



Ministry of Foreign Affairs



The Dutch contribution to the European Neighbourhood Policy 2011-2017 | IOB Evaluation No. 425 | The Dutch contribution to the European Neighbourhood Policy 2011-2017 | IOB Evaluation No. 425 | The Dutch contri

# ***The Dutch contribution to the European Neighbourhood Policy 2011-2017***





# Preface

Given the current instabilities in its neighbouring regions, developing a foreign policy for the EU represents a major policy challenge. The Dutch government is committed to contributing to an effective, efficient and coherent EU foreign policy, including its European Neighbourhood Policy (ENP). To what extent has it managed to do so, and what can we learn from past experience to improve its contributions? These are the central questions in this IOB policy review of the Dutch contribution to the ENP, a policy framework which reflects many of the complexities and dilemmas of developing an effective overall EU external policy.

For several reasons, the period under review (2011-2017) was an important transition phase for the ENP. Firstly, the foreign policy innovations of the Lisbon Treaty started functioning. Secondly, in response to political turmoil in its neighbourhood, the EU initiated two ENP revisions, in 2011 and 2015. These reflected shifts in political thinking and in policy aspirations, culminating in the EU Global Strategy (June 2016), in which the ENP featured prominently.

Evidently, the contribution of a middle-sized member state such as the Netherlands to a more effective ENP can only be modest. For this reason, this evaluation assesses to what extent the Dutch contribution could be considered helpful for its effectiveness in an indirect manner, based on a prior assessment of the ENP's strengths and weaknesses. This analysis focused on the issues of conditionality, coherence, ownership and the role played by external actors. Based on this, the evaluation formulates recommendations to improve the Dutch government's future contribution to the ENP.

The policy review was conducted by policy researchers Bas Limonard (until December 2018), Tim Scheerder (until 15 March 2017) and Sam Streefkerk (from 15 March 2017 until August 2018). The research was supported by interns Fleur Sjaardema (July-October 2016) and Danique de Jonge (February-August 2017). Policy researcher Josine Polak revised the final draft report in 2019. The study was supervised by Arjan Schuthof.

In the reference group for this study, the Ministry of Foreign Affairs was represented by Johanneke de Hoogh, Dirk-Jan Kop and Adriaan Palm of the Europe Department, Luc Schillings and Bert Meijerman of the North Africa and Middle East Department, Huub Alberse, Sunita Verlinde, Blanche Voorneman and Pieter van den Berg of the European Integration Department, Rob Anderson and Manja Simons of the Political Affairs Bureau, and Bert Vermaat, Yvonne Stassen and Jaco Mebius of the Financial and Economic Affairs Department. Simone Zwijsen, Mahamed Xasan and Joris Blaauw represented the Inspectorate of the Budget of the Ministry of Finance. Independent members were dr. Max Bader of Leiden University and prof. dr. Peter van Elsuwege of Ghent University. The reference group gave valuable input for the Terms of Reference and commented on several draft versions of the report, for which IOB is very grateful. The internal IOB advisory group who provided valuable feedback consisted of Paul de Nooijer, Meie Kiel and Wendy Asbeek Brusse.

A word of thanks goes to the staff of the Dutch embassies in Tbilisi, Baku, Cairo and Tunis, for putting so much time and effort into facilitating IOB's country visits and for participating in interviews and briefing sessions. Their support during the evaluation was indispensable.

Over 200 people contributed to the policy review as interviewee. IOB is very grateful for their cooperation and their openness.

Final responsibility for this report rests with IOB.

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# List of abbreviations and acronyms

Abbreviation	
<b>AA</b>	Association Agreement
<b>AP</b>	Action Plan
<b>BTI</b>	Bertelsmann Transition Index
<b>BZ</b>	Ministry of Foreign Affairs of the Netherlands
<b>CA</b>	Cooperation Agreement
<b>CEPA</b>	Comprehensive and Enhanced Partnership Agreement
<b>CEPS</b>	Centre for European Policy Studies
<b>CFSP</b>	Common Foreign and Security Policy
<b>CGEA</b>	Commissioners' Group on External Action
<b>Coreper</b>	Committee of permanent representatives
<b>CSDP</b>	Common Security and Defence Policy
<b>CSO</b>	Civil Society Organisation
<b>DAM</b>	North Africa and Middle East Department
<b>DCFTA</b>	Deep and Comprehensive Trade Area (agreement)
<b>DCI</b>	Development Co-operation Instrument
<b>DG</b>	Directorate General
<b>DGES</b>	Director-general for European Cooperation
<b>DG NEAR</b>	Directorate-General for Neighbourhood and Enlargement Negotiations
<b>DGPZ</b>	Director-general for Political Affairs
<b>DIE</b>	European Integration Department
<b>DIE-EX</b>	External Policy division, European Integration Department
<b>DMM</b>	Multilateral Organisations and Human Rights Department
<b>EAEU</b>	Eurasian Economic Union
<b>EaP</b>	Eastern Partnership
<b>ECHO</b>	European Civil Protection and Humanitarian Aid Operations
<b>EDF</b>	European Development Fund
<b>EEA</b>	European Economic Area
<b>EEAS</b>	European External Action Service
<b>EIDHR</b>	European Instrument for Democracy & Human Rights

Abbreviation	
<b>EMP</b>	European Mediterranean Policy
<b>ENI</b>	European Neighbourhood Instrument
<b>ENP</b>	European Neighbourhood Policy
<b>ENPI</b>	European Neighbourhood and Partnership Instrument
<b>EU</b>	European Union
<b>EUR</b>	Euro
<b>EUSR</b>	European Union Special Representative
<b>GAMM</b>	Global Approach to Migration and Mobility
<b>GIZ</b>	Gesellschaft für Internationale Zusammenarbeit
<b>HoM</b>	Heads of Mission
<b>HR/VP</b>	High Representative of the Union for Foreign and Security Policy/Vice-President of the European Commission
<b>IcSP</b>	Instrument contributing to Peace and Stability
<b>IFI</b>	International Financial Institution
<b>IfS</b>	Instrument for Stability
<b>IMH</b>	International Trade Policy and Economic Governance Department
<b>INSI</b>	Instrument for Nuclear Safety Cooperation
<b>IOB</b>	Policy and Operations Evaluation Department
<b>IOM</b>	International Organisation for Migration
<b>IPA</b>	Instrument for Pre-Accession Assistance
<b>ISIL</b>	Islamic State of Iraq and the Levant
<b>LGBT</b>	Lesbian, gay, bisexual, and transgender
<b>MENA</b>	Middle East and North Africa
<b>MFA</b>	Macro-Financial Assistance
<b>MFF</b>	Multiannual Financial Framework
<b>NFRP</b>	Netherlands' Fund for Regional Partnerships
<b>NSI</b>	Nuclear Security Instrument
<b>PermRep</b>	Permanent Representation
<b>PCA</b>	Partnership and Cooperation Agreement



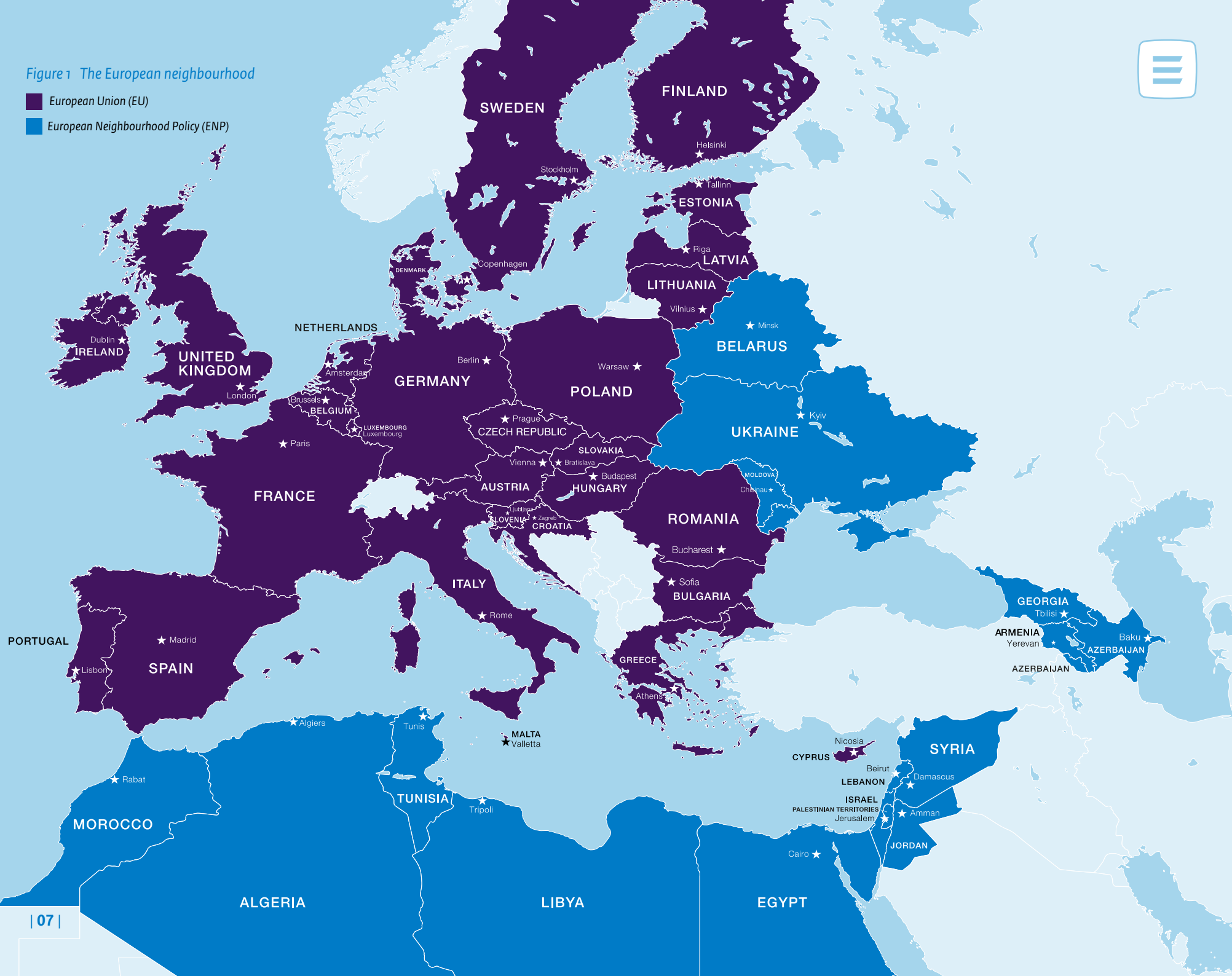
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<b>Abbreviation</b>	
<b>PPs</b>	Partnership Priorities
<b>RELEX</b>	External Relations
<b>RPE</b>	Order on periodic evaluation
<b>SMEs</b>	Small and medium-sized enterprises
<b>SPs</b>	Strategic Priorities
<b>SSF</b>	Single Support Framework
<b>UfM</b>	Union for the Mediterranean
<b>UN</b>	United Nations
<b>UNDP</b>	United Nations Development Programme
<b>US</b>	United States of America
<b>VLAP</b>	Visa liberalisation action plan
<b>WB</b>	World Bank
<b>WTO</b>	World Trade Organisation



Figure 1 The European neighbourhood

- European Union (EU)
- European Neighbourhood Policy (ENP)





## Main findings and recommendations





## What this review does

In this policy review, IOB examines the Dutch contribution to the European Neighbourhood Policy (ENP) in the period 2011-2017.<sup>1</sup> The ENP is the EU's main policy framework guiding the relations between the Union and sixteen of its neighbouring countries in Eastern Europe, the Southern Caucasus and the Middle-East and North Africa (MENA).<sup>2</sup> Its inception was driven by the wish to prevent the EU's enlargement of 2004 from causing new dividing lines within Europe, and from creating negative spill-overs, such as illegal trafficking or organised crime. The ENP should foster an area of stability, peace and prosperity. Partner countries under the ENP were expected to implement democratic, human rights and economic reforms in exchange for financial and technical assistance, and better access for goods, services and people coming into the EU.

Like other member states, the Netherlands had various forums and opportunities available to provide input into the different phases of the policy-making process, including agenda setting, policy formulation, implementation and evaluation. This review takes an indirect approach to examining the Dutch contribution to the ENP, by looking at the Dutch policy input on four key factors identified in the literature as influencing the ENP's effectiveness. They are:

- the way in which the EU applied the principle of conditionality;
- the degree of policy coherence between the EU and its member states and across the EU's various policies;
- the level of ownership of the ENP in neighbourhood countries; and
- the role played by external actors in the neighbourhood.

How did these factors play out in the ENP and in the neighbourhood, and to what degree and in which direction did the Dutch policy interventions on the ENP influence these factors? It is on these questions that the review focuses. Our assumption is, that if the Dutch policy contribution to these influencing factors was constructive, this increased the likelihood of a positive Dutch contribution to the ENP's effectiveness. This indirect approach is required, since it is not possible to isolate ENP developments and outcomes, nor the Dutch contributions to these outcomes, from all the other mechanisms, influences and actors that shaped the EU's neighbourhood. Nor is it possible to establish direct causal links between the ENP and developments in ENP countries, or to evaluate the appropriateness of the EU's policy response towards individual ENP countries.

## The ENP: from idealism towards more pragmatism

Since its inception in 2004, the ENP underwent two revisions, both of which took place during the evaluation period. The first, in 2011, was motivated by the entry into force of the Treaty of Lisbon in 2010 and came about following civic unrest in the Arab region leading to the 'Arab Spring'. It breathed the spirit of idealism concerning both the opportunities for democratisation in ENP countries, and the EU's potential role in supporting deep and sustainable democracy, good governance, sustainable and inclusive economic growth and job creation in the region. Moreover, it intended to pay more attention to civil society, to strengthen cooperation under the Deep and Comprehensive Free Trade Area (DCFTA) agreements, to enhance sector cooperation, and to build effective regional partnerships within the ENP.

However, the suppression of the Arab Spring, Russia's more assertive role in the Eastern neighbourhood, the war in Syria, the rise of ISIL/Da'esh, the migration crisis and rising terrorism, all prompted the EU to reconsider its aims and ambitions. As a result, the ENP's second revision in 2015 took on a more pragmatic and *realpolitik* line, emphasising the EU's own interest in (short-term) stability and security in its neighbourhood. Economic and social development, security, migration and mobility became key priorities for cooperation. Fostering processes of long-term democratisation and strengthening human rights in ENP countries were not abandoned as policy aims, but in practice they often took on secondary importance. The revised ENP was more lenient on conditionality, it again emphasised the need for differentiation and flexibility, gave more support to civil society and paid more attention to external actors and developments in 'the neighbours of the neighbours'.

## The overall Dutch contribution to the ENP was constructive, but on occasions dogmatic and ambiguous

For several reasons, the Dutch government considers the ENP as crucial for promoting peace, prosperity and stability in neighbourhood countries. Firstly, acting on behalf of all member states, the EU as a whole can offer much more leverage and a larger capacity to act than individual member states. Secondly, the ENP also incorporates policy areas for which the EU holds exclusive competencies, such as trade and visa policies. Thirdly, and



especially after 2015, the Netherlands and other member states were acutely aware that disengaging from the EU's neighbourhood policy was not a viable option. Thus, it sees the ENP as a valuable element in the EU's broader foreign policy, therefore also supporting its instruments and implementation programmes. Since 2011, it has tried to influence the ENP through several EU formats such as the Council of the EU (dealing with e.g. the ENP reviews in 2011 and 2015 and visa liberalisation) and Brussels' committees overseeing the ENP's implementation (e.g. the ENI committee on programming EU financial assistance to the neighbourhood). Embassies also took part in local EU coordination structures (relevant for e.g. – joint – assistance programming).

The Dutch government's contributions to discussions on the ENP's design and implementation largely supported the preferences of the European Commission, the European External Action Service (EEAS) and several larger member states. However, the government was generally stricter with regard to conditionality, emphasising the EU's continued role in promoting democracy, human rights and market reforms. It was also known for advocating prudent EU spending, and for insisting on not offering concrete membership perspective to Eastern Partnership (EaP) countries in exchange for further reforms.

## Conditionality

The effectiveness of EU conditionality under the ENP was limited throughout 2011-2017, especially in promoting democracy and human rights. However, the Netherlands remained in favour of using negative as well as positive conditionality.

Evaluations by the EU itself, as well as academic studies and successive ENP reviews have shown that EU conditionality, the ENP's key operating principle, has had limited effects on democratic reforms in its neighbourhood. One main explanation is that in many countries the domestic costs of EU-supported democratic reforms were perceived to outweigh the benefits offered by EU incentives. If the political, economic, reputational, or other costs are expected to outweigh the benefits, the EU is unlikely to muster enough leverage. However, it is notoriously difficult to assess whether this would indeed be the case, or whether conditionality may still stand a chance of producing results. Another main

explanation for the limited effectiveness of conditionality on democratic reforms is that after 2011, political and economic instability and immanent security risks on Europe's borders began to dominate domestic and international agendas.

The Dutch stance on the ENP's key concept of conditionality remained rather dogmatic. Despite growing indications that conditionality was not generally effective in promoting democratic reforms, the Netherlands continued to call for its application throughout the period 2011-2017. The Dutch contributions to the policy discussions on the ENP's revisions in 2011 and 2015 suggest a move away from an uncompromising stance that both positive and negative conditionality should remain part and parcel of the ENP's toolbox, towards a more pragmatic and realist approach, acknowledging that applying conditionality should be weighed against other European and Dutch interests at stake in the EU's changing security environment. However, how this approach should be operationalised in concrete situations, was left ambiguous. As a result, conditionality and its effective application remained *leitmotiv* of Dutch policy thinking.

The government proposed several measures supporting strict and consistent application of conditionality, some of which were accepted by the member states in the Council. For example, the Council accepted the government's proposal inviting the Commission to use general impact assessments to judge whether the visa liberalisation process should be continued. It also accepted the Dutch proposal to adopt an emergency brake procedure allowing the EU to suspend visa freedom if certain criteria were no longer met. The government did not find sufficient support for its proposals to introduce a more objective and transparent procedure for measuring ENP countries' progress on reforms.

On many occasions, Dutch parliamentarians insisted the government use conditionality to promote democratic and human rights reforms. They filed motions for the general application of conditionality in exchange for support to ENP countries, and also demanded the application of negative conditionality in reaction to human rights violations, for instance in Egypt and Morocco. The government usually responded by promising to address such human rights abuses in the EU's discussions on the neighbourhood. After 2015, conditionality also began to play a more important role in politically sensitive debates in parliament, and within the government coalition on stopping illegal migration from Southern (ENP) countries. As a result, continued adherence to conditionality remained the preferred Dutch policy option.



## Recommendations

For the ENP's incentives-based approach to work more effectively, it has to be applied both in a more strategic and context-specific manner. This requires the use of thorough, detailed and regularly updated assessments of:

1. the extent of the EU's long-term leverage within regions and towards individual partner countries;
2. key domestic political, social and economic developments and potential change agents; and
3. current and future windows of opportunities and risks in individual partner countries and in the EU's wider neighbourhood.

So far, the EU's policy response towards neighbourhood countries has often been motivated by reporting on ad hoc (positive or negative) developments rather than being based on objective comprehensive analyses reflecting long-term trends in ENP countries. The EU's public reports on country progress have been rather diplomatic. The Dutch government's policy appreciations to parliament on the ENP have tended to mirror these reports.

If the Netherlands wants to contribute to a more context-sensitive application of conditionality, it could try and find support among EU member states for initiating a process of objective, expert-driven reporting on progress, on longer-term development trends, on key reform players, and on windows of opportunity and risks within these partner countries. Such reporting should also involve experts from ENP countries. It may not only provide a sound basis for the EU's policy towards the neighbourhood, but it could also facilitate a more sophisticated and detailed discussion both within national parliaments and within the European Parliament on the implementation of the ENP in neighbourhood countries.

If this initiative fails to obtain broader support from EU members or the Commission, the Netherlands could consider organising its own expert-informed seminars and discussions on progress, trends and policy options in all neighbourhood countries, or in specific Dutch priority countries on the basis of existing expert reports. This could also inform Dutch parliamentarians' standpoints on where, when and how conditionality may be applied in a productive manner. To minimise the burden on Ministry of Foreign Affairs (BZ) staff and to

avoid duplicating the detailed work already carried out by country and regional experts, these discussions could for instance be based on the bi-annual country reports by the Bertelsmann Foundation and on additional hearings with its country and regional experts, including local experts from ENP countries. These country reports also have the advantage of identifying strategic options and (sector-specific) windows of opportunity.<sup>3</sup> In its 2018 country report for Ukraine, for instance, Bertelsmann experts recommend external actors such as the EU, to continue using conditionality indirectly as leverage by strengthening 'the capacity of civil society, young political parties, alternative trade unions, media and other social actors, especially at the local level',<sup>4</sup> because they all challenge the old system and push for reforms. It urged the EU to assist in training and supporting a new generation of experts, civil society activists and politicians.

## Coherence

The ENP was plagued by weak coherence. However, where possible, the Netherlands contributed positively to policy coherence.

Whereas ENP instruments were complementary, wider policy integration was lacking: the ENP did not constitute the overarching framework for the EU's policy towards the neighbourhood. In addition, in bilateral relations with ENP partners, member states frequently failed to adhere to agreed EU policy principles, leaving responsibility to convey difficult messages on human rights violations to the Commission, the EEAS and the EU delegations. The Netherlands' contribution to policy coherence was mostly positive. Firstly, it supported aligning ENP instruments with other EU foreign policy instruments, and it also favoured integrating the ENP and the CFSP/CSDP. Secondly, in bilateral relations with ENP countries, the Netherlands generally acted in line with EU policy. Compared to other embassies, Dutch embassies were particularly vocal on democratisation and human rights. Matra and Shiraka, the only Dutch bilateral assistance programmes specifically targeted at the neighbourhood region, aimed at complementing the ENP. Their accessibility and flexibility provided added value. However, their limited budget and fragmented implementation reduced programme effectiveness. Staff capacity constraints at embassies also hampered a more proactive Dutch role in joint programming, which the



Netherlands successfully advocated under the Dutch Council Presidency to increase coherence of both EU and member states' assistance programming. Thus, while supporting joint programming on paper, Dutch support remained limited in practice.

### Recommendations

The Netherlands is only one of many policy players in the neighbourhood region. If it wants to exert more influence on the ENP's actual implementation and on joint action on the ground, it should invest in supporting EU institutions and other member states in identifying more concrete opportunities for (sectoral) reforms (see also the previous recommendation). It should ensure that the size of its bilateral assistance and its staff capacity at embassies match this ambition. Furthermore, it should maintain programmes such as Matra and Shiraka at appropriate levels to support the Netherlands' network in, and knowledge of, ENP countries.

If the Netherlands wants to enhance policy coherence, it could encourage the practices of formulating joint local analyses by EU delegations and member states' embassies, of sharing information, and of joint reporting to Brussels. It could also consider experimenting with appointing special representatives from member states

## Ownership

ENP ownership in partner countries was weak. Dutch support for ENP government ownership was inconsistent, but the Netherlands did stimulate local ownership among civil society actors.

The ENP was often implemented in a one-size-fits-all manner that did not sufficiently accommodate for the different ambitions, abilities and interests of neighbourhood countries. The EU's 'model' of liberal democracy and human rights often met with opposition from neighbourhood governments or societies, especially in the Southern neighbourhood. In addition, the ENP was imposed in a top-down manner and the EU did not build real partnerships with governments and societies. The 2015 ENP revision stressed the EU would increase ownership by increasing differentiation and introducing a real partnership approach, leading to a greater sense of local ownership. Despite some

improvements since this review, the ENP continues to suffer from a lack of ownership, also because conditionality remained key to the ENP. Whilst the Dutch government supported the EU's attempts to enhance ownership in ENP countries, its contribution remained ambiguous. Firstly, its insistence that the EU promote its values in the neighbourhood was sometimes insensitive to local sentiments on the EU's 'model' of liberal democracy, especially in the South. Secondly, the government's attempts to increase Council control over the ENP's implementation hindered the ambition to increase ENP government ownership. Since the government did not explicitly address these tensions, the extent of its commitment to increasing ownership remained unclear.

The Dutch government's focus on cooperating with local civil society contributed to enhanced ownership. Dutch embassies engaged with local CSOs in the framework of bilateral assistance programmes, even though they sometimes faced constraints.

### Recommendations

While member states' involvement and ownership are important ENP features, the EU and the Netherlands should give the EEAS and the Commission more flexibility and freedom in their interactions with neighbouring countries by drawing up less detailed negotiation mandates that take into account local contexts, local demands and the need for adaptive programming. The EU and the Dutch government should continue to look out for opportunities to support societal ownership through involving CSOs, the private sector, and local authorities.

## External actors

External actors exerted considerable influence on the neighbourhood. This was initially overlooked both by the EU institutions and by EU member states, including by the Netherlands.

The EU and its member states initially overlooked the role of external actors and developments in the neighbourhood. Over time, the assertive role played by the Russian Federation in the Eastern neighbourhood region and the migration crisis served as 'wake-up calls'. As a result, the 2015 ENP review paid more attention to the role of external



actors and their impact on the EU's leverage in the neighbourhood. The Dutch government agreed that the ENP should take into better account the Eastern countries' relations with Russia. It also argued that the 'neighbours of the neighbours' in North Africa, the Middle East and Central Asia, as well as other strategic actors such as the US, should be involved more closely in the ENP. In addition, institutional cooperation with regional forums of which ENP countries were members, such as the Council of Europe, the African Union and the Arab League, had to be strengthened. However, the Dutch position did not indicate how coherence between the ENP and the EU's approach to the 'neighbours of the neighbours' should be ensured.

### Recommendations

The Netherlands should invite the EU to draw up regular strategic updates on the Southern and Eastern neighbourhood, addressing also the role played by external actors and factors. These should assist both the EU and the member states in periodically reassessing their potential influence and leverage in relation to other (external) policy actors, in re-examining their added value and the potential windows of opportunity in EU and bilateral relations with ENP countries.

## Endnotes | *Main findings and recommendations*

- <sup>1</sup> This policy review covers the Ministry of Foreign Affairs' budget articles 3.2 and 2.5.
- <sup>2</sup> The ENP currently applies to six of the EU's eastern neighbours (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine) and to ten countries in the southern neighbourhood (Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, the Palestinian Territories, Syria, and Tunisia).
- <sup>3</sup> The Bertelsmann Stiftung's so-called Transformation index (BTI) evaluates if and how developing countries and countries in transition follow a path towards democracy and a market economy. Using a standardised codebook, country experts assess the degree to which 17 criteria have been met in each of a total of 129 countries, including also all of the EU's ENP partners. Each expert writes a country assessment report, which is then reviewed by a second expert. In addition, to assure consistency, each of the 49 individual scores per country is subjected to regional and interregional calibration processes. The results of the individual country studies of transformation processes are aggregated into a so-called Status Index representing the country's situation with regard to democracy under the rule of law and social market economy. The Governance Index assesses the quality of the political leadership steering the transformation in the individual countries. There are five criteria for political transformation, i.e. stateness, political participation, rule of law, stability of democratic institutions and political and social integration. Seven criteria measure economic transformation: levels of socio-economic development, organisation of the market and competition, currency and price stability, private property, welfare regime, economic performance and sustainability. Governance is measured by steering capacity, resource efficiency, consensus-building, international cooperation and level of difficulty.
- <sup>4</sup> Bertelsmann Stiftung, 2019b.



# Introduction



In the period 2011-2017 the European neighbourhood was in flux. Events extending from the popular uprisings in Tunisia and other parts of the Arab region ('Arab Spring'), to the revolution in Ukraine, had profound effects on politics and society in affected countries. The negative spill overs of these events – amongst which terrorism and illegal migration – have also affected the stability within the European Union. As a result, the initial optimism of EU member states that the uprisings and revolutions might bring about democracy, peace and stability in a large part of Europe's neighbourhood increasingly gave way to concerns about the EU's own interests in areas such as security and migration.

This changing stance of the European Union in relation to its neighbourhood was reflected in the European Neighbourhood Policy (ENP). The ENP was originally conceived to promote peace, stability and prosperity across the Union's 'new neighbours' after the 2004 EU enlargement. It had to prevent the EU's new borders from creating new lines of division within Europe. The optimism felt amongst EU member states in 2011 following the Arab Spring resulted in a revision of the ENP, the aim of which was now to promote 'deep-rooted and sustainable democracy' in the Southern neighbourhood. However, by 2015 the ambition of achieving stabilisation and protecting the interests of the Union in areas such as security and migration gained prominence.

In this policy review, IOB examines the contribution of the Netherlands to the ENP in the period 2011-2017. It does so by looking at the Dutch policy input on key factors identified in the literature as influencing the ENP's effectiveness. These relate to conditionality, coherence, ownership, and external actors. The review also synthesises existing evaluations on Matra and Shiraka, the largest Dutch bilateral assistance programmes in the Eastern neighbourhood countries and in the Arab region.<sup>1</sup>

The objective of this review is twofold. First, to provide the Dutch Minister of Foreign Affairs (BZ) with the information on The Netherlands' contribution to the ENP, and on Dutch bilateral assistance to the neighbourhood countries to be accountable to Parliament. Secondly, it aims to contribute to policy learning, by providing recommendations for future (EU and Dutch) policy formulation on the ENP and on Dutch bilateral assistance to the neighbourhood.

## Evaluation framework

This paragraph describes the evaluation framework. (For an extensive description, please consult the terms of reference).<sup>2</sup> During the research, the evaluators partially deviated from the terms of reference. These deviations are also explained in this section.

## Delimitation

This policy review concerns two policy objectives of the annual budget of the Dutch Ministry of Foreign Affairs: 'Promoting transition in priority areas' (Article 2.5) and 'An effective, efficient and coherent conduct of the [European] Union vis-à-vis third countries and regions, including developing countries' (Article 3.2).<sup>3</sup>

Expenditures under Article 2.5 for the ENP countries are covered by two earlier IOB evaluations on Matra and Shiraka, implemented respectively in Eastern neighbourhood countries and in the Arab region. The findings of these evaluations are synthesised in the current review.<sup>4</sup>

For reasons of feasibility, IOB chose to restrict the research on Article 3.2 – which covers the EU's broader foreign policy – to the EU's policy towards neighbourhood countries. Nonetheless, this still concerns an important part of the EU's broader foreign policy efforts to create stability and security. It also encompasses a wide range of policy areas, amongst which the Union's Common Foreign and Security Policy (CFSP) and its policies for external trade, development cooperation, migration and energy security. Moreover, the ENP faces many of the substantial and institutional challenges and dilemmas that are so typical of the EU's foreign policy at large.

The review covers the time period January 2011-June 2017. This was not only a tumultuous period for many neighbouring countries, but also for the EU itself, since it underwent the negative spill-overs from the instability throughout its neighbourhood.



## Evaluation questions

This policy review is guided by the evaluation questions listed in the Dutch 'Order on periodic evaluation' (RPE) (see text box 1).<sup>5</sup>

### *Text box 1 Evaluation questions specified in the Order on periodic evaluation 2018*

1. Which policy article(s) (or components thereof) is or are covered in the policy review?
2. If applicable, when will the other components be evaluated?
3. What was the reason for the policy? Is this reason still relevant?
4. What is the responsibility of the Dutch government?
5. What is the nature and coherence of the instruments used?
6. What expenditure is involved, including costs in other areas or for other parties?
7. What is the justification of spending? How to relate these to the components volume / use and prices / rates?
8. Which evaluations have been performed (mention the sources), in which way has it been evaluated and for what reasons?
9. Which policies have not (yet) been evaluated? Including explanations about the possibility and impossibility of evaluating the effectiveness and efficiency of the policy in the future.
10. To what extent does the available evidence allow statements about the effectiveness and efficiency of the policy?
11. Have the goals of the policy been achieved?
12. How effective has the policy been? Are there positive and / or negative side effects?
13. How efficient has the policy been?
14. What measures could be taken to further increase the efficiency and effectiveness?
15. In the event that significantly fewer resources are available (approximately 20% of the resources) on the policy article(s), what policy options are available?

The responsibility for answering questions 1-14 lies with IOB. The relevant policy departments at the Ministry of Foreign Affairs are responsible for answering question 15, which will be presented in Chapter 5.

### **Effectiveness**

RPE question 12 concerns policy effectiveness. Effectiveness generally relates to the extent to which the results of interventions (output) contribute to the sustainable achievement of policy objectives (outcome).<sup>6</sup> Evaluating the ENP's effectiveness in terms of attribution, however, is not feasible given the broad and vague character of its policy goals, the fast-paced nature of developments in Europe's neighbourhood in the period 2011-2017, and the influence of a wide array of other actors (beyond the EU) and other factors (beyond ENP interventions) that played a role in the region's development. This review does refer to individual cases in which causal relations between the ENP and country developments are clear, without using such references as a basis for broad conclusions on policy effectiveness.

Instead of evaluating effectiveness directly, this review focuses on four key factors that are considered to contribute to the policy's effectiveness on the ground. These factors have been identified in the literature review carried out for this study (see below). They are:

- the way in which the EU applied the principle of conditionality;
- the degree of policy coherence between the EU and its member states and across the EU's various policies;
- the level of ownership of the ENP in neighbourhood countries;
- the role played by external actors in the neighbourhood.<sup>7</sup>

How did these factors play out in the ENP and in the neighbourhood, and to what degree and in which direction did the Dutch policy interventions on the ENP influence these factors? It is on these questions that the review focuses. Our assumption is that if the Dutch policy contribution to these influencing factors was constructive, this increased the likelihood of a positive Dutch contribution to the ENP's effectiveness. Thus, we take an indirect approach to examining the Dutch policy contribution to the ENP, since it is not possible to isolate ENP developments and outcomes, nor the Dutch contributions to these outcomes, from all the other mechanisms, influences and actors that shaped the EU's neighbourhood.

The review does not examine the effectiveness of the Dutch government's negotiations to influence policy formulation in Brussels. Instead, it studies the Dutch positions on the ENP, the extent to which these positions are reflected in the ENP and to which these positions





were likely to have contributed positively to the effectiveness, efficiency and coherence of the ENP. The Dutch government's effectiveness in EU negotiations was the subject of an earlier IOB review.<sup>8</sup>

### Efficiency

Question 13 deals with policy efficiency. Efficiency measures how economically resources (inputs) are converted into direct results. The concept therefore illustrates the relationship between inputs and outputs,<sup>9</sup> or between inputs and outcomes.<sup>10</sup> Since it was too difficult to relate ENP inputs to effects at outcome level, the review focuses on input-output relations. Concretely, it synthesises the conclusions of existing evaluation and audit reports on the efficiency of EU assistance programmes implemented in the ENP countries.

### Coherence

Question 5 concerns policy coherence. For the purposes of this study, coherence will be defined as: the systematic promotion of mutually reinforcing policy actions, creating synergies towards achieving the agreed objectives. Coherence is generally considered to be instrumental for foreign policy effectiveness. In this review, the following three types of coherence are relevant:<sup>11</sup>

- horizontal coherence, namely the extent to which the EU's various policy areas and instruments (e.g. trade, assistance, mobility, energy, CFSP) have been implemented in a mutually reinforcing way;
- vertical coherence, namely the extent to which the policies of the member states vis-à-vis the neighbourhood countries were aligned with agreed EU policy; and
- institutional coherence, which refers to the extent to which working relations between the EU institutions/actors allowed for effective and efficient policy.

## Methodology

The review builds on primary and secondary research carried out by IOB; a literature review and a review of evaluations and audit reports on EU assistance to ENP countries - both commissioned by IOB - and existing IOB evaluations. The research also benefited from four country studies. The research methods are detailed below.

IOB carried out a desk study, for which the following main sources were consulted:

- EU policy documents, amongst which joint communications, strategy documents, action plans, Council conclusions, ENP progress reports and evaluations and audits of EU aid programmes;
- Dutch policy documents, including parliamentary letters and proceedings, internal memorandums, instructions for and reports of EU working group meetings and diplomatic cables between embassies and The Hague; and
- academic and 'grey' literature.

The review benefited from interviews with a variety of stakeholders. IOB conducted semi-structured on-site interviews with policy makers and experts in The Hague and Brussels. Staff of the Dutch embassies in the ENP countries that were not visited were interviewed by phone or video call.

IOB studied the ENP from an overall perspective, but also undertook country case studies that were meant to provide in-depth insights into both, the implementation of the ENP on the ground, and the role played by the Netherlands in this regard. The following countries were selected for study: Azerbaijan, Egypt, Georgia and Tunisia. These countries were characterised by many of the issues at play in the wider neighbourhood region in the period 2011-2017. They maintained different types of relations with the EU. Georgia and Tunisia maintained the closest relations with the EU and could be considered to be 'frontrunners' in, respectively, the Eastern and the Southern neighbourhood region. The Union's relations with Azerbaijan and Egypt were less close and more complicated. The country case studies were conducted via a desk study, interviews and country visits. During the country visits, interviews were held with staff of the embassies of the Netherlands, other EU-member states and non-EU states, EU delegations, missions of international organisations, local parliamentarians, civil society representatives, journalists, and government representatives, as well as local academics and other experts. The country visits took place between October 2016 and January 2017.

The Centre for European Policy Studies (CEPS) carried out a literature review, commissioned by IOB, on existing knowledge on the ENP's effectiveness and coherence.<sup>12</sup> The review was discussed during a seminar involving academic experts and policy practitioners in Brussels on 8 March 2017. Both the review and the seminar provided valuable input for IOB's analysis of the effectiveness and coherence of the ENP.



A research team by APE Public Economics conducted a review synthesising the findings of various evaluations and European Court of Auditors reports on EU assistance programmes that were implemented in ENP countries.

This policy review also uses the findings of two IOB evaluations on support to transition in the Eastern neighbourhood and in the Arab region.<sup>13</sup> IOB did not conduct additional research on this topic.

## Reading guide

Part I of this review focuses on the European Neighbourhood Policy. Chapter 1 provides an overview of policy developments in the period 2011-2017. Chapter 2 focuses on policy instruments. Chapter 3 reviews the ENP's performance regarding the four key factors that are taken to influence its effectiveness.

Part II focuses on the Dutch government's policy interventions to influence the ENP's formulation and implementation, and on Dutch bilateral policies towards the neighbourhood through Matra and Shiraka (Chapter 4). Chapter 5 (in Dutch) describes policy options in case of the availability of substantially less or more budget (-/+ 20%).

## Endnotes | Introduction

- <sup>1</sup> Until 2016, these programmes were named 'Matra East' and 'Matra South', respectively. With the establishment of the Netherlands Fund for Regional Partnerships (NFRP) in 2016 – which covers both programmes – 'Matra South' was renamed 'Shiraka' and 'Matra East' was integrated into the programme 'Matra for European cooperation' targeting both, the EaP countries, and the pre-accession countries. In this policy review IOB uses 'Shiraka' and 'Matra'.
- <sup>2</sup> See: IOB, 2016, on [English.iob-evaluatie.nl](https://english.iob-evaluatie.nl).
- <sup>3</sup> The financial contribution by the Netherlands to the EU's external instruments implemented in the European neighbourhood countries is part of the Dutch national contribution to the EU budget. This contribution is posted under Article 3.1 of the Ministry of Foreign Affairs budget ('Financial contribution to the EU').
- <sup>4</sup> IOB, 2015a; IOB, 2015b.
- <sup>5</sup> Ministry of Finance, 2018.
- <sup>6</sup> IOB, 2009: 18.
- <sup>7</sup> The literature review also includes citizens' perceptions of the ENP and the visibility of the ENP in the neighbourhood as factors explaining policy effectiveness. The policy review does not include these as separate elements.
- <sup>8</sup> IOB, 2014.
- <sup>9</sup> IOB, 2009: 17.
- <sup>10</sup> Ministry of Finance, 2018.
- <sup>11</sup> Initially, the review was to focus on four levels of coherence (see the Terms of Reference). Research on the fourth level – multilateral coherence – however, did not deliver extensive results.
- <sup>12</sup> Kostanyan (ed.), 2017.
- <sup>13</sup> IOB, 2015a; 2015b.

A large crowd of people at a protest or rally. Many are holding Ukrainian tricolor flags (blue and yellow). One man in the foreground is holding a small European Union flag. A banner with the word 'НАТА' (NATO) is visible in the background. The scene is outdoors in a city square with buildings in the background.

# Part I The European Neighbourhood Policy 2011-2017



# 1 Context and policy development

This chapter sheds light on the characteristics of the ENP and its development over time. It starts with a general outlook and then moves onto assessing the main elements of the 2011 and 2015 ENP reviews.



## 1.1 The ENP before 2011

The ENP is the EU's main policy framework guiding the relations between the Union and sixteen of its neighbouring countries in Eastern Europe, the Southern Caucasus and the Middle East and North Africa (MENA).<sup>1</sup> Its inception was directly driven by the 2004 enlargement of the EU, which prompted the need to create an approach to the Union's new neighbours that did not have the perspective of EU membership. The goal of what later came to be known as the ENP was considered twofold:

- preventing the EU's new borders from causing new dividing lines within Europe; and
- fostering an area of stability, peace and prosperity so that the spill-over effects of instability in the form of illegal trafficking, organised crime, terrorism, pollution, et cetera would not lead to instability in the EU.<sup>2</sup>

The ENP's inception can only be understood against the backdrop of previous attempts since 1995 to create stability in its wider neighbourhood.

### Southern neighbourhood

In the Southern neighbourhood, formal relations were established in 1995, with the so-called European Mediterranean Policy (EMP) or Barcelona Process, during an atmosphere of optimism after the conclusion of the Oslo Peace Agreements. The policy assumed that fostering mutual market access, foreign direct investments and EU assistance in the region would in the long term also strengthen the rule of law and human rights, as well as foster political liberalisation.<sup>3</sup> However, the EMP's practical implementation remained fairly technical and economically-oriented. Ten years later, evaluations showed that the policy had contributed little to economic reforms, democratisation and human rights.<sup>4</sup>

Meanwhile, the terrorist attacks by al-Qaeda on US soil, as well as major terrorist attacks in Tunisia (2002) and Madrid (2004) sent shockwaves throughout the Western and Arab world.<sup>5</sup> As one of the EMP's successor's strategies, the ENP (2004) abandoned the idealistic assumption that economic reforms would ultimately also lead to democratisation. Its architects at the Commission aimed to foster stability, security and prosperity in the entire arc around the EU, while simultaneously promoting its values by pushing political liberalisation and human rights higher up the agenda. In 2008 the Union for the Mediterranean was established, which was designed to organise regional

cooperation between the EU and its partner countries, including not only the ENP countries, but also actors such as Turkey and the Western Balkan countries.

### Eastern neighbourhood

In the Eastern neighbourhood, the ENP initiative was originally launched to avoid creating new divisions in Europe after the EU accession of ten countries in the East. Its offshoot, the Eastern Partnership (2009), promoted political association and economic integration of the EU with its six partner countries. It aimed at advancing human rights and good governance norms through the creation of a free-trade zone.

## 1.2 Policy development 2011-2017: between continuity and change

The ENP is characterised by both continuity and change. From its conception in 2004, the ENP was designed to employ conditionality, differentiation, and joint ownership. The EU would offer financial assistance, market access and increased mobility to ENP countries in exchange for political, judicial and economic reforms. Assistance and other benefits were conditional not only on the implementation of these reforms, but also on the extent to which ENP countries would adhere to the EU's 'model' of liberal democracy, based on the values of respect for human rights and of political freedom, and on EU standards for good governance, market economies and sustainable development. The process intended to not be EU centred – with the EU setting priorities for cooperation. Instead, it should be implemented through political dialogue with neighbourhood countries.

In practice, the 'ring of well-governed countries' foreseen by the EU<sup>6</sup> did not materialise. Between 2004 and 2011, Eastern neighbourhood countries did not always engage in closer cooperation with the EU, and in the Southern neighbourhood, Islamic activism was gaining strength politically and socially. In terms of the latter, the EU model became increasingly challenged.<sup>7</sup> The ENP itself was implemented in a rather technocratic fashion, taking little notice of the changing international power dynamics, and mounting political and economic tensions in the neighbourhood countries.<sup>8</sup>

The ENP was revised twice: in 2011 and 2015. Both revisions are discussed in the following paragraphs.



## 1.2.1 The 2011 ENP review: optimism and ambition

Initially, the 2011 ENP review was motivated by the entry into force of the Treaty of Lisbon in 2009. The Treaty introduced two novelties relevant to the ENP. First, it introduced explicit provisions on the Union's relations with its neighbourhood. It posits that '[t]he Union shall develop a special relationship with neighbouring countries, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation'.<sup>9</sup> To this effect, the EU may conclude agreements with neighbourhood countries.<sup>10</sup>

New, too, were a number of institutional changes introduced by the Lisbon Treaty. The Treaty introduced the function of High Representative of the Union for Foreign Affairs and

Security, who is also a Vice President of the European Commission (hereafter: HR/VP). The HR should conduct the Union's foreign policy, ensure the consistency of the EU's external action, as well as ensure implementation of the decisions taken by the European Council and the Council of the European Union in the area of the Union's Common Foreign and Security Policy (CFSP).<sup>11</sup> The HR/VP is assisted by the European External Action Service (EEAS),<sup>12</sup> consisting of a headquarter in Brussels and EU delegations worldwide. According to the Joint Communication, the Lisbon Treaty 'allowed the EU to strengthen the delivery of its foreign policy: co-operation with neighbouring countries can now be broadened to cover the full range of issues in an integrated and more effective manner'.<sup>13</sup> Text box 2 provides a snapshot of the roles played by other EU actors in the ENP framework.

### Text box 2 The tasks of EU actors in the ENP framework

Combining the functions of High Representative for the Foreign and Security Policy and Vice-President of the Commission into one person, the HR/VP, both, holds the political mandate to represent the Union diplomatically in ENP countries, and implements the Union's external policy instruments (in areas such as trade, development cooperation and humanitarian aid) in the neighbourhood.

The *European Commission* and the EEAS manage the EU's working relations with the ENP countries. The EEAS has several key tasks within the ENP framework: managing daily relations with partner countries and EU delegations; drafting briefings for the ENP Commissioner, the HR/VP, and the relevant EEAS/Commission hierarchy; coordinating political dialogue and events (such as EaP and UfM summits); and assisting in programming of funds and projects. The EEAS also sets out the broader policy guidelines. The Commission's Directorate-General (DG) for Neighbourhood and Enlargement Negotiations (DG NEAR) has a lot of technical expertise and manages funding. Other line DGs are involved in the ENP where relevant.

The *EU delegations*, which are present in all ENP countries, function as 'EU embassies'. They represent the EU and implement EU policy. Delegations play a role regarding the programming of EU assistance by defining priorities for the EU, as well as in the identification, formulation and monitoring of projects. As such, they are in contact with, both, the government authorities and societal stakeholders in neighbourhood countries, and the EEAS country desks and relevant Commission services in Brussels.

The member states gathering in the *Council of Ministers* hold the decision-making powers. In most areas, decision making is based on consensus. In practice, member state influence varies across cases. Member states are strongly involved in the process of drafting Eastern Partnership Summit declarations. Here, member states have to agree – via Council working parties and the Committee of Permanent Representatives (Coreper) – with a draft presented by the Commission, before declarations are shared with partner countries. Member states also play quite a pronounced role in determining priorities for cooperation with ENP countries because of the function they play in the establishment of contractual relations (such as AAs and PCAs), action plans and partnership priorities. They do so via the relevant Council working groups. Member states can also attend many EaP and UfM meetings. Conversely, they have less influence on the programming of the ENI. Although they have to agree on the EU's seven-year Multi-annual Financial Framework (MFF) and are represented in the ENI committee which approves programming, programming documents are quite advanced by the time the member states get involved. This leaves the member states with relatively little room to exercise any real influence.

On the ground, EU delegations organise local coordination meetings involving the delegations and member state embassies. In addition, there are coordination mechanisms involving local representations of the broader international (donor) community, including the UN, OSCE, World Bank and third-country embassies.



While initially motivated by the Lisbon Treaty, the revision of the ENP was spurred further by the public revolts in several Arab countries, which came to be known as the 'Arab Spring'. According to the EU institutions, the EU needed 'to rise to the historical challenges' in the neighbourhood.<sup>14</sup> The European Commission issued a joint communication, which underlined that EU support to political reforms in neighbouring countries had met with limited results and that 'a new response to the changing neighbourhood' was needed.<sup>15</sup> This response should 'strengthen the partnership between the EU and the countries and societies of the neighbourhood'.<sup>16</sup> The joint communication stipulates the following goals, priorities and ways of working.

#### a) The objective: supporting progress towards deep democracy

The EU was to support progress towards 'deep and sustainable democracy', which the communication conceptualises as:

*the kind that lasts because the right to vote is accompanied by rights to exercise free speech, form competing political parties, receive impartial justice from independent judges, security from accountable police and army forces, access to a competent and noncorrupt [sic] civil service — and other civil and human rights that many Europeans take for granted, such as the freedom of thought, conscience and religion.*<sup>17</sup>

To this end, the communication formulates three sub-goals. First, the EU should aim to *adapt levels of EU support* to partners according to progress on political reforms and deep democracy ('more for more'). Reforms based on these elements were not only thought to strengthen democracy, but also to help create the conditions for sustainable and inclusive economic growth, which in turn would stimulate trade and investment.

Moreover, the communication aims to establish *partnerships with societies* in neighbouring countries as a complement to EU engagement at a state level. Civil society actors are key to promoting democratisation and inclusive economic growth and to empowering citizens to express their concerns, provide input to policymaking and hold governments to account. Civil society was to be supported by the EU, for example through providing greater accessibility of funding for civil society organisations (CSOs), by supporting the organisations' unhindered access to the internet and the use of electronic communications technologies, and through reinforcing the human rights dialogue between the EU and neighbouring states.<sup>18</sup>

Besides, the EU was supposed to *intensify political and security cooperation*. It should step up its involvement in solving protracted conflict (such as the Israeli-Palestinian conflict, the Transnistrian conflict in the Republic of Moldova, and the Nagorno-Karabakh conflict between Armenia and Azerbaijan). The EU should also address other security concerns and common interests (for example in the areas of energy security, climate change and international crime and terrorism). These issues should be dealt with not only using ENP instruments, but also with CFSP and other instruments (such as rule of law missions). Finally, the EU pledged to promote joint action with ENP countries in international forums (such as the United Nations (UN) and other international conferences).<sup>19</sup>

#### b) Priorities for cooperation: supporting sustainable economic and social development

A second goal of the 2011 review was to promote sustainable economic and social development. To this end, the EU should support partner countries' adoption of policies that are conducive to *stronger, sustainable and inclusive economic growth and job creation*. Strengthening industrial cooperation, promoting investment and supporting agricultural development, as well as macro-financial dialogue and Macro-Financial Assistance (MFA) were amongst the instruments to be used by the EU in this regard.

Moreover, the EU should strive to implement *trade arrangements*. Depending on the needs and capabilities of neighbourhood countries, these could range from far-reaching agreements on a Deep and Comprehensive Free Trade Area (DCFTA) for countries that were willing and able to embark on a DCFTA, to more modest trade concessions for other countries.

Furthermore, the EU intended to *enhance sector cooperation*. Enhanced cooperation could take place in all sectors relevant to the internal market, but would focus in particular on knowledge and innovation, climate change and the environment, energy, transport and technology. Cooperation could come in various forms, such as policy dialogue, capacity building, and regulatory convergence. Enhanced cooperation would take place in line with the 'more for more' approach.

Finally, measures in the area of *migration and mobility* were meant, both, to support sustainable economic development in the neighbourhood, and to fight irregular migration from neighbourhood countries into the EU. The EU was to pursue visa facilitation or visa



liberalisation, as well as to develop (existing) mobility partnerships. The member states were called upon to make full use of the opportunities offered by the Visa Code, which lays down rules for issuance of visa for a maximum of ninety days ('Schengen visa') and which allows for a simplification of the visa procedure (for example by issuing multi-entry visa to categories of visa applicants).

### c) Guiding principles: differentiation and conditionality

Activities to implement these goals were to be guided by the principles of conditionality and differentiation. EU support was to be *conditional* on countries' commitment to universal values (see above) and to implementing reforms. The more, and the faster a country progressed in its internal reforms, the more support it would get from the EU ('more for more'). For countries where reform did not take place, the EU would reconsider or even reduce funding ('less for less'). Relations with governments engaged in violations of human rights and democracy standards would be curtailed. In case of the latter, support to civil society was to be strengthened further and the channels for dialogue with the government, civil society and other stakeholders would remain open. Besides, EU support would be *differentiated* according to, both, the needs of each country, and the regional context.<sup>20</sup>

### d) The regional dimension: building effective regional partnerships within the ENP

While the ENP constitutes a single, overarching policy framework for all neighbourhood countries and takes a bilateral approach to individual countries, it also includes a southern and an eastern dimension: the *Partnership for Democracy and Shared Prosperity in the Southern Mediterranean* (2011); the *Union for the Mediterranean* (UfM; established in 2008),<sup>21</sup> and the *Eastern Partnership* (EaP; founded in 2009),<sup>22</sup> respectively. These multilateral frameworks are intended to complement the bilateral dimension of the ENP, by fostering regional cooperation and developing regional responses to specific challenges of each region. The 2011 review set different intentions for the ENP countries in the Mediterranean region and for EaP countries.

In relation to ENP countries in the Mediterranean region, the EU aimed to build a *Partnership for Democracy and Shared Prosperity in the Southern Mediterranean*, which was meant to provide 'an ambitious response to the momentous changes' ongoing in the Southern Mediterranean. In this regard, the EU was to pursue the following three principles: democratic transformation and institution-building; a stronger partnership with the

people; and sustainable and inclusive economic development. Depending on the needs and level of ambition of each country, different policies and instruments could be implemented: comprehensive institution-building programmes; dialogue on migration, mobility and security; industrial cooperation; support to agricultural and rural development; sub-regional cooperation; and enhanced dialogue on employment and social policies. In addition, the Partnership should be focused more on concrete projects to generate growth, innovation and jobs throughout the region.

The Partnership was to be implemented alongside the existing *Union for the Mediterranean*, which was designed to organise regional cooperation between the EU and its partner countries, including not only the ENP countries, but also actors such as Turkey and the Western Balkan countries. The UfM was to ensure more effective cooperation, for example by taking a more pragmatic and project-based approach, as well as through increased involvement of the HR and the Commission.

In relation to the *Eastern Partnership*, the EU would move to conclude and implement Association Agreements, including DCFTAs; pursue visa facilitation and visa liberalisation; enhance sectoral cooperation, notably in the area of rural development; promote the benefits of the EaP to citizens; and step up work with civil society and social partners. Earlier progress made by the EaP countries regarding compliance with universal values such as democracy, human rights and the rule of law, implementing reforms, and the resolution of protracted conflicts was varied. Partners that were most advanced and committed to reforms were to benefit the most from EaP instruments ('more for more'). At the same time, more differentiation between countries was deemed necessary: notwithstanding the region-wide focus of the EaP, EaP instruments needed to be better tailored to the situations of individual countries.

### e) Policy delivery: simplification and coherence

The EU was to implement a simplified and coherent ENP policy and programme framework. To this end, ENP Action Plans, which constituted the framework for cooperation and EU assistance, should focus on a smaller number of short- and medium-term *priorities*, incorporating more precise *benchmarks* and a clearer sequencing of actions. Moreover, *funding* should be increased and implemented in a flexible fashion, in line with the conditionality principle. Additional *loan possibilities* for ENP countries by the European Investment Bank (EIB) and the European Bank for Reconstruction and Development (EBRD) were to be created, and the EBRD mandate to selected southern Mediterranean





countries was to be extended. Finally, the *European Neighbourhood Instrument* (ENI) – the key source of ENP funding – was to be ‘increasingly policy-driven and provide for increased differentiation, more flexibility, stricter conditionality and incentives for best performers, reflecting the ambition of each partnership’.

## 1.2.2 The 2015 ENP review: a sobering focus on achieving stability

Whereas in 2011 optimism prevailed about the future course of Europe’s neighbourhood, in 2015 this had given way to a sobering assessment of the state of affairs in neighbourhood countries.<sup>23</sup> Both the Eastern and the Southern region faced challenges threatening democratisation in many countries, affecting the stability within the EU itself. In the East, Russian foreign policy had become increasingly assertive, as became apparent from, for example, the illegal annexation of Crimea, as well as the destabilisation of eastern Ukraine. Instability and conflicts in the MENA region resulted in refugee flows to the EU, and there were also terrorist attacks in several of the EU’s member states.<sup>24</sup> Previously considered to be a buffer zone for the EU, the region was now perceived as a source of insecurity itself. According to the communication issued by the European Commission, a new ENP was needed if the Union was to build ‘effective partnerships’ in Europe’s neighbourhood.<sup>25</sup>

### a) A new objective: stabilising the neighbourhood

In the 2015 ENP review, the notion that the EU should support ‘deep and sustainable democracy’ is nowhere to be found; meanwhile, *stabilisation* of neighbourhood countries is set as the main priority. While the ENP was meant to be a long-term engagement with neighbourhood countries, it also needed to take into account the most urgent challenges – and in many parts of the neighbourhood, stability was considered to be one of them. Since the causes of instability often lie outside the security domain, the EU should not only seek cooperation in the security sector, but comprehensively address sources of instability across sectors. Poverty, inequality, corruption and weak economic and social development are amongst these sources. Such a comprehensive approach was intended to improve prospects for the local population, as well as help tackle the ‘uncontrolled movement of people’. Moreover, the EU was to help strengthen the resilience of countries in the face of external pressures, as well as their ability to make their own sovereign choices.

The 2015 review underlined the EU’s commitment to upholding and promoting *universal values* throughout the ENP. The EU’s interest in stability would not come at the expense of the promotion of *values*: the EU would pursue its own interests, but these interests ‘would include the promotion of universal values’, since ‘the EU’s own stability is built on democracy, human rights and the rule of law and economic openness’. In other words, neighbouring countries’ compliance with universal values was understood to be instrumental to achieving stability.

To underscore the importance of the promotion of values, the EU pledged to engage with all stakeholders in an inclusive dialogue on human rights and democracy, and to do more to support *civil society*, for example through capacity building, and by stimulating independent media and supporting a free internet.

### b) New priorities for cooperation: economic and social development, security, migration and mobility

To achieve stabilisation, the EU was to focus on the following priorities for cooperation:

- *Economic and social development*. This should be at the heart of the EU’s contribution to stabilising the neighbourhood, for example by means of Macro-Financial Assistance operations, private-sector development, trade agreements, transport connectivity and telecommunications, and energy cooperation.
- *Security*. The new ENP was to prioritise tackling terrorism and preventing radicalisation; disrupting serious and organised cross-border crime and corruption; improving judicial cooperation in criminal matters, and fighting cybercrime. In addition, the new ENP would tackle cross-cutting migration related security challenges, such as smuggling of migrants, human trafficking, social cohesion and border protection/management.
- *Migration and mobility*. The EU would intensify cooperation on regular and irregular migration. On the one hand, the Union would focus on addressing the root causes of irregular migration and forced displacement, and work on effective cooperation on returns and readmission, and sustainable reintegration.<sup>26</sup> On the other hand, the EU would better support circular migration and encourage mutually beneficial legal migration (for example by promoting skilled labour migration schemes).



### c) A re-definition of guiding principles: differentiation, coherence, conditionality

The 2015 ENP review partly reaffirms and partly deviates from the guiding principles of the EU's approach to neighbourhood countries laid down in the 2011 review. While the 2011 ENP review mentioned that EU support should be adapted according to the needs of each country and the regional context, *differentiation* is a pivotal notion in the 2015 review. According to the review, partnerships needed to be more tailor-made in order to reflect the different ambitions, abilities and interests of the neighbourhood countries. The different patterns that would emerge would lead to a greater sense of ownership on the side of, both, ENP countries, and the EU.

Similar to the 2011 review, the 2015 review calls for a more common approach and a single message by the EU and the member states. The Council and the member states were to

play a greater role in identifying priorities and supporting their implementation, including through joint programming of financial and technical assistance.

While central to the 2011 review, in the 2015 review the principle of *conditionality* ('more for more') is no longer used as a guiding principle in cases where there is no political will to reform. In these cases, the EU would explore 'more effective ways' to make its case for fundamental reforms with partners, including through engagement with civil, economic and social actors. This signals a pragmatic shift in the policy logic.

The importance that the Union endows to these principles appears not only from the 2015 review, but also from the fact that they are laid down in legally binding rules on the European Neighbourhood Instrument (ENI), which is the main EU funding instrument for the ENP (see text box 3). The ENI regulation preceded the 2015 ENP review; it was adopted by the Council and the Parliament in 2014.<sup>27</sup>

#### Text box 3 Guiding principles of the ENP in the European Neighbourhood Instrument

The European Neighbourhood Instrument is meant to advance the general goals of the ENP, namely, promoting an area of shared prosperity and good neighbourliness between the Union and the partner countries.<sup>28</sup> It aims to do so via:

- promoting human rights, rule of law, anti-corruption and good governance;
- achieving progressive integration into the EU's internal market;
- creating conditions for better organisation of legal migration/mobility;
- supporting smart, sustainable and inclusive development;
- promoting confidence-building measures; and
- enhancing regional and ENP-wide collaboration.

Funding under the regulation should comply with the Union's values of liberty, democracy, and human rights and fundamental freedoms, and with the principles of equality and the rule of law. Besides, Union support is to be established in partnership with the beneficiaries: national and local authorities as well as civil society organisations should be involved in the preparation, implementation and monitoring of EU support. Moreover, the amount of financial support provided to partner countries is to be incentive-based and differentiated in forms and amounts.

In line with the incentive-based ('more for more') approach, the share of available resources offered to partner countries is to be adapted primarily according to their progress in building and consolidating 'deep and sustainable democracy' and in implementing agreed political, economic and social reforms. While the 'more for more' approach was introduced in the aftermath of the Arab Spring and thus already existed under the predecessor of the ENI – the European Neighbourhood and Partnership Instrument (ENPI) – , it was formalised in the ENI Regulation. The Regulation establishes the 'Umbrella Programme', which allows a maximum of 10% of the ENI budget to be allocated to neighbourhood countries, based on their progress in advancing 'deep and sustainable democracy'. It also states that, depending on reforms implemented, the bilateral allocation to countries could vary within a 20% range of the initial indicative allocation (the 'range mechanism').

The incentive-based approach does not apply to all types of EU support; the ENI regulation stipulates that it shall not apply to support civil society, people-to-people contacts (including cooperation between local authorities), support for the improvement of human rights, or crisis-related support measures.



#### d) The regional dimension: engagement with third countries

While the 2011 ENP review did not elaborate on the role of third countries in the neighbourhood, the 2015 review pays particular attention to *'the neighbours of the neighbours'*. In addition to strengthening regional cooperation within the neighbourhood, the review aims to find new ways of working with third countries where required, especially in the priority areas of migration, energy and security. Cooperation was to be sought with, amongst others, Turkey, the Russian Federation, countries in sub-Saharan Africa and the Sahel region, and non-ENP countries in the MENA region, but also with countries in Central Asia. The EU was also to engage with a plurality of forums, such as the League of Arab States, the Organisation of Islamic Cooperation, and the African Union.

#### e) Policy delivery: more flexibility and more visibility

Finally, similar to the 2011 review, the 2015 review calls for *more effective policy delivery*. To achieve this, *more financial resources* were to be allocated to neighbourhood countries, and assistance needed to respond *more rapidly and flexibly* to evolving political circumstances and priorities. Joint programming 'around the EU brand' was meant not only to maximise resources, but also to increase the *visibility* of the EU's contribution to the neighbourhood. Visibility should be helped, too, by better communication about the benefits of EU policies to citizens in the neighbourhood. To this end, the EU was to support the strategic communication capacity of ENP governments, expose misinformation, and promote independent media. Expanded outreach to civil society was also expected to create more co-ownership of the ENP in neighbourhood countries.

The EU itself should also develop communication tools to allow better insight into the *perceptions* in neighbourhood countries, to explain the benefits of the ENP and to create a positive narrative about cooperation with the EU. More involvement of the member states in setting communication priorities should help ensure a more coherent EU voice. To implement this agenda, the EU was to engage more with governments, non-governmental organisations and citizens, in particular the youth.

All in all, the 2015 ENP review constitutes a much more sobering and pragmatic approach than the 2011 review. It also includes a more modest perspective on the potential achievements of the EU in the neighbourhood. In contrast to previously existing policy, the new ENP was not aimed at building and consolidating 'healthy democracies', but would 'play its part in helping to create the conditions for positive development'. Also absent in the 2011 review, the 2015 review contains the notion that '[t]he EU cannot alone solve the many challenges of the region' and that 'there are limits to its leverage'.<sup>29</sup>

## 1.3 The ENP between 2011-2017: from idealism to realism

In 2004, the newly conceived ENP was meant to be the EU's ambitious political answer to the 'new' security and terrorist challenges confronting the Union and its member states in the post-9/11 era. The ENP would create a ring of well governed countries around the EU – characterised by stability, peace and prosperity – that would constitute a buffer zone between the Union and 'the neighbours of the neighbours'. In practice, countries across the neighbourhood experienced political and societal instability, and in the South the EU's model of state and society became increasingly challenged. The ENP itself was implemented in a 'eurocratic' way, paying insufficient attention to political realities on the ground throughout the neighbourhood.

The EU institutions recognised the weaknesses of the ENP and in an attempt to address these, the policy was revised twice. The first revision in 2011 came about following civic unrest in the Arab region. It breathes the spirit of idealism about, both, the opportunities for democratisation in ENP countries, and the role that the EU may play to support deep and sustainable democracy in the region. Factors such as the migration crisis, terrorism and the rise of ISIL/Da'esh led the (especially Southern) neighbourhood to reconsider what the EU should aim to achieve with the ENP. In combination with long-term expectations of rapid population growth, climate change, and migration pressures,<sup>30</sup> these factors made it politically inconceivable for the EU not to provide a policy response to the changing situation in the neighbourhood. The ENP's second revision in 2015 took a more *Realpolitik* line, emphasising the EU's own (short-term) interest in stability and security in the neighbourhood instead of the (long-term) objective of democratisation in ENP countries.

The period 2011-2017 did not only witness a new balance between stability and security on the one hand and democratisation on the other, but also novel ways of implementing the ENP (at least on paper). Compared to the 2011 review, the latest revision entails a more pragmatic use of conditionality: the principle is no longer used as a guiding principle in cases in which there is no political will to reform. To enact change in these cases, the EU would invest more in engagement with civil society. The revision also underlines the need for the Union to respond to the different characteristics of ENP countries, to better involve ENP countries in the ENP, and to better take into account actors other than the EU. In addition, the ENP was to be implemented more coherently, and the EU would find new ways of working with 'the neighbours of the neighbours' who often have a direct effect on



neighbourhood states or societies. Amidst these changes, values were the constant factor: the pursuance of the Union's interests in stability would not be at the expense of the promotion of its values.

From the literature we know that the ENP's effectiveness in stimulating positive change in ENP countries partly depends on the factors mentioned in previous paragraphs: the way in

which the EU applied the principle of conditionality, the degree of policy coherence, the level of ownership of the ENP in neighbourhood countries, and the role played in the neighbourhood by external actors.<sup>31</sup> Chapter 3 reviews the performance of the ENP on each of these factors. Before this, chapter 2 will provide an overview of the activities undertaken in the framework of the ENP.

## Endnotes | 1

- <sup>1</sup> The ENP does not include the so-called pre-accession countries (Turkey and the Western Balkans countries).
- <sup>2</sup> European Commission, 2003.
- <sup>3</sup> WRR, 2006: 175.
- <sup>4</sup> Euromesco, 2005; Youngs 2004; Joffé 2005; Ministry of Foreign Affairs, 2004 and 2005, cited in WRR 2006: 176; Dempsey 2016.
- <sup>5</sup> Pierini, 2015.
- <sup>6</sup> Council of the European Union, 2003: 36.
- <sup>7</sup> Pierini, 2015.
- <sup>8</sup> Vimont, 2016.
- <sup>9</sup> TEU, Art. 8.
- <sup>10</sup> Ibid.
- <sup>11</sup> The High Representative chairs the Foreign Affairs Council and is one of the Vice-Presidents of the European Commission; TEU, arts 18 and 27.
- <sup>12</sup> TEU, art. 27.
- <sup>13</sup> European Commission and High Representative of the European Union for Foreign Affairs and Security Policy, 2011: 1.
- <sup>14</sup> Ibid.
- <sup>15</sup> Ibid.
- <sup>16</sup> Ibid.
- <sup>17</sup> Ibid.: 3.
- <sup>18</sup> Ibid.: 5.
- <sup>19</sup> Ibid.: 6.

- <sup>20</sup> Ibid.: 2-3.
- <sup>21</sup> UfM membership is composed of all EU member states, Albania, Algeria, Bosnia and Herzegovina, Egypt, Israel, Jordan, Lebanon, Mauritania, Monaco, Montenegro, Morocco, the Palestinian Authority, Syria (suspended), Tunisia and Turkey. Libya is an observer.
- <sup>22</sup> The EaP involves the EU, its member states and six Eastern European Partners: Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine.
- <sup>23</sup> European Commission and the High Representative of the European Union for Foreign Affairs and Security Policy, 2014 and 2015.
- <sup>24</sup> European Commission and the High Representative of the European Union for Foreign Affairs and Security Policy, 2015.
- <sup>25</sup> Ibid.
- <sup>26</sup> The political impetus for deeper cooperation with ENP countries was also confirmed by the European Agenda on Migration: European Council, 2015a and 2015b; Council of the European Union, 2015; Valletta Summit 2015.
- <sup>27</sup> The ENI is laid down in Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument, OJ L 77, 15.03.2014, pp. 27-41.
- <sup>28</sup> All information from Regulation (EU) No 232/2014 of the European Parliament and of the Council of 11 March 2014 establishing a European Neighbourhood Instrument, OJ L 77, 15.03.2014, pp. 27-41.
- <sup>29</sup> European Commission and High Representative of the European Union for Foreign Affairs and Security Policy, 2015: 2.
- <sup>30</sup> AIV, 2016: 44-45.
- <sup>31</sup> As also explained in the introduction to this policy review.



## 2 Instruments and implementation<sup>1</sup>

Chapter 1 has shown that the EU aimed to achieve the objectives of democratisation and stabilisation by offering neighbourhood countries various incentives in exchange for political, judicial and economic reforms. The majority of these ENP incentives relate to money, market access and mobility. The EU also offered other types of incentives, such as migration and security instruments.<sup>2</sup> This chapter focuses on describing those instruments most clearly aimed at promoting stability, peace and prosperity in the EU's neighbourhood,<sup>3</sup> leaving aside instruments aimed at, for example, promoting the EU's energy security. Before this description, the chapter provides an overview of the agreements in place between the EU and ENP countries.



## 2.1 Agreements between the EU and ENP countries

While the ENP constitutes the overall policy framework for the implementation of the instruments discussed in the following paragraphs, implementation is also guided by the way in which bilateral relations between the EU and individual ENP countries are shaped. Various types of agreements were developed over time, each of them including different degrees of cooperation between the EU and individual ENP countries in a range of policy areas. Some of these agreements preceded the establishment of the ENP, others were designed following the introduction of the policy or as a follow-up to the ENP reviews. The following agreements are in place:

- *Partnership and Cooperation Agreements* (PCAs; first concluded in the late 1990s). PCAs are meant to support the economic and democratic development of signatory countries, for example by helping them build a positive climate for business and foreign investments, or fostering trade relations. Many PCAs also include provisions on cooperation in areas such as culture, science and technology, administrative capacity, and civil society.
- *Association Agreements* (AAs; first signed in the year 2000). AAs are meant to foster closer relationships between the EU and signatory countries in a range of areas, of which primarily trade.
- In order to monitor country progress in relation to the cooperation objectives set in PCAs and AAs, the EU concluded *Action Plans* (APs; existing since the establishment of the ENP in 2004). Each action plan includes a country-specific reform agenda that entails priorities for the next 3-5 years, the capacities and limitations of each partner, and the EU's interests.
- The relatively new instruments of *Partnership Priorities* (PPs; first agreed in 2015) and *Strategic Priorities* (SPs; 2017). PPs and SPs specify a set of mutually agreed priorities for cooperation. Their introduction should allow for more differentiation between ENP countries than the previously existing set of instruments.
- The *Comprehensive and Enhanced Partnership Agreement* (CEPA; first signed in 2017). Like the PPs, CEPAs were introduced to respond to requests for more differentiated modalities of cooperation.

Table 1 provides an overview of the agreements that were previously, and that are currently in place with each of the ENP countries.

Table 1 EU-ENP country relations<sup>4</sup>

Country	Contractual relations with the EU	Action Plan / Partnership or Strategic Priorities
<b>Eastern Partners</b>		
<b>Armenia</b>	PCA (1999) CEPA (signed 2017, provisional application 2018)	AP (2006)
<b>Azerbaijan</b>	PCA (1999)	AP (2006) PPs (2018)
<b>Belarus</b>	PCA (frozen since 1997)	
<b>Georgia</b>	PCA (1999) AA (signed 2014, entered into force 2017)	AP (2006)
<b>Moldova</b>	PCA (1998) AA (signed 2014, entered into force 2017)	AP (2004)
<b>Ukraine</b>	PCA (1998) AA (signed 2014, entered into force 2017)	AP (2004)
<b>Southern partners</b>		
<b>Algeria</b>	AA (2005)	PPs (2017)
<b>Egypt</b>	AA (2004)	AP (2007) PPs (2017)
<b>Israel</b>	AA (2000)	AP (2004)
<b>Jordan</b>	AA (2002)	AP (2004) PPs (2016)
<b>Lebanon</b>	AA (2006)	AP (2006) PPs (2016)
<b>Libya</b>	None	-
<b>Morocco</b>	AA (2000) Statut avancé 2007	AP (2004, 2013)
<b>Palestinian Territories</b>	Interim AA (signed 1997)	AP (2004, 2013)
<b>Syria</b>	CA (1978) AA (2005, pending ratification) Cooperation with Syria suspended in 2011	-
<b>Tunisia</b>	AA (1998)	AP (2004) SPs (2018)



## 2.2 Money

One of the incentives that the EU offered to neighbouring countries is a broad array of technical and financial assistance programmes, projects and other activities. The European Neighbourhood Instrument (ENI)<sup>5</sup> was and is by far the largest financial instrument in the ENP framework. In the period 2011-2017, it made up 71% of total EU expenditures in the ENP countries. Next to the ENI, the EU provided support to ENP countries through other instruments and programmes. Both the ENI and these other instruments and programmes are discussed below.

### 2.2.1 The European Neighbourhood Instrument<sup>6</sup>

The ENI is financed from the EU's budget and its budget ceiling is set by the EU's multiannual financial framework for a seven-year period. The 2007-2013 ENPI budget was about EUR 13.4 billion, of which some EUR 10 billion was disbursed. The indicative ENI budget for the 2014-2020 period is EUR 15.4 billion. This makes it the second largest EU external instrument, representing 29.8% of the external instruments for the 2014-2020 budget.<sup>7</sup> ENI support is in principle co-financed by the partner countries through public funds, contributions from the beneficiaries or other sources.<sup>8</sup>

Support was provided either bilaterally, i.e. to one partner country; regionally, through multi-country programmes which address challenges common to all or a number of partner countries; or as cross-border cooperation programmes addressing cooperation between one or more EU member states and one or more partner countries and/or the Russian Federation.<sup>9</sup> Regional instruments were either available to all ENP countries (for instance the Umbrella Programme,<sup>10</sup> the Neighbourhood Investment Facility, ERASMUS+, and TAIEX & SIGMA), to the Eastern neighbours, or to the Southern neighbours. The indicative regional budget for 2014-2017 was EUR 2.9 billion, of which EUR 1.9 billion for ENI-wide programmes, EUR 511 million for ENP East and EUR 453 million for ENP South. The budget for cross-border cooperation was EUR 306 million.<sup>11</sup>

#### Bilateral spending

Bilateral spending in the ENP countries followed specific objectives outlined in so-called Single Support Frameworks (SSFs) for each country. The amount of financial support to partner countries was based on their: a) needs – based on population and development

level; b) commitment to implementing political, economic and social reforms; c) commitment to – and progress in – building deep and sustainable democracy;<sup>12</sup> d) partnership with the Union, including level of ambition in that regard; and e) absorption capacity. The actual bilateral ENI funding in the period 2011-2016 is shown in table xx.<sup>13</sup>

Table 2 ENI expenditure to neighbourhood countries in EUR million<sup>14</sup>

Country	2011	2012	2013	2014	2015	2016	Total
<b>Armenia</b>	28	26	26	28	47	61	<b>215</b>
<b>Azerbaijan</b>	15	19	11	8	23	23	<b>99</b>
<b>Belarus</b>	1	10	11	15	17	24	<b>77</b>
<b>Georgia</b>	66	61	49	41	74	98	<b>389</b>
<b>Moldova</b>	79	56	67	95	42	91	<b>363</b>
<b>Ukraine</b>	22	66	139	313	68	207	<b>815</b>
<b>Total bilateral East</b>	212	236	236	499	271	271	<b>1958</b>
<b>Algeria</b>	43	29	36	32	33	41	<b>214</b>
<b>Egypt</b>	40	88	25	94	68	139	<b>453</b>
<b>Israel</b>	5	7	4	6	10	7	<b>38</b>
<b>Jordan</b>	76	91	96	60	102	155	<b>581</b>
<b>Lebanon</b>	14	29	64	67	70	47	<b>291</b>
<b>Libya</b>	8	3	9	12	6	7	<b>45</b>
<b>Morocco</b>	152	109	84	77	152	230	<b>804</b>
<b>Palestinian Territories</b>	322	170	211	298	321	336	<b>1658</b>
<b>Syria</b>	19	2	30	3	35	81	<b>169</b>
<b>Tunisia</b>	114	143	85	178	154	114	<b>789</b>
<b>Total bilateral South</b>	792	670	645	827	951	1157	<b>5042</b>
<b>Grand total</b>	<b>1004</b>	<b>907</b>	<b>881</b>	<b>1326</b>	<b>1222</b>	<b>1661</b>	<b>7000</b>

Source: European Commission, Annual reports on the implementation of the European Union's instruments for financing external actions in 2011 – 2016, see: [https://ec.europa.eu/europeaid/annual-reports\\_en](https://ec.europa.eu/europeaid/annual-reports_en).

It becomes apparent that more than two-thirds (72%) of bilateral ENI spending in the 2011-2016 period went to the Southern neighbours. This can in part be explained by the fact that there are ten Southern and only six Eastern partners. In addition, about one-third of spending (32%) in the South was allocated to the Palestinian Territories. Furthermore,



there were huge differences in bilateral spending between partners, both in the South and in the East, although differences amongst Southern partners were more extreme. These differences can largely be explained by the criteria for bilateral spending mentioned above.

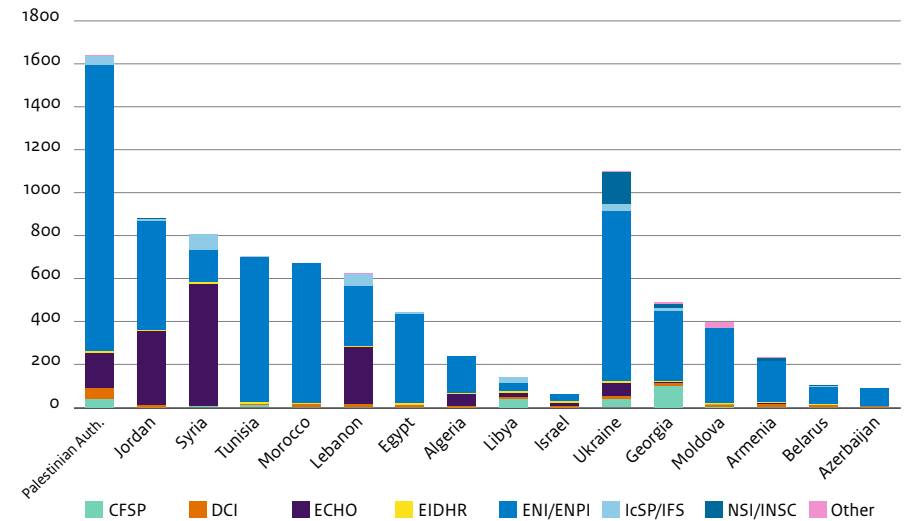
*Text box 4 Projects funded by ENI and other EU funds*

ENI funding and other EU funds paid a variety of projects aimed at empowering citizens, reinforcing civil society, and supporting local authorities.<sup>15</sup> In the Southern region, these projects aimed, for example, at increasing the financial independence of village women in Egypt, making it possible for Tunisian students to spend time studying in Europe, supporting Algerian entrepreneurs in achieving sustainable and profitable production processes, contributing to reforms in the Libyan health care sector, and helping to make the Moroccan justice system more accessible for children. Projects in the Eastern region aimed, for instance, at improving education for children in conflict-affected areas in Georgia and Ukraine, empowering socially and economically disadvantaged young women in Armenia and Belarus, and helping Moldovan municipalities reduce their CO<sub>2</sub> emissions.

EU-financed projects in the neighbourhood were implemented by various parties, including development organisations of the larger member states (e.g. Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)), private development organisations (e.g. Oxfam or IOM) or multilateral organisations (e.g. UNDP). National and local government authorities and societal actors are also involved.

the Instrument for Nuclear Safety Cooperation (INSI) (2%),<sup>16</sup> and the European Instrument for Democracy and Human Rights (EIDHR) (1%).<sup>17</sup> The implementation of these instruments varied strongly per country, as shown in figure 2.

*Figure 2 Instruments implemented per country*



Source: European Commission, Annual reports on the implementation of the European Union's instruments for financing external actions 2011 – 2016, see: [https://ec.europa.eu/europeaid/annual-reports\\_en](https://ec.europa.eu/europeaid/annual-reports_en)

### 2.2.2 Other EU external instruments

Apart from the ENI, other EU instruments and programmes also provided support to the neighbourhood region. Most significant was the European Civil Protection and Humanitarian Aid Operations (ECHO), which accounted for 17% of EU funding to the neighbourhood. Other instruments accounted for much smaller shares of funding. These instruments are the Instrument contributing to Stability and Peace (IcSP) (3%), interventions under the Common Foreign and Security Policy (CFSP) and Common Security and Defence Policy (CSDP) (3%), the Development Co-operation Instrument (DCI) (2%),

### 2.2.3 Macro-financial assistance

Another support instrument was macro-financial assistance (MFA). MFA consists of mostly short-term, low-interest loans, or (sometimes) grants for countries experiencing a balance of payment crisis. The goal of MFA is to restore a sustainable (external) financial situation, while encouraging economic adjustments and structural reforms. MFA is conditional on the existence of a non-precautionary credit arrangement with the IMF and a satisfactory track-record of implementing IMF programme reforms. In the period 2011-2017, Armenia, Georgia, Jordan, Lebanon, Moldova, Tunisia and Ukraine received MFA. The amounts and grounds for MFA differed per country, as illustrated in text box 5.





#### Text box 5 Examples of Macro-Financial Assistance<sup>18</sup>

Ukraine has been – by far – the largest recipient of MFA. In response to the crisis that started in early 2014, EUR 3.4 b has been made available through three programmes of low-interest loans. Jordan received EUR 180 m in 2014 to cope with economic shocks, including the impact on its economy from the conflict in Syria. Later, EUR 200 m was proposed in additional loans. Moldova received EUR 90 million in MFA grants to cope with the consequences of the global financial crisis. Tunisia received a pledge of EUR 300 m to help it overcome the severe economic difficulties it faced during its economic and political transition, which began in 2011. At the beginning of 2018, EUR 200 m had been disbursed. In 2015, an additional EUR 500 m in loans was approved to support Tunisia after the 2015 terrorist attacks which caused a decline in tourism.

### 2.2.4 EU budget support

Budget support entails actual financial transfers from the EU to the partners' national treasuries. The goal is to support reforms in macroeconomic and public finance policy as well as other mutually agreed sectors. The main objective is promoting democratic governance and sustainable economic growth in a country – i.e. it was used to support Egypt in dredging the Suez Canal. The Commission generally provides budget support in a combination of fixed tranches linked to eligibility criteria.<sup>19</sup> To give an indication of size: in 2015 the EU's budget support disbursed in the ENP countries amounted to EUR 249.0 m in the ENP-South and EUR 83.5 m in the ENP-East (which, together, amounted to 20.9% of the total EU budget support disbursed worldwide).<sup>20</sup>

### 2.2.5 Special measures

During the 2011-2017 period Georgia, Israel, Libya, Moldova, the Palestinian Territories, Syria and Ukraine received funding via so-called 'special measures'. The exact objective of special measures differs, as shown in text box 6.

#### Text box 6 Examples of special measures

In the Eastern region, Georgia and Moldova both received EUR 30 m from a special measure in 2014 as part of incentive-based Umbrella funding.<sup>21</sup> Ukraine received EUR 525 m in special measures over the course of 2014 and 2015 (EUR 123 m of which was a redirection of money committed earlier) to provide financial assistance in the absence of multiannual programming. The measures were aimed at supporting decentralisation, stimulating the economy and state building.<sup>22</sup> In the Southern region, Israel received EUR 3.8 m in special measures supporting Twinning projects in 2015 and 2016.<sup>23</sup> In 2012, when development assistance to Libya was temporarily suspended, the country received EUR 25 m in funding for humanitarian aid and state building in the post-2011 situation.<sup>24</sup> Similarly, Syria received funding from two special measures in 2015 to provide direct support to the affected population in Syria (via the so-called Madad-fund) whilst not cooperating with the regime. The maximum total budget consisted of EUR 222 m.

## 2.3 Market

The EU is the largest trading partner for most neighbouring countries. The Union offers these countries economic integration, which means that the EU will progressively reduce custom tariffs and abolish quotas, thus granting those partners who successfully carry out the necessary reforms greater access to the internal market of the EU. There is a wide variety in the depth and exact specification of trade relations between the EU and its neighbours, which reflects the countries' own ambitions with regard to broader cooperation with the EU and membership of the World Trade Organisation (WTO).

The most far-reaching of these arrangements is the so-called Deep and Comprehensive Free Trade Area/Agreement (DCFTA). These extend further than normal trade agreements: apart from trade liberalisation in all areas by lifting customs barriers and trade quotas, they also involve the harmonisation of partners' trade-related legislation with EU standards and law. WTO membership is a precondition for entering DCFTA negotiations.<sup>25</sup> Moldova, Ukraine and Georgia have a DCFTA in place as part of their Association Agreement (AA). These DCFTAs were negotiated separately from the AAs. DCFTAs did not apply to the other three EaP countries (Armenia, Azerbaijan and Belarus) or to the Southern ENP states.



Trade relations with partner countries without a DCFTA were mostly structured via their Partnership and Cooperation Agreements (PCAs) or (earlier generation) AAs. No PCA has yet been concluded with Belarus, which is not a WTO member. The Trade and Cooperation Agreement, concluded between the European Community and the Soviet Union in 1989, remains the basis for EU-Belarus trade relations.

The exact specifications in these agreements vary. The AA with Morocco establishes a relatively advanced Free Trade Area with tariff-free trade of industrial products, common rules on intellectual property, and various programmes to help small and medium-sized enterprises (SMEs). In addition, Morocco has a liberalisation agreement regarding fisheries and agricultural products.<sup>26</sup> Morocco is also the first country to have started negotiations on a DCFTA with the EU. Next to Morocco, negotiations on a DCFTA have been started with Tunisia. Autonomous trade measures are also used by the EU. This is illustrated by the EU's preferential conditions for Tunisian olive oil after the 2015 terrorist attacks in that country.<sup>27</sup>

## 2.4 Mobility

A third instrument used by the EU relates to mobility. The EU offered partner countries various incentives, ranging from visa facilitation and visa liberalisation, to mobility partnerships.

Visa liberalisation – i.e. the lifting of the requirement to obtain a ‘Schengen visa’ for short stays of up to ninety days – is in place for Moldova since 2014, and for Georgia and Ukraine since 2017. Visa liberalisation is the most far-reaching incentive for ENP countries in the area of migration and mobility. A visa-free regime requires partners to implement a so-called Visa Liberalisation Action Plan (VLAP), which includes benchmarks related to document security, border management, migration and asylum, public order and security, and external relations and fundamental rights. Visa liberalisation was not open to Southern neighbours, except for Israel, which has a visa-free regime since 2001.

One step down from visa liberalisation lies ‘visa facilitation’. These agreements ease visa requirements and facilitate the issuance of visas for short stays, often for specific target groups. Visa facilitation agreements have been concluded with Armenia and Azerbaijan, but not with Belarus or the Southern neighbours.<sup>28</sup> In relation to the latter, an important

obstacle is that neither Belarus nor the Southern neighbours have concluded a readmission agreement with the EU, which is a prerequisite for visa facilitation or liberalisation. Such a readmission agreement aims to facilitate the return of people residing irregularly in a member state to their country of origin or to a country of transit.

Mobility partnerships are a comprehensive framework for bilateral cooperation between the EU and its partners in the areas of mobility, migration and asylum policy, which are included in the framework of the EU's Global Approach to Migration and Mobility (GAMM).<sup>29</sup> Mobility partnerships aim, amongst others, at: better organising legal migration and fostering well-managed mobility; preventing irregular migration and eradicating human trafficking; and promoting international protection of refugees. Mobility partnerships are in place with all Eastern partners except for Ukraine; in the South they exist with Jordan, Morocco, and Tunisia.<sup>30</sup> In exchange for their cooperation, these countries receive various types of support from the EU. The EU pushed for these agreements in the period following the Arab Spring.

To address the migration crisis, the EU devised so-called compacts. Compacts include mutual commitments in view of sustaining ENP countries' resilience in light of the refugee crisis. Like mobility partnerships, they bring together aid, trade, mobility and security measures, which should be tailored to the characteristics of each partner country, whether it is a country of origin, country of transit or a country hosting many displaced persons.<sup>31</sup> Compacts have been added to the Partnership Priorities that the EU adopted with Lebanon and Jordan. Via these PPs and the compacts, the EU offers assistance and market access for certain economic sectors in these countries, in return for economic opportunities and access to education for both, citizens and Syrian refugees.<sup>32</sup>

## 2.5 Security instruments

In addition to the ‘three Ms’, the EU employs various instruments in the area of security. These instruments are the following:<sup>33</sup>

- *Missions under the EU's Common Security and Defence Policy (CSDP)*. Civilian and border assistance missions were undertaken in: Ukraine, Georgia, Moldova, the Palestinian Territories and Libya. Ukraine, Georgia and Moldova participated in CSDP missions/operations with financial support from EU member states.



- *Capacity development.* This included: (a) trainings by the European Security and Defence College in the area of CSDP, security sector reform, peacebuilding and protection of civilians in ENP countries; (b) collaboration on hybrid threats; and (c) cooperation with Southern partners on tackling terrorism and preventing radicalisation, including the adoption of counter-terrorism roadmaps and packages with Tunisia, Lebanon, Jordan and Israel.
- *Support to reconciliation.* The EU supported ongoing dialogues to achieve peaceful and sustainable solutions to the conflicts affecting Ukraine, Georgia, Moldova, Armenia and Azerbaijan. For example, in Georgia, the EU co-chaired the Geneva International Discussions for resolving the conflict, and it advocates for continued people-to-people contacts throughout Georgia's entire territory. The EU also held observer status for the settlement of the Transnistrian conflict in Moldova. The EU Special Representative (EUSR) for the South Caucasus supported the Minsk Group Co-Chairs' efforts and ongoing peacebuilding activities in eastern Ukraine, and demonstrated the EU's interest and stake in the peaceful resolution of this protracted conflict.
- *Security sector reform.* This included security sector reform projects in Tunisia, Lebanon, Algeria and Moldova, and several projects in the area of Integrated Border Management with Eastern partners. There is also cooperation on fighting organised crime, money laundering, terrorism financing and cybercrime.

## 2.6 A myriad of instruments

This chapter described the ENP toolbox. It contains numerous instruments that are applied very differently across the neighbourhood. While the ENP provides the overarching framework for the entire neighbourhood, the EU's relations with each of the neighbourhood regions and countries vary depending on the framework in place. This also applies to the Union's bilateral relations with each of the sixteen ENP countries. In addition, the extent to which countries benefit from the various ENP instruments varies. Implementation of financial assistance is scattered over numerous programmes and actors. Individual member states also maintain their relations with ENP countries.

In the next chapter, we will examine key factors identified in the literature that influence the ENP's effectiveness.



## Endnotes | 2

- <sup>1</sup> This chapter covers EU instruments implemented in ENP countries. The Dutch financial contribution to the ENP and the Dutch positions on the instruments mentioned in this chapter are outlined in Chapter 4.
- <sup>2</sup> Instruments (similar to those) used in the ENP framework are also used outside the neighbourhood.
- <sup>3</sup> The EU also uses instruments in ENP countries that did not necessarily aim at promoting ENP objectives.
- <sup>4</sup> Years shown indicate the moment of signature as well as entry into force, unless stated otherwise.
- <sup>5</sup> The ENI was preceded by the European Neighbourhood and Partnership Instrument (ENPI), which was operational from 2007-2014. Despite some small differences the instruments are largely the same. Other thematic and geographical instruments of the EU are also used in the region but only to a very limited extent.
- <sup>6</sup> For a description of objectives and mechanisms, please refer to Chapter 1, text box 3.
- <sup>7</sup> Excluding the EUR 30.5 billion European Development Fund, which is financed outside the EU budget and is, thus, not considered an EU external instrument.
- <sup>8</sup> Co-financing requirements may be waived in order to support the development of civil society and non-state actors, especially small-scale civil society organisations. ENI regulation, Art. 4.
- <sup>9</sup> In line with ENI regulation, Art. 6.
- <sup>10</sup> See Chapter 1, text box 3.
- <sup>11</sup> European External Action Service and European Commission, no date a; no date b; and no date c.
- <sup>12</sup> Up until 2015 progress by partner countries was assessed by means of yearly ENP progress reports.
- <sup>13</sup> The table does not include EU emergency aid that countries may have received, nor additional funding via the 'Umbrella-fund' which annually allocated 10% of the available ENI funds to neighbouring countries that had made the most progress towards a deep-rooted and sustainable democracy, and in the implementation of agreed reform objectives.
- <sup>14</sup> Between 2011-2013 the Russian federation received roughly EUR 112 million per year under the ENPI as well.
- <sup>15</sup> These project examples are taken from EU Neighbours, on [euneighbours.eu](http://euneighbours.eu).
- <sup>16</sup> Previously called the Nuclear Safety Instrument (NSI).
- <sup>17</sup> Rounded percentages. The remaining 1% belong to the category 'other expenses'. For more information see: [https://eeas.europa.eu/enp/how-is-it-financed/index\\_en.htm](https://eeas.europa.eu/enp/how-is-it-financed/index_en.htm).
- <sup>18</sup> [https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/international-economic-relations/macro-financial-assistance-mfa-non-eu-partner-countries\\_en](https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/international-economic-relations/macro-financial-assistance-mfa-non-eu-partner-countries_en).
- <sup>19</sup> See: <https://ec.europa.eu/europeaid/node/13967>
- <sup>20</sup> European Commission, 2016a: 3-8.
- <sup>21</sup> European Commission, 2014a.
- <sup>22</sup> See: [https://ec.europa.eu/neighbourhood-enlargement/news\\_corner/key-documents\\_en?field\\_file\\_country\\_tid\[0\]=130](https://ec.europa.eu/neighbourhood-enlargement/news_corner/key-documents_en?field_file_country_tid[0]=130)
- <sup>23</sup> See: [https://ec.europa.eu/neighbourhood-enlargement/news\\_corner/key-documents\\_en?field\\_file\\_country\\_tid\[0\]=143](https://ec.europa.eu/neighbourhood-enlargement/news_corner/key-documents_en?field_file_country_tid[0]=143)
- <sup>24</sup> See: [https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/libya\\_en](https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/countries/libya_en)
- <sup>25</sup> Van Berkum, 2014: 6-10.
- <sup>26</sup> The application of this agreement gave rise to legal disputes before the European Court of Justice regarding its de facto application to the territory of the Western Sahara. The Court found that this is not legally possible in light of the specific status of the Western Sahara under international law, and in light of the principle of self-determination.
- <sup>27</sup> European Commission and High Representative of the Union for Foreign Affairs and Security Policy, 2017: 15.
- <sup>28</sup> See: [https://ec.europa.eu/home-affairs/what-we-do/policies/irregular-migration-return-policy/return-readmission\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/irregular-migration-return-policy/return-readmission_en)
- <sup>29</sup> See: <https://ec.europa.eu/home-affairs/what-we-do/policies/international-affairs/global-approach-to-migration>
- <sup>30</sup> Ibid.
- <sup>31</sup> European Commission, 2016b.
- <sup>32</sup> Additionally, the EU has tried to manage migration flows and reduce the number of refugees undertaking the crossing of the Mediterranean with funding from the EU Emergency Trust Fund for Africa (EUTF). Libya has been the main beneficiary of these interventions. At the time of writing, cooperation with Egypt, Tunisia and Algeria under the EUTF was being built up. Furthermore, informal dialogues on migration had been agreed with Algeria and Egypt; see: European Commission and High Representative of the Union for Foreign Affairs and Security Policy, 2017.
- <sup>33</sup> This section is largely based on the instruments described in the EU's 2017 report on the implementation of the ENP review: European Commission and High Representative of the Union for Foreign Affairs and Security Policy, 2017.



### 3 Examining the factors influencing ENP effectiveness

This chapter examines four key factors identified in the literature as contributing to the ENP's effectiveness. These are the ways in which conditionality functioned, EU policy coherence, ENP ownership in neighbourhood countries, and the role of external actors.<sup>1</sup> Together, these factors will provide the framework for our assessment in chapter 4 of the Dutch contribution to the ENP.



## 3.1 Conditionality

Conditionality is a key mechanism of the ENP. However, it is not a clear-cut concept based on a widely-shared definition among policy-makers or scholars. During and after the Cold War, political conditionality was usually defined as the threat employed by a donor country or international institution to reduce or end assistance if the recipient did not meet specific, minimal (governance) requirements or conditions.<sup>2</sup> A crucial aspect of the kind of conditionality employed by the ENP is that the EU and its ENP partners bilaterally negotiate and monitor their joint agreements. The conditions usually relate to democracy and the rule of law, and to regulations concerning the EU's public policies, i.e. its acquis. The EU may withhold rewards or take punitive actions (i.e. employ negative conditionality, or 'less for less') if the target government rejects or fails to meet the conditions, whereas it will offer rewards if the target government meets the conditions (positive conditionality or 'more for more').<sup>3</sup> Generally, higher rewards are given in exchange for more demanding reforms. In the case of conditionality under the ENP, full membership was not considered a feasible reward option.

On paper, positive and negative conditionality were central to the 2011 ENP review. This review stipulated a 'take it or leave it' approach, according to which the EU would offer countries incentives that they either had to accept or could reject. The subsequent 2015 ENP review adopted a more pragmatic approach, acknowledging the need for differentiation towards ENP countries, and putting less emphasis on strict conditionality if countries lacked the political will to reform.

### 3.1.1 Domestic elites often resisted transformation

For 'more for more' to work, domestic political and economic elites in ENP countries have to be prepared to engage in bilateral cooperation aimed at reforms.<sup>4</sup> In practice, elites' perceptions of the costs and benefits of reforms and incentives varied considerably across time and regions. In Belarus and Azerbaijan, for instance, where political rights, horizontal accountability, and free and fair elections have so far been absent and the ruling elites still dominate the economy, there is no room for promoting reforms through EU conditionality. Both Belarus and Armenia considered the absence of the 'golden carrot' of EU membership to be a valid reason to prioritise their relationship with the Russian Federation. As a result, the EU's relations with these countries have generally been

difficult (Belarus) or ambivalent (Armenia). Ukraine, by contrast, gradually established a functioning market economy after 2005, mainly because competing political elites have been able to fight for access to economic rents.<sup>5</sup>

### 3.1.2 Financial assistance, market access and mobility instruments were insufficiently attractive

With the absence of the membership perspective, the EU had to rely on other incentives to persuade ENP countries to implement domestic reforms. It mainly offered money, market access and mobility instruments (see Chapter 2), with mixed effects on reforms.

In the majority of ENP countries, the leverage of EU *financial and technical assistance* was limited. Ukraine, Georgia, Tunisia and Morocco were among the countries receiving the biggest amount of EU assistance, while Israel, Libya and Belarus lagged behind.<sup>6</sup> Even for big receivers, however, EU assistance was often limited in proportion to their national government budgets. For example, ENI assistance to Georgia equalled 2-3% of the government budget, while assistance to Azerbaijan merely amounted to 0.1%. The vast amounts of financial support provided to ENP countries by other actors – often without any conditions attached – further limited the EU's leverage. In 2010, for instance, France gave more bilateral financial aid to every country in the MENA region than the EU itself.<sup>7</sup> Moreover, since the Arab Spring, both Tunisia and Egypt witnessed an increased inflow of financial support from the Gulf states. The Saudi government's financial assistance to Egypt in the period 2011-2015 amounted to more than 13 billion US dollars. It has a keen interest in stopping the expansion of democratically legitimised Islamic parties and movements such as the Muslim Brotherhood, in preserving Saudi economic interests in Egypt, in containing Iran and Shiism, and in containing Qatar's influence in the region.<sup>8</sup> And while Morocco received 180 million dollars under the ENI in 2015, US assistance to Morocco amounted to 70 million dollars in 2016 (22% of which in military aid) and the Gulf countries pledged to give up to 5 billion dollars.<sup>9</sup>

The results of offering *market access* in exchange for reforms are mixed. For some countries, such as Georgia, Moldova and Ukraine, the second-generation AAs and DCFTA agreements provided incentives for reform. For others, this was not the case since these agreements require substantial economic reforms and investments upfront, while their (immediate) economic benefits are not guaranteed. Belarus and Armenia, for instance, chose to join



the Eurasian Economic Union (EAEU) launched by the Russian Federation in 2015, thereby automatically excluding themselves from entering into a DCFTA agreement.<sup>10</sup>

Apart from Morocco and Tunisia, the Southern neighbours did not aim to conclude DCFTA agreements, fearing their industries would not be able to compete on the EU market. The EU in turn kept potentially powerful incentives – such as market access for agricultural products from Southern neighbours – off the negotiating table to protect agricultural producers in EU member states. This is generally seen as a missed opportunity.

*Visa liberalisation* served as one of the EU's most transformative instruments, particularly in the Eastern neighbourhood. Georgia, Moldova and Ukraine considered it both attractive in itself and valuable for establishing closer relations with the EU. As part of their visa liberalisation action plans (VLAPs), these countries passed, amongst others, far-reaching anti-discrimination laws. For the Southern partners, to whom visa liberalisation was not on offer, *visa facilitation* did not prove an effective incentive for reform, since they rejected agreements on return and readmission as a prerequisite for visa facilitation. By 2015, the refugee crisis and growing concerns about possible additional migration and security challenges brought the dialogue on visa facilitation to a virtual deadlock.<sup>11</sup>

### 3.1.3 The EU did not apply conditionality in a consistent manner

For conditionality to be effective, it needs to be applied consistently, by using clear benchmarks that countries need to meet to qualify for incentives (see text box 7). The EU managed to do so in relation to Georgia and Ukraine; elsewhere, it either gave increased benefits that were not justified by (sustained) progress, or it refrained from withholding benefits when there were objective grounds for doing so.<sup>12</sup> In these cases, the EU often chose short-term stability, security and economic (and even reputational) interests to prevail over the long-term goals of promoting democracy and human rights.<sup>13</sup>

Following the outbreak of the Arab Spring in the MENA region, in most cases the EU did not take a firm stance against authoritarian leaders, choosing a 'wait and see' approach instead. It was only after Tunisia's Ben Ali was ousted from office that the EU gave a statement in support of the Tunisian people's aspirations.<sup>14</sup> The Union was also reluctant to call upon Egypt's leader Mubarak – generally considered the regional strongman in the

fight against Islamic extremism – to step down, despite his increasingly violent suppression of the opposition.<sup>15</sup> All in all, then, the EU and its member states directed their efforts mainly towards preventing negative spill-overs, such as immigration and terrorism.

The notion that countries were 'too big to fail' also led to inconsistencies in the EU's application of conditionality. Again, Egypt was a case in point. Given its population of 96 million people, many policy-makers saw this country as essential for regional as well as EU internal stability. Therefore, assistance to Egypt was almost entirely exempted from any EU conditionality. Thus, despite the Morsi government being overthrown and the killing of hundreds of civilians by Egyptian security forces in 2013, only one EU programme of about EUR 10 million (part of which had already been disbursed) was discontinued. Assistance to the socio-economic sector and to civil society was continued because of concerns about Egypt's economic situation and the economic plight of the most vulnerable groups in society.<sup>16</sup>

Even in countries that performed relatively well, such as Tunisia, the application of conditionality proved challenging. The EU regarded Tunisia as a beacon of hope for democratic transformation in the Arab region and as a potential 'best case' for the ENP – a case that was 'too good to fail'. Being well aware of this reputation, the Tunisian authorities claimed a fittingly unique treatment involving more financial support and leniency from the EU. However, this also resulted in complacency on the part of the Tunisian government.<sup>17</sup>

The case of Moldova, which the EU initially considered to be a regional frontrunner, illustrates the challenges posed by applying conditionality. Moldova's seemingly pro-European government received EU budget support. The EU was slow to suspend support following a banking fraud scandal involving prominent politicians and business people. As a result, Moldovan citizens' trust in the EU had already crumbled, since they associated the Union with support for corrupt local elites. It was only after suspending its budget support, that the EU's popularity increased again.<sup>18</sup>

It is hard for the EU and its member states to 'get it right' in the neighbourhood. Whether the EU has enough leverage to make conditionality work in a specific context, depends on many domestic and international factors. Therefore, this is difficult to determine in advance. For instance, while the EU may want to sanction underperforming countries, doing so risks turning away 'the unwilling' that the EU needs for securing its own interests,



as well as endangering existing reforms in countries willing and able to meet the EU's demands. Both with regard to 'willing' and 'unwilling' countries, it is difficult for the EU to apply negative conditionality without directly damaging its own interests.

Positive conditionality under the Umbrella Programme and the 'range mechanism' (see Chapter 1, text box 3) also has its limits. The Umbrella Programme has been perceived as 'creating a reward mechanism mainly for 'friendly governments' that are willing to go along a specific reform path, rather than offering an incentive to human rights and democracy reforms in the whole Neighbourhood'.<sup>19</sup> While it may have stimulated reforms in certain cases,<sup>20</sup> the Programme has been evaluated as having had limited impact on overall reform processes.<sup>21</sup> Similar findings apply to the 'range mechanism': according to the Commission, 'the mechanism has allowed extending the scope of reforms already agreed but hardly incentivised partner countries for more or deeper reforms'.<sup>22</sup>

#### *Text box 7 Implementing the ENP: no clear benchmarks and lack of consistency*

Prioritising (short-term) interests over values was facilitated by the ENP's ambiguous concepts, such as 'deep democracy', suggesting a common reference point based in democratic values. ENP action plans – which lay down the reform objectives that countries have to meet within a specific time frame – show that translating values into concrete norms and reform paths is necessarily region-, country- and even context-specific. This means that establishing a 'democracy' in, say, Tunisia, requires a different route, sequencing and timing of reforms than in Georgia, for example. It also means that norms and objectives have to be clear, unambiguous and coherent. This has often not been the case. For example, the action plan for Georgia stipulated the country should ensure 'improved access to justice', 'strengthen the overall capacity of the customs administration', and 'further reform efforts in the field of education to promote human resources development'. As a result, it was difficult to judge progress in a meaningful and objective way. In Ukraine, budget support conditions were also defined rather vaguely.<sup>26</sup>

In practice, there was ample room for political manoeuvring regarding the allocation of additional funding ('more for more'), or the partial or complete withdrawal of assistance ('less for less'). Decisions on additional funding were predominantly guided by positive

Like many national foreign policies, the EU's ENP faces trade-offs when insisting on both, preserving its interests, and exporting its values. The Treaty on European Union (TEU) requires the Union to develop a special relationship with neighbouring countries, 'founded on the values of the Union',<sup>23</sup> and 'to uphold and promote its values in all spheres of the EU's external relations'.<sup>24</sup> EU institutions have a long tradition of routinely invoking the language of values without being more specific on their objectives, priorities and implementation paths in the various ENP partners.<sup>25</sup> This in turn leads many external policy observers and academics to condemn EU policies as being riddled with double standards, ambiguity and incoherence (see text box 7).

conditionality, based on broad and rather superficial assessments of countries' progress towards democratic reforms and respect for human rights that left much room for political debate among the member states and EU institutions. Negative conditionality ('less for less') was even harder to apply than positive conditionality, since no 'red lines' with clear-cut criteria were established to determine whether governments had overstepped a mark that justified withdrawing assistance. In all cases, it was hard for the EU to motivate its decisions and to act consistently. This, in its turn, significantly hindered both the credibility and the attractiveness of the ENP.<sup>27</sup>

The only area where benchmarks were present, was visa liberalisation. The VLAPs that countries needed to implement in order to qualify for visa liberalisation contained clear criteria for measuring compliance, allowing for the successful implementation of reforms stipulated in the plans. However, member states still found room to dispute the application of conditionality. In 2016, the Commission and the Council disagreed over whether Georgia and Ukraine were ready for visa liberalisation, even though both countries had met the VLAP benchmarks. This disagreement temporarily cast doubt on their credibility and on the EU's good intentions towards its neighbours.





All of this is not to say that conditionality will never lead to positive domestic change in ENP countries/has never led to positive change in ENP countries. For instance, visa liberalisation was only offered to countries when the applicable benchmarks were met (see text box 7, above). And some ENP countries implemented technical measures in exchange for budget support.<sup>28</sup> It thus seems that conditionality can work, provided the EU's incentives and the reforms that it demands in return are sufficiently specific, ENP countries are willing and able to implement these reforms, the EU's incentives are attractive to ENP countries, and EU member states remain committed to applying conditionality.

## 3.2 Coherence

For the ENP to be coherent, its objectives and instruments should be mutually reinforcing; member states' policies towards ENP countries should be in line with the ENP; and EU institutions should cooperate effectively and efficiently. The 2011 and 2015 ENP reviews acknowledged the importance of implementing a coherent policy framework. However, despite EU efforts undertaken to improve coherence, the ENP's record on coherence remains mixed.

### 3.2.1 ENP instruments were implemented coherently, but wider policy integration was lacking

The EU's policy towards the neighbourhood was weak with regard to horizontal coherence. On the upside, evaluations of EU assistance programmes conclude that overall, the mix of ENP instruments was implemented coherently. Compliance with programming instructions, as well as efforts by headquarters and EU delegations to prevent overlap, were found to contribute to coherence between ENI programmes and between different geographic and thematic ENP instruments.<sup>29</sup> Blending was found to be complementary to other ENP instruments, especially to budget support.<sup>30</sup> Still, there was room for improvement. Operational linkages remained rather weak, both between ENP instruments and between ENP instruments and other European financial instruments.<sup>31</sup> Furthermore, the complex set of bilateral agreements, communications, conclusions and declarations of EU institutions that define the ENP policy framework reduced the ENP's clarity and visibility for partners and EU delegations.<sup>32</sup>

#### Text box 8 Efficiency of financial and technical assistance

As mentioned in the introduction, this policy review synthesises the conclusions of existing evaluation and audit reports on the efficiency of EU assistance programmes implemented in ENP countries. The majority of such evaluations focus on the cost-efficiency of operational processes. Evaluations have found that in terms of administrative costs, ENI – which, as mentioned before, accounts for 71% of funding to ENP countries – is relatively more cost-efficient compared to other instruments that are implemented on a geographical basis.<sup>33</sup> Moreover, in general, the ENI was found to be well managed and its procedures and processes were found to provide for adequate financial control and monitoring, and evaluation.<sup>34</sup>

On the down side, most procedures were sometimes found to be slow. Most evaluations report on substantial delays in terms of programming. These delays are partially explained by local circumstances, such as political instability or slow processes regarding the signing of agreements.<sup>35</sup> However, internal EU processes, such as the lengthy EIDHR call for proposals procedure, also played a role.<sup>36</sup> Devolution of programming from Brussels to the EU delegations has helped to speed up aid delivery, but its effect is constrained by limited numbers and high turnover of staff.<sup>37</sup>

To increase efficiency, the EU introduced the blending of ENP funds with other sources of funding, as well as joint programming. Through blending, the EU helped to attract additional funding for investments in the region, yet transaction costs were found to be high. This was due to slow IFI procurement and management systems, as well as cumbersome EU approval procedures.<sup>38</sup> Moreover, increased coordination is associated with increased operational costs. Joint programming has not proven to reduce transaction costs, neither for the EU or its member states, nor for the partner country involved. Nevertheless, evaluations found that the EU and member states involved deemed these increased transaction costs to be worthwhile in view of the benefits of increased coordination of assistance.<sup>39</sup>

ENP objectives, as well as ENP instruments and other EU (foreign policy) instruments, did not mutually reinforce each other. Tensions existed between the ENP's objectives of promoting democracy and achieving stability. Coherence was especially hard to achieve in relation to countries that were less stable, authoritarian, and less inclined to cooperate



closely with the EU (see paragraph 3.1). Moreover, in its approach to neighbourhood countries, the EU did not consider ENP policy options and other foreign policy options in a concerted manner. For example, while the EU may use security instruments – such as sanctions, EU Special Representatives, and civilian and military missions – in the neighbourhood, the ENP did not serve as the overarching policy framework ensuring that these instruments were used in an integrated manner. Other instruments were also implemented in the neighbourhood without regard for the ENP framework. Examples are military operation EUNAVFOR/Sophia on the Mediterranean Sea and the EU’s assistance package to tackle the root causes of migration. While the challenges posed by the refugee and migrant crisis are not confined to neighbourhood countries, the ENP does not serve as an overarching framework for the EU’s response to the entire region.<sup>40</sup>

In recognition of the need for a more integrated approach, the 2015 ENP review stated that ‘[t]he new ENP will seek to deploy the available instruments and resources in a more coherent [...] manner’.<sup>41</sup> Efforts to develop a comprehensive approach to addressing external conflicts and crises have been undertaken in recent years. Whether these could also support coherence between the ENP and the wider EU foreign policy largely depends on the willingness of member states and institutions to coordinate their actions. So far, this has often been lacking. The next section looks into this issue in more detail.

### 3.2.2 Member states often failed to act in line with the ENP

Vertical coherence – namely, convergence between the ENP and member state policies – was weak. Member states hardly saw the strategic EU interest in the neighbourhood as a common interest.<sup>42</sup> A majority preferred to maintain bilateral relations with ENP countries rather than use the umbrella of the ENP, particularly with respect to the Southern neighbourhood.<sup>43</sup> They have the right to do so, since member states have the prerogative to implement their own foreign policies. However, in their policies they need to refrain from jeopardising the EU’s objectives,<sup>44</sup> and this is where problems have appeared. Several member states maintained ‘special relations’ with ENP countries and pursued their own, short-term national (security) interests,<sup>45</sup> at the expense of the EU’s credibility on human rights.<sup>46</sup> For example, western governments such as France and Germany sought closer cooperation with so-called ‘moderate’ Arab leaders in the fight against terrorism, and became less critical of human rights abuses, particularly in Egypt, Syria and Libya.<sup>47</sup>

### Joint programming as a tool to increase coherence and ownership

The 2015 ENP review recognised the importance of improving vertical coherence. To this end, the member states should be involved more in policy formation and implementation, for example through joint programming. This is a form of coordination of financial and technical assistance provided to countries or regions by the EU and individual member states. It is not limited to ENP countries, but can be applied in all countries or regions of EU development cooperation. The core elements of joint programming are a joint strategy (which identifies priority areas of interventions); in-country division of labour (who does what, and in which sectors?); and indicative allocations per sector and donor. While not a new instrument as such, the 2015 ENP review stressed the need to step up joint programming to increase the ENP’s coherence, its ownership in ENP countries, and the engagement of EU member states.

In 2017 the Commission published an evaluation on joint programming during the period 2011-2015, covering all regions and countries of EU development cooperation.<sup>48</sup> While neither limited to, nor encompassing all, ENP countries (case studies included ENP recipients Moldova and the Palestinian Territories), the observations included in this evaluation are corroborated by IOB interviews on joint programming in the neighbourhood. The findings below are limited to the effects of joint programming on ownership (discussed in more detail in paragraph 3.3) and coherence. Overall, the findings depict a mixed picture of its effectiveness in these fields.

The effects of joint programming on policy *coherence* were mixed. In some cases, the EU and the member states agreed on joint roadmaps, joint analyses and joint responses. Moldova and the Palestinian Territories constitute good examples. However, there were many obstacles that prevented coherence. The coordinating role that EU delegations were supposed to play depended on the enthusiasm and determination of the delegation staff, however, capacity was often lacking. Moreover, not all member states were equally eager to engage in joint programming. Some member states with ‘special relationships’ feared the publication of ‘joint analyses’, while others were not ready to accept the EU-wide division of labour or the joint EU response needed.<sup>49</sup> Aligning planning cycles also proved difficult. Member state programming cycles were linked to their own political and bureaucratic cycles, and there was little willingness to adapt these to the planning cycles of ENP countries. In the same vein, EU programming cycles were not fully aligned with the planning cycles in the neighbourhood, as the EU’s Single Support Frameworks were established for three years. Thus, in practice, joint programming was often highly formal, uninspired, and cumbersome.



Joint programming contributed little to ENP *ownership* in neighbourhood countries. This was due to the positive results being mostly limited to the EU and its member states, doing little to stimulate ownership of the ENP in neighbourhood countries. Joint programming contributed to a clearer view amongst the EU and the member states on assistance provided by each of them in recipient countries and in some cases, the EU and the member states reached a joint analysis on the challenges faced by such countries. However, in general, these countries themselves did not benefit much from joint programming because countries' governments and civil societies were not sufficiently involved in the process. Often, they were involved too late, at a stage when decisions on joint programming had already been taken.

Staff at EU delegations and member state embassies argued this late involvement of ENP countries was motivated by concerns about coherence. To avoid coming across as divided, EU delegations and member state embassies first sought agreement amongst themselves before involving ENP countries in the process. In this sense, there seems to be a trade-off between ownership and coherence.

Not all recipient countries were equally eager to facilitate joint programming, partly because it involved a lot of administrative capacity that was often absent. Even Georgia, which initially adopted a leadership role in donor coordination, later abandoned this due to capacity constraints. Moreover, some countries feared joint programming would result in less funding or in providing the EU with too much political leverage.

### 3.2.3 EU institutions worked together rather well

Chapter 1 has outlined the responsibilities of the most important actors involved in the ENP framework: the HR/VP, the EEAS (including the EU delegations), the European Commission, and the member states (in the Council of Ministers and through embassies). Working relations among these actors were good, although some improvements could be possible and required for institutions to function coherently.

#### The HR/VP, the EEAS, and the European Commission

In 2009, Commission President Barroso transferred the responsibility for the ENP from the RELEX Commissioner (whose role was to be merged with that of the new High

Representative) to the Commissioner for Enlargement. This new Commissioner for Enlargement and the Neighbourhood Policy had to rely on the ENP staff at the EEAS that had been transferred from the Directorate-General for External Relations (DG RELEX).<sup>50</sup> This collaboration was said to work well.<sup>51</sup> The Commissioner and the HR/VP coordinated their policies by organising joint meetings of their cabinets, sharing documents, and preparing and signing new ENP documents together. However, the HR/VP was not given much room to take on her role as First Vice President. After the Commissioners' Group on External Action (CGEA) was formed in 2010, HR/VP Ashton convened this group a number of times, but each time she was side-lined by the Commission President, who insisted on chairing the meeting.<sup>52</sup> Under the Juncker Commission the CGEA met once a month. HR/VP Mogherini was instructed to coordinate the CGEA.<sup>53</sup> Meetings were prepared by the EEAS policy planning unit and the Commission's Secretariat-General. This ensured constant political input into the Commission's work.<sup>54</sup>

Although cooperation between the EEAS and the Commission in the ENP framework is highly complex, it has proven to work rather well. Within the ENP, the EEAS collaborated closely and continually with the Commission's DG for Neighbourhood and Enlargement Negotiations (DG NEAR), and – depending on the issue at stake – with various sectoral DGs, such as those on Energy (DG ENER), Home Affairs (DG HOME), and International Cooperation and Development (DG DEVCO). Such cooperation was needed, because while the EEAS was in charge of negotiations on political association and security cooperation, DG Trade was responsible for DCFTA negotiations. Moreover, in the area of sectoral cooperation pertinent to the AAs, the EEAS had to rely extensively on the expertise of different Commission DGs.

While day-to-day coordination worked rather well, relations between the Commission and the EEAS still needed to be settled. Differences in perspectives occasionally resulted in turf battles in which the Commission had the upper hand. The EEAS was relatively forward leaning in relation to incentives granted to ENP countries; the line DGs tended to take a more reserved position closer to the member states. This was the case, for example, regarding visa liberalisation and the invitation of some southern member states to join the Energy Community Treaty. While favoured by the EEAS, these initiatives were not supported by the relevant Commission DGs.<sup>55</sup> In both cases, the control exercised and the checks applied by the Commission limited the discretion of the EEAS to act.



### The member states in Brussels

A right balance has yet to be struck between Council oversight of the ENP process on the one hand, and the room for manoeuvre in political dialogue with partner countries allowed to the EEAS and the Commission on the other hand. Striking this balance requires deepened mutual trust and better information sharing. Interviews revealed that the distribution of information in general was an issue of contention between member states and the EEAS/Commission. Many member states were uncomfortable with the lack of (timely) information provided by the EEAS and the Commission, especially when partnership priorities were negotiated with neighbouring countries. They noted the EEAS and the Commission tended to table subjects that the latter had already discussed in detail and felt insufficiently included in the process.

Member state representatives understood the need for flexibility and agreed that a balance had to be struck between 'getting things done' and 'involving the 28'. At the same time, they stressed the importance of Council oversight, not only for reasons of control, but also for strengthening coherence between the EU's and their own policies. Despite existing contentious issues, the member states were positive about working with the EEAS, as it showed respect for their 'red lines'.<sup>56</sup>

### EU delegations and member states in ENP countries

Even though the delegations suffered from capacity limitations that sometimes made it difficult for them to exercise their responsibilities and to ensure coherent policy,<sup>57</sup> overall, member state embassies were positive about the work of the EU delegations. Member state representatives met regularly in the capitals of the neighbouring countries, for example at meetings of EU Heads of Mission (HoM), deputy HoMs, and at the level of sector-specific staff. These meetings were usually chaired by the EU delegation. During the EU-HoMs meetings, which in most countries took place at least once a month, relevant local participants were frequently invited. In most partner countries, EU-HoM's discussions focused on practical issues (such as participation in events) and information sharing (for example on meetings held with local actors).<sup>58</sup> Participants were hesitant to share political analyses and raise strategic questions on the approach to be taken in relation to a country. Various member state officials interviewed by IOB felt such debates would duplicate Brussels discussions. This is a shame, because ambassadors generally have a good understanding of local complexities, and their insights could provide valuable input into the reports that EU delegations send to the EEAS, the Commission, and the member states' capitals. Such added value also derives from the fact that, when it comes

to the change potential of the EU in the neighbourhood, embassies and EU delegations in a particular neighbouring country are usually more on the same page than the actors convened in Brussels. In this sense, the lack of open discussion is a missed opportunity for better policy making. Reporting does usually take into account EU-HoM's debates.<sup>59</sup>

## 3.3 The ENP lacked ownership in ENP countries

On paper, (mutual) ownership was an important ENP feature. While the 2011 review claimed that EU support would be differentiated according to the needs of each country and the regional context, ownership acquired key importance in the 2015 review. This emphasised that the EU would tailor its policy to the different ambitions, abilities and interests of the neighbourhood countries. The different cooperation patterns that would emerge, would lead to a greater sense of ownership on the part of these countries. This should also be achieved by moving away from the traditional top-down approach. In practice, however, the ENP continued to suffer from a lack of ownership. This was partly due to fact that conditionality remained key to the ENP. It also partially stemmed from the fact that EU values were not always widely shared by domestic populations. It was also caused by a lack of differentiation across countries and regions, and an absence of genuine EU partnerships with ENP countries.

### 3.3.1 EU transfer of democratic values and human rights met opposition

ENP governments and societies have not all been open to the EU's attempts to promote its 'model' of liberal democracy and human rights. This is especially true for countries in the Southern neighbourhood, where democratic and human rights such as freedom of expression and religion, and the rights of women and minorities are often seen as challenging existing traditional, religious or cultural values.<sup>60</sup> Still, while the Arab uprisings were partly 'about people claiming democratic rights to emancipate themselves from the traditional influence of the West, rather than trying to join it',<sup>61</sup> they were also about citizens demanding far-reaching reforms, including more political freedoms.<sup>62</sup> Unfortunately, the EU was initially not sufficiently adaptive to local understandings of



democratic citizenship. Its interventions often revealed a formalistic notion of democratic rights that did not fit local circumstances.<sup>63</sup> The result was a lack of ownership on the part of civil society within the neighbourhood.

Tensions between EU and local values were also visible in the Eastern neighbourhood. Here, the major normative contender for the EU has been Russia, which perceives the EaP as a threat to its own influence in the shared neighbourhood. For this reason, it promotes a different set of national, cultural and religious values in this sphere of influence.<sup>64</sup> All EaP countries are to some extent susceptible to Russia's influence, as is apparent from political developments in Georgia, Moldova and Ukraine. Still, these countries' governments have committed to implementing democratic reforms and wished for closer relations with the EU. This does not apply to the Armenian, Belarussian and Azerbaijani governments.

### 3.3.2 There was insufficient differentiation between regions and countries

Whereas various EU documents (already before 2011) promised more differentiation, the ENP was often implemented in a one-size-fits-all manner that did not take sufficient account of the political sensitivities and the complex power dynamics within ENP countries and dividing lines between nations.<sup>65</sup> In the Southern neighbourhood, calls for tailor-made approaches were made, especially in response to the Arab Spring. While Southern ENP countries already had widely different political, economic and social systems even before the revolutions, such differences only increased after the revolutionary upheavals.<sup>66</sup> The revival of sectarian politics, worsening Sunni-Shia relations, and security spill-overs from the conflicts in Syria and Iraq, for instance, affected these countries very differently. These nuances and differences in the local contexts, however, were not reflected in the EU's approach to the region.

In the case of the Eastern neighbourhood, calls for differentiation derived, in particular, from the diverse impact of the association agreements on domestic power structures and dynamics, especially in politically sensitive areas. However, such divergences did not lead to an EU approach that matched the local conditions, needs and motivations of individual countries. The EU did not sufficiently differentiate between countries aspiring to closer relations with the EU (namely, Georgia, Moldova and Ukraine) and other countries

(Armenia, Azerbaijan and Belarus). Regardless of their aspirations and levels of integration with the EU, second-generation AAs and DCFTAs constituted the only models for 'more cooperation' – reflecting a 'take it or leave it' approach.

Aware that the lack of differentiation led to limited ownership of the ENP in neighbourhood countries, the EU introduced new models of cooperation to allow for more differentiation after the ENP's revision in 2015. To EaP countries not interested in concluding second-generation AAs with the EU, the EU offered various other types of agreements. The Union signed a CEPA with Armenia (2018); the European Council endorsed PPs with Azerbaijan (2018), and these were being negotiated with Belarus. PPs were also concluded with Jordan, Lebanon (2016), Algeria, and Egypt (2016), and SPs were signed with Tunisia (2018). The discussions on such agreements involved exchanges between the EU and partner countries on their respective interests and ambitions. Reporting on countries' progress towards agreed benchmarks, which previously happened uniformly across countries, was also adapted. The new formats enabled the EU to revive its previously stalled relationships with ENP states unwilling or unable to deepen cooperation through second-generation AAs and DCFTA agreements. These included fewer and more genuinely-shared policy priorities.

### 3.3.3 The EU did not build real partnerships with societies

The EU not only aimed to build partnerships with neighbourhood governments, but also with neighbourhood societies. In the Southern region, the 'bursts of civic energy in 2011 and 2012' opened up possibilities for a more active role for citizens in public debates on their conceptions of democracy, citizenship and human rights.<sup>67</sup> This explains the EU's focus in the 2011 and 2015 ENP reviews on providing support to civil society. For the South, however, the EU needed to reconceptualise its approach to civil society and to the growing number of – mostly western-funded instead of grassroots – organisations in particular. However, it did so on the basis of wrong assumptions. The Union largely framed the role of civil society in political terms, thereby misrepresenting local perceptions on the social and economic reform potential of civil society.<sup>68</sup> In the EaP region, the EU failed to implement a bottom-up, locally-driven approach to democratisation. Support for civil society was limited and civil society organisations and other interest groups were not sufficiently involved in discussions on ENP initiatives.



### Text box 9 EU evaluations on ownership

According to evaluations commissioned by the European Commission and studies by the European Court of Auditors, ENP government ownership helps the implementation of reforms: programmes that were in line with the policy priorities of partner countries were most effective in encouraging reform. One Commission evaluation argues the EU effectively supported Tunisia in designing and financing its market liberalisation policy when the Tunisian government demanded it.<sup>69</sup> According to the evaluation, the EU also effectively assisted Georgia in reforming its criminal justice sector in areas in which the Georgian government supported such reforms (namely, juvenile justice, public defence office, and legal aid services). The EU was not able to effectively push reforms in areas that the government was less committed to (such as prison conditions and independence of the judiciary).<sup>70</sup> In North Africa, efforts towards regional integration were ineffective as there was little interest in further integration in the region.<sup>71</sup>

The signing of ENP action plans did not necessarily ensure ownership on the part of ENP country governments. In Egypt for instance, little progress was made in the fields of human rights and democracy as the EU policy priorities conflicted with the policy priorities of the Egyptian government.<sup>72</sup> Likewise, in the South Caucasus twinning was initially not very effective as the partner countries were not committed to building up the required capacity.<sup>73</sup>

Policy dialogue played an important role in the alignment of programme objectives to country interests. The inclusiveness of the policy dialogue was particularly stressed for ENI, and there are multiple examples showing that the EU has ensured the participation of national authorities in the programming and follow-up of ENI programmes. However, overall, the results of policy dialogue in terms of congruence with partners' needs and priorities were mixed: while they were good in Georgia and Ukraine, they were sometimes difficult in Egypt, and weak in Belarus.<sup>74</sup>

However, national governments could also limit civil society involvement. In Egypt, for instance, the government enacted strict NGO laws, which made cooperation with such organisations very difficult. The Azerbaijani government also hampered relations between CSOs and foreign actors. As a result, societal concerns were not sufficiently taken into account in the ENP's implementation. This hindered its local ownership and the effective implementation of ENP initiatives directed at social reforms.

Text box 9 presents findings on ownership included in EU evaluations.

Involvement of civil society in the programming and implementation stages has become a standard process, but has met with some difficulties in practice. It proved challenging to find umbrella organisations that could legitimately claim they represented civil society at large; integrate government and CSO representatives in the dialogue on development issues; and organise consultation in a structured, timely and informed way.<sup>75</sup> Moreover, there were doubts regarding the capacity of CSOs.<sup>76</sup> Efforts to involve civil society in ENI programming were more successful in some of the Eastern neighbours, where governments are more open towards CSO involvement, than in most Southern neighbours, especially in Algeria and Egypt, where governments were not supportive of CSO involvement.<sup>77</sup>

## 3.4 External actors exerted considerable influence on the neighbourhood

The EU was by no means the only active player in the Eastern and Southern neighbourhood. Others provided considerable financial and technical support or introduced alternative models of integration, thus challenging the EU's leverage and influence. At the same time, some actors – mainly the 'neighbours of the neighbours' – produced spill-over effects that affected neighbourhood countries. This was also recognised in the 2015 ENP review, which announced the EU would begin to work together differently with the 'neighbours of the neighbours'.



Although Russia was by no means the only actor active in the eastern neighbourhood region, its role is well-documented. In Russia, the EU and the ENP have mostly been perceived as hindering further cooperation with ENP countries by trying to control what it considers to be its sphere of influence.<sup>78</sup> Therefore, Russia has actively tried to undermine the EU's policies vis-à-vis the EaP countries by creating alternative paths of integration, for example through the EAEU.<sup>79</sup> It has also employed narratives focusing on the traditional bonds and interdependencies with the EaP, and on the EU's reportedly negative intentions in the neighbourhood. And finally, it engaged – sometimes militarily – in EaP countries, by annexing the Crimean Peninsula, through active engagement in the hostilities in particularly in the eastern Ukrainian region of Donbas, and through active support of separatist forces in Gagauzia and Transnistria.<sup>80</sup>

To what extent has Russia impacted the various parts of the ENP? Some authors believe it has successfully discredited further integration and cooperation with the EU. Russian incentives are attractive to EaP countries, since they are not conditional on achieving political reforms or advancing democratisation.<sup>81</sup> In some cases, EaP countries yielded to Russia's pressure to engage in mutual integration, or to abstain from further cooperation with the EU. The most prominent example was its successful pressure on former Ukraine President Victor Yanukovich not to sign the negotiated EU-Ukraine AA.<sup>82</sup>

At the same time, however, some EaP countries do not see the Russian system as a model to follow. Economic integration with the EU is considered to bring more structural benefits to EaP countries in the long term, for example by lowering trade barriers, reducing corruption, and improving competition and foreign direct investment.<sup>83</sup> After the EU introduced more differentiated forms of cooperation, several EaP countries have strengthened relations with the EU (as discussed above). The EU often reinforces already existing dynamics for democratisation.<sup>84</sup> Citizens tend to trust the EU more than the EAEU,<sup>85</sup> but are unsure about the EU's commitment to the region.<sup>86</sup> Complicating the EU's approach to Russia is the lack of consensus among member states on how to deal with Russia.

External actors also played a significant role in the Southern neighbourhood. The 'neighbours of the neighbours' are of strategic and geopolitical importance in this region. Across the entire region of North Africa, high poverty rates, rising inequality and economic stagnation have created migratory pressures and radicalisation, which influence the socio-economic and political landscapes within southern ENP countries. The conflict in

Mali, instability in Nigeria, the rise of Islamic State in Syria and Iraq, the Israeli-Palestinian conflict, and the increasing sectarian rift between Sunni and Shia affiliations at local and national levels also produced negative spill-overs in ENP countries. Terrorist attacks in countries such as Egypt and Tunisia had a crippling effect on tourism, which is an essential economic sector in both countries. China, India and South Korea have expanded their economic and trade interests in the region, mainly without trying to influence political developments in the region. The Gulf states offer unconditional financial support to some countries in the region, where they have large investments. Saudi Arabia is an influential actor opposing political liberalisation in the region, providing large sums of money to Egypt. Other North African countries also received considerable financial support from actors other than the EU (see 3.1).

### 3.5 The ENP's performance on key factors was weak but is now improving

This chapter has examined four key factors influencing the ENP's effectiveness: conditionality, coherence, ownership, and the role played by external actors and factors in the neighbourhood. EU incentives, which were part and parcel of conditionality, were often insufficiently attractive to persuade ENP governments to initiate reforms. In several countries, domestic political and economic elites expected to lose from such reforms. These preferred to maintain the status quo by opting for cosmetic changes only. The EU itself also frequently deviated from its policy that incentives were to be conditional on governments' effective implementation of reforms and on their compliance with EU values. And while several ENP instruments were mutually reinforcing, wider policy integration was lacking and several member states did little to support ENP coherence. In addition, ENP ownership by neighbourhood governments and societies was limited. This was due to the insufficient country differentiation and a top-down EU approach towards ENP countries. Finally, external actors limited the EU's leverage in the neighbourhood.

These findings do not apply equally across all countries; this chapter has shown that these key factors played out differently across neighbourhood regions and ENP states. The challenges are especially pertinent in countries with little interest in closer cooperation with the EU.



Recent years have also witnessed several positive developments. The current ENP is more grounded in the political realities of its partner countries than its predecessor. Firstly, the EU has scaled down on rhetoric and has become both more pragmatic and sensitive to partners' aspirations. The EU's intention to invest in veritable partnerships with neighbourhood countries is a response to justified criticism that these countries were not dealt with as equals. Secondly, the EU's intention to strengthen cooperation with the 'neighbours of the neighbours' shows a greater awareness of the strategic role played by other influential actors in the region. Thirdly, the EU's response to the unprecedented

irregular migratory flows since 2015 has demonstrated its willingness and ability to employ the ENP in a more flexible manner. A Migration Partnership Framework was created, for which finances from the ENI were pooled with several other EU budget envelopes. This Framework is strict on conditionality: cooperation on readmission and return of migrants are considered 'key tests' of partnerships with third countries.<sup>87</sup> Nonetheless, it remains to be seen whether EU member states can also deliver on higher annual quota for migration resettlement in their own countries, and on introducing meaningful human rights impact assessments.

## Endnotes | 3

- <sup>1</sup> The chapter is largely based on the literature review commissioned by IOB: Kostanyan (ed.), 2017.
- <sup>2</sup> Koch, 2015: 97-108.
- <sup>3</sup> Schimmelfennig and Sedelmeier, 2017.
- <sup>4</sup> See: Ademmer, Langbein and Börzel, 2018; Frear and Onopriychuk, 2019.
- <sup>5</sup> Langbein and Ademmer, 2019.
- <sup>6</sup> See Chapter 2.
- <sup>7</sup> Witney and Dworkin, 2012, in Kostanyan (ed.), 2017: 47.
- <sup>8</sup> Sons and Wiese, 2015: 26.
- <sup>9</sup> Bertelsmann Stiftung, 2019a.
- <sup>10</sup> Delcour and Kostanyan, 2014: 5.
- <sup>11</sup> Neuvonen, 2015, cited in Kostanyan (ed.), 2017: 98.
- <sup>12</sup> Buscaneanu, 2012, cited in Kostanyan (ed.), 2017: 27. On Moldova, see European Court of Auditors, 2016b; on Egypt, see European Court of Auditors, 2013.
- <sup>13</sup> Note that the following examples on the EU's position do not necessarily reflect the Dutch position.
- <sup>14</sup> Schumacher, 2012, and Raik, 2012, cited in Kostanyan (ed.), 2017: 48.
- <sup>15</sup> Raik, 2012, cited in Kostanyan (ed.), 2017: 48.
- <sup>16</sup> Council of the European Union, 2013.
- <sup>17</sup> This appeared from IOB interviews with EU, member state, and local officials in Tunisia.
- <sup>18</sup> Montesano et al., 2016, cited in Kostanyan (ed.), 2017: 21-22.
- <sup>19</sup> European Commission, 2017c: 51.

- <sup>20</sup> For instance in Georgia, Ukraine and Tunisia, which were the main beneficiaries of the Umbrella Programme from 2014 to 2016; see: European Commission, 2017e: 10, 14.
- <sup>21</sup> *Ibid.*, p. vii.
- <sup>22</sup> European Commission, 2017d.
- <sup>23</sup> TEU, art. 8.
- <sup>24</sup> TEU, arts 3(5) and 21.
- <sup>25</sup> In the 2011 ENP review, the EU institutions stipulated that the 'new' approach to the neighbourhood must be based, amongst others on 'a shared commitment to the universal values of human rights, democracy and the rule of law'. According to the 2015 review, the EU was to pursue its interests in the area of stability 'which include the promotion of universal values'. The EU's values are seen as elements of stability, since '[t]he EU's own stability is built on democracy, human rights and the rule of law'. This value-based approach is also laid down in the ENI regulation, which stipulates that ENI funding should comply with the Union's values of liberty, democracy, and human rights and fundamental freedoms and with the principles of equality and the rule of law (see Chapter 2).
- <sup>26</sup> European Court of Auditors, 2016c.
- <sup>27</sup> Kostanyan (ed.), 2017: 28.
- <sup>28</sup> European Commission, 2017e: 24.
- <sup>29</sup> European Commission, 2017c.
- <sup>30</sup> European Commission, 2016c.
- <sup>31</sup> European Commission, 2017c.





- <sup>32</sup> Ibid.
- <sup>33</sup> IPA, DCI, EDF.
- <sup>34</sup> European Commission, 2017c.
- <sup>35</sup> European Court of Auditors, 2013.
- <sup>36</sup> European Commission, 2017b.
- <sup>37</sup> European Court of Auditors, 2011b.
- <sup>38</sup> European Commission, 2016c.
- <sup>39</sup> European Commission, 2017a.
- <sup>40</sup> And the ENP's limited usefulness as a framework to tackle acute problems; see: Blockmans, 2017: 117.
- <sup>41</sup> European Commission and High Representative of the Union for Foreign Affairs and Security Policy, 2015: 3.
- <sup>42</sup> Vimont, 2016.
- <sup>43</sup> Leigh, 2015; and Cohen-Hadria, 2016, cited in Kostanyan (ed.), 2017: 74.
- <sup>44</sup> This follows from the principle of sincere cooperation, laid down in Art. 4(3) TEU.
- <sup>45</sup> Examples are included in Kostanyan (ed.), 2017: 75-78.
- <sup>46</sup> Witney and Dworkin, 2012; Biscop et al., 2012; Lehne, 2014, cited in Kostanyan (ed.), 2017: 74.
- <sup>47</sup> Pierini, 2015.
- <sup>48</sup> European Commission, 2017a.
- <sup>49</sup> This finding also appears in European Commission, 2017e.
- <sup>50</sup> Blockmans, 2017: 124-125.
- <sup>51</sup> Helwig et al., 2013, cited in Kostanyan (ed.), 2017: 127.
- <sup>52</sup> Blockmans and Russack, 2015: 7.
- <sup>53</sup> See: European Commission, 2014b; 2014c.
- <sup>54</sup> Blockmans, 2017: 127.
- <sup>55</sup> Sek, 2013, and Wouters et al., 2013, cited in Kostanyan (ed.), 2017: 128-129.
- <sup>56</sup> Kostanyan, 2014, cited in Kostanyan (ed.), 2017: 130.
- <sup>57</sup> European Court of Auditors, 2011b. According to European Court of Auditors, a coherent approach towards migration was limited by the lack of capacity of the EU delegations on migration issues; see: European Court of Auditors, 2016a.
- <sup>58</sup> Interestingly, in many capitals, the discussions amongst deputy HoMs were said to be more open and animated than the discussions at HoMs meetings.
- <sup>59</sup> Although the EU delegations' reports were accessible via the COREU system, not all Dutch embassy staff interviewed were aware of the possibility to access them.
- <sup>60</sup> Leigh 2015, cited in Kostanyan (ed.), 2017: 68.
- <sup>61</sup> Leonard, 2014, cited in *ibid.*
- <sup>62</sup> Youngs and Balfour, 2015.
- <sup>63</sup> *Ibid.*
- <sup>64</sup> Babayan, 2015, and Cooley, 2015, cited in Kostanyan (ed.), 2017: 70.
- <sup>65</sup> Vimont, 2016.
- <sup>66</sup> Kostanyan (ed.), 2017: 59.
- <sup>67</sup> Dempsey, 2016.
- <sup>68</sup> Boiten, 2015, cited in Kostanyan (ed.), 2017: 66 (on CSOs in both the East and the South).
- <sup>69</sup> European Commission, 2014d; European Court of Auditors, 2017.
- <sup>70</sup> European Commission, 2015.
- <sup>71</sup> European Commission, 2017c.
- <sup>72</sup> *Ibid.*; European Court of Auditors, 2013.
- <sup>73</sup> European Court of Auditors, 2011a.
- <sup>74</sup> European Commission, 2017c.
- <sup>75</sup> *Ibid.*
- <sup>76</sup> *Ibid.*
- <sup>77</sup> *Ibid.*
- <sup>78</sup> Delcour and Kostanyan, 2014, cited in Kostanyan (ed.), 2017: 104; Zagorski, 2011, and Sadowski, 2013, cited in Kostanyan (ed.), 2017: 106.
- <sup>79</sup> Emerson and Kostanyan, 2013, cited in Kostanyan (ed.), 2017: 104.
- <sup>80</sup> Kostanyan (ed.), 2017: 114-116.
- <sup>81</sup> Meister 2013, cited in Kostanyan (ed.), 2017: 107.
- <sup>82</sup> Delcour et al., 2015, cited in Kostanyan (ed.) 2017: 104.
- <sup>83</sup> Meister, 2013, in Kostanyan (ed.), 2017: 107.
- <sup>84</sup> Sasse, 2013, in Kostanyan (ed.), 2017: 112.
- <sup>85</sup> In a 2018 survey 61% of citizens tended to trust the EU as an institution (against 28% who tended not to trust the EU), while 33% tended to trust the EAEU (against 43% who tended not to trust the EAEU). From: European Union, 2018: 13.
- <sup>86</sup> Korosteleva, 2016, cited in Kostanyan (ed.), 2017: 114, and IOB's visit to Georgia in particular.
- <sup>87</sup> Koenig, 2017.

A woman wearing a red jacket, a yellow beret, and glasses is casting a ballot into a transparent ballot box. A young child stands beside her, also looking at the ballot. Several photographers with professional cameras are surrounding the scene, capturing the moment. The setting appears to be an indoor event space with a wooden floor and a blue backdrop.

# Part II The Netherlands and the ENP



## 4 The Dutch contribution to the ENP

This chapter focuses on the contribution of the Netherlands to the ENP. It is informed by the analysis in Chapter 3 and needs to be read in conjunction with that chapter. It examines the Dutch policy input with regard to four key factors identified in the literature as influencing the ENP's effectiveness: conditionality, coherence, ownership, and external actors. Like other member states, the Netherlands had various forums and opportunities available to provide input into the different phases of the policy-making process, including agenda-setting, policy formulation, implementation and evaluation. The ENP revisions, contractual relations between the EU and ENP countries (shaped by AAs, PCAs, et cetera), and ENP Action Plans were discussed within the several forums of the Council of the EU. The programming of ENI assistance needed approval from the ENI committee (see Chapter 1, text box 2). Embassies played a role in local EU cooperation on the ENP, including joint programming.



We begin this chapter with a brief overview of the Dutch government's general position on the ENP (paragraph 4.1), followed by analysing how the government tried to influence the ENP's effectiveness by its policy stance on conditionality, coherence, ownership, and external actors. The chapter also builds on the findings of two IOB evaluations on Matra and Shiraka, the largest Dutch bilateral assistance programmes in neighbourhood countries.<sup>1</sup>

## 4.1 The Netherlands generally supported the ENP

Throughout the period 2011-2017, the Dutch government perceived the ENP in positive terms. Firstly, it shared the ENP's basic philosophy that through political association and economic integration with the Union, the neighbourhood countries would implement desirable reforms and adopt European values and standards. Inclusive governance, a 'healthy relationship' between citizens and government, and economic stability with respect for human rights were expected to result in better prospects for ENP citizens, peace at the Union's external borders, and greater opportunities for trade and prosperity.<sup>2</sup> As such, the ENP was expected to bring mutual benefits to ENP countries and to the Union and its member states. Secondly, the Dutch government saw the ENP as a crucial part of the EU's wider foreign policy aims and instruments, including trade, sectoral, CFSP and development cooperation instruments, to be used for obtaining maximum political coherence and leverage.<sup>3</sup>

Because of its geographical location, the Netherlands tends to be affected less directly by developments in ENP countries than the EU's more Southern and Eastern member states. This explains why the Dutch government's interest in the Eastern and Southern neighbouring countries, along with other Western and Northern EU member states, was to some extent event-driven. In the period 2011-2013, instability in the MENA region received most attention. From the end of 2013, attention largely shifted to the crisis in Ukraine. This country became the focal point of attention after flight MH17 was shot down above Ukraine on 17 July 2014. It gained prominence once again around the time of the Dutch advisory referendum on the Association Agreement with Ukraine, which was held on 6 April 2016. Following the migration crisis in 2015 and the conflicts in Libya and Syria, Dutch attention soon returned to the MENA region.

The Dutch government's position on the ENP and its contribution to discussions on the 2011 and 2015 ENP revisions moved along with general thinking on the ENP, mainly coinciding with the preferences of several larger member states, the European Commission and the EEAS. Apart from providing input into Council debates, the Netherlands actively contributed to reflections on the ENP by sharing non-papers and position papers, as well as organising informal seminars in The Hague and Brussels. These contributions were generally appreciated by other member states' governments, who saw the Dutch as vocal and constructive in EU discussions. The Netherlands was also known to be critical: it emphasised the EU's task of promoting democracy and human rights, it advocated prudent spending and the strict application of conditionality. Moreover, it insisted that the ENP should not be seen as a gateway to membership. These – and other – aspects of the Dutch contribution to the ENP are discussed in more detail in the remainder of this chapter.

## 4.2 The Netherlands was too firm on conditionality

Chapter 3 has argued that the principle of conditionality did not succeed in stimulating positive change across the board in ENP countries: success was context-specific and depended, among other factors, on the openness of domestic economic and political elites to reforms; the extent to which the EU's incentives were appropriate for those in power positions; the perceived attractiveness of incentives by ENP governments; and the specificity of conditions attached to incentives. The fact that the EU applied conditionality inconsistently limited its credibility and hampered policy effectiveness. Consistency was difficult to achieve not only because the EU's short-term interests in stability often overruled its long-term interest in promoting democracy and human rights, but also because the EU frequently did not translate such values into concrete norms and conditions that ENP countries should observe in exchange for EU rewards. Overall, there was increasing evidence that the effectiveness of conditionality in stimulating reforms across the neighbourhood was limited (see paragraphs 3.1 and 3.2).

The Netherlands remained a hardliner on conditionality throughout 2011-2017 (see below). It struggled to reconcile its principled approach with the complex policy realities on the ground in different partner countries, with a worsening regional security environment and with complex Dutch domestic political considerations.



## 4.2.1 A shift towards pragmatism – but conditionality remains the cornerstone of Dutch policy thinking

The Dutch contribution to discussions on the ENP revisions in 2011 and 2015 shows a shift on conditionality, suggesting a move away from a strict application of positive and negative conditionality towards a more pragmatic approach. In practice, however, conditionality and its effective application remained *leitmotivs* in Dutch policy thinking on the ENP and in discussions in parliament.

### The 2011 ENP review: an uncompromising stance

During the 2011 ENP review, the government was a firm proponent of strict conditionality. This position was backed up by the Dutch House of Representatives, which, by way of a motion, had asked the government to try and ensure that European support (with the exception of emergency aid) was conditional on real efforts by neighbouring countries to promote democracy and observe human rights.<sup>4</sup> Instructions for Dutch negotiators in Brussels sometimes referred to this motion.

During the negotiations on the review, the government advocated both positive and negative conditionality.<sup>5</sup> It argued that the latter should be applied as soon as countries' performances deteriorated; when this occurred, the EU should be able to send a signal, for example by cutting aid or freezing trade negotiations.<sup>6</sup> With this so-called 'intelligent conditionality', the Netherlands hoped to stimulate reforms in the neighbouring countries (although exactly what was intelligent about this remained unclear). Moreover, it argued that conditionality should not be limited to financial and technical assistance, and it called upon the Commission and the HR/VP to ensure it was also applied to other instruments, such as visa liberalisation and facilitation (see further below).<sup>7</sup>

While the 2011 ENP review stipulated that the EU apply both positive and negative conditionality, the Dutch government did not see its preference for negative conditionality materialise in the ENI Regulation that was negotiated in 2012-2013. Nor did its lobby to include a clear and objective procedure for applying conditionality – based on criteria and benchmarks for measuring progress – materialise into results.<sup>8</sup> While several Central and Northern European member states supported these proposals, the Southern member states did not.<sup>9</sup>

The Netherlands did not leave the negotiation table completely empty handed. It advocated a 40% bandwidth enabling the EU to reduce its initial country allocation by 20% (for 'bad performers'), or to increase it by 20% (for 'good performers'). This met with opposition from many member states in the Council and from the Commission. However, after negotiations between the Council and the European Parliament (which, like the Netherlands, advocated a 40% bandwidth), a 20% bandwidth (plus and minus 10%) was included as a compromise. Thus, the eventual result did reflect the Dutch preference that financial aid should be adapted depending on ENP countries' performance.

The Dutch wish that funding decisions be based on the ENP countries' performance on political criteria – such as democratisation and respect for human rights – was partly met. The government found supporters in some member states. However, many Southern member states argued that the needs of ENP countries (based on, amongst others, population size and gross national product) should be the primary factor. The ENI regulation stipulates that both types of criteria must be used to take funding decisions, and it thus partly meets the Dutch policy preference.

### The 2015 ENP review: a more nuanced approach

Since 2013, the Dutch position on conditionality has become more nuanced. This has been motivated by the government's acknowledgement that in practice, the incentive-based approach had limited success (see paragraph 3.1). Moreover, it recognised the EU's struggle with 'less for less': indeed, how should aid be reduced or withdrawn without this leading to a 'stop and go' policy based on incidents?<sup>10</sup> At the same time, the government kept insisting on a more effective application of the 'more for more' principle.<sup>11</sup> To this end, it wanted the EU to closely monitor developments in ENP countries and to search for 'the best way in which transition could be supported most effectively in each case'.<sup>12</sup> This latter phrase suggests that it did not have any specific proposals on how to achieve this in practice.

In 2014, EU and national interests entered into the Dutch ENP discourse. Because the situation in the neighbourhood had fundamentally changed since the onset of the Arab Spring, the government saw stabilisation of the neighbourhood as its main policy priority.<sup>13</sup> It admitted that applying conditionality could not be absolute, suggesting this 'always ought to be weighed against the objectives pursued and the European and Dutch



interests at stake'.<sup>14</sup> However, the Dutch input to the 2015 ENP review showed the government was reluctant to abandon conditionality. In discussions on the review, it acknowledged that security, immigration and stability had become increasingly pressing issues on the EU's and national political agendas. Yet it also insisted that EU relations with countries that were more committed to EU values would be more intensive than those with less-committed countries.<sup>15</sup> What this meant in practice for relations with individual countries, was still left unspecified.

In June 2014, the Minister of Foreign Affairs formally requested the Dutch Advisory Council on International Affairs (AIV) for guidance on support for Arab countries 'if democratic reforms fail to take place or the situation even regresses?' It explicitly asked: 'How can a situation be avoided in which the Netherlands and EU, through conditionality, greatly reduce their constructive influence with such countries, which can, after all, turn to other donors who do not impose such conditionality?'<sup>16</sup> The AIV argued in favour of an approach that was principled on the nature of the objectives pursued, but more pragmatic on the means to achieve these. It called upon the government and the EU to drop the 'more for more' rule, but to continue implementing programmes aimed at promoting the rule of law and democratisation. In its response to this advice,<sup>17</sup> the government insisted that incentives for reforms in the Arab countries were good and needed. It argued that 'more for more' was instrumental, though it should not be applied too dogmatically. It also admitted that negative conditionality could be counterproductive if it adversely affected organisations that were actually committed to transitions.

In the end, the Dutch government was satisfied with the more pragmatic and realistic approach of the 2015 ENP.<sup>18</sup> It did note that the ENP failed to clarify how exactly the EU should go about implementing the new pragmatism, despite some Dutch suggestions to this end.<sup>19</sup> For instance, the government had suggested linking economic reforms to strengthening the rule of law, or linking reforms in the security sector to improving democratic oversight (see also below).<sup>20</sup>

Thus, Dutch policy on the ENP gradually shifted towards more pragmatism in the period 2011-2017, however without ever abandoning negative conditionality. This position was supported by parliament, which in 2011 filed a motion asking the government to insist on applying conditionality in exchange for EU support to ENP countries.<sup>21</sup> Parliamentarians also regularly called for its application in cases of human rights violations, for instance in Egypt<sup>22</sup> and Morocco.<sup>23</sup> In response, the government frequently stated it would address

human rights abuses in EU discussions on the neighbourhood.<sup>24</sup> Moreover, in response to the migrant and refugee crisis in 2015, conditionality again resurfaced as an important mechanism in agreements aimed at halting illegal migration from Southern (ENP) countries.<sup>25</sup> In this context, continued adherence to conditionality remained the preferred Dutch policy option.<sup>26</sup>

Whereas some Central and Northern member states broadly shared the Dutch principled stance on conditionality, this did not apply to many of the member states geographically closer to the Union's Eastern or Southern borders. These were concerned that a strict application of conditionality would push EaP states towards Russia or risk Southern ENP states' cooperation on migration. On some occasions this prompted the Netherlands to adhere to conditionality even more strictly during the negotiations, for fear of watering down this principle altogether.

#### 4.2.2 The Dutch government insisted that conditions were applied before offering incentives

Paragraph 3.1 has shown that even if domestic elites were open to transformation, the incentives offered by the EU were not always attractive enough to persuade these elites to (continue to) implement reforms. EU financial assistance was limited, especially compared to assistance offered by other actors. Market access instruments offered by the EU would only bring long-term benefits, and potentially impactful trade liberalisation instruments for the Southern neighbours were kept off the table. The latter also applies to mobility instruments and to visa liberalisation in particular. Because the ENP was designed to offer an alternative to enlargement, an EU membership perspective was not on offer to EaP countries. Thus, the Dutch position on incentives varied: while the Netherlands was relatively generous on trade liberalisation measures, it held back on offering visa liberalisation and was firmly against offering EaP countries a membership perspective. Where relevant, it aimed to ensure that conditionality was applied.

##### A) The Netherlands was opposed to offering a membership perspective to EaP countries

While the ENP was designed to offer an alternative to enlargement, this did not prevent several EaP states from expressing membership aspirations. The Netherlands had never been in favour of offering (eastern) ENP countries a concrete EU-membership



perspective.<sup>27</sup> The government repeatedly emphasised that the neighbourhood policy neither constituted a prelude to EU membership nor offered a practical approach to the theoretical membership perspective for Eastern neighbours derived from article 49 TEU.<sup>28</sup> The main reasons for this stance were concerns about the impact of further enlargement on the internal cohesion and functioning of the Union, as well as the lack of political and public support for enlargement in the Netherlands itself and in many other member states.<sup>29</sup> The negative result of the ‘Ukraine referendum’ – in which over 61% of Dutch voters rejected the Association Agreement that the EU had negotiated with Ukraine – aptly illustrates this lack of support: the ‘no vote’ was partly motivated by fears of Ukraine becoming an EU member.<sup>30</sup> The government also argued that offering a membership perspective would be at odds with the objective of maintaining constructive relations with Russia.<sup>31</sup> Finally, it did not want the EU to arouse false expectations amongst EaP countries. In 2015, it repeated that EaP countries had no realistic membership perspective.<sup>32</sup>

In line with the position outlined above, the Dutch government opposed explicit language in EU or EU-EaP declarations on membership aspirations or prospects (see text box 10). It was supported in this by the founding member states of the Union and by the Southern member states. By contrast, most Central and Eastern European member states, as well as some Northwest European member states, favoured an accession perspective for EaP countries.

## **B) The government supported a small rise in financial assistance, but was strict on conditionality**

The Dutch government was in favour of increasing expenses disbursed under the European Neighbourhood Instrument. During the EU negotiations on EU external policy spending for the period 2014-2020,<sup>41</sup> it argued that overall spending on external relations should be cut, for example by decreasing funding for the Instrument for Development Cooperation (DCI) and the Instrument for Pre-Accession Assistance (IPA).<sup>42</sup> However, it allowed expenses under the ENI to rise.<sup>43</sup> Additional ENI expenses should not be paid by extra member state funding, but by cutting funding for other programmes, such as pre-accession assistance.<sup>44</sup> Other instruments for which expenditures could be increased were the Instrument for Stability (IfS) and the European Instrument for Democracy and Human Rights (EIDHR).

### *Text box 10 Dutch efforts to block references to membership perspectives*

In the run-up to the Warsaw EaP Summit (29-30 September 2011), the discussion focused on whether or not Article 49 TEU should be mentioned in the final declaration. The Dutch drew up a non-paper with the Benelux partners,<sup>33</sup> which strongly opposed including the accession perspective in the ENP framework. They also worked together with a relatively broad coalition in the Council against any reference to article 49 in the Council conclusions.<sup>34</sup> For the Netherlands and some other member states, the phrase: a ‘European continent in which borders and barriers become less and less relevant’, was anathema.<sup>35</sup> Partly on the basis of a Dutch text proposal,<sup>36</sup> the final text spoke of ‘the objective of building a common area of democracy, prosperity, stability and increased interactions and exchanges’.<sup>37</sup>

In the run-up to the Vilnius EaP Summit (28-29 November 2013), the government kept a keen eye on any wording in the final statement that would recognise membership aspirations by the EaP countries. It aimed to ensure that the final declaration did not deviate from the final declaration adopted in Warsaw.<sup>38</sup> During the negotiations, various partner countries lobbied to include a reference to article 49 TEU alongside a reference to their ‘European aspirations’, but this was prevented by the Netherlands, among others.<sup>39</sup>

Following the outcome of the Dutch ‘Ukraine referendum’, the government made efforts to have the European Heads of State and Government adopt a statement explaining certain aspects of the AA. The declaration that was eventually adopted, spelled out that the AA did not grant Ukraine the status of ‘candidate country’. Nor would there be any EU commitment to granting this in future.<sup>40</sup>

The government was satisfied with the outcome of the negotiations on the 2014-2020 budget.<sup>45</sup> Although the expenditure ceiling for external relations as a whole was increased by 3%, this increase led to a much lower budget than that initially proposed by the Commission.<sup>46</sup> Moreover, the distribution of resources largely reflected the Dutch priorities: the budgets for DCI and IPA were lowered (-11% and -0.5% respectively), and more money was allocated to the ENI (+7%) and the IfS (+25%). The budget for EIDHR remained virtually the same.<sup>47</sup>



The average share of the Dutch contribution to the EU budget (and, therefore, to the ENI and its predecessor, the ENPI), was 5% (see table 3).

**Table 3 Dutch financial contribution attributable to ENI 2011-2016**

Year	ENI expenditure in EUR million	Dutch contribution (5%) in EUR million
2011	1 352	68
2012	2 359	118
2013	1 399	70
2014	1 620	81
2015	1 627	81
2016	2 140	107

The Dutch government’s position that more funding should be made available to ENP countries testifies to the importance it attached to the ENP. In line with its insistence on strictly applying conditionality, it took a vocal stance in the ENI (implementation) committee, where it closely monitored whether conditionality and other principles laid down in the relevant regulations were implemented effectively.<sup>48</sup> It was also equally strict on applying conditionality to Macro-Financial Assistance.<sup>49</sup>

In practice, the Dutch influence on the implementation of ENI assistance was limited. Firstly, it did not find sufficient member states’ support for its position in the ENI committee. Secondly, it was often not present at the initial stages of assistance programming because the size of its bilateral assistance in ENI countries was relatively small, and its expertise on issues such as ENI project implementation in several countries was insufficient (see further below, paragraph 4.3).

**C) The government advocated market access**

The Dutch government felt that trade relations with ENP countries should be strengthened to mutual benefits.<sup>50</sup> Trade agreements would not only strengthen trade relations, but also provide the basis on which sustainable political transitions could take place. It considered this argument to be particularly strong in relation to the MENA region, where poor economic perspectives were thought to instil further radicalisation and unrest among its populations.<sup>51</sup> Chapter 2 has already shown that agreements with most MENA countries, however, were limited in nature.

In 2012, the Netherlands still saw opportunities for future cooperation based on the European Economic Area (EEA) model, provided this was accompanied by an adequate institutional framework, a favourable investment climate, and respect for the principles of the rule of law in ENP countries.<sup>52</sup> In practice, however, these ideas were too ambitious; DCFTAs were the maximum that could be achieved in EU-ENP relations in the period 2011-2017. Therefore, the Dutch government wholeheartedly supported, both, the negotiations on DCFTAs with Moldova, Georgia and Ukraine, and preparations for negotiations with Morocco, Jordan and Lebanon. It suggested other trade initiatives be implemented for countries that were not interested in DCFTAs.<sup>53</sup> The government also welcomed the fact that the 2015 ENP replaced the standard ‘trade liberalisation package’ with a package that included instruments for strengthening trade relations other than through DCFTAs.<sup>54</sup>

The Netherlands also undertook efforts to increase market access for agricultural products from ENP countries.<sup>55</sup> For example, in 2011 the Dutch Minister of Foreign Affairs and his German and British counterparts wrote a letter to the Commission and the HR/VP, in which they proposed to increase market access for ENP countries, also by providing trade concessions.<sup>56</sup> They stated that market access was decisive for promoting democracy and stability in neighbouring countries after the Arab Spring. This message was also put forward by Dutch diplomats in relevant Council working groups.<sup>57</sup> However – as paragraph 3.1 has already shown – market access for agricultural products was a contentious issue in the Council. While the Dutch found support among a few Northwest European countries and Central and Eastern European member states, the Southern member states consistently blocked such initiatives.<sup>58</sup> The Dutch also welcomed the temporary increase in the olive oil quota for Tunisia.

**D) The government was reticent in granting mobility incentives, insisting that strict conditions were met in advance**

The Dutch government saw promoting mobility for ENP citizens, as well as controlling regular and irregular migration, as central elements of the ENP. In practice, controlling irregular migration was given priority under the ENP. The government was keen on concluding EU return and readmission agreements with ENP countries, and it joined the agreements with Armenia, Azerbaijan, Georgia, Moldova and Ukraine. It was less keen on granting ENP countries mobility benefits in return for such agreements.





### Visa facilitation and liberalisation

The government took a strict position on visa liberalisation and facilitation. It was not unique in this stance, but it stood out thanks to its sharp wording and its insistence on specific and detailed agreements.<sup>59</sup> ENP countries should first conclude a readmission agreement with the EU before becoming eligible for visa liberalisation or facilitation. The government closely monitored the discussions in Council working groups to ensure that this rule was observed. During negotiations on readmission agreements, it was reluctant to refer to visa facilitation or visa liberalisation as a ‘reward’ for ENP countries’ cooperation. In line with the majority of member states in Council, it refused to grant Southern ENP states visa liberalisation agreements; visa facilitation was its highest offer.<sup>60</sup> The government did support negotiations on visa liberalisation for citizens from Georgia, Moldova, and Ukraine.

As soon as visa liberalisation processes were started, the Dutch government insisted that quality should come before speed, and the visa liberalisation process should be carried out with due regard to applicable rules, principles, and benchmarks.<sup>61</sup> In line with this position, the Netherlands played a leading role in efforts to include various checks and balances in the visa liberalisation procedure. Several of the Dutch proposals were accepted in the Council. This included the proposal that the Commission should use impact assessments focusing on the broader consequences of visa liberalisation (in areas such as migration and national security) as a basis for judging if this process should be continued. The Council was given a greater say on whether a country could proceed to the next steps in the visa liberalisation process – though not in the form of a legally binding decision, which the Dutch initially lobbied for.

Finally, the Dutch preference for an emergency brake procedure was accepted by a majority of member states. Initially, the procedure provided the EU with the option to suspend visa freedom if the number of unfounded asylum applications from a visa-free country were to increase, if the number of illegal immigrants in an EU member state suddenly increased, or if cooperation on forced return were to stagnate. This procedure was extended under the 2016 Dutch Council presidency. Following this extension, visa liberalisation agreements can now be suspended if a country no longer meets any of the relevant criteria. Member states, but also the Commission, may trigger this procedure.

### Mobility partnerships

EU member states are not obliged to engage in mobility partnerships concluded by the EU with ENP countries. The Dutch government chose to stay out of some of these partnerships, because the Ministry of Justice and Security expected active member state support for capacity building in ENP countries to be too small to make a real difference. The Dutch decisions on which partnership to join were based on a critical assessment of (migration) relations with, and the situation in the individual countries. Eventually, the Netherlands joined the partnerships with the EaP countries Georgia, Azerbaijan and Armenia, and with the Southern ENP countries Morocco and Jordan. It has refrained from joining the partnerships with Belarus, Moldova and Tunisia.

### Compacts

The Dutch government was in favour of linking migration and mobility agreements to other dossiers, such as trade policy and development cooperation. Its ‘strategic country approach’ provided the framework for its bilateral relations with third countries, especially with countries of origin and transit. By granting or withholding a wide range of incentives, countries were expected to cooperate on the return and readmission of migrants.<sup>62</sup> However, the Dutch Advisory Committee on Migration Affairs (ACVZ) concluded that this partnership approach did not work because of the high political and financial costs it imposed on third countries.<sup>63</sup>

Nevertheless, at the EU level, the government promoted this model of cooperation with third countries.<sup>64</sup> In Council discussions, the Netherlands supported proposals to use a wider range of instruments – for example trade liberalisation measures and development aid – to tempt countries to cooperate.<sup>65</sup> It also advocated sanctions if countries did not cooperate.<sup>66</sup> Although a number of (mainly Southern) member states supported sanctions, it failed to obtain a Council majority.<sup>67</sup> Eventually, the Council adopted ‘compacts’ as a model for cooperation with third countries on issues of return and readmission (see Chapter 2). These involve a wider range of policy incentives, but they do not include the possibility of imposing sanctions on countries that do not cooperate.

All in all, the Dutch government was reticent in granting mobility benefits to ENP countries, and it aimed to ensure that countries complied with the relevant conditions before benefiting from incentives. In the ENI committee and other relevant committees, it closely monitored whether conditionality and other principles laid down in the regulations were implemented effectively. It was also equally strict in applying



conditionality to Macro-Financial Assistance. As a result, the government did not contribute to making EU incentives more attractive to ENP countries.

## 4.3 The Netherlands supported ENP coherence

Paragraph 3.2 has shown that the ENP was criticised for lacking coherence. This will be analysed in more detail below. We first address two types of coherence discussed earlier: horizontal and vertical coherence. We then discuss institutional coherence among Dutch actors relevant to the ENP.<sup>68</sup>

### 4.3.1 The Netherlands supported integrating the ENP into the CFSP/CSDP

Coherence between ENP objectives and between ENP instruments and other EU (foreign policy) instruments was weak: there was no integrated approach to the neighbourhood – according to which, ENP and non-ENP instruments would be implemented under the ‘EU umbrella’. Moreover, the ENP was not integrated into the EU’s foreign policy towards the region at large.

The Netherlands provided constructive input into discussions on the ENP’s coherence, focusing on three issues in particular. First, because of the EU’s strategic interest in security in the neighbourhood region following the Arab Spring,<sup>69</sup> the government took the view that security should play a larger role in the ENP.<sup>70</sup> Secondly, it argued that the ENP should be integrated into the EU’s overall foreign policy.<sup>71</sup> And finally, it favoured deploying all instruments available to the EU in ENP countries on the basis of an overarching policy strategy.<sup>72</sup> Unilateral instruments – such as sanctions, EU Special Representative diplomatic efforts, and civilian and military missions – did not have to become part of the ENP because they were also employed outside the neighbourhood; but they did have to be used in an integrated manner and as part of a clear overall EU political and security strategy.<sup>73</sup>

The government was clearly in favour of integrating the ENP and the CSDP. Whilst it recognised that flexibility and excessively strong links with the CSDP could weaken the

ENP’s appeal of a long-term development partnership, it still maintained that the EU should be able to deploy military resources if necessary.<sup>74</sup> It also suggested that the Commission and the EEAS should explore opportunities to involve Southern neighbourhood countries in CSDP missions in third countries, as had already been the case for the Eastern neighbours (see Chapter 2.5).<sup>75</sup> The Netherlands also supported the ambitions of the Commission and the HR/VP to achieve greater complementarity with the CFSP’s other policy areas.<sup>76</sup> Both the search for complementarity and the idea that security should be integrated into the ENP were widely supported in the Council, and they are reflected in the 2015 ENP review document.<sup>77</sup> However, since the member states failed to agree on the degree of integration between ENP and CSDP, the reviewed ENP of 2015 still leaves ample room for further integration (see Chapter 1).<sup>78</sup> Thus, for several other member states, the Dutch ideas went much too far.

### 4.3.2 The Netherlands’ bilateral approach was generally in line with the ENP

Section 3.5.2 has shown that the member states often did not act in line with the ENP: in their bilateral relations with ENP countries, they often gave prominence to national economic or security interests at the expense of the EU’s message on EU values. The Netherlands, however, supported the ENP in a coherent manner.

Dutch bilateral policy towards the neighbourhood region was largely based on thematic policy frameworks rather than country-specific or regional policies; it was not until 2016 that policy frameworks for the Eastern and the Southern countries were introduced.<sup>79</sup> Because of its largely thematic focus and its distribution over numerous funds and programmes, Dutch bilateral assistance to the ENP countries was fragmented. With the exception of Matra and Shiraka, it was not generally designed to complement the ENP, although programmes generally did aim to contribute to achieving the ENP’s objectives of security, stability and prosperity.<sup>80</sup> In response to the changing security situation in the neighbourhood after the Arab Spring, Dutch bilateral assistance increasingly tried to address stability issues and their consequences. Expenditure on humanitarian assistance and refugee shelter increased sharply, especially in Syria. The Netherlands also contributed to conflict management operations in the South and the East. More information on Dutch bilateral policy and assistance in general is available in Annex document on IOB’s website. For Matra and Shiraka, please refer to box 11.



*Text box 11 Dutch bilateral assistance in the neighbourhood: Matra and Shiraka<sup>81</sup>*

The Netherlands implemented several bilateral assistance programmes in the neighbourhood region. Between 2011 and 2016, the Ministry of Foreign Affairs' assistance to the neighbourhood countries amounted to EUR 785 million, covering both official development assistance (ODA) and non-ODA. Almost 80% was spent in the Middle East (Syria, the Palestinian Territories, Lebanon and Jordan). More details on Dutch bilateral assistance in general are provided in Annex document on IOB's website; this box focuses on Matra and Shiraka, the only programmes aimed specifically at neighbouring countries.<sup>82</sup> Both are part of the Netherlands Fund on Regional Partnerships (NFRP). Matra is implemented in the Eastern neighbourhood; Shiraka in Southern ENP countries.

Matra and Shiraka aim at supporting societal transformation in the neighbourhood region. The programmes centre on capacity building and institutional strengthening of CSOs and government institutions. In the southern region, Shiraka was also meant to address socioeconomic issues. All eastern neighbourhood countries were eligible for support from Matra.<sup>83</sup> Support in the south focused on Egypt, Jordan, Libya, Morocco and Tunisia. According to the Ministry of Foreign Affairs, this focus would best serve Dutch interests in the areas of security, trade, energy, and migration. The countries selected are geographically close. The ministry considered they had the best prospects of democratisation and stabilisation.

In 2015 IOB evaluated the effectiveness of Matra and Shiraka.<sup>84</sup> Between 2008 and 2014, EUR 44.3 million was disbursed for Matra. Following the Arab uprisings in 2011, EUR 7.7 million was made available to enable a rapid EU response to the region's needs, by reprioritising funds of existing central programmes implemented in the Arab region. Between 2012-2015, EUR 45 million was allocated to Shiraka.

The IOB evaluations concluded that most projects achieved their short-term objectives and could therefore be considered to have been effective at an output level. However, their contribution to the long-term goals of democratisation, good governance and the rule of law is likely to have been very small. This is explained by the programmes' limited budget and fragmented implementation, as well as the 'transition-unfriendly' context in which these were implemented. Moreover, not all projects addressed the key challenges faced in neighbourhood countries. Shiraka mainly supported non-state actors and provided limited assistance to governments in transition. Besides, it was insufficiently

targeted to the priority countries in North Africa and to the policy objectives of democratisation and the rule of law. The NFRP did better in the EaP countries; with its focus on reforms in the areas of democratisation, strengthening the rule of law, and developing the capacity of civil society and local government, Matra did address the key challenges faced by these countries.

The programmes' easy accessibility and flexibility gave an added value compared to EU assistance. The high degree of freedom granted to embassies enabled them to adapt the programmes to the needs and aspirations of neighbourhood countries. Moreover, due to their small scale, relatively broad eligibility criteria, and lenient reporting requirements, the programmes managed to reach small civil society organisations. As such, the programmes stimulated local ownership.

Even though embassy involvement in the implementation of programmes was stronger in the East than in the South, programme ownership on the part of the embassies was generally high. The embassies were in charge of project implementation, which enabled them to maintain and build up networks with societal actors, amongst which CSOs, small- and medium-sized enterprises, government agencies, local government institutions and parliament. This created not only ownership, but also programme visibility of Dutch financial support within neighbourhood countries.

The IOB evaluations provided policy recommendations, most of which the minister committed to implementing. The minister opted to sustain assistance in the neighbourhood for a longer period of time, supporting the Arab region until 2025 and the Eastern neighbourhood until 2020. Additionally, a more country-specific approach was taken. Moreover, the minister committed to increasing staff capacity, both in The Hague and at the embassies. Paragraph 4.3 shows that embassy capacity in some countries has indeed been strengthened.

The aim of Shiraka was still to support durable transition leading to democratisation and economic growth. While it thus retained its economic component, Shiraka would focus more on creating the enabling conditions for economic growth by supporting economic governance and relevant societal organisations. The various instruments available under the programme would be applied in a more integrated fashion.

*(Text box 11 continues on the next page)*



(Text box 11 - continuation)

The initial objectives of Matra were sustained. The minister stated Matra should complement EU and international efforts in the region. Moreover, the minister reaffirmed the need for the programme to be flexible, demand-driven and adaptable to the characteristics of neighbourhood countries. One distinction was made from the outset: within the group of eastern neighbourhood countries, the policy distinguished between countries with and without an Association Agreement. With the former, Matra would focus on stimulating reforms in the areas of democracy, human rights and rule of

law. With the latter, it would focus on strengthening civil society. Finally, the minister underlined that the programme should provide visibility to the embassies and support the Dutch bilateral relations in the relevant countries by strengthening their information- and networking position.

Further details on Matra and Shiraka are provided in the Annex document on IOB's website.

Notwithstanding greater attention to stability, Dutch policy and Dutch assistance retained their focus on democratisation, good governance, the rule of law and human rights, private sector development, and trade promotion. Dutch embassies in neighbourhood countries were vocal, visible and recognisable as promoters of EU values. Embassies were particularly active on human rights. In Georgia, for instance, the embassy's work concentrated on gender issues, and in Tunisia the emphasis was on improving LGBT rights. In Egypt, the member states were divided on how to address the human rights violations committed by the Egyptian authorities, thereby hampering the EU delegation in communicating a common position. The Dutch embassy, in the meantime, took a firm stance in its bilateral dealings with local authorities, who considered the Netherlands as 'hardly cooperative' in comparison to other member states.

In Azerbaijan, too, the embassy was vocal when it came to human rights. It tried to strike a delicate balance between staying true to promoting values and keeping friendly-enough relations with the regime. Local EU and member state officials interviewed by IOB appreciated the firm stance on human rights upheld by the Netherlands, although some also suggested this position was sometimes counterproductive.

### **The Netherlands was in favour of joint programming, but Dutch embassies' contributions were often modest**

To improve the coherence of EU assistance and bilateral assistance, the Netherlands advocated joint programming, provided this was done in a flexible and pragmatic manner and was also open to non-EU states. The Netherlands indicated its willingness to take joint programming into account in its own programming, and called upon its embassies in ENP countries to coordinate with the EU and member states during the EU's mid-term review

of its multi-annual strategic plans in 2013.<sup>85</sup> In addition, the 2016 Council Conclusions on Joint Programming – in which the member states reconfirmed their commitment to joint programming – were adopted under the Dutch Council Presidency. They came about at the initiative of the Netherlands and thanks to Dutch lobbying.

Despite the government's ambition to engage in joint programming, involvement of Dutch embassies in this process in ENP countries was generally limited. This was partly due to the fact that Dutch bilateral assistance in the neighbourhood was small compared to that of other member states. With the exception of the Palestinian Territories, ENP countries did not receive Dutch development assistance, and other types of bilateral assistance were generally fragmented and (very) restricted in scope. As a result, embassies had few staff and lacked in-depth thematic knowledge and insight into the implementation of support on the ground. This hampered their role in joint programming, especially in the Southern ENP countries, where several other member states still had major development programmes. In the East, where member states in general had fewer and smaller assistance programmes, the Netherlands was relatively better represented with Matra, Shiraka and other Dutch assistance programmes.

Another factor hampering active involvement of Dutch embassies in joint programming was that they were not all equally well-informed about or committed to joint programming. In promoting joint programming, The Hague took a leading role. However, many embassies wondered whether the benefits of joint programming outweighed the burden it imposed on their limited staff capacity and financial means. Finally, the thematic steering that characterises Dutch bilateral assistance raised doubts as to whether the Netherlands was actually willing and able to give up several of its own programmes



for the sake of joint programming. Overall, in practice, the embassies were not able to take a proactive role in contributing to joint programming.

### 4.3.3 Dutch institutional actors worked together rather well

In chapter 3, the notion of institutional coherence applies to the working relations within and among EU institutions and other actors. In the current paragraph, it is understood to refer to the cooperation among the Dutch actors involved in ENP policy-making or implementation: the Ministry of Foreign Affairs (BZ) in The Hague, the Dutch Permanent Representation in Brussels, the embassies, and sectoral ministries. We find that inter-ministerial coordination worked well, that the extent of cooperation between BZ in The Hague and embassies varied, and that intra-ministerial coordination could be improved.

#### The Ministry of Foreign Affairs in The Hague

BZ coordinated the Dutch policy contribution to the ENP. The external policy division of the European Integration Department (DIE-EX) was responsible for drafting instructions for the relevant Council working groups and for correspondence with the Dutch House of Representatives. Two regional departments – the Europe department (DEU) and the North Africa and Middle East department (DAM) – provided region-specific knowledge and facilitated the embassies' work in ENP countries. Depending on the issue at stake, thematic departments – such as the International Trade Policy and Economic Governance department (IMH) or the Multilateral Organisations and Human Rights Department (DMM) – were involved as well. In 2012, the overall policy responsibility within the Ministry was transferred from the Director-General for European Cooperation (DGES) to the Director-General for Political Affairs (DGPZ). This reflected the more political nature acquired by the ENP over time.

Cooperation between DIE-EX and the regional departments varied. Cooperation between DIE-EX and DEU was facilitated by the fact that the six DEU countries were divided among two or three country desk officers, which ensured a coherent policy input. Moreover, DEU had a 'Special Representative for EU-Russia relations and the Eastern Partnership', who had to ensure that the Dutch bilateral policy in relation to EaP countries corresponded to the Dutch policy input for the ENP's Eastern dimension. In practice, no significant differences existed between the Dutch input in Brussels and the messages sent by embassies in EaP countries.

Cooperation with DAM was more complicated because this department had one policy officer for each of the Southern neighbouring countries, whose work was not focused on ENP-related issues. Partly because of this, DAM's input was mainly demand-driven. Various staff members at the Ministry interviewed by IOB argued for DAM's closer involvement in ENP matters. DAM had a representational and coordinating role in the ENP: a senior DAM officer represented the Netherlands at the UfM, was the National Contact Point for Dutch participation in EU Twinning and TAIEX in all ENP countries,<sup>86</sup> and coordinated the Shiraka programme (see text box 11, above).

#### Diplomatic posts

The Permanent Representation (PermRep) of the Netherlands to the EU managed relations with the EU institutions and coordinated ENP matters in Brussels. The Netherlands had embassies in most Southern neighbourhood countries. Exceptions were the Palestinian Territories, where it had a 'Representation Office' to the Palestinian Authority, Libya and Syria. The embassies in Libya and Syria were evacuated in 2011 and 2012, respectively, due to the worsening security situation.<sup>87</sup> In the EaP region, the Netherlands had embassies in three out of six countries. The Netherlands was directly represented in Azerbaijan,<sup>88</sup> Georgia, and Ukraine. The embassy in Georgia was also accredited for Armenia, and Belarus was covered by the embassy in Poland. Moldova was initially covered by the embassy in Ukraine and, as of 2014, by the embassy in Romania.

Following a motion adopted by the Dutch House of Representatives in 2014, a number of embassies in 'the ring of instability' were given extra staff (see the Annex document on IOB's website).<sup>89</sup> The 'Syria team' in Turkey was expanded. For relations with the Eastern countries, *chargés d'affaires a.i.* were posted in Belarus and Moldova. These investments were also meant to increase Dutch involvement in EU cooperation on the ground.

Cooperation between the PermRep and BZ in The Hague was close. Cooperation on ENP affairs between the Ministry in The Hague and the embassies was stronger in the East than in the South, where the ENP was less of a guiding framework.

#### Other ministries

Various sectoral ministries were indirectly involved in the ENP, such as the ministries of Security and Justice, of Economic Affairs, of Finance and of Education, Culture and Science. The Ministry of General Affairs (namely, the Cabinet office) was mainly involved in summits and dossiers with a national political dimension, such as the MH17 dossier and the dossier on the 'Ukraine referendum'.



Cooperation between BZ and these other ministries was informal and good. BZ was the single ministry officially representing the Netherlands in Brussels and in neighbouring countries. The other ministries approached Dutch relations with the neighbourhood primarily from a sectoral perspective, while BZ approached these from a broader (geo) political perspective. At times, sectoral ministries were more hesitant to engage with the neighbours than BZ would have preferred. Such small differences in perspective on the nature of engagements did not influence the coherence of the Dutch ENP contribution.

## 4.4 Dutch support for government ownership of the ENP was inconsistent, but the Netherlands did stimulate local civil society ownership

Chapter 3 has shown that ENP ownership on the part of ENP governments and societies was limited. Intentions to increase ownership did not materialise in practice. The ENP did not differentiate sufficiently between regions and across countries, and it did not pay sufficient attention to local needs, conditions and sentiments on democracy and human rights. Nor did the EU build real partnerships with neighbourhood governments and societies, wanting to impose its democratic values from the top down instead – values that not all ENP countries have been willing or able to accept in the first place. Moreover, despite its ambitions to increase support to civil society, the EU did not sufficiently invest in civil society development.

The Dutch government recognised that the ENP suffered from a lack of ownership. Rather than involving the EU and ENP governments as equal partners and allowing for differentiation amongst countries, the ENP used a one-size-fits-all approach determined and imposed by the EU. A more equal relationship was expected to positively impact ENP governments' willingness to cooperate on sensitive issues such as human rights and the rule of law.<sup>90</sup> The government was also in favour of better involvement in the ENP of civil society and the private sector (especially SMEs) in ENP countries.<sup>91</sup> Its concrete suggestions to increase ownership (described below) had some positive results on societal ownership, but their effects on government ownership were mixed.

### 4.4.1 The Dutch insistence on values did not always contribute to ownership

The Dutch insistence that the EU should promote its liberal democratic values in the neighbourhood was not always helpful for increasing neighbourhood countries' ownership of the ENP, since it sometimes clashed with local values, especially in the Southern neighbourhood. The Dutch position was also insensitive to the (normative) role played by other international actors (see Chapter 3.4).

The government expected the EU to be able to create an understanding among ENP countries on the EU's stance on interests and values. For this, the Union needed to seek cooperation in areas in which individual neighbouring countries had the greatest needs and to promote values in a 'smart and flexible way'.<sup>92</sup> The government suggested promoting values 'more intelligently' by making cross-connections between policy areas,<sup>93</sup> for example by 'mainstreaming' human rights into assistance projects relating to economic and security sector reforms. While still not very concrete and wide-ranging, this approach did aim to address the issue of values in a more pragmatic, non-confrontational way. This approach also followed the AIV's advice on conducting a more pragmatic policy of small steps towards the Southern neighbourhood.<sup>94</sup>

### 4.4.2 The Dutch plea for differentiation was positive, but lacked precision

In discussions on the 2015 ENP review, the government acknowledged that the ENP had not adequately responded to developments in ENP countries and had paid little attention to the needs and aspirations of individual countries.<sup>95</sup> While it felt that the ENP should remain the overarching policy framework for the neighbourhood because its goals were still relevant, it also argued for more differentiation between the Southern and the Eastern region, as well as between ENP countries.<sup>96</sup> This would allow the EU to be more responsive to country differences and to changing circumstances in the neighbourhood.<sup>97</sup>

In the Dutch view, the EU first needed to acquire a better understanding of the interests of individual neighbourhood countries and the extent to which they shared EU values, and then shape cooperation accordingly.<sup>98</sup> The Union should not impose aid on countries that



were not interested in cooperation; instead it should seek other ways to promote EU values, for example by engaging first in functional cooperation in less sensitive areas such as trade and infrastructure.<sup>99</sup> The Dutch government also acknowledged that the standardised national Action Plans that had guided relations between the EU and individual ENP countries contained elements that were irrelevant to the latter and sometimes provoked resistance, thereby hindering progress with reforms. Therefore, the government argued in favour of abandoning standardised plans.<sup>100</sup> However, differentiation should not go so far as to relegate the principle of conditionality and promoting values to second place; agreed reform objectives were to be non-negotiable, and values, especially human rights, were to remain anchor points.<sup>101</sup> What this meant in practical terms, was left unspecified.

In an advice published in 2016, the AIV criticised the government's lack of regard for the different realities in North Africa. It argued that its rather general, abstract and principled position limited policy effectiveness.<sup>102</sup> While attractive to the domestic policy arena, the Dutch stance risked bringing little improvement or even becoming counterproductive.<sup>103</sup> Instead, the AIV called for a more pragmatic approach adapted to the different realities in the region, including also adopting more focus and clearer priorities.

#### 4.4.3 The Dutch focus on cooperation with local civil society was positive

Apart from pleading for differentiation, the government also argued in favour of a stronger partnership approach in the EU's relations with ENP countries. By involving ENP governments on a more equal footing, they would be more willing to cooperate in the more sensitive areas of the ENP, such as human rights and the rule of law.<sup>104</sup> Thus, a partnership approach would serve the higher policy objective of ensuring countries' compliance with EU values. The government also argued that greater involvement of civil society and the private sector in ENP countries were important for improving the ENP's effectiveness.<sup>105</sup> In practice, Dutch embassies cooperated with local CSOs in the framework of bilateral assistance programmes, although – like other actors – they sometimes faced constraints (see Chapter 3.3). They also tried hard to give CSOs a role in the policy formulation process. These efforts were positive since they aimed at increasing ownership.

#### 4.4.4 The Dutch insistence on increased Council control contradicted its pleas for ownership

The Netherlands was strongly in favour of increasing Council control in the ENP's implementation. As demonstrated earlier, it actively lobbied for greater Council influence on issues such as visa liberalisation, and insisted that the Council play an important role in determining the EU's interests and values prior to engaging in dialogue with ENP governments. This reduced the extent to which ENP countries' interests could be accommodated in negotiations on association agendas and other issues, therefore hindering the ENP's ambition to increase ENP government ownership.

All in all, Dutch efforts at contributing to ownership produced limited effects. Importantly, there existed tensions between these efforts on the one hand, and the government's insistence on increasing Council control over the ENP's implementation on the other hand. Since the government did not explicitly address these tensions, the extent of its commitment to increasing ownership remained unclear.

#### 4.5 Like most other EU actors, the Netherlands initially overlooked the role of external actors in the ENP

Chapter 3.4 has shown that the ENP was by no means the only game in town in neighbourhood countries and that other actors challenged the leverage of the EU (for instance because they offered considerable support to ENP countries) or produced spillovers affecting neighbourhood countries (for example, terrorism or migration). The EU initially failed to take into consideration the precise extent to which external actors and factors influenced the ENP. In the 2015 ENP review, it stated that it would begin to work together with these actors.

Like the EU, the Netherlands initially overlooked the role played by external actors and factors in the neighbourhood. The increasingly assertive foreign policy role played by Russia in some of the Eastern ENP countries, as well as the refugee and migrant crisis concerning the Southern neighbourhood, served as 'wake-up calls' not just for the EU,



but for the Netherlands as well. In discussions on the 2015 ENP review, the government argued that the ‘neighbours of the neighbours’ – as well as strategic actors such as the US, China and Turkey – should be more involved in the ENP.<sup>106</sup> The ENP should take into consideration relations between these external actors on the one hand, and neighbourhood countries on the other hand; the EU’s dialogue with external actors should also focus more attention on the ENP so as to facilitate understanding and possibly cooperation.<sup>107</sup> Moreover, the government supported regional strategies (which had been drafted for Iraq and Syria) and cooperation between the EU and other regional forums, such as the Council of Europe, the African Union and the Arab League.<sup>108</sup> These notions were reflected in the 2015 ENP review, as Chapter 1 has shown. Still, neither the ENP review nor the Dutch position indicates how coherence between the ENP and the EU’s approach to the ‘neighbours of the neighbours’ should be safeguarded.

## 4.6 The overall Dutch contribution to the ENP was constructive, but on occasions dogmatic and ambiguous

While Chapter 3 concluded that the ENP’s performance on key factors determining its effectiveness was weak, the analysis in the current chapter demonstrates that the Netherlands’ contribution to the ENP was overall constructive but at times dogmatic and ambiguous. The Netherlands was convinced of the ENP’s rationale and added value for promoting peace, prosperity and stability in the neighbourhood. Its position on the ENP and its contribution to discussions on the 2011 and 2015 ENP revisions largely moved along with general thinking on the ENP and largely coincided with the preferences of some of the larger member states, the European Commission and the EEAS. The government was a vocal and critical actor in the EU’s ENP discussions, insisting on strict application of conditionality, emphasising the EU’s role in promoting democracy and human rights, and advocating a prudent spending policy. It also insisted on withholding a concrete EU membership perspective from EaP countries. It tabled constructive proposals to increase policy effectiveness. However, some of its positions can be characterised as dogmatic and ambiguous. These did not increase the ENP’s effectiveness in a positive direction.

### Conditionality

The Dutch stance on the ENP’s key concept of conditionality remained rather dogmatic. Despite growing indications that conditionality was not generally effective in promoting democratic reforms, the Netherlands continued to call for its application throughout the period 2011-2017. The Dutch contributions to the policy discussions on the ENP’s revisions in 2011 and 2015 suggest a move away from an uncompromising stance that both positive and negative conditionality should remain part and parcel of the ENP’s toolbox, towards a more pragmatic and realist approach, acknowledging that applying conditionality should be weighed against other European and Dutch interests at stake in the EU’s changing security environment. However, how this approach should be operationalised in concrete situations, was left ambiguous. As a result, conditionality and its effective application remained *leitmotiv* of Dutch policy thinking.

The government proposed several measures supporting strict and consistent application of conditionality, some of which were accepted by the member states in the Council. For example, the Council accepted the government’s proposal inviting the Commission to use general impact assessments to judge whether the visa liberalisation process should be continued. It also accepted the Dutch proposal to adopt an emergency brake procedure allowing the EU to suspend visa freedom if certain criteria were no longer met. The government did not find sufficient support for its proposals to introduce a more objective and transparent procedure for measuring ENP countries’ progress on reforms.

On many occasions, Dutch parliamentarians insisted the government use conditionality to promote democratic and human rights reforms. They filed motions for the general application of conditionality in exchange for support to ENP countries, and also demanded that negative conditionality be applied in reaction to human rights violations, for instance in Egypt and Morocco. The government usually responded by promising to address such human rights abuses in the EU’s discussions on the neighbourhood. After 2015, conditionality also began to play a more important role in politically sensitive debates in parliament and within the government coalition on stopping illegal migration from Southern (ENP) countries. As a result, continued adherence to conditionality remained the preferred Dutch policy option.





The Netherlands was often also less generous than many other member states in terms of granting EU incentives to ENP countries, partly because of its position on conditionality, and partly because of its unwillingness to grant visa liberalisation to Southern neighbourhood countries. During the EU negotiations on EU external policy spending for the period 2014-2020, the government agreed to a small rise in EU financial assistance in exchange for further reforms in ENP countries. More so than other member states, the Netherlands also routinely advocated trade liberalisation. This was attractive to some of the Eastern neighbourhood countries, but not to many of the Southern neighbours, who feared competition from EU producers. The Dutch supported the EU in insisting that ENP countries conclude readmission agreements before being granted visa facilitation or liberalisation. However, this limited the attractiveness of visa facilitation to Southern countries. Finally, the Netherlands also successfully blocked proposals for offering Eastern ENP countries a concrete membership perspective, which some member states considered a stimulus for further reforms.

### Coherence

The Netherlands contributed rather positively to the ENP's coherence, which this policy review has analysed on three different levels. The Dutch government supported the coherence of ENP instruments and other foreign policy instruments. The government was in favour of integrating security in the ENP, insisting the ENP be part and parcel of the EU's overall foreign policy, and argued in favour of deploying the entire range of EU instruments available, based on an overarching policy strategy. The government also supported integrating the ENP and the CFSP/CSDP. These are constructive positions. At the same time, these were unlikely to be effective without addressing the underlying causes of the EU's lack of foreign policy coherence, such as unwillingness among member states to coordinate their national foreign and security policies at the EU level. Moreover, some proposals were insufficiently operationalised.

Like all other member states, the Netherlands maintained bilateral relations with ENP countries. In the Eastern neighbourhood, the ENP was more of a guiding framework for the government's bilateral policy with ENP countries than in the South. Bilaterally, the Netherlands acted largely in line with EU policy on the neighbourhood. Compared to other embassies, Dutch embassies were particularly vocal on democratisation and human rights.

Dutch bilateral assistance to neighbourhood countries was rather fragmented and not generally designed to complement the ENP, although programmes did aim to contribute to security, stability and prosperity. Matra and Shiraka, the only programmes specifically targeted at the neighbourhood region, were explicitly aimed at complementing the ENP. Their values-based approach was in line with the ENP, and their easy accessibility and flexibility gave these programmes added value. The programmes' limited budget and fragmented implementation, however, restricted their effectiveness across the neighbourhood. This was especially the case in Southern neighbourhood countries, where the context was generally less conducive to democratisation than in EaP countries.

To increase coherence of both EU and member state assistance programming, the government successfully advocated joint programming; Council conclusions confirming member state's commitment to joint programming were adopted under the Dutch Council Presidency. However, because of the limited size of bilateral assistance to ENP countries, Dutch embassies often lacked the capacity to meet the government's ambition to play a proactive role in joint programming, particularly in Southern neighbourhood countries. Moreover, it was unclear as to whether the Netherlands was ready to engage in a division of labour between the EU and its member states. Thus, while supporting joint programming on paper, Dutch support remained limited in practice.

Finally, Dutch institutional actors worked together rather well. Inter-ministerial coordination in The Hague was informal and good; the sometimes-different positions held by other ministries on the nature of Dutch engagement with ENP countries did not influence the coherence of the Dutch contribution to the ENP. Cooperation between the Permanent Representation in Brussels and the Ministry in The Hague was close. Cooperation on ENP affairs between the Ministry and the embassies was stronger in the East than in the South, where the ENP was less of a guiding framework for embassies. Finally, intra-ministerial coordination could be improved.

### Ownership

The Dutch position on ownership of the ENP in the neighbourhood was inconsistent. Firstly, the Dutch insistence that the EU should promote its values in the neighbourhood was sometimes insensitive to local sentiments, which were not always positive about EU



values, especially in the South. Secondly, the government's attempts to increase Council control over the ENP's implementation hindered the ENP's ambition to increase ENP government ownership. Since these tensions were not mentioned explicitly in government documents, the extent of the government's commitment to increasing ownership remains unclear.

The Dutch government's focus on cooperating with local civil society contributed to enhanced ownership. Dutch embassies engaged with local CSOs in the framework of bilateral assistance programmes, even though they sometimes faced constraints. The government's support for more differentiation between countries and regions was also constructive.

### External actors

While the ENP was by no means the only game in town in neighbourhood countries, EU member states – including the Netherlands – initially overlooked the role played by external actors and factors in the neighbourhood. The increasingly assertive foreign policy role played by Russia in some of the Eastern ENP countries, as well as the refugee and migrant crisis in the Southern neighbourhood, served as 'wake-up calls'. In discussions on the 2015 ENP review, the Dutch government argued that 'the neighbours of the neighbours' and other actors should become more involved in ENP matters. However, how this could be achieved, was not spelled out.

## Endnotes | 4

- <sup>1</sup> IOB, 2015a; 2015b. Information about other types of Dutch bilateral assistance to the neighbourhood can be found in the Annex document on IOB's website.
- <sup>2</sup> Ministry of Foreign Affairs, 2014: 4; 2013b: 5; 2017.
- <sup>3</sup> Ministry of Foreign Affairs, 2011a; 2012c; 2013b; 2014; 2015b. In addition, the government consistently noted that the ENP was partly aimed at policy areas of shared or exclusive EU competence, such as trade, (short-term) visa, and development cooperation.
- <sup>4</sup> House of Representatives, 2011.
- <sup>5</sup> E.g. Ministry of Foreign Affairs, 2012c: 6
- <sup>6</sup> Ibid.
- <sup>7</sup> Ibid.
- <sup>8</sup> BZ diplomatic telegram system.
- <sup>9</sup> BZ diplomatic telegram system.
- <sup>10</sup> Ministry of Foreign Affairs, 2013b: 6.
- <sup>11</sup> Ibid.
- <sup>12</sup> Ibid.
- <sup>13</sup> Ministry of Foreign Affairs, 2014: 5.
- <sup>14</sup> Ibid.
- <sup>15</sup> Ministry of Foreign Affairs, 2015d: 5.

- <sup>16</sup> AIV, 2014.
- <sup>17</sup> Ministry of Foreign Affairs, 2015a.
- <sup>18</sup> Ministry of Foreign Affairs, 2015d: 4.
- <sup>19</sup> Ibid.: 3.
- <sup>20</sup> Ibid.: 4.
- <sup>21</sup> House of Representatives, 2011.
- <sup>22</sup> House of Representatives, 2013a; 2013b; 2013c; 2014a; 2014b; 2014c.
- <sup>23</sup> House of Representatives, 2012a; 2012b; 2012c.
- <sup>24</sup> Ibid.
- <sup>25</sup> House of Representatives, 2015; 2018; Dutch Senate 2018.
- <sup>26</sup> The notion that positive and negative conditionality are guiding principles in the area of migration appears e.g. from the government agreement of the current government coalition (VVD, CDA, D66 and ChristenUnie, 2017: 52).
- <sup>27</sup> Ministry of Foreign Affairs, 2005a.
- <sup>28</sup> Ministry of Foreign Affairs, 2012c; 2013b; 2015b; 2015d; 2017.
- <sup>29</sup> See e.g. Ministry of Foreign Affairs, 2005a: 3-4 and interviews.
- <sup>30</sup> Jacobs et al., 2016.



- 31 'Excluding exclusive relations has become all the more relevant in the run-up to, but especially after, the Eastern Partnership Summit in Vilnius, after which several Eastern neighbourhood countries de facto found themselves faced with a choice between 'East' and 'West'. The cabinet finds that the neighbourhood policy needs to create bridges, not dividing lines. This is one of the reasons why the Eastern Partnership is an independent trajectory and not an antechamber to EU membership' (Ministry of Foreign Affairs, 2014: 5).
- 32 Dutch Senate, 2015.
- 33 Benelux, 2011: 2.
- 34 BZ diplomatic telegram system.
- 35 BZ diplomatic telegram system.
- 36 BZ diplomatic telegram system.
- 37 Council of the European Union, 2011.
- 38 Ministry of Foreign Affairs, 2013c.
- 39 Ministry of Foreign Affairs, 2013d.
- 40 European Council, 2016.
- 41 These negotiations are part of the Union's Multiannual Financial Framework (MFF) 2014-2020.
- 42 Ministry of Foreign Affairs, 2011a; 2012a.
- 43 Ministry of Foreign Affairs, 2012a: 18.
- 44 Ibid.: 7.
- 45 Ministry of Foreign Affairs, 2013a.
- 46 While the Commission proposed a budget accounting for more than EUR 70 billion, the eventually agreed budget accounted for EUR 58.7 billion.
- 47 Ministry of Foreign Affairs, 2013a.
- 48 Ibid.: 5.
- 49 See e.g. the government's response to parliamentary questions on EU support to Ukraine (House of Representatives, 2017).
- 50 Ministry of Foreign Affairs, 2012c: 7.
- 51 House of Representatives, 2016: 8.
- 52 The EEA currently governs relations between the EU member states and Iceland, Liechtenstein and Norway (Ministry of Foreign Affairs, 2012c: 7).
- 53 See e.g. Benelux, 2011; Ministry of Foreign Affairs, 2012c: 7; 2013b: 4; 2015b: 5.
- 54 Ministry of Foreign Affairs, 2015d: 5.
- 55 See e.g. Ministry of Foreign Affairs, 2012c: 7.
- 56 Ministry of Foreign Affairs, 2011b.
- 57 BZ diplomatic telegram system.
- 58 BZ diplomatic telegram system.
- 59 Since the obligation for partner countries to take over all migrants who travelled to the EU through their country made it difficult to conclude readmission agreements with (especially the Southern) ENP countries, the Commission wanted to loosen this obligation. The Netherlands was able to accept this, but commented that doing away with this clause could only apply to countries at a great geographical distance from the EU, and which were not considered important transit countries - in short, not to the ENP countries (BZ diplomatic telegram system).
- 60 Ministry of Foreign Affairs, 2011a: 5.
- 61 Ibidem.
- 62 Advisory Committee on Migration Affairs, 2015: 4.
- 63 Ibid.: 8.
- 64 Positive and negative conditionality also remain guidance principles for the current Dutch government; see: VVD, CDA, D66 and ChristenUnie, 2017: 52.
- 65 BZ diplomatic telegram system.
- 66 Ibid.
- 67 Ibid.
- 68 It thus deviates from the subject covered in Chapter 3.5.3, which discusses institutional coherence amongst EU actors.
- 69 Ministry of Foreign Affairs, 2014: 3; 2015b: 9. In one of its publications, the Advisory Council on International Affairs (AIV) called the year 2015 a 'watershed moment' (AIV, 2015: 5).
- 70 Ministry of Foreign Affairs, 2015b: 3.
- 71 Ibid.: 6-7.
- 72 Ibid.: 15.
- 73 Ibid.
- 74 This appeared from a seminar on the relationship between the ENP and the CFSP/CSDP, organised by the Dutch Permanent Representation to the EU in Brussels on 15 July 2015.
- 75 Ministry of Foreign Affairs 2015b: 15.
- 76 Ibid.: 15-16.
- 77 European Commission and High Representative of the European Union for Foreign Affairs and Security Policy, 2015: 14.
- 78 Ibid.
- 79 This concerned a strategy paper on the Arab region drafted by the North Africa and Middle East Department (DAM), and a policy memorandum on the EaP countries drafted by the Europe Department (DEU); see Annex document on IOB's website.
- 80 At least as far as these targeted EaP countries; Matra was also targeted at the pre-accession countries.



<sup>81</sup> Until 2016, these programmes were named ‘Matra East’ and ‘Matra South’, respectively. With the establishment of the Netherlands Fund for Regional Partnerships (NFRP) in 2016 – which covers both programmes – ‘Matra South’ was renamed ‘Shiraka’ and ‘Matra East’ was integrated into the programme ‘Matra for European cooperation’ targeting both, the EaP countries, and the pre-accession countries. In this policy review IOB uses ‘Shiraka’ and ‘Matra’.

<sup>82</sup> Matra and Shiraka also cover the pre-accession countries in the Western Balkans, Turkey, and non-ENP countries in the MENA region, amongst which Iran and Yemen.

<sup>83</sup> Azerbaijan became eligible only in 2010.

<sup>84</sup> IOB, 2015a; 2015b.

<sup>85</sup> Ministry of Foreign Affairs, 2012a: 25.

<sup>86</sup> Twinning and TAIEX (Technical Assistance and Information Exchange) are EU instruments for institutional cooperation between member states and partner country governments. TAIEX consists of short-running activities (seminars, workshops), Twinning is longer term; a member state civil servant is typically placed in a partner country’s administration for 1 to 1.5 years. Both instruments are available for ENP as well as pre-accession countries.

<sup>87</sup> Libya was then covered from Tunisia; in 2013 a special envoy for Syria was formed for contacts with the Syrian opposition – this was placed at the Netherlands Consulate General in Istanbul (Ministry of Foreign Affairs, 2014).

<sup>88</sup> This only formally via an embassy since 2013.

<sup>89</sup> Ministry of Foreign Affairs, 2015c.

<sup>90</sup> Ministry of Foreign Affairs, 2015b: 7.

<sup>91</sup> Ibid.

<sup>92</sup> BZ diplomatic telegram system.

<sup>93</sup> Ministry of Foreign Affairs, 2015d: 4.

<sup>94</sup> AIV, 2016: 49-50; similar AIV, 2014. In its 2016 advice, the AIV also argued that in case of serious human rights violations, cooperation should not continue as if these violations had not taken place.

<sup>95</sup> Ministry of Foreign Affairs, 2015b: 2.

<sup>96</sup> Ibid.: 8.

<sup>97</sup> Ibid.

<sup>98</sup> Ibid.

<sup>99</sup> Ibid.: 9

<sup>100</sup> Ibid.: 8.

<sup>101</sup> BZ diplomatic telegram system.

<sup>102</sup> AIV, 2016: 50.

<sup>103</sup> Ibid.

<sup>104</sup> Ministry of Foreign Affairs, 2015b: 7.

<sup>105</sup> Ibid.

<sup>106</sup> Ibid.: 16.

<sup>107</sup> Ibid.

<sup>108</sup> Ibid.: 17.



## 5 Beleidsopties in geval van significant minder of meer middelen (-/+ 20%)

Alle beleidsdoorlichtingen die vanaf 2015 worden opgesteld, moeten volgens de Regeling periodiek evaluatieonderzoek (RPE) een of meer zogenaamde 20%-besparingsvarianten bevatten: een beschrijving van beleidsopties voor het geval er significant minder middelen beschikbaar zijn. Optioneel kunnen beleidsopties worden besproken voor het geval er meer middelen beschikbaar zouden zijn.

Dit hoofdstuk gaat in op beleidsopties in het geval van minder middelen voor het *European Neighbourhood Instrument* (paragraaf 5.1) en beleidsopties in het geval van besparingen op danwel intensiveringen voor het Nederlands Fonds voor Regionale Partnerschappen (NFRP) Matra en Shiraka (paragraaf 5.2). Dit hoofdstuk is opgesteld door beleidsdirecties van het ministerie van Buitenlandse Zaken. IOB draagt hiervoor geen verantwoordelijkheid.



## 5.1 Beleidsopties voor begrotingsartikel 3.1

In de begroting van Buitenlandse Zaken zijn geen middelen gereserveerd voor het Europees Nabuurschapsinstrument (ENI) of andere externe EU-instrumenten die (mede) in de ENB-landen worden ingezet. De Nederlandse toerekening voor het Europees Nabuurschapsbeleid vindt plaats via de algemene EU-afdrachten, die opgenomen zijn onder beleidsartikel 3.1 van de BZ-begroting. Het lopende Meerjarig Financieel Kader (MFK) van de Unie voor de periode 2014-2020 omvat alle EU (beleids-)uitgaven; de externe instrumenten maken hier onderdeel van uit. Op basis van de verdeling tussen de lidstaten van de afdrachten onder het lopende MFK kan 5,2% van de EU-uitgaven voor de externe instrumenten aan Nederland worden toegerekend.

Hoewel de Unie meerdere instrumenten hanteert waarmee steun aan nabuurschapslanden wordt geboden, is het *European Neighbourhood Instrument* (ENI) het enige EU-instrument dat daarvoor specifiek in het leven is geroepen. Verreweg het grootste deel van steun aan de regio verloopt via het ENI. Binnen het lopende MFK is er EUR 15,4 mld voor beschikbaar. De committeringen zijn min of meer gelijkmatig over de 7 jaren van het MFK verdeeld. De onderhandelingen voor het volgende MFK zijn gaande, dientengevolge is de hoogte van de EU-uitgaven voor externe instrumenten over de periode 2021-2027 nog niet bekend.

De EU-afdrachten zijn één van de verplichtingen van het lidmaatschap van de Unie. Zodoende is de budgetflexibiliteit beperkt onder beleidsartikel 3.1. De afdrachten van Nederland zijn daarnaast niet gekoppeld aan specifieke beleidsuitgaven van de Unie. Nederland kan niet eenzijdig besluiten het totale budget voor ENB-instrumenten te verlagen. Nederland kan evenmin eigenstandig (voorstellen voor) specifieke budgetten voor projecten en programma's in de nabuurschapslanden aanpassen in het ENI-comité, waar besluitvorming omtrent de invulling van het ENI plaatsvindt. Niettemin wordt ten behoeve van de evaluatie in deze paragraaf geschetst welke keuzes Nederland in haar beleidsinzet zou kunnen maken in het theoretische geval onder het huidige MFK het totale ENB budget met 20% zou worden gekort. Een dergelijke maatregel zou Nederland ongeveer EUR 160 mln aan besparingen opleveren. Immers, Nederland draagt 5,2% bij aan het ENI. Dit bedrag staat gelijk aan EUR 800 miljoen, 20 procent hiervan is EUR 160 miljoen.

De aanbevelingen uit deze IOB-beleidsdoorlichting zijn vooral strategisch van aard en zien bijvoorbeeld op aanpassing van de politieke inzet, efficiënter gebruik van netwerken en het vergroten van de effectiviteit van het EU-optreden. Opvolging van deze aanbevelingen leidt derhalve niet logischerwijs tot verlaging of verhoging van de beschikbare ENB-middelen.

### 5.1.1 Geografische en thematische korting

Bij een verlaging van het ENB-budget zou Nederland scherper kunnen sturen op de Nederlandse geografische en thematische prioriteiten. De uitgangspunten van de partnerschappen met de verschillende nabuurschapslanden (vastgelegd in o.a. Partnership Priorities en Association Agendas) lopen zeer uiteen als resultaat van de herziening van het ENB in 2015 toen meer ruimte werd ingebouwd voor differentiatie in de relaties met de nabuurschapslanden. Voordien werd meer een 'one size fits all'-benadering voor de gehele regio gehanteerd.

Binnen het ENB onderhoudt Nederland met een aantal landen nauwere banden dan met andere. Voor prioritaire nabuurschapslanden heeft Nederland thematische speerpunten geïdentificeerd. In de relatie met de meeste van deze landen is rechtsstaatontwikkeling een belangrijke pijler. Veel van de overige speerpunten zijn landenspecifiek. Zo zet Nederland in de relatie met de meeste zuidelijke nabuurschapslanden zwaar in op de thema's water, klimaat en energie. In de oostelijke nabuurschapsregio ligt de nadruk vooral op persvrijheid, anti-corruptie maatregelen en economische ontwikkeling.

Een eerste optie bij een -20 % scenario is dat Nederland pleit voor een korting op de thema's die niet onder de Nederlandse speerpunten vallen in de voor Nederland prioritaire landen. Voor de niet-prioritaire landen zou de korting evenredig kunnen worden verdeeld over alle thema's die zijn overeengekomen in de Partnerschapsprioriteiten, Associatieagenda's en overige verbanden. In dit scenario zou bijvoorbeeld op de thema's democratie, rechtsstaat en anti-corruptie in Oekraïne en rechtsstaat, migratie en private sector ontwikkeling in Tunesië niet worden gekort. Voor al het overige zou de korting evenredig verdeeld worden over de resterende thema's in deze prioritaire landen, en over alle thema's in de overige nabuurschapslanden.



Een dergelijk scenario heeft als voordeel dat de Nederlandse prioriteiten in termen van landen en thema's herkenbaar blijven. Een korting die niet verbonden is aan onvoldoende voortgang op de gezamenlijke bepaalde hervormingsagenda zou echter op gespannen voet staan met het uitgangspunt van conditionaliteit, en mogelijk de toewijding van zowel de regering als het maatschappelijk middenveld in deze landen om de prioriteiten te verwezenlijken ondermijnen. Over deze optie zou voorts naar verwachting geen overeenstemming mogelijk zijn daar andere lidstaten andere focuslanden en -thema's hanteren.

## 5.1.2 Koppelen aan kernwaarden

Een andere optie is de beschikbare middelen sterker te koppelen aan de kernwaarden van de Unie. Met de Partnership Priorities onderschrijven de EU en de partnerlanden het bijzondere belang van universele waarden als (participatieve) democratie en fundamentele rechten alsook van de bevordering en bescherming daarvan. De mate waarin overeenstemming kan worden gevonden over deze waarden tussen de Unie en het partnerland bepaalt mede de omvang van de financiële steun van de Unie voor het partnerland. Er kan ervoor worden gekozen om de 20% korting vooral neer te laten slaan in die partnerlanden waarmee de waardenovereenstemming het kleinst is. De middelen voor landen waarmee de kernwaarden in sterkere mate worden gedeeld blijven in dit scenario onaangetast.

Het tegenovergestelde zou ook kunnen worden bepleit. Zo zou in de relatie met nabuurschapslanden waarmee intensieve samenwerking op het gebied van democratie en rechtstaat geen gegeven is, vooral nadruk kunnen worden gelegd op economische samenwerking. Dat zou betekenen dat de 20% besparing zou worden gezocht in democratie- en rechtsstaatprojecten. Uiteindelijk kan hiermee mogelijk een gelijkwaardige basis worden gecreëerd opdat er in een later stadium openingen ontstaan om waardeverschillen te overbruggen.

Het directe gevolg van deze maatregel is dat er minder aandacht komt voor democratie en de rechtstaat in landen waar deze waarden al minder hoog aangeschreven staan. Burgers en organisaties in deze landen die op de Unie rekenen bij het bevorderen van een democratische rechtstaat, zullen worden verzwakt en zullen zich wellicht minder op Europa als waardengemeenschap oriënteren.

## 5.1.3 Algemene korting

Tot slot kan ervoor gekozen worden de bijdrage per nabuurlandland en per thema evenredig met 20% te korten. Een dergelijk scenario heeft als voordeel dat de maatregel overzichtelijk en niet-discriminerend is. Wel betekent dit uiteraard dat er minder, en minder omvangrijke, programma's en projecten kunnen worden uitgevoerd. Dit kan gevolgen hebben voor de *output* en de *outcome* van het nabuurschapsbeleid op voor Nederland belangrijke thema's als democratie, rechtsstaat, migratie, veiligheid en milieu, al laten de precieze consequenties zich moeilijk voorspellen.

### Appreciatie van de besparingsmaatregel

Een korting van 20% op het totale budget van het ENI is in de praktijk lastig realiseerbaar. Het ENI en de andere externe instrumenten van de Unie, waarmee invulling wordt gegeven aan het Nabuurschapsbeleid, komen uit de algemene en verplichte EU-afdrachten. Nederland kan noch de hoogte van die afdrachten, noch het gedeelte daarvan dat naar het Europees Nabuurschapsbeleid gaat, zelfstandig beïnvloeden. In het kader van de huidige MFK-onderhandelingen is Nederland voorstander van het inbedden van het ENI in het op te richten Neighbourhood, Development and International Cooperation Instrument. Over het beschikbare budget wordt momenteel nog gesproken. In algemene zin pleit Nederland voor een uitgavenplafond van 1% van het EU-27 bruto nationaal inkomen en een eerlijkere verdeling van de afdrachten. Mocht een korting van 20% op het ENI-budget worden doorgevoerd onder het huidige MFK gaat de voorkeur ernaar uit deze recht evenredig over alle landen en thema's door te voeren, overeenkomstig de hierboven beschreven optie 3. Deze optie is – zoals hierboven gesteld – overzichtelijk en niet-discriminerend, en tast bovendien het principe van conditionaliteit niet aan. Bovendien is dit van de drie geschetste scenario's de meest haalbare, gelet op de overeenstemming die hieromtrent met andere lidstaten gevonden moet worden.

## 5.2 Beleidsopties voor begrotingsartikel 2.5

In deze paragraaf worden enkele beleidsopties toegelicht bij een significante afname (20%) in middelen voor het Nederlands Fonds voor Regionale Partnerschappen (NFRP). Daarvoor zal allereerst de grondslag worden vastgesteld voor de 20% korting. Ook wordt een scenario uitgewerkt voor een 20% verhoging van de beschikbare middelen.



Het Matra-programma en het Shiraka-programma maken beiden deel uit van het NFRP, dat werd ingesteld n.a.v. de motie Servaes/Ten Broeke (34300 V, nr. 26). Geografisch gezien richt het NFRP zich op de gehele ‘ring van instabiliteit’ rond de EU.

De geografische inzet van Matra is tweeledig. Twee derde van het budget is gericht op de EU pre-accessieregio (Westelijke Balkan + Turkije). Een derde deel wordt ingezet in de Oostelijk Partnerschap (OP) regio, de Europese tak van het Europees Nabuurschapsbeleid (ENB).

Het Shiraka-programma wordt ingezet in de hele Arabische regio en Iran, maar het accent ligt op die landen binnen de MENA-regio die onder het ENB vallen. De inzet in de ENB-landen kan van jaar tot jaar verschillen en ligt rond de 90% van het totale Shiraka-budget

Als grondslag voor een 20% korting worden de bedragen genomen die in of voor ENB-landen worden aangewend, omdat de beleidsdoorlichting betrekking heeft op die groep landen. De inzet van Matra in de preaccessie-landen en de 10% inzet van het Shiraka-programma buiten de ENB regio worden dus niet meegenomen in de grondslag.

Bij de berekening van de grondslag wordt gebruik gemaakt van de in de ontwerpbegroting 2019 opgenomen bedragen, waarin de eerdere verhoging van het NFRP-budget, doorgevoerd in de 1e suppletore begroting 2018, is bestendigd. De Tweede Kamer is over die verhoging geïnformeerd in een brief van de minister van Buitenlandse Zaken van 9 juli 2018 (kenmerk: minbuza-2018.753829).

Budgetair gaat het dit jaar en de komende jaren om de volgende bedragen:

**Tabel 1** Overzicht artikel 2.5 budgetten Matra en Shiraka – ontwerpbegroting 2019

2.5 Bevordering van transitie in prioritaire gebieden	2018	2019	2020	2021	2022
Bedragen in EUR 1.000					
<b>NFRP Matra</b>	11.822	11.822	11.822	11.822	11.822
<b>Waarvan in ENB-landen</b>	3.940	3.940	3.940	3.940	3.940
<b>NFRP-Shiraka</b>	16.464	16.464	16.464	16.464	16.464
<b>Waarvan in ENB-landen</b>	14.818	14.818	14.818	14.818	14.818
<b>Totaal NFRP</b>	28.286	28.268	28.268	28.268	28.268
<b>Totaal NFRP in ENB-landen</b>	18.758	18.758	18.758	18.758	18.758

Een besparing of intensivering met 20% omvat de volgende bedragen en is gebaseerd op de in tabel 1 vermelde inzet in ENB-landen.

**Tabel 2** Overzicht financiële omvang besparing/intensivering ENB deel NFRP

EUR 1.000	2018	2019	2020	2021	2022
<b>NFRP-Matra</b>	788	788	788	788	788
<b>NFRP-Shiraka</b>	2.964	2.964	2.964	2.964	2.964
<b>Totaal</b>	3.752	3.752	3.752	3.752	3.752

Bij een besparing met 20% op het ENB-deel van het NFRP programma ligt een beperking van het aantal landen waarop wordt ingezet niet voor de hand. De ENB-component van het NFRP richt zich op de gehele ring van instabiliteit. Het verminderen van het aantal doellanden zou zodoende leiden tot een ‘breuk’ in de ring. Dit laat onverlet dat de intensiteit van de inzet in de verschillende landen kan variëren. Deze is afhankelijk van de lokale situatie en perspectieven voor het bereiken van de doelstellingen van het NFRP-programma. Een 20% besparing zou ingevuld kunnen worden door differentiatie van die intensiteit. Zo zou sterker kunnen worden ingezet op landen met goede perspectieven voor transitie. Anderzijds zou het ook denkbaar zijn dat juist wordt ingezet op die landen waar het proces dreigt te stagneren. Bij het toekennen van budgetten op zowel centraal als decentraal niveau wordt deze afweging altijd gemaakt.

Gelet op de wens een ‘breuk’ in de ring te voorkomen is een vermindering van 20% *across the board* een geschiktere optie. In dit scenario blijft de groep doellanden intact voor zowel de OP regio als de Shiraka regio, maar wordt het voor de regio’s beschikbare bedrag met 20% verlaagd. Er kan op een tweetal manieren invulling worden gegeven aan dit scenario:

1. het verlagen van het budget voor alle programmaonderdelen met 20%;
2. het gericht en beleidsmatig onderbouwd verlagen van het budget voor een of meerdere specifieke programmaonderdelen.

Binnen het NFRP staat de veranderende relatie tussen burger en overheid centraal, met oog voor groeiende inspraak voor de burger en meer aandacht voor een overheid die verantwoording aflegt aan de burger. Voor het realiseren van deze transitiedoelstelling is de NFRP inzet dan ook tweeledig en gericht op blijvende veranderingen in 1) de positie van de burger (veelal d.m.v. kleinschalige ambassadeprojecten i.s.m. het lokale





maatschappelijke middenveld) en 2) in de relatie tussen burger en overheid (d.m.v. technische assistentie van NL [semi-]overheidsinstanties). Het NFRP richt zich daarom zowel op burgers als op overheden. Inzet op burgers zonder inzet op de overheid is niet effectief. Anderzijds heeft ook inzet op alleen de overheid weinig effect. Inzet op beide doelgroepen is complementair. In deze inzet zit een beleidsmatig weloverwogen evenwicht. Besparing op slechts een van beide zou leiden tot een verstoring van dat evenwicht, wat minder wenselijk is. Voor beide programma's geldt dan ook dat, in het geval van een onverhoopte korting van 20%, de voorkeur uitgaat naar verlagen van de budgetten van specifieke programmaonderdelen waarbij de balans intact blijft.

Voor Matra-OP kan dit gerealiseerd worden door een van de volgende maatregelen te nemen:

## Maatregel 1

Het grotendeels niet opnieuw inzetten van de middelen die vrijvallen door het niet verlengen van de bijdrage aan het *International Visegrád Fund for Eastern Partnership (IVF4EaP) programme* per 1 september 2018. Deze maatregel kan vanaf 2020 worden gerealiseerd gelet op al vastliggende verplichtingen in 2019.

Tabel 3 20% korting NFRP Matra door niet opnieuw inzetten vrijvallende middelen Visegrád fonds, wijziging in miljoenen

Programmaonderdeel	2019	2020	2021	2022
Bedrag NFRP-Matra in ENB-landen	3,9	3,9	3,9	3,9
Niet opnieuw ingezette vrijvallende middelen Visegrád fonds	0	-0,8	-0,8	-0,8
Bedrag NFRP-Matra in ENB-landen na besparing	3,9	3,1	3,1	3,1

## Onderbouwing

Er is gezocht naar mogelijkheden die het programma zo min mogelijk te schaden. De beleidsdoorlichting stelt vast dat de samenwerking met het Visegrád fonds niet heeft geleid tot de verwachte netwerkmogelijkheden voor de ambassades in de OP landen. Bovendien stelt de Directie Europa vast dat de constructie waarin het Visegrád fonds als tussenpersoon fungeert, leidt tot verminderd zicht op de effectiviteit en doelmatigheid van de gefinancierde projecten. In aanloop naar het aflopen van de overeenkomst met het Internationaal Visegrád Fonds per 1 september 2018 is dan ook besloten de bijdrage niet te verlengen. Daardoor valt per jaar EUR 1,0 mln. vrij. In 2019 zijn deze middelen al gecommiteerd voor technische assistentie gericht op overheidsinstanties in de doellanden. Per 2020 bestaat echter de mogelijkheid EUR 0,8 mln. van het bedrag niet opnieuw in te zetten waardoor een jaarlijkse besparing van EUR 0,8 mln. wordt gerealiseerd.

## Financiële gevolgen

Het grotendeels niet opnieuw inzetten van de jaarlijkse bijdrage à EUR 1 mln. leidt tot een verlaging van de Matra-OP uitgaven met 20% per 2020.

## Beleidsmatige gevolgen

Deze zijn beperkt. In dit scenario worden de middelen die vrijkomen door de beëindiging van de samenwerking met het Visegrád fonds niet opnieuw aangewend. De Nederlandse financiële inzet in de OP-regio zal daardoor afnemen. Tegelijkertijd blijkt uit de beleidsdoorlichting en bevindingen van de regio-directie en het postennetwerk dat de zichtbaarheid d.m.v. het IVF4EaP programma beperkt was. Het niet aanwenden van de vrijgekomen middelen gaat dan ook gepaard met hernieuwde aandacht voor de Nederland inzet in de OP regio via de activiteiten vanuit zowel centrale middelen als vanuit de gedelegeerde middelen van het postennetwerk die bijdragen aan meer zichtbaarheid en een versterkt lokaal netwerk dan de beëindigde samenwerking met het Visegrád fonds.



## Maatregel 2

Het in gelijke mate verminderen van de beschikbare middelen voor centrale projecten voor overheidsondersteuning en decentrale projecten voor ondersteuning van het maatschappelijk middenveld.

*Tabel 4 20% korting NFRP Matra door besparing op ondersteuning overheden en maatschappelijk middenveld, wijziging in miljoenen*

Programmaonderdeel	2019	2020	2021	2022
Bedrag NFRP-Matra in ENB-landen	3,9	3,9	3,9	3,9
Besparing centrale projecten overheidsondersteuning	-0,3	-0,3	-0,3	-0,3
Besparing decentrale projecten maatschappelijk middenveld	-0,5	-0,5	-0,5	-0,5
Bedrag NFRP-Matra in ENB-landen na besparing	3,1	3,1	3,1	3,1

### Onderbouwing

De kracht van het Matra-OP programma zit in de combinatie van grote, centraal gecoördineerde twinning projecten (die vaak leiden tot langdurige samenwerkingsrelaties tussen Nederlandse organisaties en instanties in de doellanden, zo blijkt uit de beleidsdoorlichting) en decentrale ambassadeprojecten die in de beleidsdoorlichting positief beoordeeld worden vanwege de flexibiliteit en toegankelijkheid op lokaal niveau. Beide programmaonderdelen moeten dan ook behouden blijven. Het is echter wel mogelijk om de budgetten voor beide onderdelen in gelijke mate te verlagen waardoor zowel een blijvende evenwichtige focus op burger en overheid, als een verlaging van het Matra-OP budget gerealiseerd kan worden.

### Financiële gevolgen

Een korting op centraal gecoördineerde twinning projecten met een bedrag van EUR 310.000 (20% van het voor dit programmaonderdeel beschikbaar budget) gecombineerd met een korting van EUR 480.000 (20% van het voor dit programmaonderdeel beschikbaar budget) op het budget voor decentrale ambassadeprojecten leidt tot een vermindering van het totale Matra-OP budget met 20%.

### Beleidsmatige gevolgen

Een beperktere inzet op zowel overheidsondersteuning als de ontwikkeling van het maatschappelijk middenveld zal leiden tot een verminderde impact van het Matra-OP programma als geheel en een verzwakking van het lokale netwerk van het postennet in de OP regio. De inzet van het instrument Matra draagt immers bij aan de positie van Nederland (via de posten) als gesprekspartner voor zowel het maatschappelijk middenveld als de overheid in de doellanden.

Voor Shiraka valt een 20% besparing te realiseren door de volgende maatregelen:

## Maatregel 1

Een deel van het Shiraka-programma wordt uitgevoerd door ambassades. Daarbij gaat het vooral om ondersteuning van lokale maatschappelijke initiatieven. In 2018 is hiervoor EUR 5 mln. naar ambassades gedelegeerd. Voor 2019 en 2020 zijn de te delegeren bedragen respectievelijk EUR 7 en 9 mln. Door verlaging van de gedelegeerde budgetten tot 5 mln. in 2019 en 6 mln. in 2020 en volgende jaren kan in 2019 EUR 2 mln. worden bespaard en vanaf 2020 EUR 3 mln.

*Tabel 5 20% korting NFRP Shiraka door minder toename gedelegeerde budgetten posten, wijziging in miljoenen*

Programmaonderdeel	2019	2020	2021	2022
Bedrag NFRP-Shiraka in ENB-landen	14,8	14,8	14,8	14,8
Gedelegeerde budgetten posten: voorgenomen verhoging grotendeels schrappen	-2,0	-3,0	-3,0	-3,0
Bedrag NFRP-Shiraka in ENB-landen na besparing	12,8	11,8	11,8	11,8

### Onderbouwing

De beleidsdoorlichting bevat geen concrete aangrijpingspunten voor het verlagen van het Shiraka-budget. Gezocht is daarom naar mogelijkheden die het programma zo min mogelijk schaden. Bij de gedelegeerde budgetten van de ambassades bestaat de meeste flexibiliteit, omdat daaruit in het algemeen kortlopende activiteiten worden gefinancierd.



### Financiële gevolgen

Met deze maatregel kan vanaf 2020 een besparing met 20% worden gerealiseerd.

### Beleidsmatige gevolgen

De beoogde sterkere inzet op het transitieproces op lokaal niveau door ondersteuning van lokale maatschappelijke initiatieven en decentrale overheden kan niet worden uitgevoerd, waar de beleidsdoorlichting positief is over gedelegeerde steun en benadrukt dat de beschikbare budgetten beperkt zijn.

## Maatregel 2

Het met EUR 2 mln. verlagen van gedelegeerde budgetten van ambassades (zie ook maatregel 1) in combinatie met het stopzetten van het MENA-beurzenprogramma. Hiermee kan al vanaf 2019 EUR 3 mln. worden bespaard.

*Tabel 6 20% korting NFRP Shiraka door minder toename gedelegeerde budgetten posten in combinatie met stopzetten MENA-beurzenprogramma, wijziging in miljoenen*

Programmaonderdeel	2019	2020	2021	2022
Bedrag NFRP-Shiraka in ENB-landen	14,8	14,8	14,8	14,8
Gedelegeerde budgetten posten: voorgenomen verhoging grotendeels schrappen	-2,0	-2,0	-2,0	-2,0
MENA-beurzenprogramma stopzetten	-0,5	-1,0	-1,0	-1,0
Bedrag NFRP-Shiraka in ENB-landen na besparing	12,3	11,8	11,8	11,8

### Onderbouwing

In plaats van de vorige maatregel zou het mogelijk zijn minder te korten op de gedelegeerde budgetten van de ambassades. Om dat te compenseren zal dan een ander onderdeel van het programma moeten worden verminderd of stopgezet. Dat zou dan het MENA-beurzenprogramma zijn, waarvoor jaarlijks EUR 1 mln. beschikbaar is. Het lopende contract daarvoor eindigt per medio 2019.

### Financiële gevolgen

Met deze maatregel kan vanaf 2020 een besparing met 20% worden gerealiseerd.

### Beleidsmatige gevolgen

De beoogde sterkere inzet op het transitieproces op lokaal niveau kan niet volledig worden uitgevoerd, waar de beleidsdoorlichting positief is over gedelegeerde steun en benadrukt dat de beschikbare budgetten beperkt zijn. Daarnaast zullen er met het stopzetten van het MENA-beurzenprogramma per jaar niet langer 150 bursalen naar Nederland worden uitgenodigd. Het beurzenprogramma beoogt bij te dragen aan capaciteitsontwikkeling in de doellanden en aan een positieve beeldvorming over Nederland.

Een verhoging van het budget van het NFRP maakt het mogelijk de impact te vergroten. Daarom is ook een +20% variant opgenomen. De absorptiecapaciteit daarvoor in de doellanden is zeker voldoende, al verschilt deze van land tot land. De behoeften aan ondersteuning op verschillende niveau's en thema's zijn groot. Zowel voor NFRP-Matra als voor NFRP-Shiraka geldt dat het relatief bescheiden programma's zijn die in een aanzienlijk aantal landen worden ingezet waarbij de vraag om financiering van hervormingsprojecten nadrukkelijk groter is dan het beschikbare budget. Dit blijkt uit het aantal aanvragen voor zowel de centrale (voornamelijk Nederlandse NGO's) als de decentrale middelen (ter ondersteuning van lokale NGO's).

Gelet op de conclusies uit de beleidsdoorlichting van het Matra-OP programma zou bij een verhoging van het budget met 20% in de OP regio ingezet worden op een van de volgende scenario's:

## Maatregel 1

Gelijkmatig ophogen van zowel het centrale budget voor twinning projecten als het decentrale ambassadebudget voor kleinschalige projecten i.s.m. lokale partners uit het maatschappelijk middenveld;



Tabel 7 20% intensivering NFRP Matra door extra centrale en decentrale projecten, wijziging in miljoenen

Programmaonderdeel	2019	2020	2021	2022
Bedrag NFRP-Matra in ENB-landen	3,9	3,9	3,9	3,9
Centrale projecten overheidsondersteuning	+0,2	+0,2	+0,2	+0,2
Decentrale projecten maatschappelijk middenveld	+0,6	+0,6	+0,6	+0,6
Bedrag NFRP-Matra in ENB-landen na intensivering	4,7	4,7	4,7	4,7

### Onderbouwing

Beide programmaonderdelen worden in de beleidsdoorlichting positief beoordeeld op hun effectiviteit op projectniveau. Ook werd de doelmatigheid goed beoordeeld met de kanttekening dat voldoende uitvoeringscapaciteit op zowel het departement als op de posten aandacht verdient. Door extra in te zetten op beide programmaonderdelen zet het Matra-OP programma extra middelen in daar waar de kern van het overkoepelende NFRP-programma ligt: *Vanuit de Nederlandse expertise op het gebied van democratie, rechtsstaat en mensenrechten bijdragen aan de maatschappelijke transformatie die moet leiden tot een duurzame en stabiele relatie tussen burger en overheid, met als additioneel oogmerk het investeren in de bilaterale relatie met deze landen en in de partners van de toekomst.* Een gelijkmatige verhoging van beide programmaonderdelen zorgt ervoor dat de weloverwogen verhouding tussen inzet op de ontwikkeling van het maatschappelijk middenveld en het ondersteunen van overheden behouden blijft.

### Financiële gevolgen

Een ophoging van het centraal gecoördineerde twinning projecten met een bedrag van EUR 200.000 (25% van het voor dit programmaonderdeel beschikbaar budget) gecombineerd met een ophoging met EUR 600.000 (25% van het voor dit programmaonderdeel beschikbaar budget) van het budget voor decentrale ambassadeprojecten leidt tot een toename van het totale Matra-OP budget met 20%.

### Beleidsmatige gevolgen

Een grotere inzet op beide programmaonderdelen vergroot het bereik en de impact van het Matra-OP programma als geheel en draagt bij aan een versteviging van het lokale netwerk van het postennet in de OP regio.

## Maatregel 2

Het jaarlijks beschikbaar stellen van een centraal beheerd budget voor middelgrote projecten die op flexibele wijze, zonder het uitzetten van een tender gefinancierd kunnen worden.

Tabel 8 20% intensivering NFRP Matra door opzetten faciliteit voor middelgrote projecten, wijziging in miljoenen

Programmaonderdeel	2019	2020	2021	2022
Bedrag NFRP-Matra in ENB-landen	3,9	3,9	3,9	3,9
Nieuwe faciliteit voor middelgrote projecten	+0,8	+0,8	+0,8	+0,8
Bedrag NFRP-Matra in ENB-landen na intensivering	4,7	4,7	4,7	4,7

### Onderbouwing

De budgetten voor centrale projecten t.b.v. technische assistentie van Nederlandse (semi-) overheidsinstanties aan lokale overheidsinstanties, gefaciliteerd door ervaren Nederlandse projectuitvoerders, worden meerjarig gecommiteerd. Hiermee wordt invulling gegeven aan het beperken van de arbeidsintensiviteit (waargenomen in de beleidsdoorlichting) van het Matra-OP programma. Tegelijkertijd zorgt volledige meerjarige committering ervoor dat er weinig ruimte overblijft voor het ad hoc inspelen op lokale ontwikkelingen. Dit terwijl de flexibiliteit van het Matra-OP programma juist positief uitgelicht is in de beleidsdoorlichting.

Door jaarlijks een bescheiden, flexibel inzetbaar bedrag beschikbaar te stellen voor door Nederlandse projectorganisaties uitgevoerde technische assistentie projecten wordt invulling gegeven aan de wens van een financieringsinstrument waarmee op korte termijn ook op Matra-OP centraal niveau ingespeeld kan worden op de actualiteit in de doellanden.

### Financiële gevolgen

Het beschikbaar stellen van een budget van EUR 800.000 voor flexibel in te zetten centrale projecten resulteert in een toename van het Matra-OP budget met 20%.



### Beleidsmatige gevolgen

Het creëren van een flexibel inzetbaar programmaonderdeel voor centraal gecoördineerde financiering zorgt er voor dat de Directie Europa i.s.m. het postennet op een flexibele en *ad hoc* manier middelen kan inzetten voor interventies t.a.v. acute lokale ontwikkelingen. Dit draagt bij aan de beleidsrelevantie van het programma en verstevigt de positie van NL in de doellanden als land dat nauw betrokken is bij de ontwikkeling van de regio.

Voor de Shiraka-regio zou op de volgende optie kunnen worden ingezet:

## Maatregel 1

Het gefaseerd verhogen van de gedelegeerde budgetten van ambassades in combinatie met de verhoging van het budget voor op overheden gerichte activiteiten, beide met EUR 0,75 mln. in 2019 en nog eens EUR 0,75 mln. in 2020.

Tabel 9 20% intensivering NFRP Shiraka door extra centrale en decentrale projecten, wijziging in miljoenen

Programmaonderdeel	2019	2020	2021	2022
Bedrag NFRP-Shiraka in ENB-landen	14,8	14,8	14,8	14,8
Centrale projecten overheidssteuning	+0,75	+1,5	+1,5	+1,5
Gedelegeerde budgetten posten: verhoging	+0,75	+1,5	+1,5	+1,5
Bedrag NFRP-Shiraka in ENB-landen na intensivering	16,3	17,8	17,8	17,8

### Onderbouwing

De beleidsdoorlichting geeft aan dat door de beperkte omvang van de programma's ook de impact klein is. Door zowel de op overheden als op de burger gerichte componenten te verhogen kan de impact worden vergroot. In verband met de uitvoeringscapaciteit van de betrokken ambassades zal een dergelijke maatregel gefaseerd moeten worden ingevoerd.

### Financiële gevolgen

Toename van het Shiraka-budget met 10% in 2019 en 20% in 2020.

### Beleidsmatige gevolgen

Een grotere inzet op maatschappelijke initiatieven in de doellanden, waardoor de impact toeneemt. Daarnaast, en in evenwicht daarmee, ook een sterkere impact bij kennisoverdracht aan overheden, waardoor meer kritische massa wordt verkregen. Daarnaast kan Nederland een sterkere speler worden op het gebied van donorcoördinatie en versterkt de positie van Nederland in de betrokken landen.

## NFRP Politieke Partijen Programma

Tot slot heeft een vermindering van NFRP-middelen voor de ENB-regio ook een direct effect op het beschikbare budget voor het NFRP Politieke Partijen Programma. Dit is het gevolg van de directe koppeling van het NFRP Politieke Partijen Programma aan het gehele NFRP-budget.



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# Annex 2 Evaluation and study reports of the Policy and Operations Evaluation Department (IOB) published 2012-2019

The reports below can be downloaded from the IOB website: [English.iob-evaluatie.nl](http://English.iob-evaluatie.nl).

Reports published before 2012 can be found on the archive of the IOB website: <http://archieff.iob-evaluatie.nl/en.html>.

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