Summary: This study explores the EU “value diffusion strategy” included in its foreign policy, seen through the European Neighborhood Policy (ENP). The main argument is that the ENP can be seen as a framework through which the EU is trying to diffuse its common values and norms. Instead of offering a future EU membership as the main “carrot” for reforms – an efficient instrument to diffuse its values to neighboring European states – it is trying to exert influence by other means, such as using discursive practices, opening up EU agencies, programs and policies for the participation of the partner countries, granting financial aid, as well as by institutionalizing the relationship. Mainly positive conditionality is present, aiming at promoting norm compliance and reforms by the partner countries. However, negative conditionality may be applied as well.

1. Introduction

Despite the recent launch of the European Neighborhood Policy (ENP), it has already developed substantially: Action Plans have been adopted towards a majority of the partner states involved and a new financial arrangement – the European Neighborhood and Partnership instrument – has recently entered into force.

The ENP addresses three groups of neighboring states that currently do not have an EU membership potential, namely the East European states of Ukraine, Moldova, and Belarus (and to a lesser extent Russia); the ten non-EU Mediterranean states; and the three Southern Caucasus states of Armenia, Azerbaijan and Georgia. By the sharing with the partner countries involved a set of common EU values, this developing EU policy aims at promoting political, economic and institutional reforms in the countries concerned, which in turn would prevent the creation of new dividing-lines in Europe, and at increasing European security, stability and prosperity.

In the European Parliament’s Resolution on the ENP, from January 2006, it is written that “... the development of the European neighborhood policy depends very substantially on the will of the neighboring states and their peo-

---

1. An earlier version of this study was presented at the UACES 36th Annual Conference, University of Limerick, September 2006.
pies to share the same values as those on which the European Union is based."2

This description is similar to the one in the not yet ratified Treaty establishing a Constitution for Europe (Article 1-57). This study aims at going behind those words and exploring the EU’s export of common values and norms included in its foreign policy, seen through the ENP. The main argument is that the ENP can be seen as a framework through which the EU is attempting to diffuse its common values and norms. Instead of offering a future EU membership as the main “carrot” for reforms – the most extensive and comprehensive instrument the EU possesses in order to diffuse its values to neighboring European states – it is trying to exert influence by other means, and it still seems to seek compliance with conditions similar to the Copenhagen membership criteria. In this study, I argue that discursive practices included in for instance EU regulations, Commission documents and European Council declarations seem to play a significant role, besides a more explicit applicability of conditionality, in which persuasion seems to dominate over coercion.

The study first addresses the international identity of the EU and illuminates, what I would like to label, the EU “value diffusion strategy” by identifying a set of common EU values to which the Union seeks compliance by third states through various means. Second, the nature of this “value diffusion strategy” is assessed within the context of the ENP, where the focus is on the formal development of the policy in official texts and speeches by EU actors.

2. The EU’s “normative” international identity and active value promotion

The EC/EU’s international identity has since the 1970s, often been described as a soft or “civilian power.” This concept, first developed by Duchène,3 is employed to define the EU as a rather unique international actor – strong in economic terms but weaker in military forces – whose strength lies in its ability to encourage stability through economic and political means (trade agreements, foreign aid, granting EU accession), as well as discursive practices. This can be seen as a “carrot and stick” policy, without the use or threat of military means, which is the case for “military powers.”4 However,

as stressed by Smith,\(^5\) with its developing military dimension, one can say that the EU actually finds itself "somewhere along a spectrum between the two ideal-types of civilian and military power."

Building on the civilian power concept, Manners\(^6\) argues that "the most important factor shaping the international role of the EU is not what it does or what it says, but what it is," namely a "normative power." The EU is not only constructed on a normative basis, but this also makes it act in a normative manner in international politics.\(^7\) The articulation and validation of norms and values at the EU level is a particularly important aspect of EU identity formation. Hence, the stronger the member-states agree on the fact that the EU is constructed on a number of common values such as human rights and democracy, the harder it is to deny that the EU also has to play an active role in its foreign policy in the defense and promotion of these values. Thus, for a normative power, values and norms are important elements when it comes to its social and political behavior; including its external activities.\(^8\)

A realist might argue that it is only because the EU does not have the means to be anything else that it chooses to be a civilian power, and that it is difficult for the EU to spread its values if it cannot or is unwilling to exercise more coercive military power. However, the EU may actually deliberately act in this way because it thinks it ought to do so. Thus, abstaining from using military power, as noted by Sjursen,\(^9\) "does not necessary have to be a sign of weakness." Instead, a "hard" militarization of the EU can actually harm its normative connotation.\(^10\) There are other characteristics that are important if the EU could be labeled a "normative power." First, as noted by Bicchi,\(^11\) a normative power is based on the universal character of the values that are promoted; values promoted should not just be EU-specific but rather universal (see further below). Second, it is based on inclusiveness; external actors affected by EU foreign policy should be allowed (in theory or practice) to play a role in the foreign policy-making process. Third, it is based on institutional

---

11. F. Bicchi, "'Our size fits all': normative power Europe and the Mediterranean.\textendash; ixibid., p. 289.
Reflexivity; EU foreign policy-makers should make a conscious effort to critically analyze the expected consequences of value promotion for all parties involved and adapt EU foreign policy accordingly. In addition, for the EU’s international identity as a promoter of some identified values to have a specific impact on EU foreign policy, the EU needs to specify standards of what constitutes “appropriate behavior” for particular foreign policy situations. However, as Sedelmeier argues, this particular element of EU identity is rather diffuse. The behavioral prescriptions that it entails might not clearly lay down a particular course of action for a given situation, with implications for the mechanisms through which EU identity affects its foreign policy. Fuzzy norms create scope for interpretation about what the “right” course of action might be in a particular situation.

2.1 The common values of the EU

Despite the fact that the values that define the international identity of the EU are certainly not uncontested (both inside and outside the EU), Manners has identified five “core” values that have become institutionalized since the beginning of the integration process: the centrality of peace, the idea of liberty, democracy, the rule of law and respect for human rights and fundamental freedoms (the latter four are seen as the EU’s founding “principles” “common to the member-states” in Article 6 TEU). In addition, four “minor” values are added: social solidarity, equality, sustainable development and good governance. In the context of the EU’s foreign policy, the five “core” values reflect the general principles of law that emerged as a component of foreign policy in the late 1980s and early 1990s. As noted by Cremona, “This process emphasized the legal, political and moral values that make up the European identity, particularly the principles of representative democracy, the rule of law and the respect for human rights.” These belong to the EU membership criteria (via the link between Articles 6 and 49 TEU) and form the basis of the “essential elements” clauses introduced into Community agreements from the mid-1990s (see further below). In addition, since the Treaty of Maastricht, two external policy areas – development cooperation and the CFSP – include among their objectives the explicit promotion and safeguarding of these “core” values (see Article 177 TEC and Article 11 TEU).

The Constitutional Treaty develops the external dimension of the Union’s common values, which now are more numerous compared to Article 6 TEU:

14. “Good governance” is not yet included in the treaty base, but is implicit in the Copenhagen criteria.
respect for human dignity, liberty, democracy, equality, rule of law and respect of human rights, including the rights of minorities (Constitution for Europe, Article I-2). All of the Union's external action (not just the CFSP and development cooperation, but also the commercial policy, in association agreements and defense matters) "shall be guided by, and designed to advance in the wider world, the principles which have inspired its own creation, development and enlargement" (Constitution for Europe, Article III-292). These principles reflect the above-mentioned values and objectives set out in Articles I-2 and I-3, and are linked to the Union's "core" values. The fact that enlargement is linked to the common values is, according to O'Brennan a clear manifestation of the EU's normative international identity and highlights the ways in which the EU uses enlargement as a vehicle for the democratization and Europeanization of candidate states. 17

One may argue that these values are EU-specific in the sense that they during the past have become institutionalized in the Union, which is the view of Manners. 18 However, whilst some values indeed are more clearly defined by the EU, others reflect the influence of universal values through what Smith labels "normative globalization." 19 The EU has a particular interpretation of these values into principles that guide its concrete foreign policy actions. 20

2.2 The EU "value diffusion strategy"

An international actor may diffuse its values either by positive measures of persuasion (cooperation and negotiations with third states in order to promote internal or external changes, and by offering or granting "carrots"/rewards) or negative measures of coercion (threatening with or imposing non-violent or violent "sticks"/punishment such as sanctions or military operations). 21 Whilst the process of value diffusion sometimes has been synonymous to the con-

17. The EU Charter of Fundamental Rights constitutes Part II of the Constitutional Treaty. Besides emphasizing both the "core" and "minor" values (except good governance), it also implies an external dimension in a number of its provisions. In Article II-62, for instance, it is stated that "No one shall be condemned to the death penalty, or executed." Since all member-states have ratified Protocol No 6 to the European Convention on Human Rights, the abolition of death penalty could be seen as an external EU objective to be promoted through the CFSP (J. Wouters, The EU Charter of Fundamental Rights: Some Reflections on its external dimension," Working Paper no. 3, Institute for International Law, K. U. Leuven: Leuven Faculty of Law [2001], pp. 4-6).
18. Manners, "Normative Power Europe: A Contradiction in Terms."
21. Values can, of course, also be spread to other political actors unintentionally, through imitation and borrowing. This is the case regarding the export of the EU's experiment in regional integration, seen for instance in the MERCOSUR and the African Union integration attempts.
cepts of colonialism, coercion and imposition related to military powers, a civilian power relies primarily on persuasion where discursive practices are important. Applied to the EU, there is still a reluctance to use negative measures (sanctions), because of a general skepticism among the member-states regarding the actual effectiveness of such measures, and because of the unwillingness to put at risk important commercial or strategic relations. Yet, some scholars argue that the EU possesses somewhat neo-colonial tendencies in its "mission civilisatrice" and in its attempts to promote "institutional isomorphism"; by projecting its internal characteristics into its foreign policy, the EU does not promote neutral norms – instead, these are rather EU-specific.

The EU "value diffusion strategy" is composed by different elements. The EU may use diplomatic instruments and discursive practices, such as political dialogues, démarches, international negotiations and public statements to spread its values to third states. Despite the fact that the EU institutions do not constitute uniform actors, they can still in this context be considered "norm entrepreneurs" as they engage in a range of activities, private and public, rhetorical and substantive, in order to emphasize EU norm compliance in third states. In other words, when the EU is acting as a "norm-maker" (exporter of values and norms), norm entrepreneurs (in this case EU actors) are trying to convince other international actors to adopt the common EU norms – to become "norm-takers" (importers of the norms diffused by the EU) – by using arguments and persuasion. In this process, EU values are emphasized in various communications and EU policy initiatives (for instance, from the EU Presidency or the President of the Commission), which may result in their diffusion. Value diffusion may also be the result of the physical presence of the EU in third states and international organizations, such as Commission delegations, embassies of member-states, election observations, monitoring operations, shuttle diplomacy, EU missions, and so on. Individuals on the ground, such as military or police personnel, can act as "norm entrepreneurs," creating possibilities for persuasion through communication and argumentation by building up a relationship of trust with local decision-makers.

The EU may also use economic assistance and institutionalization in order to promote reforms. The EU has developed various financial and technical assistance programs that support reforms in third states. In addition, the EU has a preference for concluding formal agreements with third actors, which together with the enlargement of the EU itself contribute to an institutionalization of the relationship. Regarding financial and technical programs as well as

22. Bicchi, ""Our size fits all,"" p. 293.
23. O'Brennan, "EU Enlargement to Eastern and Southeastern Europe."
25. See also Manners, "Normative Power Europe: A Contradiction in Terms?," pp. 244-45; Manners, "Normative power Europe reconsidered," pp. 4-5.
institutionalization, the EU may use both positive and negative political conditionality in order to promote value diffusion.

In 1995, the principle of conditionality became institutionalized as a human rights or "essential elements" clause in every development cooperation, association, trade and cooperation and partnership agreement signed with a third state. Today, conditionality is also included in the EU's financial and technical assistance programs, with an explicit legal base introduced by the Treaty of Nice of 2001 (in Article 181a (1)). The "essential elements" clause allows for measures (such as sanctions) to be taken if human rights and democratic principles are violated by the parties to the agreement. The EU's accession conditionality is probably its most efficient variant through which EU values are exported to states aspiring for membership. The membership conditions have developed and become more numerous since the Treaties of Rome and now include that of a European identity, the Copenhagen political and economic criteria, the absorption criteria, and that of good neighborliness. 27

3. Value diffusion in the European Neighborhood Policy

The EU value diffusion strategy is in the context of the ENP not based on a membership "carrot". With the lack of this incitement, it seems to consist of the following components: 1) value diffusion by discursive practices, where EU 'norm entrepreneurs' emphasize through arguments the importance of EU norm compliance by the partner states concerned; 2) value diffusion by offering the partner states participation in EU agencies, programs and policies 3); value diffusion by granting financial support to partners undertaking reforms and adopting EU values; and finally 4) value diffusion by the institutionalization of the relationship. The various ways in which the EU promotes its values in the partner states are often characterized by conditionality; especially the positive sort. However, elements of negative conditionality are also present as we will see in the following section.

3.1 Value promotion by discursive practices

The first embryo to the ENP was taken in August 2002, when a letter on the so called "Wider Europe" initiative was presented by Commissioner for External Relations, Chris Patten, and the High Representative, Javier Solana. The overriding objectives were presented as "stability, prosperity, shared [political and economic] values and rule of law along [the EU's] borders." The main aim was stated as "regional stability and cooperation, closer trade links

and approximation and/or harmonization of legislation and progressive extension of all relevant EU policies. In December 2002, what was now called the "Wider Europe – New Neighborhood" initiative entered for the first time the EU’s political agenda through the Copenhagen European Council. It now also included the non-EU Mediterranean states involved in the Euro-Mediterranean Partnership, besides the original geographical focus on Ukraine, Moldova, Belarus and to a lesser extent Russia. The three Southern Caucasus states, Armenia, Azerbaijan and Georgia were added in 2004.

It is repeated in a number of ENP related documents and in key speeches that the goal of expanding the area of security, stability and prosperity in Europe after the 2004 enlargement is to be reached by the promotion of a number of "shared values" in the partner countries concerned, including the rule of law, democracy and human and minority rights, and the commitment to the principles of market economy, free trade and sustainable development, as well as poverty reduction. Consistent commitments are also sought on certain essential concerns in the EU’s external action and by jointly addressing threats, including the fight against terrorism, organized crime and illegal immigration, non-proliferation of weapons of mass destruction and efforts towards the peaceful resolution of regional conflicts. This largely security related objective is reflected in the Commission’s Strategy Paper on the ENP from May 2004, which highlights the Union’s ambition to promote its common values in foreign relations. These are further presented as part of its own identity:

The Union is founded on the values of respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights. These values are common to the Member States in a society of pluralism, tolerance, justice, solidarity and non-discrimination. The Union’s aim is to promote peace, its values and the well-being of its peoples. In its relations with the wider world, it aims at upholding and promoting these values.

Besides this clear ambition to spread common EU values to neighboring states, the ENP is also based on explicit conditionality. As former President of the Commission Romano Prodi has expressed it, in order to prevent a situation in which the EU faces applications from all European states, some alternative beneficial provision should be offered to these countries instead of a

membership—"something more than a partnership but less than a membership"—for instance allowing them to share "everything with the Union but institutions." In return for political, social and economic reforms, and the more a neighbor is committed to common EU values, standards and principles, the more the country advances in the level of political and economic integration with the EU.

The EU's intended export of common values is very visible in relation to the Action Plans; the main operational instruments of the ENP. Action Plans supersede the common strategies but do not create any new legal obligations; the Partnership and Co-operation Agreements (PCA) and the Association Agreements currently in force continue to form the legal basis for the EU's contractual relations with the partners. The Action Plans include a number of priorities intended to strengthen the partners' commitments to rather detailed "shared" values and some foreign policy objectives. They cover priority measures for political and economic reform: political dialogue and reform; trade and measures preparing partners for gradually obtaining a "stake" in the Internal Market; justice and home affairs; energy, transport, information society, environment and research and innovation; and social policy and "people-to-people" contacts. Clear reform targets are set up and the further a partner is ready to go in taking practical steps to implement common values, the further the EU will be ready to go in strengthening the contractual links.33

Despite this clear conditionality it is however stressed that cooperation is based on the principle of "joint ownership." As stated by former Commissioner for Enlargement Verheugen,34 "Because we cannot impose our rules on the partners, they need to be convinced." The very meaning of this principle is that partner countries should be consulted and involved in the development of the policy, especially as regards the priorities for action included in the Action Plans. For instance, before presenting an Action Plan, the Commission holds exploratory talks with the country concerned. This is then approved by the respective Cooperation or Association Council. The Action Plans are thus agreed jointly with the neighboring countries concerned.35

However, it can be discussed how this principle, which looks good in theory, functions in practice. The ENP is by definition a Union based foreign policy initiative, in which the member-states naturally have more to say than "outsiders". One can discuss whether "outsiders" want to oppose the perspective of the EU when there is a dependency dimension involved between the donor and the beneficiaries. Some limitations of the principle of "joint owner-

ship" have already become visible. Since the Country Reports that are prepared in order to identify the priorities that should be included in the respective Action Plan are Commission documents, these do not apply the principle of "joint ownership." 36 Further, before they are forwarded to the Association or Cooperation Councils for approval, the Action Plans need to be adopted by the Council. This shows the primacy of the EU in the process, involving the partners only once Action Plans have been adopted by the member-states. 37 Moreover, the Commission is to draw up periodic reports on progress and on areas needing further effort, which shows again how reforms undertaken by the partners are judged by the Commission. Further, the Commission is to evaluate whether Action Plan priorities are met by the partners in its periodic reports on progress. If so, special European Neighborhood Agreements may be negotiated with the individual partners. This shows the influence of the Commission in evaluating whether a partner complies with EU values and reform targets so that contractual relations can move to the next stage.

3.2 Value promotion by offering participation in EU agencies, policies and programs

The EU has recently focused on the possibility by partner countries to participate in various EU programs, agencies and policies, coupled to the partners' fulfillment of various EU defined conditions. 38 Partner states' concrete involvement can take two forms: First, they may participate, gain observer status, or cooperate with specific agencies or other bodies that are involved in the management of Community policies. There are currently around thirty agencies or bodies, such as the European Maritime Safety Agency, the European Environmental Agency and the European Food Safety Agency etc. Participation will not automatically lead to membership of that agency, and partner states will participate without voting rights in its decision-making bodies. The prerequisites that need to be fulfilled in order to participate in activities in Community agencies include a full alignment with the EU acquis or the establishment of relevant national institutions with sufficient capacities. As expressed by the Commission, 39 "this will also constitute an effective means for promoting the convergence of ENP partners with EU norms, standards, best practices, and legal requirements." There is, in other words, an explicit aim of

36. Interview with H. Gerstbrein and Head of Unit A. Macdonald, European Commission, Directorate-General for External Relations, Deputy Director-General DGA-2 European Neighborhood Policy; Directorate D; General ENP coordination. Brussels, 11/03/2005.
projecting internal EU policies externally in order to promote prosperity, stability, and security in the neighborhood. The active participation of partner countries in various programs or agencies is seen as an instrument in order to promote reforms and EU norm compliance.

Second, partners may be included in the implementation of *internal programs* (e.g., the Competitiveness and Innovation Framework Program, the MEDIA 2007 program, the 2007-2013 Public Health Program, and so on) and *Community policies* (e.g., research & development, consumer protection, information society, competitiveness and innovation, and so on). The most unique part of the EU’s offer is probably the “stake” in the EU’s Internal Market, which also can be described as the most important ‘carrot’ involved to promote reforms and value conformance in the neighboring states. This means that partners are able to choose sectors in which they want to access the Internal Market, which is similar to the Union's current relations with the European Economic Area (EEA) states. Through EU assistance, partners will gradually participate in areas such as transport, energy, telecommunications networks, when they implement the necessary reforms to be able to benefit from it.

3.3 Value promotion by offering economic aid

In EU assistance programs there is a general stress on common EU values, and conditionality is rather pronounced. Up until the end of 2006, the ENP was based on the financial arrangements included in the TACIS Regulation towards the Eastern European states and Southern Caucasus, and the MEDA Regulation towards the Mediterranean partners. Article I of the TACIS Regulation states the aim of promoting the ‘transition to a market economy and to reinforce democracy and rule of law’ in the partner states concerned, whilst Article I of the MEDA Regulation stresses the importance to “reform their economic and social structures, improve conditions for the underprivileged and mitigate any social or environmental consequences which may result from economic development.”

---

40. Partners may also participate in EU military operations, which already is the case regarding the EU’s ALTHEA operation.
In January 2007, the Regulation establishing a new European Neighborhood and Partnership Instrument (ENPI) entered into force. The ENPI replaces a number of instruments that existed before, namely TACIS, MEDA and the INTERREG cross-border cooperation program, as well as a number of thematic programs, and now constitutes the main financial instrument, together with the new lending mandate of the European Investment Bank, to support the implementation of the ENP and the PCA and Association Agreements. The objective is to provide assistance in order to encourage the partners' commitment to a number of common values and principles. Article 1 of the ENPI Regulation – the “essential elements” clause – states that the EU is founded on the values of “liberty, democracy, respect for human rights and fundamental freedoms and the rule of law and seeks to promote commitment to these values in partner countries through dialogue and cooperation.” Also in Article 5, the commitment to human rights, democracy and good governance is stressed. One may thus argue that these are the values the EU considers the most important to export. In addition, the principles of market economy, open, rule-based and fair trade, sustainable development and poverty reduction are stressed.

Elements of negative conditionality are visible both in relation to the Strategy papers and the Joint operational programs involved. Strategy papers could be reviewed “whenever necessary”: “In the event of crises or threats to democracy, the rule of law, human rights and fundamental freedoms, or of natural or man-made disasters, an emergency procedure may be used to conduct an ad hoc review of strategy papers.” In addition, the connected Joint operational programs may be revised at the initiative of any of the participants or the Commission to take into account changes in cooperation priorities, socioeconomic developments, the results observed from implementation of measures concerned and from the monitoring and evaluation process, and the need to adjust the amounts of aid available and reallocate resources. Thus, both Strategy papers and Joint operational programs may be revised due to the break by any partner country of common EU values.

The Regulation also includes more explicit negative conditionality in the form of suspension of Community assistance. Article 28 states that

... where a partner country fails to observe the principles referred to in Article 1, the Council, acting by a qualified majority on a proposal from

44. The notion “partnership” in the name of the instrument refers to the particular EU-Russia Strategic Partnership. As the issues discussed in the Strategic Partnership are largely similar to those dealt with in the ENP context, and as Northern Dimension projects also may be financed through the ENPI, it thus also covers Community assistance to Russia.


46. Ibid., Article 9.
the Commission, may take appropriate steps in respect of any Community assistance granted to the partner country under this Regulation. . . . In such cases, Community assistance shall primarily be used to support non-state actors for measures aimed at promoting human rights and fundamental freedoms and supporting the democratization process in partner countries.

This possibility of suspension was, however, also included in the TACIS and MEDA Regulations (see for instance Article 16 in the TACIS Regulation). Article 28 also highlights how the EU puts emphasis on non-state actors in its foreign relations.

3.4 Value promotion by institutionalization

The most efficient way for the EU to increase the number of “norm-takers” in Europe is, as noted earlier, through the enlargement process, which institutionalizes the common EU values. This possibility is explicitly absent in the context of the ENP. However, the relationship between the EU and the ENP partners is being institutionalized in another sense; through the PCA agreements with the states in Eastern Europe and Southern Caucasus and the Euro-Mediterranean Associations agreements with the partners in the Mediterranean and the Middle East. These agreements institutionalize EU core values in their “essential elements” clauses that are included in Article 2 of each individual PCA and Association Agreement. This article states that the relationship is based on the “respect of democratic principles and fundamental human rights.” Regarding the European and Southern Caucasus states involved, the EU refers to the Helsinki Final Act and the Charter of Paris for a New Europe, and the OSCE documents, whilst the agreements with partners in the Euro-Mediterranean Partnership instead refer to the Universal Declaration on Human Rights. The PCA agreements also include the respect for the principle of international law (except the one towards Ukraine) and the principle of market economy (except the one towards Russia). In addition, in the Preambles of these agreements there are further references to the ‘common values’ that the parties to the agreements share.

Once the provisions included in the PCA and Association Agreements are fully implemented and when the priorities included in the ENP Action Plans are met by the individual partners, the next step could consist in the negotiation of European Neighborhood Agreements to replace the present bilateral agreements.47 These would most likely be based on the partners’ commitment to common EU values.

Despite the lack of a membership linkage, the EU is still using many of the tools and mechanisms involved in the pre-accession methodology with the same vast list of requirements to meet as the Copenhagen criteria and much of

47. European Commission 12/05/2004, p. 5.
the EU acquis, including: Country Reports (comparable to the Commission’s “Opinions” on candidate countries), Action Plans (similar to the Accession Partnerships), country Progress Reports (similar to the Progress Reports in the enlargement process), both positive and negative conditionality, twinning, legislative approximation, regulatory convergence and institution-building, exchanges of experience, technical assistance, as well as the possibility to participate in Community programs and agencies. Moreover, if European Neighborhood Agreements are developed, these can be seen as comparable to the Europe Agreements involved in the Eastern enlargement process, however lacking the membership linkage. This similarity to the pre-accession methodology may be explained by the fact that the institutional design of the ENP initially was shaped by the experience of the 2004 enlargement and in part by the same people involved, for example from DG Enlargement. This, despite the fact that the ENP is dealt with by DG External Relations.48

4. Concluding discussion: Value promotion without a “membership carrot”

When examining the documents underpinning the ENP and a number of related speeches, some elements seem to characterize the policy. The EU emphasizes repeatedly its identity as a “community of values,” and there is a firm determination to export those constituent norms and values to the partner countries involved through various means, such as by applying conditionality. The incentive structure for the partner countries involves the EU’s offer to them of a gradual participation in EU programs, policies and agencies, including a progressive involvement in the Internal Market, as well as financial and technical support, connected to the condition of solid political, institutional and economic reforms, and their strengthening of the EU defined “shared values.” This positive conditionality is coupled to a conviction that various reforms in the partner countries and their compliance with some EU framed values are bringing benefits in the form of increased European security, stability and prosperity, as well as the avoidance of a potential new dividing-line in Europe between “insiders” and “outsiders” after the eastern EU enlargement. Material interests are involved of both a geopolitical and economic nature. This can be interpreted from a rationalist perspective: the EU intentionally promotes its common values – which can be seen as rather EU-specific – for utilitarian purposes, because it expects to benefit in a material way – in both security, stability and economic terms – from their adoption.

However, the conditionality involved in the ENP not only constitutes a protective mechanism for ensuring that EU norms and values are adopted by

partners; it is also a rather logical manifestation of the EU’s self-reflexive identity as a “normative power”: as the EU acknowledges its firm basis in some common values and norms, it seems commonsensical that it attempts to promote those values in its external relations as well, which is very visible in the context of the ENP. The EU’s self-reflexive identity as a “community of values” thus influences its foreign policy behavior. The ENP may in this sense be seen as a case of socialization and to some extent Europeanization where the EU’s objective is to share a common set of values and norms with the partner states. One may accordingly conclude that not only economic or geopolitical calculations were behind the establishment of the ENP, but also a normative logic, influenced by the very identity of the EU. Insights from both rationalism and social constructivism seem to be complementary in the area of the ENP where geopolitical, economic and normative motivations are discernable. When approaching EU value diffusion and the normative connotation of EU international identity from a theoretical angle, a rationalist perspective may thus say something about bargaining between material utility-maximizing actors and calculations by EU policy-makers on which strategy is the most likely to advance the EU’s material interests in a given situation. However, this approach probably needs to be complemented with insights from social constructivism, which stresses the universal character of EU values that are inherently linked to the internal dynamics of the Union itself, and where EU policy-makers are asking what their particular role in a certain situation is and which obligations that identity prescribes for their appropriate behavior in this situation.

We have seen in this study that in order to be labeled a “normative power,” instead of imposing norms by coercion, it is important to promote universal values, to include the addressees in the policy-making structure, as well as to critically analyze the expected consequences of value promotion for all parties involved and adapt EU foreign policy accordingly. It still remains to be seen whether the ENP is based on institutional reflexivity; the implementation of the ENP has recently started (in 2005). However, the values promoted can be seen as universal and the EU stresses their universal character by describing them as being “shared” with the partner states. In addition, the EU also refers to international instruments and commitments in order to underline the universality of the human rights and democracy values involved, and perhaps also to make them more legitimate to promote. Among the values the EU is promoting in the ENP we find the five “core” values of the Union, which are rather well defined: liberty, democracy, the rule of law, and respect of human rights and fundamental freedoms (freedom of media, rights of mi-

norities and children, gender equality, trade union rights and other core labour standards, and fight against the practice of torture and prevention of ill-treatment). In addition to those “core” values, the EU also supports the reform of the judiciary and the fight against corruption and organized crime; the development of civil society; co-operation with the International Criminal Court; the principles of market economy, free trade and sustainable development; and poverty reduction. Some of these priorities can be related to the “minor” EU values of good governance, sustainable development, and to some extent also social solidarity. The “minor” value of anti-discrimination is also promoted. The partner states’ commitments are also sought to certain essential aspects of the EU’s external action, including, in particular, the fight against terrorism and the proliferation of weapons of mass destruction, as well as abidance by international law and efforts to achieve conflict resolution. Despite the fact that these primarily can be seen as foreign policy priorities, this latter aspect also belongs to one of the EU “core” values; that of peaceful resolution to conflicts.

Also the concepts of “joint ownership” and “partnership” denote the stress on the universality of the common values that are promoted. The concept of “joint ownership” also shows the inclusiveness of the ENP; the partners are indeed offered a role in the EU policy-making process, even if this principle could be more substantially developed. Despite this proposed inclusiveness, the political, economic and social reforms will still only be undertaken by the “outsider,” with the overall aim to promote increased security, stability and prosperity, reflecting primarily the interests of the “insider”.

The EU uses a number of means whereby it intends to export these common values. Through discursive practices, EU “norm entrepreneurs” try to persuade the partner countries to adopt the common EU values underpinning the ENP in various communications and key speeches. EU values are presented both as part of the Union’s identity in the sense of “shared values,” but also as specific EU foreign policy objectives in the framework of the ENP.

The EU value diffusion strategy towards the ENP partners includes a rather unique element in EU foreign relations, namely the EU’s offer to open up various EU agencies, programs and policies for the participation of the partner states. This is generally not offered to states that are not involved in the EU enlargement process (with the exception of the EEA states). However, it can be explained by the fact that the EU is applying the same methodology as is involved in the enlargement process towards candidate and potential candidate states. The most significant “carrot” involved is that of a “stake” in the Internal Market.

Another element in the EU value diffusion strategy is to offer financial support for reforms and norm compliance by the partner countries. The ENPI Regulation emphasizes the common EU values and involves rather explicit negative conditionality as Community funds may be withdrawn from specific partner countries if there is a violation to the common EU values.
A final means to diffuse values is through the institutionalization of the relationship. There are “essential elements” clauses involved in the bilateral agreements that currently constitute the legal basis of the relationship. This will most likely also be the case if European Neighborhood Agreements are concluded. Here, positive conditionality is made explicit. In order to develop a new generation of legal agreements in the form of European Neighborhood Agreements, the prerequisite is to fulfill the targets in the ENP Action Plans and all the provisions included in the current bilateral agreements.

One may conclude that the means used by the EU to diffuse its values include mainly positive conditionality: in order to be able to participate in EU agencies, programs and policies, to benefit from the PCA or Association Agreements, and to receive technical or financial support from the EU, the partner needs to comply with a set of common EU values, and to undertake reforms in a number of fields. Negative conditionality is, however, also included: financial aid may be restricted, redirected and even suspended, and the bilateral agreements may actually be cancelled if a partner violates the common norms of respect for human rights and democracy.

Yet, the most efficient instrument in order to export common values with relevance for the European ENP partner states is lacking. Since the ratification failure of the Constitutional Treaty in France and the Netherlands in 2005 – partly explained by the negative public opinion towards the scale and speed of the enlargement process – the Copenhagen criterion of “absorption capacity” is increasingly stressed in relation to ENP partners, and the debate on the limits of Europe has become more vivid.50 As a consequence, the European neighbors – Ukraine, Russia, Belarus and Moldavia – have been positioned in a separate category of neighbors; states that are not seen as EU candidates or potential candidates (like Turkey and the Western Balkan states), neither as definitely excluded from membership (like the non-European Mediterranean states). In this context, one should not forget Georgia, Armenia and Azerbaijan – states with primarily a Southwest Asian identity – although with a somewhat European inclination. Will this lack of a membership linkage affect the success of the ENP, which has been the case in previous initiatives? What are the possibilities for the ENP to be efficient in its ambitions? We have seen that political conditionality as a foreign policy strategy works better when membership is at stake. In the ENP, it still remains to be seen whether the balance of incentives versus obligation is sufficient to promote the partners to undertake reforms faster than otherwise would be the case. With the absence of a membership linkage, a deepened dialogue with the partner countries on

the very meaning and substance of the "shared values" as well as a more concrete application of the term 'joint ownership' would probably be beneficial for the success of the EU value diffusion strategy involved in the ENP.

References


Brussels European Council, Presidency Conclusions, 16879/06, 14-15/12/2006.


— Council Conclusions on Wider Europe – New neighborhood, 16/06/2003.
— Council Conclusions on the implementation of the Wider Europe – New Neighbourhood Initiative, 13/10/2003.

Haglund, A. "Shaping the EU's Relations to its 'new' neighbours: Exploring the relationship between the 'Northern Dimension' and the new developing 'Proximity Policy'." *Politologen*, Spring 2004, pp. 35-46.

Landaburu, E. "From neighborhood to Integration Policy: are there concrete alternatives to enlargement?" CEPS Conference "Revitalizing Europe," SPEECH, Brussels, 23/01/2006.


Interviews

Interview with H. Gerstbrein and Head of Unit A. Macdonald, European Commission, Directorate-General for External Relations, Deputy Director-General DGA-2 European Neighborhood Policy; Directorate D; General ENP coordination. Brussels, 11/03/2005.