

# Guest Editorial

## **Stronger Neighbourhood, Stronger Partnerships: A Revised European Neighbourhood Policy**

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The European Commission adopted a strategic Communication on a revised European Neighbourhood Policy (ENP) in November 2015. This is the culmination of a process launched by President Juncker at the start of this Commission's mandate. The past twelve months have seen extensive work as we consulted partner countries and Member States – not just governments, but civil society, the private sector, local and regional government, social partners, International Financial Institutions (IFIs) and others. The adoption of the review is just the beginning of a process in which we will make our policy more effective and more relevant to the most urgent concerns of the EU and its partners.

The ENP was originally devised to build an area of security, stability and prosperity around the EU following the enlargement of 2004. It was a period of optimism for the EU, which had succeeded in supporting the transformation of the countries of central Europe into democracies and market economies. The EU had proved its power of attraction and believed that it could now project its values and norms beyond its borders.

Without offering an accession perspective, the idea was to incentivize reforms. Those partners who made the greatest advances towards democracy, human rights and rule of law would receive more: not just more funding, but also other advantages including visa facilitation and visa liberalization and more opportunities for trade. This was the basis of the so-called 'more for more' approach. With some partners, this approach has succeeded in underpinning a will to reform. In the East, we have seen the implementation of far-reaching Association Agreements and Deep and Comprehensive Free Trade Areas (DCFTAs) and progress towards visa-free short-term travel. In the South we have supported countries in their demands for 'bread, freedom and social justice', in particular stepping up our work with Tunisia as it consolidates its democracy.

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However, not all our partners aspire to reforms in these areas, and the new ENP seeks to respond to this.

Today's neighbourhood is very different from ten years ago. New and protracted conflicts; political violence in the post-Arab Spring transitions; transnational terrorism; an aggressive Russian foreign policy which does not respect the sovereignty of Europe's neighbours and last but not least the very deep migration crisis have all increased instability in our partner countries and made the positive, transformational changes envisaged in 2004 much more difficult to achieve. That is why, at least, for the course of the current Commission mandate, we must make stabilization our principle goal in the new ENP.

The ENP will for now have a stronger security dimension. However, many causes of instability lie outside the security domain, and increasing resilience in other ways, notably through economic development, will be essential.

Under the overarching goal of stabilization, the Communication on the revised ENP sets out how we propose to work with our partner countries on our mutual interests:

*Good governance, democracy, rule of law and human rights:* The EU's own stability is based on human rights, democracy and rule of law, and the EU will remain committed to promoting these universal values. Working with partner countries to ensure the rule of law and effective justice systems will be key, as will be strengthening democratic governance. Supporting these fundamentals is a key EU interest. The challenge in the new ENP is to find more effective ways to work, and mutually-agreed formats for dialogue will be developed with each partner. Part of the answer will also lie in more intensive cooperation with civil society.

*Economic development:* Some of the challenges we face can only be tackled at their root in combination with more economic development. Whether we think of stabilizing migration, or of tackling radicalization, we need to help bring more opportunities to people and particularly to youth. This is why the new ENP will have a particular focus modernizing and diversifying economies, on youth employment and skills; on Small and Medium Enterprises (SMEs). We will offer partnerships for growth bringing together those who can best support our neighbours, from the private sector, from international financial institutions and others. There will be new opportunities to fund vocational training and intensified networks amongst students and professionals. We will continue to support the implementation of DCFTAs where our partners have chosen this route, but will offer new more flexible alternatives for those not able or willing to undertake a full DCFTA.

*Energy and climate change:* The EU's own energy security and that of its neighbours are very closely linked, and this is a key shared interest. Reduced dependence on foreign imports is an important contribution to increasing

resilience of some partners, and effective demand management, energy efficiency alongside development of renewable energies is important to economic and social stability in both the southern and eastern neighbourhood. We will work with the International Energy Agency to help identify barriers to investment in energy and how to eliminate them. On climate change we will work with partners on fulfilling their commitments under the Paris agreement.

*Security:* Perhaps the most significant new addition to the ENP will be a new focus security. This will include security sector reform; tackling terrorism and preventing radicalization; disrupting organized crime; fighting cybercrime; stepping up border security and Common Security and Defence Policy (CSDP) cooperation. Bringing these elements into the ENP will allow us to deploy all the EU's instruments together in a more coherent and strategic way.

*Migration and mobility:* Much work is already underway to build up stronger partnerships with our neighbours to ensure protection for those in need and tackle the root causes of irregular migration and forced displacement. Continuing to support countries – including regional partners beyond the neighbourhood such as Turkey – that host refugees and supporting those countries with internally displaced people will remain a key concern of the EU through the EU Syria Trust Fund and other mechanisms. However, the new ENP also aims to promote mutually beneficial migration and mobility. Consultations with partner countries confirmed the need to do more on supporting circular migration and work at better identifying skills gaps in the EU, and this will be a focus of discussions with both partner countries and EU Member States.

In order to achieve our goals in these areas and further the interests of both the EU and its partner countries, the following principles will be key.

*Differentiation:* This has always been a key principle of the ENP and we now need to do more to implement it in practice. Greater differentiation will require different styles of partnership with different neighbours. Those who want to seek deeper integration will continue to work with the EU on a large range of areas, while others who choose a more transactional relationship will have a narrower set of priorities based on agreed areas of shared interest. This will also be reflected in a new differentiated style of annual reporting on the partner countries, reflecting the nature of the partnership with each of them.

*Focus:* We will be consulting with each partner on the future character and scope of their relationship with us. The aim should be an agenda for cooperation that genuinely reflects shared interests.

*Ownership:* The ENP has too often in the past been perceived as something imposed by the EU and largely managed by the institutions. Greater differentiation and focus should help to increase the sense of ownership of partner governments. At the same time, EU deeper involvement of Member States will be encouraged,

both in the setting of priorities and their implementation. The consultation on which the review is based brought in over 250 contributions from a wide range of contributors in both Member States and partner countries and we need to build on the strong interest that this showed.

*Flexibility:* The European Neighbourhood Instrument (ENI) funds are an instrument for long-term reform, but many who contributed to the consultation stressed the need for more flexibility and a greater capacity to use EU funds rapidly to respond to changing circumstances. Some new practices will be introduced to facilitate this, as well as increased cooperation with other donors and investors.

Events of the past decade have shown that the neighbourhood is still key to the EU's interests. Feedback from the consultations showed an overwhelming desire to continue with the policy, and to maintain relations with our Eastern and Southern partners within the same framework. The Eastern Partnership will continue to be strengthened, and the EU will work on regional cooperation in the south through the Union for the Mediterranean wherever suitable. In addition to this, we will step up reflection on sub-regional cooperation, and work with partners beyond the limits of the neighbourhood when it is useful to do so in particular thematic areas.

There are limits to the leverage that the EU has in its neighbourhood. We should not expect that the ENP can provide the answers to all the challenges. However, I do hope that by focussing clearly on the interests of both sides, and offering opportunities to rethink relations, we can work for more effective partnerships that bring results.

# Editorial Comment

## Cooperation under Article 42(7) of the Treaty on European Union in Reaction to the Paris Attacks

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The terror attacks occurring on 13 November 2015 in Paris have shaken the European Union (EU) into action. The European Council officially declared four days after the events that the attack on France was an attack on all the Member States, and that therefore, in accordance with Article 42(7) of the Treaty on EU, all would aid France in the fight against terror at home as well as abroad. Since it was the first time in the history of the EU that Article 42(7) of the Treaty on EU was invoked, this calls for an explanation and a comment.

Article 42(7) provides in its first paragraph:

If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States.

Article 42(7) is a two-edged sword: it entails an obligation for all Member States to aid and assist the attacked Member State both domestically and abroad. This is important because the fight against terror has both internal and external aspects. In this comment we are concerned most of all with the external aspects. As regards the internal EU policies, suffice to say that a further legal basis is provided by Article 222 of the Treaty on the Functioning of the EU. That more specific article was not used by the European Council on this occasion, creating the impression that the invocation of Article 42(7) was most of all intended to bring about changes in the foreign policy of the European Council, although it can cover both domestic and foreign policy.

This being as it may, one may ask why the use of NATO in accordance with the first paragraph of Article 5 of the Treaty of Washington was dismissed. While

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