2006: 50). In consequence, it has had the effect of de-motivating political elites and the civil service in the Eastern EU neighbourhood to advance with painful domestic reforms. The examples given above of confronting principle with practice have seriously undermined the joint ownership aspect of bilateral relations under the ENP. (Gheorghiu, 2005b: 10)

Action Plan negotiations as a learning process

Action Plan negotiations should be considered through the prism of social learning (Tocci, 2006: 13) – they are, in fact, the first phase of a mutual learning process, which involves both sides of the ENP process. If successful, such a learning process can set the stage for cooperative and comprehensive contacts of various stakeholders in the neighbours and EU actors. That, in turn, serves the purpose of reaching "cognitive convergence between the various actors [...] through socialisation and persuasion" (Tulmets, 2006: 41-42), and could induce transformation, which, being voluntary, has the potential of becoming deeper and long-lasting.

For the Eastern EU partners, the generally low level of understanding for the ways and means of EU decision making and legislation can be taken for granted. On the EU side, preoccupation with the Eastern enlargement and the fact that the ENP had to be developed, roughly speaking, by the staff of DG "Enlargement" of the Commission, led to lack of sufficient expertise in the EU negotiating teams on the Eastern partners. The respective country reports – which serve as a knowledge base – were presented by the Commission several months *after* the initial versions of the first series of Action Plans (including Moldova and Ukraine). This gap was the reason why some analysts saw these initial drafts as "not very well prepared" (Gheorghiu, 2005b: 3). In the Moldovan case, for example, the speed of talks was negatively affected by the "reciprocal lack of knowledge of the EU about the policy developments in Moldova and of the latter about EU policies, programmes and standards. During the negotiations the EU had to rely much upon the information provided by the Moldovan Government, while the latter had to wait for the EU feedback as regards its standards and requirements." (Buscaneanu, 2006: 21) Another observer notes that, towards the end, "bottom-up lesson learning from the field to the capitals and to Brussels has increased levels of both field-informed and EU knowledge among EU staff." (Helly, 2007: 110). In sum, *mutual dependence* on information provided by the other side on the basis of insufficient expertise has become a specific expression of joint ownership and shared responsibility at the initial stages of the ENP. It is still too early to judge if, while ENP implementation advances, the two sides have developed a relationship of interdependence based on growing mutual trust.

3.2. The ENP process at the Action Plans implementation and monitoring stage

Institutions and deliberative mechanisms

From the outset, the ENP refrained from developing legal frameworks between the enlarged Union and its neighbours to the East and the South, although the European Economic Area (which is anchored in international law by the respective agreement) had been briefly considered as an end goal. The bilateral agreements of the Community and each ENP partner – the Partnership and Cooperation Agreements (PCAs) on the East – remain the legal basis for this policy. In terms of institutions there are no novelties either – the traditional setup for EU external relations is applied. The existing bodies under the PCAs – the respective bilateral Council (ministerial level), Committee (level of senior officials) and sub-committees (expert level) – are meant to contribute to policy monitoring.

Although the PCA Council is seen to have some say – e.g. it approves the Action Plans, it participates in monitoring – in reality its role is modest. Thus, it acts only after the Council of the EU has given its approval for the Action Plans, and it is hardly realistic to expect that the PCA Council (i.e. the EU foreign ministers and the foreign minister of the given ENP partner country) will act differently from the EU Council.

The role of the Commission

As regards policy implementation, the PCA Council, which is a bilateral body, has been overshadowed by the Commission. In fact, “the European Commission acts as the ENP’s secretariat” (Pardo, 2005: 254) and plays a central role by profiting from its major power inside the EU – that of “holding the pen” in initiating all policy documents relevant for monitoring, evaluation and forward planning. The role of the Commission’s DG “Relex” cannot be overstated. The management of the ENP through policy coordination is sometimes likened to the well-known intra-EU phenomenon of “governance by committee” (Tulmets, 2006: 44). However, the role of the Commission in this case, as a mediator between the ENP partner and the EU member states, seems to be more prominent as compared to its traditional function in intra-EU committee governance. What could potentially question this central role in the future (also in view of the debate on the “strengthening of the ENP”), it is the tendency to spread the scope of policy to include fields of action (e.g. more serious involvement in conflict settlement), which do not “fall within the remit of the Commission, let alone DG “Relex”” (Missiroli, 2007).

The use of deliberation

Deliberative mechanisms have been regarded as essential in the ENP design from the perspective of joint ownership. The significance of Action Plan negotiations as a learning process has been discussed. Yet, with hindsight to the first years of policy implementation, some observers conclude that “deliberative procedures remain rather limited” (Tulmets, 2006: 45). Some analysts recommend that partners should request more regular feedback from the Commission (Popescu, 2006: 12). At state level, Moldova has indeed requested additional deliberative instruments for strengthening Action Plan implementation: more sub-committees, more frequent meetings with a more focused agenda, a higher degree of the Commission’s responsiveness for ad hoc meetings. By way of comparison, high-ranking Moldovan officials claim that they received more assistance from new EU member states than from the Commission.¹¹

¹¹ Trilateral consultation formats (Moldova plus a new EU member state to provide expertise and an “old” EU member state to provide funding from national sources) were especially useful. (Interviews at the Mission of Moldova to the EU, September 2007, Brussels.)

There are less critical accounts of the importance and usefulness of such communication, as well. Thus, Georgian civil society assesses positively the EU's responsiveness in the process of approving the country's Action Plan Implementation Tool.¹² As 2007 was a pilot year for the implementation of the Action Plan, the EU "considered most of [Georgia's] comments and made it easier for Georgia to implement responsibilities described in the document" (OSF-Georgia, 2007: 15). On the other hand, internal bureaucratic procedures in the Commission are seen to cause delays of EU assistance in Action Plan implementation (Popescu, 2006: 9).

Disagreement on reporting: whose ownership?

Reporting rests entirely in the hands of the Commission, "in close cooperation with the Secretary-General/High Representative, as appropriate" (Commission..., 2004b, 2004c, 2006e, 2006f, 2006g.). This is the case for both mid-term reports (to be prepared on the 2nd year, for Ukraine and Moldova, or on the 3rd year, for Georgia, Armenia and Azerbaijan, after launching the Action Plans) and final reports evaluating progress achieved (to be drawn up after 3 years or 5 years for each group of Eastern ENP partners). The EU has been strongly criticised by partners – most notably by Ukraine – for not allowing joint reporting and joint evaluation of progress in Action Plan implementation to be done by the same body as for the adoption of the Action Plans (the PCA Council). Although the Action Plan envisages that the partner country will provide information for the Commission report, the Ukrainian has voiced dissatisfaction that its information was not taken into account by "Brussels". Joint ownership was exactly the argument used by the partner countries in order to justify the claim for assessing progress together with the EU: shared responsibility, in their view, should be applied to implementation, as well as to evaluation.¹³

Before this disagreement with ENP partners arose, there had been internal consultations in the Commission about applying the method of joint reporting – elaborate one report by the Commission *and* the respective partner country.¹⁴ However, these ideas didn't fare well, and the Commission adopted the approach of parallel independent reporting: the partner country prepares its report (if it wishes to do so), and the Commission prepares its progress report. This decision was adopted basically on the grounds of effectiveness. The Commission felt that joint reporting would have led to much more effort and energy being spent/wasted on agreeing about the wording in the report, rather than on Action Plan implementation proper. The report prepared by the partner country *is* considered by the Commission, alongside with all other sources of information, which the Commission uses – EC delegations, PCA sub-committees, NGOs, etc.

In this debate about reporting, the effectiveness argument has outweighed the claim for joint ownership. The reporting model, which was established for Moldova and Ukraine, is very likely to be applied also for Georgia, Armenia and Azerbaijan. It would be unrealistic that the Commission drops the power of assessment. Yet, as of mid-2007, an authoritative Georgian civil society paper shares the expectation that the evaluation of performance and quality of activities under the Action Plans will be done by a joint group of EU and Georgian experts. (OSF-Georgia, 2007: 15).

¹² The "Implementation Tools" are documents meant to assist the implementation of bilateral Action Plans under the ENP by providing more specific benchmarks (quantitative or qualitative goals to attain, deadlines, etc.) in order to assess progress made in carrying out various Action Plan provisions.

¹³ Interviews at the Mission of Ukraine to the EU, September 2007, Brussels.

¹⁴ Interviews at DG "Relex" of the European Commission, September 2007, Brussels

Guidelines on reporting: can they be jointly owned?

The first reports of Ukraine and Moldova on Action Plan implementation were made public in September 2005, and became the target of criticism for their low quality – observers assessed them as too long and descriptive, insufficiently focused and “self-laudatory” (Popescu, 2006: 6). The quality of reporting was a key issue at stake both on the East and on the South. One reason for this, among others, is the lack of clarity on the monitoring process. For example, the initial Action Plan Implementation Tool sent to Tbilisi “did not have performance/progress indicators and specific monitoring instruments” (OSF-Georgia, 2007: 15).

These problems have encouraged active ENP partners (e.g. Jordan) to ask guidelines from the EU on reporting in order to improve the quality and increase the compatibility of their own reporting with that of the Commission. DG “Relex” is developing such guidelines for reporting, which would be valid for Commission services in order to make reports more detailed and comprehensive and capable of ensuring quality control.¹⁵ Such guidelines could serve as a good methodological tool if they are exhaustive and precise.¹⁶ A much more important yet difficult and politically sensitive decision for the Commission to make is to further refine and specify the toolbox of benchmarks to be used for assessment and reporting.

The partners’ demand for reporting guidelines from the EU is a perfect case for joint ownership. It raises the question about the possibility and desirability of making them public.¹⁷ Their primary addressees should remain the same – Commission services and delegations. They will be made available to the ENP partner countries, but will not be imposed on them. They can be useful with their methodological focus. Moreover, if they contribute to clarifying benchmarks in the various chapters of the Action Plan, as some partners have continuously demanded, they can become a reference grid or a “soft tool” of policy implementation. The successful application of reporting guidelines will be essential for the management of the Governance Facility, which is proposed in the Commission’s paper on strengthening the ENP (Commission..., 2006g) in order to provide additional financial assistance for the countries that advance most with domestic reforms. Their publication could become a “pull factor” towards more compatibility between approaches to reporting adopted by the EU and the partner countries, and towards more predictability and transparency of the ENP process.

4. Joint ownership and Action Plans content

A focus on the substance of Action Plans from the perspective of joint ownership is triggered by the understanding shared by ENP partner countries that this approach is not only about process but also about content, as argued under 2.3. above.

¹⁵ Interviews at DG “Relex” of the European Commission, September 2007, Brussels

¹⁶ Reporting guidelines would logically cover such methodological issues as: diversify and cross-check information sources; distinguish activity from activism; avoid subjective opinions; report factually, not prescriptively; balance progress and shortcomings; exhaust fields and sub-fields; write conclusions accessible to non-specialised readers.

¹⁷ The guidelines need not / should not be published completely, either because parts therein might concern technicalities (the Commission’s internal administrative procedures), or because that might lead to disclosing information sources, which would open the door to lobbyist pressures or could harm sources. In order not to harm sources, the Commission will have to choose between two options: (a) publishing the guidelines (or parts of them) openly or (b) keeping (the remaining parts of) the guidelines for restricted usage by its own services. The third option – disclosing the guidelines only to ENP partner states’ administrations – should be avoided, since this could, arguably, turn counter-productive and expose sources and make them vulnerable.

4.1. Action Plans' structure and priority lists

The structure of the five Action Plans gives evidence of the limited degree of application of joint ownership. The design of these documents has followed the blueprint of enlargement policy, and more specifically of the Accession Partnerships for the (then) Central European candidates, and has undergone but few structural modifications. The general power imbalance between the EU and the respective ENP partner country has also contributed to an EU-centric perspective of the agreements reached in the various fields of action. This has resulted in priority lists where only a few of the common objectives and joint actions are authored by the partners, and they are pushed to the top of the agenda on even rarer occasions.

Common features

All five Action Plans share two common features. First, their general structure is in conformity with the Copenhagen criteria: (a) political reforms (democracy, human rights, rule of law, etc.), (b) economic reforms (restructuring and strengthening market principles, business climate improvements, etc.), (c) legislative harmonisation and cooperation in a number of policy fields (internal market regulations, some sectoral policies, justice and home affairs cooperation, foreign and security policy, etc.). The fact that the accession criteria have served as a point of departure is assessed positively by scholars from the region (Gheorghiu, 2005b: 3). Second, in many fields that are subject to cooperation, the exact formulation of priorities in all five Action Plans is almost identical – be it in trade, in economic restructuring or in several sectors.

In sum, the priority lists form a tight package, which seems difficult to break. A compact assessment of these lists shows that:¹⁸

- 4 priorities are common to all 5 Action Plans: democracy development, investment/business climate development, fight against corruption, conflict resolution);
- 6 priorities are present in 4 out of 5 Action Plans: freedom, security and justice, energy sector development, cooperation in border management, judicial reform, regional cooperation (security related), socio-economic development / poverty reduction;
- 4 priorities are present in 3 out of 5 Action Plans: promotion of human rights and fundamental freedoms, rule of law, convergence of economic legislation, environmental concerns and promotion of sustainable development.

Distinction between “first and second wave” Action Plans

At a lower level of organisation, the five Action Plans with the Eastern EU neighbours can be split in two groups, chronologically and geographically – Ukraine and Moldova on one hand, and Georgia, Armenia and Azerbaijan, on the other. Such a sub-regional grouping, however, is much more a product of EU-centric strategic views about bilateral relations with each ENP partner, rather than the result of a concerted group effort by the partner countries.

¹⁸ The following bullet summary is based on Balfour & Missiroli (2007: 36).

- The Action Plans for Moldova and Ukraine have *two priority lists*, which the South Caucasian partners lack. Apart from the elaborate description of the order of priorities, these two documents contain a “short list” of common objectives and tasks, to which “particular attention should be given” (Commission..., 2004b: 3-4, 2004c: 3-4). These are very diverse lists comprising specific sub-sectors of policy (e.g. disarmament and non-proliferation) and even concrete short-term tasks (e.g. holding parliamentary elections in 2005). On the other hand, a number of bullet points on these “short lists” demonstrate the EU’s responsiveness to include issues that are of high importance for the partner country and, in this way, to show some degree of flexibility about applying the enlargement process blueprint. That is where the Transnistrian conflict – a matter of national security for Moldova – stands at the top of the list, and EU-Ukrainian consultations on crisis management are explicitly mentioned. The Action Plans with the South Caucasian countries do not offer such “short lists” and just follow the general pattern of elaboration of the texts, without structural novelties.
- Issues related to *people-to-people contacts* (including science, education, culture, civil society, etc.) are treated differently in the two sub-groups. This package of objectives is singled out as a separate priority in the Action Plans for Moldova and Ukraine. On the contrary, the other three documents only envisage separate activities from this package placed in other contexts.
- The 2+3 Eastern partners’ distinction is instrumental also in exemplifying the EU’s reflex to *support regional cooperation in more distant locations* while showing reticence to do so on its doorsteps (Smith, K., 2005). In the case of the Eastern EU neighbours, what should be a priority for the three is not so for the two. The South Caucasian Action Plans contain a special emphasis on promoting regional cooperation among Georgia, Armenia and Azerbaijan. While there is almost no regional cooperation to promote (yet), the challenge for the EU will be to support broader and less conflicting formats for cooperation involving these three states.¹⁹ This urge towards regional cooperation in the Caucasus is in contrast with the EU’s reluctance to respond positively to Moldova’s geopolitical gravitation towards South Eastern Europe.²⁰

A test case: frozen conflicts in the priority lists

Perhaps the single issue that could be a test case for the relevance of joint ownership is the priority accorded to conflict resolution. In a region where four out of five partner countries suffer from frozen conflicts, they have grown into a matter of national security. In general, there is a strong perception that the success of the ENP on the East “is conditioned by more active involvement in conflict prevention and resolution” (Stritecky, 2006: 64). The success of joint ownership to help ENP partners push a conflict up the Action Plan priority list varies.

¹⁹ Georgian NGOs point at the inability of the South Caucasus to constitute itself as a region, due to numerous conflictual issues that remain unsettled among the three countries and to the influence of great powers, and they call upon Europe to stimulate cooperation between the three countries by means of involving them in broader regional frameworks, such as the Black Sea. (OSF-Georgia, 2005: 4).

²⁰ The text of objective 15 of the Action Plan admits “Moldova’s targeted cooperation under activities of the Stability Pact for South Eastern Europe”, although sees such cooperation strictly as “complementary” to the ENP framework. (See Commission..., 2004c: 11). Such EU insistence on the centrality of the ENP framework for Moldova is based on the Union’s unwillingness to tacitly give a “membership promise” to an ENP country by letting it enter the group of countries in South Eastern Europe who already have obtained such a promise.

- Moldova has managed to place the Transnistrian issue on the top of the agenda (2nd place in the elaborate description and 1st place in the “short list”).
- Azerbaijan has convinced the EU, as well, to place Nagorno Karabakh at the highest place in the Action Plan.
- Armenia, departing from a different position, has been more reserved at the start, but has also displayed activism to include Nagorno Karabakh in its priority list, as soon as it realised that its rival (Baku) lobbied with the EU about that.²¹
- Georgia, on the other hand, had “the highest expectations and subsequent words of dissatisfaction” (Stritecky, 2006: 64). In Tbilisi they were very disappointed not to have obtained a high level of commitment from the EU on this issue (6th place in the Action Plan), although its secessionist regions Abkhazia and South Ossetia represent a major challenge to its territorial integrity and its lobbying efforts have been considerable.²²

Partners’ assessments of achievement on the ownership of priority lists are not always realistic. Moldova’s Foreign Minister claimed that his delegation “managed to prove of being able to achieve all the objectives set”²³. However, a detailed evaluation shows that, out of four specific issues, which Moldova insisted to be included in the Action Plan, one (a separate chapter on Transnistria) was achieved as a general objective, albeit with a prudent wording of EU involvement, one (the opening of EU programmes and communication networks for Moldova) was partially realized, and on the remaining two (preferential visa regime and asymmetric trade agreement) EU commitments were made in very elusive wording. On a rather more realistic note, Georgian negotiators admit that Georgia managed to insert “below 50% of its priorities” in the text of the Action Plan during the later stages of negotiations.²⁴

4.2. Perceived problems about EU commitments

The content of policy, as reflected in the ENP Action Plans, raises questions among external observers and stakeholders alike about several types of problems related to the principles of joint ownership and shared responsibility: vague provisions in the texts, imbalance of commitments and even the perception of non-fulfilment of commitments already made.

Vagueness

Some observers (Buscaneanu, 2006: 27) express concern that there are cases where the formulation of specific objectives in the text of the Action Plan does not make clear which side – the EU or the partner country – should be in charge of implementation. Instead of displaying shared responsibility, this might result in *blurred responsibility*, which would most likely lead to diverging interpretations and tension at the stage of evaluation.²⁵ Think tanks also note with concern in their reports the lack of concreteness in the various ENP-related documents – the Action Plan itself, the Implementation Tool and the government’s implementation strategy for

²¹ Interviews at the Mission of Armenia to the EU, September 2007, Brussels.

²² Interviews at the Mission of Georgia to the EU, September 2007, Brussels.

²³ Quoted in ADEPT (2004/26).

²⁴ Interviews at the Mission of Georgia to the EU, September 2007, Brussels

²⁵ The examples given for such less-than-clear formulations – research and technological development – are, fortunately, not among those with a substantive volume of *acquis communautaire* that would be expected to be harmonized.

2007 (OSF-Georgia, 2007: 17). Each actor in the institutional chain taking part in the joint ENP exercise (line ministries – government – European Commission) is tempted to shift responsibility for the lack of concreteness in “its” document to the same defect of the previous document. This is a general problem of implementation that might block progress on the ground and, in consequence, to not very encouraging evaluation later, when progress reports will attract public attention. Politically, joint responsibility might have its negative equivalent – laying the blame of failure on the other actor. Strategically, such failures will impact on the prospects for upgrading relations with the EU.

Imbalance between the EU's and partners' commitments

The rhetoric of joint ownership has stimulated debates in ENP partners about Action Plan implementation, in which efforts by both the respective partner country and the EU itself are placed in parallel and of commensurate significance and political weight. Thus, while the partners are expected to undertake a package of political and economic reforms, the EU is generally expected (a) to become seriously involved in finding viable solutions to frozen conflicts, (b) to contribute to more dynamic people-to-people contacts by means of enhancing work on visa facilitation, (c) to undertake steps towards full involvement of the partner countries in EU programmes, and (d) pending a positive evaluation of the implementation of the Action Plans at the end of their duration, to make a firm political commitment about the launch of negotiations on upgrading the legal basis of bilateral relations – the conclusion of a new agreement. (Gheorghiu, 2005a: 9)

In expert circles from the “first wave” ENP partners in the East, both civil servants who have been directly involved in implementation²⁶ and independent analysts (Buscaneanu, 2006: 26) point at the imbalance between (a) objectives and actions referred to Ukraine and Moldova (most of them, in their view), (b) those referred jointly to Moldova/Ukraine *and* the EU, and (c) yet rare ones that refer only to the Union. Given the limited number of commitments made by the EU, some observers question the Action Plan's reciprocal and bilateral character (Gheorghiu, 2005b). Irrespective of the features of the process (Action Plan negotiations), an assessment of the results (the text of the Action Plan) discloses an important dose of self-interest on behalf of the EU and strong centre-periphery characteristics being more or less commanding.²⁷ Such imbalances make it imperative, according to civil society experts from the region, that “the EU must get involved in the implementation of the document (including with technical and financial assistance in accordance with its complexity) beyond the monitoring [because] it holds economic and political resources” to assist successful Action Plan implementation. (ExpertGrup and Adept, 2006: 11)

Despite all criticisms described above, experts remind that the current commitments of the Union vis-a-vis its ENP partners should be compared to those made in the PCA framework. On such a background, they conclude, “the overall EU engagement through the Action Plan seems more visible and participative” (Buscaneanu, 2006: 32).

Partners' perception: EU commitments not met

²⁶ Interviews at the Mission of Ukraine to the EU, September 2007, Brussels

²⁷ See Smith (2005) and Stetter (2005).

Apart from the problems of vagueness and reluctance to make promises, there are examples where the EU has managed – willingly or not, correctly or not – to consolidate the perception among its Eastern partners of not meeting commitments already made. As joint ownership is, in essence, a deliberative approach, perceptions are important and should not be disregarded.

EU-Ukrainian cooperation in the field of crisis management in an ESDP framework might offer an example.²⁸ The Union has used Ukrainian transport aircraft for its missions in the world on a case-by-case basis. Yet the EU's commitment – as seen from Kiev – to reach a long-term agreement with Ukraine on the use of long-haul aviation for EU peacekeeping missions is still not met. Ukraine claims to have submitted a proposal, which has remained unanswered. The Union's only reply was that "it had not yet defined its needs". Ukraine emphasizes the two-fold importance of this agreement: First, from a political point of view, it would mean stepping up bilateral cooperation in ESDP. Second, from a practical/economic point of view, it would avoid an intermediary role of Russian companies in the business of offering long-haul aviation services (re-lending), which makes the service more expensive and makes both the EU and Ukraine lose. A positive precedent could be the agreement signed by Ukraine with NATO on the same subject. However, it seems that some big EU member states block the agreement with the hope (as it is seen by Ukraine) to develop their own capacities for providing such services.²⁹

4.3. Some key ENP fields of action relevant for joint ownership

The degree, to which the EU's ENP partners on the East have espoused the principle of joint ownership, can be tested in three important domains: (a) at general level – commitment to undertaking political and economic reforms at home as a whole as a response to the ENP offer; (b) selected from the top of the EU priority list – commitment to democracy promotion, human rights protection and the rule of law; (c) selected from the top of the partners' priority list – commitment to conflict resolution.

Commitment to domestic reforms in general

Commitment to reforms at political level in the partner countries is crucial for the success of ENP Action Plans implementation. Despite the short "biography" of the ENP, it is likely to become a major transformational resource to be used by political elites in the five Eastern EU neighbours – albeit to a different degree in each of them. In the view of Armenia's foreign minister, political and economic reforms are "our only resource" capable of "strengthening and empowering our society" (Armenia's MFA press-release, 2006.10.02). Georgia's foreign minister, in his turn, qualifies closer alignment with EU standards as a "self-disciplining process" of the government and public administration, as well as of civil society. (Bezhuashvili, 2007a) Such views are shared by civil society organizations in several ENP partner countries. For example, in line with the joint ownership principle, Georgian NGOs regard the implementation of the ENP Action Plan as being "in the direct interests of Georgia and its population, so the attitude towards its implementation should not be motivated only by the end result of possible accession to the EU" (OSF-Georgia, 2007: 24).

²⁸ This case is presented on the basis of interviews at the Mission of Ukraine to the EU, September 2007, Brussels.

²⁹ Interviews at the Mission of Ukraine to the EU, September 2007, Brussels.

Anticipatory ownership

Some analysts of the Moldovan ENP Action Plan observed that two important sections of the document – those on political dialogue and reform and on JHA – were “almost identical” with the respective sections of the European Strategy of Moldova, which had been adopted before the launch of negotiations (Buscaneanu, 2006: 32). Such comparison could prompt someone conclude about EU responsiveness during negotiations, especially on sensitive political topics. This might, however, be a premature conclusion, since this strategy, in turn, “strikingly resembles the European integration strategies” of the candidate countries from Central Europe (Ibidem). The EU, therefore, has chosen to be responsive on an issue, which had *already* been aligned with European approaches and practices. It would be more correct to view this apparent confirmation of the joint ownership principle as a *fuite en avant* – anticipatory adoption by Moldova of conditionality-driven objectives formulated earlier, which is followed by the latter’s acceptance by the EU for inclusion in the Action Plan.

Diverging reform strategies

From the very beginning of their efforts to deal with the EU under the ENP, partner countries faced a dilemma, which is well known from the Eastern enlargement – that between transformation and integration, and between modernization and integration. In the medium term, the implementation of Action Plans was compared to that of other sectoral transformation and modernization strategies developed by other international agencies (UNDP, Council of Europe, etc.). This parallel made clear that while an Action Plan “takes EU legislation as ideal”, other strategies adopt “a more pragmatic approach” (Barbarosie & Barbarosie, 2005: 18). Possible discrepancies between such strategies – observed more than once during the Eastern enlargement – have an impact on the meaning, justification and application of the joint ownership principle. Since this notion is embedded in the concept of socialization of elites from ENP partner countries by demonstrating and convincing them that the political and economic reforms that the EU encourages/requires are good and beneficial for the countries in their own right, diverging signals sent to these elites by means of different strategies might make them think twice when making their political cost-benefit calculus and thus, in some cases, undermine their commitment to sharing responsibility for reform and, in particular, to advancing bilateral relations with the EU along the path of the Action Plans. Where such comparisons and calculations diminish partners’ commitment, they could be overshadowed only by a powerful political incentive – which, unfortunately, the ENP lacks.

Prudence about internal market regulations

Translating the commitment to joint ownership at rhetorical level into practical policy might be a problem. Both the government and NGOs in Georgia recognize that introducing EU internal market regulations – an obligation deriving from the Action Plan – will inevitably face difficulties of implementation, which are both ideological and practical. First, as in the case of Central Europe in the 1990s, the sway from central planning to liberal economic policies has led to minimizing the role of the state in the economy as an instrument for improving the business environment and for curtailing corruption. Second, reducing state regulations is undertaken because “at the moment the government cannot ensure the implementation of effective control on internal markets” (OSF-Georgia, 2007: 20). This brings Georgia’s government to the conclusion that “full implementation of EU requirements regarding internal markets,

[which] is associated with increasing of state regulations, will hinder economic activities in the country at this particular stage” (Ibidem).

Sustainability of reforms

A last – and probably the toughest – question regarding partners’ commitment to reforms at a general level concerns the sustainability of reforms (Helly, 2007: 114). After only a couple of years of experience from the engagement in a comprehensive relationship with the EU under the ENP, and in a situation where the enthusiasm of the “colour revolutions” is beginning to cool, the question of a continued ownership of the reform agenda will become ever more relevant and is likely to directly affect Action Plan implementation. In a medium-to-long-term perspective, this problem pushes political elites in most of the EU’s ENP partners in the East towards seeking a stronger anchor, resource and legitimator of reforms – that of upgrading the Action Plan format to a new contractual relationship.

Strengthening democracy and protecting human rights

On more than one occasion in the Action Plans, the application of joint ownership leads to a softened language of commitments and to implementation instruments (e.g. benchmarks) that are “not precise enough and diluted in diplomatic formulations” (Tulmets, 2006: 36). That is exactly the case with democracy promotion and respect for human rights as a key priority in the Action Plans. Moldova and Azerbaijan offer two examples showing a maximalist and a minimalist view on how democracy should be strengthened and human rights protected. Thus, Chisinau is expected to conduct parliamentary elections “in accordance with European standards” (Commission..., 2004b) (strict language), while Baku has to do the same “in line with international requirements” and has to respect human rights “in compliance with international commitments of Azerbaijan” (Commission..., 2006c) (vague and general language). These geographic extremities in the Eastern neighbourhood illustrate, respectively, a stringent and a relaxed interpretation of domestic responsibility for political reforms. The degree of receptiveness of national political elites to the EU’s transformative power and their willingness to adopt (or dilute) democratic ways of doing politics is hereby explained by geopolitics in terms of location (proximity for Chisinau and remoteness for Baku), but also in terms of resources (oil-rich Azerbaijan).

While passing from a spatial to a temporal comparison, we should consider support provided by civil society for the cause in question. First, in August 2005, the recommendations of Georgian NGOs prepared in anticipation of bilateral EU-Georgia talks on the ENP Action Plan argued in favour of a clear and unequivocal priority of reforms aimed at human rights protection and the strengthening of democracy and the rule of law. This policy field is placed higher even than the issue of the resolution of territorial conflicts in Abkhazia and South Ossetia. (OSF-Georgia, 2005) Second, in September 2007, the big ENP conference held in Brussels saw NGO representatives from Eastern and Southern neighbours alike to ardently criticise the Commission (president Barroso and commissioner Ferrero-Waldner) for omitting democracy and human rights when they shared their strategic approaches to the strengthened ENP.³⁰

Conflict resolution

³⁰ See Barroso (2007) and Ferrero-Waldner (2007a).

Most of the EU's Eastern ENP partners regard conflict resolution as a matter of top priority and have logically invested every effort in convincing the EU to share their concerns.³¹ There are some distinctions in the views developed by each country on the interdependence between the frozen conflict(s) it suffers from and the ENP framework. In Tbilisi, the consolidation of international support for the restoration of territorial integrity is “the number one strategic goal” of Georgia’s foreign policy, and the ENP mechanisms must be used in order to involve the EU as “guarantor and facilitator” in conflict settlement. (Georgia’s MFA press-release, 2006.12.26) For Chisinau, the settlement of the Transnistrian conflict is seen as a goal of primordial importance, which stands higher than – and independent from – the implementation of the ENP Action Plan (Gheorghiu, 2005a: 8-9). Such an understanding of the gravity of problems explains why ENP partners support EU initiatives in the area – e.g. the EU Border Assistance Mission in Transnistria, or the fact-finding mission sent by the Commission in January 2007 to study the possibilities of implementing the Action Plan in Georgia’s secessionist provinces (Bezhushvili, 2007a) – but are skeptical about the credibility of EU commitments (Gheorghiu, 2005b: 3). As Helly (2007: 114) points out, “disappointment from the EU’s lack of engagement in conflict resolution may result in disillusioned ownership, followed by lack of progress and stagnation in EU-Eastern neighbours relations”.

4.4. Strategic incentives and disincentives for joint ownership

Action Plan implementation has entered a decisive stage for all Eastern partners. All five countries have already gathered at least some experience within the ENP, and have tested the opportunities and the limits of application of the joint ownership approach. Following the Commission’s communication of December 2006, joint ownership and shared responsibility will be further developed in the context of re-launching a strengthened policy that is meant to increase the offer to neighbours. At the same time, both temporal and spatial factors and considerations will influence the relevance and the viability of this approach.

Through a temporal prism, looking beyond the current Action Plan horizon will be important. Setting the stage for the next phase in bilateral relations with the EU will certainly act as a positive or negative incentive for any of the five countries in the area, and, in its turn, the next format of relations will depend on the successful implementation of the current sets of priority objectives and actions.

- The *absence of a membership perspective* will exert a negative influence, as it did before, on the Eastern partners’ desire to take more responsibilities and bear a heavier burden of reforms under the ENP. On the other hand, a slightly softer tone in the Commission communication of December 2006, which confirms that the ENP is distinct from accession but does not prejudge the EU’s future relationship with Eastern neighbours on the basis of “treaty provisions”, might help to avoid the alienation of Eastern partners and decrease their vulnerability to competing pressures.
- A movement toward a *new comprehensive contractual framework* in the medium term could serve as a positive incentive for Eastern partners to embrace the Action Plan agenda to the fullest, make more substantive commitments with regard to

³¹ See item 4.2. above.

internalising community policies and legislation, and work hard towards delivering on such promises. Indeed, not all five ENP partners are equally interested to step on this path, Azerbaijan being obviously quite cautious, and Armenia preferring to step-up efforts on Action Plan implementation.³² Yet for Ukraine, Moldova and Georgia the debate about a new agreement grows in significance on their national foreign policy agendas to the point of almost totally eclipsing (in the case of Ukraine) ENP-related topics. Kiev, for example, openly states that it “cannot accept the ENP in its bilateral relations with the EU” (Shpek, 2007). However, any of the EU’s Eastern partners wishing to upgrade its legal basis of relations with the Union should be fully aware that an eventual failure to implement the Action Plan will seriously undermine its negotiating positions in a post-PCA environment (Popescu, 2006: 11).

Through a spatial/geopolitical prism, too, the ENP Action Plan agenda could either positively or negatively influence the Eastern partners’ commitment to shared responsibilities.

- Depending on its geopolitical environment, each partner country has its preferential *formats for regional cooperation*. For some neighbours (e.g. the South Caucasian states) EU support for specific frameworks (BSEC) is consistent with their bilateral ENP agenda. Other neighbours, as Moldova, might find this policy as a restraint for their aspirations to shift their geopolitical positioning and join a more attractive gravity centre, such as South Eastern Europe. (Gheorghiu, 2005b: 3) In the latter case, this spatial disincentive for joint ENP ownership will obviously clash with possible domestic incentives. In yet different settings, where the EU is neutral to a specific initiative for regional cooperation (e.g. GUAM), no particular synergies pushing towards more shared ownership should be expected.
- Analysts who consider different national debates on the ENP share similar views on *the Russia factor* as being an important incentive for enhancing joint ownership, with the possible exception of Armenia. For Gheorghiu (2005b: 6) strengthening cooperation with the EU under the ENP and bypassing other ENP partner countries in successfully implementing the AP is motivated to a significant degree by the increasing awareness of the imperative for Moldova not to allow “keeping Russian influence” further in a CIS framework. According to Georgian NGOs, the voluntary character of the ENP makes it “substantially different from the integration approaches that Russia offers to the Commonwealth Independent States” (OSF-Georgia, 2007: 8).

5. Actors’ involvement and joint ownership

Discourse and analysis on the concepts of participation and joint ownership does not go very much beyond “consultation of national public and private actors”, although its importance in terms of socialization is correctly seen as key for “an effective internalisation and respect of [EU] norms and values” (Tulmets, 2006: 38). The variety of actors within the societies of Eastern ENP partners is far greater than the current outreach of policy, so the success of the ENP depends very much on the degree to which it is “owned” by specific actors in the five countries.

³² Interviews at the Mission of Armenia to the EU, September 2007, Brussels

Civil society rightly receives (also in this paper) the lion share of attention in discussing ENP implementation. Other specific actor groups – business associations, minorities, diasporas, local and regional authorities, etc. – have their potential role, too.

5.1. What civil society actors?

The development of civil society in the Eastern ENP countries in the specific field of European integration and relations with the EU followed the basic patterns observed, first of all, in the countries of Central Europe, and, in a national setting, in other spheres of activity, such as environmental action, social affairs, human rights, anti-corruption, etc. The following trends, which were not specific for the civil society circles dealing with EU affairs, could be useful in understanding the involvement of the NGOs in the ENP process:

- “*outside-in*”: thanks to Western (European) influence, with foreign technical and financial support and encouragement, extensions of Western (European) NGO networks (such as Soros’s “Open Society” network, German political foundations, the “Eurasia” foundation, etc.);
- “*top-down*”: NGOs set up under the influence and/or with the participation of the elite, either because the rapid turnover in the political life of these countries makes civil society an option for a safe haven in the periods out of power, or because of publicity purposes; According to an Armenian high ranking official, the switch between power positions and NGO activities for some politicians can be part of the political process, whereby they seek shelter in civil society and, with the “mentality of the insulted”, they take a priori critical attitudes to government, irrespective of objective facts and realities.³³ An interesting example of the second trend is the National Movement for European integration in Azerbaijan, which was created in order to give civil sector legitimacy of the process of EU-Azerbaijan relations.
- “*inside-out*” and “*bottom-up*”: such actors are the result of home-grown initiatives, which usually have sector-specific, or even issue-specific activities, and seek building networks or coalitions (e.g. the coalition “ExpertGrup” and the ADEPT association in Moldova) for better access, broader coverage and reach-out. These are usually small NGOs with limited capacities and financial backing, which are made to cooperate in order to produce an impact. Their coalition-building efforts might develop a substantive body of knowledge in specific sectors, also in the field of European integration, and might, as well, become the nucleus of an influential network that is capable of legitimising the government. The recommendations of Georgian NGOs prepared in August 2005 in anticipation of bilateral EU-Georgia talks on the Action Plan were, in fact, among other things, a legitimizing exercise, insofar as they provided a sufficiently broad membership base (signed by representatives of 76 NGOs) (OSF-Georgia, 2005).

It is difficult to go beyond the institutional inter-face of an NGO and determine if it belongs to the genuine civil sector or not. One has to know the people, enter the network proper, enter in partnerships or project activities, etc., in order to make a conclusion if this is a real NGO or a GONGO (Government-Organised NGO). More

³³ Interviews at the Mission of Armenia to the EU, September 2007, Brussels.

important is the factual contribution of these NGOs relations with the EU, European integration and to the implementation of the EP, in particular.

5.2. Intensity of civil society involvement

The strongest criticism about the lack of transparency of the Action Plan negotiation process between the Commission and Moldova came from civil society. “The negotiation process was not very transparent and did not involve wide layers of Moldovan society. The Moldova-EU Action Plan was negotiated without public participation and under minimally transparent conditions.” (ExpertGrup and Adept, 2006: 11) This evaluation of the launching phase of the ENP process is telling about the “slow mobilisation of NGOs” in the Eastern EU neighbours (Popescu, 2006: 7). In fact, the Moldovan government encouraged the involvement of NGOs in debates about the ENP Action Plan and invited civil sector representatives for briefings on two occasions during the negotiation process.

The intensity of involvement of civil society in the ENP process gradually became more pronounced – with more frequent events, which were of broader coverage in terms of number of participants, as well as of diversity of topics. The instruments of participation – websites, publications, media appearances, campaigns – also increased. Towards the start of the Action Plan implementation phase some of these activities – round tables, newsletters, analyses – took place on a regular (monthly, trimestrial or semestrial) basis.

It is important to note that the general evolution towards more permanent, diversified and complex involvement of civil society in the ENP process was subject to two essential factors – human potential and knowledge base, as well as funding. Practically all major activities, irrespective of their character (dissemination, monitoring, training) were project-based. While the lack of expertise on EU-related issues was gradually overcome in the civil sector, intensity and regularity (e.g. trimestrial monitoring) was utterly dependent on funding.

5.3. Roles of civil society in the ENP

The role of civil society in negotiating and implementing the ENP Action Plans is many-fold. Several role types, evolution of relations, and other relevant issues are considered below, but the analysis focuses on the **national context** within ENP partner countries. It does not deal with the role of NGOs coming from ENP partners in a **pan-European context**, which is less than modest. By way of example only, it is in order to quote the marginal role of NGOs in the process of agreeing and implementing the ENPI, which is probably this policy’s most substantive instrument.

Basic role types

Additional expertise

The lack of expertise and administrative capacity in the government was the rationale behind the invitation addressed to NGO representatives in several Eastern ENP partners (e.g. Moldova, Georgia) in drafting, together with civil servants, some of the strategic documents of the country on matters of European integration (ExpertGrup

and Adept, 2006: 5). In Ukraine the credit for the development of a methodology to assess progress in Action Plan implementation has to be given to an NGO (the Razumkov centre), as well (Popescu, 2006: 7).

Expertise displayed in the involvement of NGOs in the ENP is of a good quality. For example, the recommendations of Georgian NGOs prepared in August 2005 in anticipation of bilateral EU-Georgia talks on the elaboration of the Action Plan are characterized by a very detailed list of actions to be taken, covering over 200 recommendations for specific legislative proposals and government actions. (OSF-Georgia, 2005)

Co-negotiator with the EU

Moldova undertook an interesting initiative at the launch of its Action Plan talks with the EU – it wanted to involve NGO representatives to directly take part in the negotiations but was not allowed by the Commission.³⁴ Only one NGO expert (from the Institute for Public Policy) managed to sit at the table of negotiations, in his capacity of member of the government’s Committee for European Integration.

Dissemination of information and awareness raising

Most observers of the ENP, should they come from political circles, civil service or the third sector, agree that a major mission of NGOs at the negotiation and the implementation stage of Action Plans should be that they “go deep in society”.³⁵ The organization of discussion forums, training seminars, electronic or paper publications should be a priority field of action, in view of the low level of knowledge about the EU in society. Either informally, or by means of formal agreement – as the Memorandum between the government and civil society signed in Chisinau in spring 2007 (MFA-Moldova, 2007) – awareness raising and dissemination of information is formulated as an important mission for third sector organisations.

Monitoring

Civil society participation in monitoring Action Plan implementation is a relatively new “profile” for NGOs in Eastern EU neighbours. It has taken place on a regular basis most notably in Moldova, and has been established as an important activity in Georgia and Ukraine, although with a lower degree of frequency.

Monitoring in Moldova is ensured by the publication of a “Euromonitor” quarterly by the Association “ADEPT” and Expert-Grup with six issues published by the summer of 2007 (ExpertGrup and Adept, 2007), and a monitoring report within the project “Euroforum” initiated under the auspices of the European Initiative programme of the Soros Foundation – Moldova. The involvement of civil society in monitoring how the Action Plan is implemented by means of producing evaluation reports that are independent from those submitted by the government. This contributes to the formulation of realistic and objective conclusions about achievements and shortcomings in this process. Insofar as the Euromonitors, for example, are viewed as “more accessible to the wide public as well as more objective” (Buscaneanu, 2006: 43), they are instrumental in both serving as corrective of government policy and offering a knowledge base for a higher level of public awareness and a platform for debate about Moldova’s advancement towards rapprochement with the EU.

³⁴ Interviews at the Mission of Moldova to the EU, September 2007, Brussels.

³⁵ Interviews at the Mission of Armenia to the EU, September 2007, Brussels.

The recommendations of Georgian NGOs prepared (in August 2005) in anticipation of bilateral EU-Georgia talks on the elaboration of the Action Plan are characterized by a critical and open approach to government activities, which is not blinded by fascination over the recent rose revolution and demonstrates independence from opinions shared by official government representatives and a capacity for autonomous assessment of progress and shortcomings. (OSF-Georgia, 2005)

Civil society monitoring is accepted as indispensable by the governments of the three most advanced Eastern ENP neighbours – Moldova, Georgia and Ukraine, although the role of NGOs in disseminating information takes priority over their role in monitoring in the eyes of the civil service.³⁶ Nonetheless, criticisms contained in the monitoring reports slowly and gradually become integrated in the public debate on European integration, although the degree of their effective contribution varies.

Evolution of NGO-government relations

Relations between the governments of the Eastern EU neighbours and local civil society representatives can take a *different form* of interaction – they can be formalised in writing, for example by means of an explicit agreement fixing commitments (a special memorandum, as in the case of Moldova), or they can be informal and apply various deliberative modes (briefings, round tables, discussions, etc.). They can witness various types of *institutionalisation*. NGO representatives have quite often been co-opted in joint expert organs comprising both them and civil servants from different branches of the administration, which are assigned specific tasks under the Action Plan. A proposal for applying such a mixed model of institutionalisation was proposed at the early stages of implementation of Moldova's ENP Action Plan. (Barbarosie & Barbarosie, 2005: 9) The application of such a model of monitoring and evaluation could have been expected only to give government structures a dominant role in the whole exercise and to disown civil society of the opportunity to formulate and express an autonomous opinion on progress achieved and on shortcomings in meeting AP objectives. In contrast to that, institutionalisation meant to separate civil society from government in order to enable the civil sector to face public authorities, these are the coalitions of NGOs. Their major impact on relations with government is based on the possibility to generate a broader legitimacy base and thus raise the stakes of debate.

If placed along a timeline, these modes of interaction of NGOs with the government outline a trend towards a *slow growth of autonomy* of civil society from the government and a slow build up of a critical mass of public space for debate on ENP-related issues. This does mean the opening of more space for criticism addressed at government action on ENP matters, but does not mean automatically that such criticism can deliver concrete results. Logically, this trend is observed in those ENP partner countries that are most advanced in the process of transformation – Moldova (as analysed above), and to a certain extent Ukraine and Georgia.

Effectiveness of civil society involvement

The impact of the involvement of NGOs in Eastern ENP partners into the process of Action Plan implementation is difficult to assess in quantitative terms. That is partly due to the growing number and the multiplicity of proposals coming from civil society

³⁶ Interviews at the Missions of Moldova, Georgia and Ukraine to the EU, September 2007, Brussels.

on a wide spectrum of concrete ENP-related issues, and partly this is caused by the difficulty to trace the whole process of Action Plan preparation and implementation.

Yet, it is equally important to point at the qualitative impact of such involvement. On a number of key occasions of a high public significance and considerable degree of public attention, NGO intervention has induced changes in government positions on specific issues falling under the ENP. Such is the example of the public debate launched by Moldovan NGOs on the occasion of the government's failure to align itself to an EU declaration condemning the regime in Belarus (while the Ukrainian government had already aligned its position to that of the EU). Public pressure on the government to comply with the EU's approach, which lasted several weeks, finally did have an impact, and the next EU position on Belarus carried also Moldova's signature.

Civil society involvement in debating and/or deciding ENP-related issues does have a certain legitimising effect, but not to the extent that would allow significant shifts in EU positions. There, the power balance is not in the favour of the EU's Eastern partners. As noted by Helly (2007: 112), "the Georgian experience has shown that despite consultation with civil society and clear priorities set by the government, joint ownership is in the end the result of a negotiation where the EU is the strongest player".

5.4. The involvement of other actors in the ENP

NGOs are an important actor involved in the ENP in its Eastern dimension, but by no means the only one. Encouraging joint ownership of the ENP should also look at other actors having a factual or a potential role in furthering (or blocking) this process.

- The importance of *organized civil society at European level* – most notably that of the European Economic and Social Committee (EESC) – is growing, insofar as it removes the political underpinning of official bilateral contacts with EU institutions. The role of the EESC is significant especially in the South, but now more and more so also in the East.³⁷
- *Business circles*, represented by a special group of NGOs – business associations, are becoming more and more aware of the significance of deepening expertise on ENP issues and of developing a higher profile in interaction with governments within this policy. A good example of the attention paid to this group is given by Ukraine. Its government plans to emphasize active dialogue with the business community, with associations of producers, etc., while elaborating a consultative mechanism with civil society on negotiations with the EU about the new "deep free trade agreement".³⁸
- *Ethnic minorities and diasporas*, which are "shared" among Eastern EU partners (e.g. the Armenian minority living in Georgia), or between these partner countries and EU member states (e.g. the Bulgarian minority living in Moldova) are capable of participating in specific aspects of ENP implementation (Gheorghiu, 2005b: 5; Nikolov, 2005: 266), while discovering the potential of this policy for the well being of their communities. This group does not include minorities or diasporas that are involved in the frozen conflicts in one way or another, but, on the

³⁷ Interviews at DG "Relex" of the European Commission, September 2007, Brussels.

³⁸ Interviews at the Mission of Ukraine to the EU, September 2007, Brussels.

contrary, other ethnic groups, which could give positive examples of inter-cultural communication. The potential of these groups to espouse joint ownership and attempt to play a role in ENP implementation is dependent not on their numbers but on “the degree of socialisation and integration of a diaspora in the “host country” and the niche it occupies in its social stratification” (Nikolov, 2005: 266).

- *Local and regional authorities* should be accorded a separate place among societal actors in the Eastern ENP neighbourhood. They have established various networks for exchange but with little result. General calls for cooperation among these actors, which have been heard numerous times during the last decades, could and should be replaced by practical proposals in the ENP framework, such as the establishment of “Euro-regions” across borders in the ENP-East. This could cover, in particular, regions shattered by the frozen conflicts (Emerson, Noutcheva & Popescu, 2007: 21).

6. Conclusions and recommendations

6.1. Conclusions

Joint ownership is an essential approach in the ENP, which proves useful in reconciling two sets of EU foreign policy goals that converge or compete on the terrain of the Union’s neighbourhood – those making the EU a recognizable transformative power and those driven by more down-to-earth material interests. It is also effective in explaining the adaptation of the EU enlargement policy experience to the realities of the ENP by merging classical conditionality and socialization into “negotiated conditionality”. ENP actors perceive it from two different perspectives – as a pure instrument of deliberation (EU member states), or as part of hard give-and-take bargains (ENP partner countries).

Despite joint ownership, the ENP process did not prevent the EU from asserting itself as an actor dominating its neighbourhood, as regards both temporal aspects of relations, agenda setting and policy implementation. *Thanks* to joint ownership, the Eastern ENP partners managed to implant a non-negligible number of their own objectives for action, and even push them up the priority lists in some cases. This approach was left abandoned, however, together with differentiation, when national interests blocked the ENP process.

In the broader understanding of joint ownership, the focus on substantive commitments sharpens the sight in analyzing the asymmetrical relationship between the EU and its Eastern ENP partners. This notion brings into relief a number of cases of vague, imbalanced or failed EU commitments. On the side of the smaller partner(s), both the potential and the shortcomings of joint ownership are emphasized in an effort to legitimate and mobilize support for painful political and economic reforms in the Eastern EU neighbours and to obtain a stronger involvement of the EU in solving frozen conflicts as a key problem troubling the whole region.

Joint ownership was understood as a concept applicable not only to the ENP partners but also to civil society actors within them. The participation of NGOs was useful in

offering additional expertise, raising public awareness and serving as a corrective for the government in ENP implementation.

6.2. Recommendations

Enhancing joint ownership in the future development of the ENP is essential for the success of this policy. This could be done by taking horizontal steps, by focusing on structural and process-related aspects of the ENP and by advancing concrete proposals in specific policy areas.

General approaches

Develop a comprehensive approach to enhancing joint ownership

Apart from a few key phrases in Commission policy papers, this notion still lacks proper conceptualising. Academic attention bypasses it when debating more attractive constructs. Understanding about this approach diverges among EU actors and the Eastern ENP neighbours, and this only calls for more political and scholarly attention.

Differentiate ownership enhancement strategies between countries

Further differentiation, although in a common framework, is the buzz-word in discussions about the ENP's future. Grouping ENP partners in the East and in the South is already a reality, if not at political, at least at analytical level (Emerson, Noutcheva & Popescu, 2007: 10). The strategy to enhance joint ownership will have to be differentiated accordingly. The elaboration of ownership enhancement packages will have to take account of the distinction between countries that are demandeurs of the EU policy regime and the rest. (Missiroli, 2007) For the first group, it is essential to build upon their generally positive attitude, while for the second group enhancing joint ownership would not matter.

Offer ownership to a broader variety of societal actors

Policy ownership by societal actors is a concept that has to be strengthened. Civil society is a key actor in the East of the ENP, but is by no means the only one. Ownership will have to be offered in flexible ways to more differentiated groups, such as the business community, minorities and diasporas, organised international civil society, also local and regional authorities. A tailor-made empowerment has to guide policy makers in this exercise.

Clarify targets and upgrade rewards

Targets and rewards are the most important notions capable of injecting dynamism in bilateral relations within the ENP. Most criticisms in public debates and in academic literature have been directed at the insufficient clarity and precision, or even the absence of benchmarks, and at the insufficient attractiveness and significance of rewards. These are complex systems that vary from sector to sector, and they have their process-related dimension, as well, but the challenge to make significant improvements on this is horizontal and touches upon every segment of the relationship.

Use multilateral/regional formats

Power imbalances and asymmetries between the EU and its relatively weaker ENP partners in the East have stood behind the problematic application of joint ownership.

In addition to the general rationale in support of regional cooperation in the Eastern EU neighbourhood about the necessity to complement a bilateral and a multilateral approach, regional/multilateral formats help to also soften asymmetries by tilting the balance in the direction of a group-to-group relationship, and, therefore, enhance ownership.

Provide more demand-driven funding

The EU should consider providing more demand-driven funding for ENP partners. The EU will still profit from a general framework of agenda-setting and progress assessment where it is in the driving seat. It could and should more consistently seek to achieve institutional synergy with other transformation strategies (UNDP, World Bank) and employ softer yet better coordinated policy conditionality. Having these other tools at hand will mean that more demand-driven funding for ENP partners will not seriously affect the Union's capacities to have a financial lever on its Eastern partners' behaviour.

Structure and process

Prepare for upgrading contractual relations

The EU is already negotiating an “enhanced agreement” with Ukraine, which would embrace political dialogue, cooperation in the fields of foreign policy, external security and defence, as well as the area of freedom, security and justice. In the economic sphere it would also have a substantive component (“deep free trade”) spanning most of the “goods” and “services” content of the EU internal market regulations accompanied by provisions on infrastructure networks. This agreement should become a blueprint for future contractual relations with ENP partners that have proven their capacities for successfully conducting internal reforms and regulatory alignment.

Open some EU institutions to observers from partners

The time has come for the EU to make a step forward from “everything but institutions” to “not vote but voice”. Giving ENP partners to the East the possibility to get involved in the workings of some EU institutions will deliver a key political message of inclusiveness. Several options are available. Observers from the most advanced neighbours could be invited to attend the EU's deliberative bodies, such as the European Parliament or the European Economic and Social Committee, with varying rights of voice. Institutional openings at ambassador level could be considered for foreign policy and security (COPS). Furthermore, initiatives for socialisation could be extended from the current practice of meetings with foreign ministers (under the PCA Council) to some or most line ministers, along the lines of the “structured multilateral dialogue” that was offered to Central European countries.

Echelon regulatory alignment

Either without a linkage to the prospect for concluding a comprehensive “enhanced agreement”, or as a preparatory step to it, the EU should enhance assistance for willing and able ENP partners to make progress with regulatory alignment in selected sectors. Echeloning such preparation could profit from the brief experience of the Cannes White Paper on the internal market of 1995, which was instrumental in distinguishing at least two packages of legislation in each field. Without creating any obligation for the Eastern partners, the guidance given by the EU would serve as a

handbook in gradually bringing partners' legislation in separate industries closer to European legislation.

Make evaluation more transparent and predictable

Inserting a reasonable degree of transparency in the assessment procedures used by the Commission to prepare ENP progress reports will have the double positive effect of offering assistance and building trust. Issuing evaluation guidelines would provide essential orientation to administrations in ENP partner countries and, on the other hand, would take away part of the tension and develop a "we" language.

Policy fields

Step-up EU involvement in the resolution of frozen conflicts

Most Eastern EU neighbours consider frozen conflicts as their most serious preoccupation and have, therefore, repeatedly called for EU involvement in conflict settlement. The EU has had some modest successes (the BAM mission in Transnistria) and is testing the ground for more involvement in post-conflict rehabilitation (in Abkhazia). The long way to more direct involvement in crisis management should start by making an effort to produce a true European voice in each case, and, from an organisational point of view, by streamlining EU representation in different mediation formats.

Facilitate free movement of people

The process of agreeing visa-facilitation arrangements with one or another ENP partner on the East should be completed throughout the area. Situations where the patchwork of current visa facilitation creates tensions along internal borders of ENP partner states (as in Abkhazia) should be eliminated. Movement of people should be made considerably easier for a number of categories of citizens, with the possibility to proceed to a visa-free travel regime for most advanced partners.

Encourage partners' involvement in CFSP-ESDP

The EU's invitation to Ukraine and Moldova to align themselves to CFSP positions and declaration has already been extended to the Caucasus. A step further should be made by allowing also partners' participation in EU joint actions around the world. This appears to be the logical step, insofar as most ENP neighbours have already sent their troops to patrol shoulder-to-shoulder with their EU colleagues. More intensive cooperation in the CFSP-ESDP field could include some institutional elements (about institutions see above), or be developed into a full-fledged status of "security partners" (Grant, 2006: 67-68).

Develop bilateral roadmaps for partners' participation in EU agencies and programmes

Develop bilateral roadmaps for preparing partners' participation in EU agencies and programmes, on the basis of the Communication of December 2006 (Commission..., 2006f). While this document is neutral and static, these road maps should assist each ENP partner in its preparation and should provide for sufficient financial and technical assistance packages.

Bibliography

- ADEPT / Association for Participatory Democracy “ADEPT” (2004): *Democracy and Governing in Moldova*, electronic journal, Nos. 24, 26, 27, 32, Chisinau, Moldova, available at: www.e-democracy.md/en/e-journal/
- Armenia’s MFA press-release (2006.10.02): **Minister Oskanian Meets with EU Troika Delegation**, Yerevan, 2 October 2006, available at: <http://www.armeniaforeignministry.com/news/index.html>
- BALFOUR, Rosa and Antonio MISSIROLI (2007): **Reassessing the European Neighbourhood Policy**, European Policy Centre (EPC) – Brussels, EPC Issue Paper No. 54, June 2007, available at: <http://www.epc.eu/>
- BARBAROSIE, Arcadie & Catalina BARBAROSIE (2005): **EU-Moldova Actions Plan and the Economic Growth and Poverty Reduction Strategy Paper: Comparative Analysis**, Institute for Public Policy – Chisinau, and UNDP – Moldova, 2005, 75 p., available at: www.ipp.md
- BARBE, Esther (2007): **Europeanisation, Neighbourhood and European Foreign Policy**, in: NIKOLOV, Krassimir (ed.): **Adapting to Integration in an Enlarged European Union**, Bulgarian European Community Studies Association (BECSA), Sofia, 2007
- BARROSO, Jose Manuel (2007): **Shared challenges, shared futures: Taking the neighbourhood policy forward**, speech at the opening of the ENP conference, Brussels, 3 September 2007, available at: www.europa.eu
- BEZHUASHVILI, Gela (2007a): **Address by Minister of Foreign Affairs of Georgia at Tbilisi State University**, 24.01.2007, available at: http://www.mfa.gov.ge/index.php?lang_id=ENG&sec_id=95&info_id=3382
- BEZHUASHVILI, Gela (2007b): **Georgia’s Foreign Policy Agenda: Road to Europe**, Speech of the Minister of Foreign Affairs of Georgia Mr. Gela Bezhushvili at the European Policy Centre – Brussels, 16.05.2007, available at: http://www.mfa.gov.ge/index.php?lang_id=ENG&sec_id=95&info_id=4226
- BUSCANEANU, Sergiu (2006): **How Far Is the European Neighbourhood Policy a Substantial Offer for Moldova?**, Association for Participatory Democracy “ADEPT”, Chisinau, Moldova, August 2006, 61 p., available at: www.ipp.md
- Commission of the European Communities (2003), **Wider Europe – Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours**, Communication from the Commission to the Council and the European Parliament, Brussels, 11 March 2003, COM (2003) 104 final.
- Commission of the European Communities (2004a), **European Neighbourhood Policy – Strategy Paper**, Communication from the Commission, Brussels, 12 May 2004, COM (2004) 373 final.
- Commission of the European Communities (2004b): **EU-Moldova Action Plan**, Proposal for a Council Decision, COM (2004) 787, Brussels, 9 December 2004
- Commission of the European Communities (2004c): **EU-Ukraine Action Plan**, Proposal for a Council Decision, COM (2004) 791, Brussels, 9 December 2004
- Commission of the European Communities (2006a): **EU-Georgia Action Plan**, Proposal for a Council Decision, COM (2006) 623, Brussels, 24 October 2006
- Commission of the European Communities (2006b): **EU-Armenia Action Plan**, Proposal for a Council Decision, COM (2006) 627, Brussels, 25 October 2006
- Commission of the European Communities (2006c): **EU-Azerbaijan Action Plan**, Proposal for a Council Decision, COM (2006) 637, Brussels, 26 October 2006
- Commission of the European Communities (2006d): **ENP Progress Report – Ukraine**, Commission staff working document accompanying the Communication from the Commission to the Council and the European Parliament on strengthening the European Neighbourhood Policy, SEC (2006) 1505/2, Brussels, 4 December 2006
- Commission of the European Communities (2006e): **ENP Progress Report – Moldova**, Commission staff working document accompanying the Communication from the Commission to the

- Council and the European Parliament on strengthening the European Neighbourhood Policy, SEC (2006) 1506/2, Brussels, 4 December 2006
- Commission of the European Communities (2006f): **The general approach to enable ENP partner countries to participate in Community agencies and Community programmes**, Communication from the Commission to the Council and the European Parliament, COM (2006) 724, Brussels, 4 December 2006
- Commission of the European Communities (2006g): **Strengthening the European Neighbourhood Policy**, Communication from the Commission to the Council and the European Parliament, COM (2006) 726, Brussels, 4 December 2006
- EMERSON, Michael, Gergana NOUTCHEVA and Nicu POPESCU (2007): **European Neighbourhood Policy Two Years on: Time indeed for an ‘ENP plus’**, Centre for European Policy Studies – Brussels, CEPS Policy Brief No. 126, March 2007, available at: <http://www.ceps.be/>
- ExpertGrup and Adept (2006): **Euromonitor**, issue 1, European Union – Republic of Moldova Action Plan: Assessment of Progress in 2005, Association for Participatory Democracy “ADEPT”, Chisinau, Moldova, February 2006, available at: www.e-democracy.md
- ExpertGrup and Adept (2007): **Euromonitor**, issue 1/6, edition II, European Union – Republic of Moldova Action Plan: Assessment of Progress in 1st quarter of 2007, Association for Participatory Democracy “ADEPT”, Chisinau, Moldova, August 2006, available at: www.e-democracy.md
- FERRERO-WALDNER, Benita (2007a): **Opening Speech at the ENP conference**, Brussels, 3 September 2007, available at: www.europa.eu
- FERRERO-WALDNER, Benita (2007b): **Speech before the Foreign Affairs Committee of the European Parliament**, Brussels, 11 September 2007, available at: www.europa.eu
- Georgia’s MFA press-release (2006.12.26): **Concluding Press Conference for 2006 of Minister of Foreign Affairs of Georgia Gela Bezhushvili**, available at: http://www.mfa.gov.ge/index.php?lang_id=ENG&sec_id=461&info_id=3130
- GHEORGHIU, Valeriu (2005a): **Moldova on the way to the European Union: Distance covered and next steps to be taken**, Institute for Public Policy – Chisinau, Moldova, available at: www.ipp.md
- GHEORGHIU, Valeriu (2005b): **The EU-Moldova Action Plan: Negotiations and Implementation**, Institute for Public Policy – Chisinau, Moldova; Report at the International Conference “The International Experience of European Integration and Perspectives of Neighborhood Policy for Armenia” held on 3-5 November 2005 in Yerevan, Armenia, available at: www.ipp.md
- GRANT, Charles (2006): **Europe’s Blurred Boundaries: Rethinking Enlargement and Neighbourhood Policy**, London, Centre for European Reform, October 2006.
- GSTÖHL, Sieglinde (2007): **EU External Action: European Neighbourhood Policy**, pp. 19-31 in: CHANG, Michele, Eric DE SOUZA, Sieglinde GSTÖHL and Dominik HANF: **Working for Europe: Perspectives on the EU 50 Years after the Treaties of Rome**, College of Europe, *Bruges Political Research Papers*, No 4 / June 2007, available at: www.coleurop.be
- HELLY, Damien (2007): **EU’s Influence in Its Eastern Neighbourhood: the Case of Crisis Management in the Southern Caucasus**, pp. 102-117 in: *European Political Economy Review*, No. 7 (Summer 2007), available at: www.eper.org
- KRATOCHVIL, Petr (2006): **The European Neighbourhood Policy: A Clash of Incompatible Interpretations**, pp. 13-28 in: KRATOCHVIL, Petr (ed.) (2006): **The European Union and Its Neighbourhood: Policies, Problems and Priorities**, Institute of International Relations – Prague, 2006, available at: www.iir.cz
- LAVENEX, Sandra, and Frank SCHIMMELFENNIG (2006): **Relations with the Wider Europe**, *Journal of Common Market Studies*, vol. 44 / Annual Review.
- MANNERS, Ian (2002): **Normative Power Europe: A Contradiction in Terms?**, *JCMS: Journal of Common Market Studies*, vol. 40 (2), pp. 235–258.
- MANNERS, Ian (2004): **Normative Power Europe Reconsidered**, CIDEL Workshop “From civilian to military power: the EU at a crossroads?”, Oslo, 22-23 October 2004, ARENA – Centre for European Studies, University of Oslo, Norway, available at: www.arena.uio.no
- MFA-Moldova (2007): **Memorandum of Cooperation for European Integration**, signed between the Ministry of Foreign Affairs and 23 civil society organizations from the Republic of Moldova on 30 May 2007, text available at: <http://www.mfa.md/img/docs/memorandum-privind-cooperarea-in-procesului-integrarii-europene.pdf>

- MISSIROLI, Antonio (2007): **The ENP three years on: where from – and where next?**, European Policy Centre (EPC) – Brussels, EPC Policy Brief, March 2007, available at: <http://www.epc.eu/>
- NIKOLOV, Krassimir Y. (1998): **Political Dialogue in the Europe Agreements and Beyond**, pp. 52-74 in: NIKOLOV, Krassimir Y. (ed.): **Bulgaria in an Integrated Europe – Edition 1996/1997**, Centre for European Studies – Sofia, 1998, 168 p.
- NIKOLOV, Krassimir Y. (2005): **The European Neighbourhood Policy and Bulgaria – Challenges and Opportunities**, pp. 261-298 in: HAYOZ, Nicolas, Leszek JESIEN & Wim VAN MEURS (eds.), (2005): **Enlarged EU – Enlarged Neighbourhood. Perspectives of the European Neighbourhood Policy**. (Interdisciplinary Studies on Central and Eastern Europe, Vol. 2, ed. by Rolf Fieguth and Nicolas Hayoz). Bern: Peter Lang
- OSF-Georgia (Open Society – Georgia Foundation) (2005): **Recommendations on Georgia’s Action Plan for the European Neighbourhood Policy**, report prepared by a group of Georgian NGOs initiated and supported by the Open Society – Georgia Foundation, Heinrich Boell Foundation and Eurasia Foundation, Tbilisi, Georgia, 24 August 2005, available at: www.osgf.ge
- OSF-Georgia (Open Society – Georgia Foundation) (2007): **Georgia and the European Neighbourhood Policy: Perspectives and Challenges**, Policy Paper No. 8, report prepared by the Open Society – Georgia Foundation jointly with the NGO coalition “For transparency of public finances”, Tbilisi, Georgia, June 2007, available at: www.osgf.ge
- PARDO, Sharon (2005): **The Euro-Mediterranean Neighbourhood Space: Outline for a New Institutional Structure**, pp. 237–260 in: DI QUIRICO, Roberto (ed.) (2005): **Europeanisation and Democratisation. Institutional Adaptation, Conditionality and Democratisation in European Union’s Neighbour Countries**, European Press Academic Publishing, Florence.
- POPESCU, Nicu (2006): **The EU and South Caucasus: learning lessons from Moldova and Ukraine**, Centre for European Studies – Moldova, 6 April 2006, *EuroJournal*, available at: <http://eurojournal.org/>
- PRODI, Romano (2002), **A Wider Europe – A Proximity Policy as the Key to Stability**, speech of the President of the European Commission at the conference “Peace, Security and Stability – International Dialogue and the role of the EU”, Sixth ECSA-World conference, Jean Monnet project, Brussels, 5–6 December 2002.
- ROSE, Richard (1993): **Lesson-Drawing in Public Policy. A Guide to Learning across Time and Space**, Chatham (New Jersey): chatham House Publishers.
- SHPEK, Roman (2007): **EU neighbourhood policy through the eyes of a neighbor**, comment by Ukraine’s ambassador to the EU for “EUobserver”, 27 February 2007, available at: <http://euobserver.com>
- SMITH, Karen (2005): **The Outsiders: The European Neighbourhood Policy**, *International Affairs*, vol. 81, No. 4, pp. 757-773
- SMITH, Michael (2007): **Assessing the ENP: Some Preliminary Views**, CFSP Forum, vol. 5, issue 3, available at: www.fornet.info
- STETTER, S. (2005): **Theorizing the European Neighbourhood Policy: Debordering and Rebordering in the Mediterranean**, *EUI Working Papers*, No. 34/2005, European University Institute – Florence, Italy / Robert Schuman Centre for Advanced Studies, available at: www.iue.it
- STRITECKY, Vit (2006): **The South Caucasus: A challenge for the ENP**, pp. 59-76 in: KRATOCHVIL, Petr (ed.) (2006): **The European Union and Its Neighbourhood: Policies, Problems and Priorities**, Institute of International Relations – Prague, 2006, available at: www.iir.cz
- TOCCI, Nathalie (2006): **Can the EU Promote Democracy and Human Rights Through the ENP? The Case for Refocusing on the Rule of Law**, paper presented at the workshop “The European Neighbourhood Policy: A Framework for Modernisation?” organized on 1-2 December 2006 by the Law Department of the European University Institute – Florence, Italy, available at: www.iue.it/
- TULMETS, Elsa (2006): **Adapting the Experience of Enlargement to the Neighbourhood Policy: The ENP as a Substitute to Enlargement?**, pp. 29-57 in: KRATOCHVIL, Petr (ed.) (2006): **The European Union and Its Neighbourhood: Policies, Problems and Priorities**, Institute of International Relations – Prague, 2006, available at: www.iir.cz
- WOLFERS, Arnold (1962): **Discord and Collaboration: Essays on International Politics**, Baltimore, John Hopkins University Press.