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### **Processes of deliberation and negotiation in the revamped ENP: Divergent modes of governance that emerge at the intersection of EaP/SoP and the EU and its member states**

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## Processes of deliberation and negotiation in the revamped ENP: Divergent modes of governance that emerge at the intersection of EaP/SoP and the EU and its member states\*

**Abstract:** The understanding of the process of negotiation as a mode of neighbourhood governance requires that three questions be explored, i.e. the salience of the EU enlargement policy as a source of inspiration for the European Neighbourhood Policy (ENP); the complexity of the negotiation process with several factors that shape the context, including most importantly the actors involved, their interests and preferences as well as their specific strategies, negotiation and communication styles; and the implications of the ideas behind the ENP as a result of which the target regions were treated in an uneven manner from the beginning. The paper seeks to assess the influence of the instrument of 'negotiation' on the background of other modes of neighbourhood governance. At the same time, it aims at furthering analysis of the ENP through the 'negotiation perspective' in order to deepen our understanding of this policy-framework.

**Keywords:** negotiation, modes of governance, ENP

### Introduction

A brief review of the literature on integration and policy-making in the European Union (EU) suggests that the process of negotiations is considered as an important instrument of the European project. Building on the notion that '[t]he European policy process has been peculiarly dependent on negotiation as a predominant mode of reaching agree-

\* This research project has benefited from funding under the Polish National Science Centre (NCN) grant titled 'European Neighbourhood Policy: (multi-level) governance, the reform process and the prospect of enhanced cooperation in the region', OPUS/HS5, no. 2013/09/B/HS5/04534.

ments on policy and of implementing policies once reached<sup>1</sup>, we can assume that many aspects of the EU's external relations are managed by negotiations; the European Neighbourhood Policy (ENP) attests to that. The objective of this paper is two-fold: first, to assess the instrument of 'negotiation' as a mode of neighbourhood governance, and, second, to contribute to the furthering of analysis through the 'negotiation perspective'. The discussion in this paper is based on three assumptions. Firstly, the ENP, inspired by the EU enlargement policy perceived as 'the EU's most successful foreign policy instrument'<sup>2</sup>, has inherited several modes of governance, including negotiation as the most prominent one. Secondly, the negotiation processes with the ENP partner countries are very complex as they are shaped by different factors, i.e. contexts and occasions, actors and their preferences, implemented strategies, negotiation styles and ways of communication. Thirdly, in the framework of the ENP two approaches can be distinguished: state-centred approach addressed towards the Southern Mediterranean<sup>3</sup> (SEM) countries and community-approach focussed on the countries included in Eastern Dimension of the ENP<sup>4</sup>. This has had an enormous impact on the role of negotiations.

## 1 From enlargement policy to the ENP

1. Drawing inspiration from the EU enlargement policy, in 2003 the European Commission (EC) proposed a new framework<sup>5</sup> for the European periphery, followed by the launch of the ENP a year after<sup>6</sup>. The EU's primary objective associated with the ENP has been to es-

1 H. Wallace, 'Politics and policy in the EU: the challenge of governance', in: H. Wallace, W. Wallace (eds), *Policy-Making in the European Union*, Oxford: Oxford University Press, 1996, p. 32.

2 European Commission, 'Wider Europe – Neighbourhood: A New Framework For Relations with our Eastern and Southern Neighbours', *Communication from the Commission to the Council and the European Parliament*, COM (2003) 104, Brussels, 11 March 2003, p. 5.

3 It means the countries on the Southern and Eastern Mediterranean coast, from West to East, Morocco, Algeria, Tunisia, Libya, Egypt, Israel, Palestine, Jordan, Lebanon and Syria. For brevity, it will be used the Southern Mediterranean coastal states, omitting the word Eastern, or as the Middle East and North Africa (MENA) countries.

4 R. Mouhoub, A. Debbihi, 'The European Neighbourhood policy: one policy, two neighbourhoods', *Management Intercultural*, vol. XVIII, no. 2 (36), 2016, p. 160.

5 European Commission, *Wider Europe – Neighbourhood...*, op.cit., p. 5.

6 Loc.cit.

establish peaceful and cooperative relations with its neighbours. In this vein, the EC offered the ENP partner countries the possibility to participate in various EU activities by means of increased cooperation in economic, political, cultural and security matters.<sup>7</sup> The basis of that cooperation were to be shared values, including democracy, the rule of law, and respect for human rights.<sup>8</sup> The ENP was expected to increase the efficiency of other mechanisms employed by the EU aimed at promotion of national reforms, including economic and trade reforms, institutional reforms, migration policies, as well as collaboration in research and higher education.<sup>9</sup>

All issues mentioned above build on the term governance, which by definition, means ‘every mode of political steering involving public and private actors, including the traditional modes of government and different types of steering from hierarchical imposition to sheer information measures’<sup>10</sup>. Shaped according to the logic of enlargement, the ENP has inherited many of its characteristics including four modes of governance: compliance, negotiation, competition and coordination.<sup>11</sup> It is clear that they constitute ideal types. In practice, they are likely to be combined with each other generating rather hybrid forms.

*Governance by compliance* needs from the national/state entities such an exercising of rule-making power that implements legally binding European rules. As it concedes national actors only a marginal space for discretion, compliance is not the strongest point of the ENP. Compliance achievement within the ENP is determined by domestic conditions of each partner country as well as the interest and preferences of governments in subscribing to ENP goals. Apparently, without the prospect of future EU membership, the potential impact of compliance-driven modes of governance is rather limited.

7 Loc.cit.

8 Ibid., p. 4.

9 European Commission, ‘Paving the way for a New Neighbourhood Instrument’, *Communication from the Commission*, COM (2003) 393, Brussels, 1 July 2003, p. 3.

10 A. Héritier, ‘New Modes of Governance in Europe: Policy-Making without Legislating?’, in: A. Héritier (ed.), *Common Goods: Reinventing European and International Governance*, Lanham: Rowman & Littlefield Publishers, 2002, p. 185.

11 Cf. Ch. Knill, D. Pitschel, M. Bauer, ‘Conceptualizing ‘Europeanisation’ in Eastern Europe: EU Impact in ‘Likely’ and ‘Unlikely’ Member States’, in: S. Gänzle, G. Müntel, E. Vinokurov (eds), *Adapting to Integration in Europe. The Case of the Russian Exclave of Kaliningrad*, Manchester: Manchester University Press, 2008.

*Governance by competition* consists of a range of incentives and disincentives offered to partner countries. These encourage aligning with the EU standards and benchmarks by adjusting domestic institutional arrangements and structures. The key motivation here is a promise of access to the single market.<sup>12</sup> *Governance by coordination* involves a dose of voluntarism as it is based on voluntary agreements, benchmarking, persuasion and communication. This mode of governance is aimed at supporting policy-makers and national bureaucrats with best practices and ideas to policy problems. It is worth mentioning that together with the establishment of the ENP, a significant increase in the number of networks<sup>13</sup> among the ENP partner countries has been observed. Finally, *governance by negotiation* seems to be the most prominent mode of governance within the EU. It is aimed at allocation of different values, norms and decisions in hierarchical structures as well as non-hierarchical settings of various actors. A good example of governance by negotiation of non-hierarchical relations is the concept of partnership that governs the EU's structural policies. Despite differences in potential and resources, achieving a successful conclusion of negotiations is the ultimate objective of all actors.<sup>14</sup>

It is worth mentioning that the notion of the EU as a 'negotiation system' has important implications for negotiation as a mode of governance. Although the specificity of the EU negotiation system makes it unique, some of the traits can be found in the negotiations conducted between the EU and the ENP partner countries, i.e. the presence of rules and institutions, regularities of interactions, interdependence of actors. Firstly, the high level of institutionalisation of the EU negotiations is embedded in a wide framework of formal and informal rules and norms, as well as patterns of practices. However, certain situations in the neighbourhood have led to the unprecedented institutionalised responses, for instance the signing of the political part of the DCFTA/

12 K. Żukrowska, 'Ideas in the ENP. Conflicting visions and interests of the ENP between the EU member states and institutions?', *Yearbook of the Institute of East-Central Europe*, vol. 14, no. 6, 2016, pp. 121-145.

13 S. Lavenex, 'EU external governance in "wider Europe"', *Journal of European Public Policy*, vol. 11, no. 4, pp. 680-700.

14 V. Schmidt, 'European Integration and Institutional Change: The Transformation of National Patterns of Policy-making', in: G. Göhler (ed.), *Institutionenwandel* [Institutional change], PVS-Sonderheft, 1997, pp. 143-180.

AA with Ukraine, in terms of negotiation activities. Secondly, negotiations are also influenced by the presence and importance of institutional actors, particularly the EC and the European Parliament (EP). Thirdly, the EU negotiations are continuous and often interlinked. This is of fundamental importance for the evolution of expectations and the generation of negotiation strategies. Fourthly, the formal negotiation process is closely linked to informal negotiations. The reason for EU's reliance on informal channels, i.e. networks and informal contacts, is the enhancement of effectiveness and guarantee of flexibility. Finally, there is a strong linkage between the EU internal and external (foreign) negotiations, although the boundary is often difficult to define. Together with the linkages between governance levels and sectors, it is bound to have implications for the analysis of negotiation processes and negotiation outcomes.<sup>15</sup>

## 2. The complexity of the negotiation process

In general, the instrument of negotiation is described as 'a process in which explicit proposals are put forward ostensibly for the purpose of reaching agreement on an exchange or on the realization of a common interest where conflicting interests are present'<sup>16</sup>. In a nutshell, the negotiation process is all about influencing the expectations and/or the values of the other party.<sup>17</sup> Although it may sound simple, it is not as several factors shape the negotiation processes and build its complexity. Firstly, the ENP negotiation process is a subject to a diversity of contexts and occasions generated by factors of internal, i.e. domestic situation of partner countries, and external type, i.e. the dynamics of the geopolitical situation, the financial crisis 2008+. The most important external factor in the ENP's negotiation processes is Russia and its attempts to restore its former influence in the post-Soviet space. To this end, Russia employs a variety of instruments,

15 O. Elgström, M. Smith, 'Introduction: Negotiation and policy-making in the European Union – processes, system and order', *Journal of European Public Policy*, vol. 7, no. 5, 2000, pp. 675-677.

16 F.Ch. Ikle, *How Nations Negotiate*, New York: Praeger, 1964, p. 3-4.

17 Ch. Jönsson, *Communication in International Bargaining*, London: Pinter, 1990, p. 2.

including attempts to 'warm up' frozen conflicts in Transnistria<sup>18</sup>, Abkhazia and South Ossetia. Furthermore, the Russian-Georgian conflict in 2008 serves as a clear evidence that fundamental differences exist between the EU and Russia as regards how they view the post-Soviet space and which means to employ to influence it. For instance, whereas the EU continued using soft instruments to address the region, i.e. the ENP<sup>19</sup>, Russia initiated a competing project, i.e. the Eurasian Customs Union. Moreover, Russia is militarily present in almost every Eastern Partnership (EaP) country but Azerbaijan.

Furthermore, the implications of the crises can change the negotiation context dramatically. Although the EU eastern neighbours and Russia experienced the impact of the financial crisis 2008+ more directly and more suddenly than the EU's southern neighbours did<sup>20</sup>, overall, the crisis has had a dramatic impact on growth prospects in both regions<sup>21</sup>. In addition, the migration and refugee crises created additional pressure for the ENP and expectations invested in it. In 2015, the EC admitted, 'the EU cannot alone solve the many challenges of the region'<sup>22</sup>. However, the new ENP is to help in creating the conditions for positive development.<sup>23</sup> On the other hand, the ENP negotiation process is shaped by internal situation of each partner country. In case of doubts concerning the development on the domestic scene, e.g. high level of corruption, the EU prolongs the negotiations until the objectives are satisfactorily met by a given partner country. Nevertheless, when it comes to the violation of territorial integrity of Ukraine, the EU demonstrated more flexibility. In response to the Russian-Ukrainian conflict escalation, the EU promptly signed

18 K. Lungu, 'Transnistria – who to blame?', *ECFR Commentary*, 15 January 2016, [http://www.ecfr.eu/article/commentary\\_transnistria\\_who\\_to\\_blame](http://www.ecfr.eu/article/commentary_transnistria_who_to_blame) [2016-05-20].

19 D. Bechev, K. Nicolaidis, 'From Policy to Policy: Can the EU Special Relations with Its 'Neighbourhood' Be Decentred?', *Journal of Common Market Studies*, vol. 48, no. 3, 2010, pp. 6-7.

20 This was reflected in the economic growth, which for the Mediterranean region has nearly halved in 2009 in comparison with 2008, from 5.2% to 2.7%, and for the Eastern neighbours – indicated an almost 10%-points decrease from 2008.

21 European Commission, 'The Impact of the Global Crisis on Neighbouring Countries of the EU', *Occasional Papers*, no. 48, June 2009.

22 European Commission, High Representative of the European Union for Foreign Affairs and Security Policy, 'Review of the European Neighbourhood Policy', *Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions*, JOIN (2015) 50 final, Brussels, 18 November 2015, p. 2.

23 European Commission, *Review of the European Neighbourhood Policy...*, op.cit., p. 2.

the political chapter of the EU-Ukraine AA/DCFTA postponing the signing of the economic one.

Secondly, the negotiation process involves a plethora of public, private and third sector actors.<sup>24</sup> Each of them has a wide range of preferences that are modified according to the contexts or occasions. However, the preferences of governmental actors are the dominant one.<sup>25</sup> In the case of the ENP negotiations, an important role to play have also the institutional actors, including the EC and the EP. Both of them constitute autonomous players in the EU negotiation processes. Their position is enhanced by their formal powers; suffice it to mention the sole right of initiative of the EC and the veto power of the EP under co-decision-procedure. The EC officials can play an important role in many informal networks by steering the policy processes. In some circumstances those actors can have an important input into the agenda-setting process. They can even take the advantage of the specific negotiations' contexts to advance their specific objectives and enhance their institutional legitimacy. Apart from the institutional actors, other types of negotiating actors should be mentioned as well.

As far as the national actors are concerned, the ENP includes countries, which differ in economic and political potential and expectations with regard to the scope and nature of their cooperation with the EU, even among countries of one region. Accordingly, the EaP partner-countries can be divided in three groups.<sup>26</sup> First, Moldova and Georgia, that earnestly believed that the EU membership was just a matter of time. In contrast, Belarus and Azerbaijan have never considered the possibility of becoming a member of the EU. Ukraine and Armenia, to a varying extent, did place in the EaP some hopes for a possible future membership in the EU. Still, the impression prevailed among the EaP partner countries, that it did not deliver on the EU's promises and the EaP countries' expectations. It was seen as an 'elegant' way of substi-

24 J. Kwiecień, 'Interests and preferences and their constitutive role in the EaP: regional, national and local actors vis-à-vis the ENP's goals and objectives', *Yearbook of the Institute of East-Central Europe*, vol. 13, no. 4, 2015, pp. 103-107.

25 A. Moravcsik, 'Preferences and power in the European Community: a liberal intergovernmentalist approach', *Journal of Common Market Studies*, vol. 31, no. 4, 1993, p. 473-524; A. Moravcsik, *The Choice for Europe*, Ithaca, NY: Cornell University Press, 1998.

26 Cf. J. Rupnik (ed.), *Les Banlieues de l'Europe* [The Suburbs of Europe], Paris: Presses de Sciences Po, 2007.

tuting the perspective of the EU membership with vague promises of cooperation.<sup>27</sup> In the meantime, it has become obvious, that both the ruling 'élites and majority of societies want the western welfare but not all the political and social solutions'<sup>28</sup>. Additionally, the conditionality principle, which is supposed to favour partner countries that intensify the reforms, can drive away the ruling elites. Usually, the burden of deep structural reforms complying with the *acquis communautaire* are gauged as too heavy in comparison to the benefits offered in return. For autocratic leaders, the implementation of democratising reforms may end with loss of power.

From a different perspective, the gradual steps on the way to modernization or democratization of a country, are not always rewarded with EU privileges, like access to common market, visa regime abolishment or youth exchange programs etc. Before the revision of the ENP in May 2011, the lack of interest in democratic reforms among the ruling elites could have been partially intensified by existence of the stiff system of allocations, which did not correspond to the reform progress in the partner countries. There were also voices, that the EU might apply double standards against the EaP countries. For instance, the EU was more lenient towards Azerbaijan; the EU's major supplier of petroleum and natural gas, a country that continuously violates human rights. The reform-unfriendly Azerbaijan received €92 million in 2007-2010, while Georgia, despite its reform efforts, got only slightly more, i.e. €120.4 million.<sup>29</sup> Reviewing the ENP on May 2011, the EU addressed that problem by introducing the 'more for more' approach, whereby the best performing countries in making democratic reforms were to get additional aid. In other words, the EU did not cut off funding for the worst performers, but granted more money for those who take care to transform their countries.

27 M. Gniazdowski, B. Wojna (eds), *Partnerstwo Wschodnie – raport otwarcia* [Eastern Partnership – opening report], Warsaw: Polski Instytut Spraw Międzynarodowych [The Polish Institute of International Affairs], 2009, p. 7.

28 D. Szeligowski, *Analysis: Partnership – Tool for Democratisation and Modernisation of Eastern Europe?*, 27 January 2012, <http://www.eastbook.eu/en/2012/01/27/analysis-partnership-tool-for-democratisation-and-modernisation-of-eastern-europe/> [2016-08-09].

29 E. Kaca, 'Neighbourhood Policy: 'More for More' Requires Stronger Union Diplomacy', *PISM Bulletin*, no. 107 (440), 16 November 2012.

Recognizing the power of the civil society actors in the partner-countries, suffice it to mention the coloured revolutions in Georgia in 2003 and in Ukraine in 2004 and 2014, the EC argued that

the willingness to reform cannot be imposed from outside and the expectation for reform must come from societies. By engaging directly with people, opening travel and study opportunities for citizens (even unilaterally), and promoting networking between communities (business, research, universities, arts, culture, etc.), and supporting civil society, EU policy can act as a catalyst in this process.<sup>30</sup>

In order to strengthen the political dimension of the ENP, the EC suggested the possibility of involving all partner countries in the Common Foreign and Security Policy declarations, inviting them to the meetings of international fora and intensification of the parliamentary cooperation. The expectations and needs of the societies of the ENP partner countries can be compared to the expectations and the needs of the Polish society following the end of communism. The key element of changes are the people. Therefore, every effort should be invested in liberating their potential for instance through the liberalisation of visa regime. In addition, cooperation of non-governmental organisations and universities should be intensified, and the financial means for programmes of youth exchange increased. The EaP countries need to build their own human capital.

Other important actors have to be mentioned too. In the case of Ukraine, the oligarchs with their personal wealth and political influence, are an important component on the national interests' and preferences' map. The Maidan revolution was directed against the Ukrainian system ruled by the corrupted president Viktor Yanukovich and influential oligarchs and consequently was supposed to bring new figures, who promised not to run Ukraine in the interests of a few extremely rich. Slight changes are visible, i.e. some legislative reforms; however, the lack of strong political will suggests it will take several

30 European Commission, High Representative of the European Union for Foreign Affairs and Security Policy, 'Neighbourhood at the Crossroads: Implementation of the European Neighbourhood Policy in 2013', *Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions*, JOIN (2014) 12 final, 27 March 2014, Brussels, p. 8.

years to transform the Ukrainian system. Furthermore, a new class of oligarchs has appeared that has survived the Yanukovych rules and now wants to act.<sup>31</sup>

Thirdly, a wide range of negotiating strategies and styles, ranging from bargaining to problem-solving, have been discussed in the literature. In case of the ENP, the analysis should be based on the diversity of occasions and contexts as well as on the diversity of actors and preferences at stake. In the negotiation process the EU takes the position of a patron in relation to a given partner country. This kind of asymmetry results from the EU's economic and political power as well as lack of alternatives for the partner countries. However, aiming at securing peace and stability at its periphery, the EU is vitally interested in continuing negotiations and advancing the relations.<sup>32</sup> The case of the Antonov's fleet is a good case in point here.<sup>33</sup> The ENP negotiations are actually modelled on the EU decision-making process and as such they are highly institutionalised and subordinated to formal and informal norms and rules.<sup>34</sup> The EU draws from its negotiations experience and implements its practices almost automatically. Similar responses to similar negotiation situations have been developed. The partner countries with their weaker position have to face the EU bureaucratic machine. Two options are available to them. They can make concessions in one negotiation process for the sake of the long lasting relationship or try to reap unilateral gains at the expense of other actors. As the negotiations may be interlinked or overlap, the outcome of one negotiation process can create another bargaining situation. In case of long lasting relationship, the actors might be more eager to

31 S. Walker, 'Oligarchs nouveaux? Why some say Ukraine is still in thrall to an elite', *The Guardian*, 21 July 2015, <http://www.theguardian.com/profile/shaun-walker> [2016-07-05].

32 J. Reinhard, 'EU democracy promotion through conditionality in its neighbourhood: The temptation of membership perspective or flexible integration?', *Caucasian Review of International Affairs*, vol. 4, no. 3, 2010, p. 201.

33 F. Cameron (in collaboration with R. Balfour), 'The European Neighbourhood Policy as a conflict prevention tool', *EPC Issue Paper*, no. 47, Brussels: European Policy Centre, 2006, p. 5; S. Gänzle, 'The EU's Neighbourhood Policy. A Strategy for Security in Europe?', in: S. Gänzle, A. Sens (eds), *The Changing Patterns of European Security: Europe Alone?*, London: Palgrave-Macmillan, 2007.

34 A negotiation framework that specifies when, where and how negotiations are to take place has gradually emerged through a process of meta-negotiations (negotiations concerning the rules of the game).

make concessions in one negotiation process, as other actors might reciprocate such behaviour later.

Finally, negotiations are assessed by their outcomes. The outcomes of negotiation processes are often difficult to pin down and the need for ratification and implementation at different levels and in different institutional and cultural contexts is a pervasive concern of negotiators. The Eastern Partnership Summit held in November 2013 in Vilnius demonstrated that this 'soft power' instrument is a universal tool for the regions of Eastern Europe and Southern Caucasus, but its effectiveness is questionable. The Vilnius Summit showed positive feedback in terms of the EU's power only in two out of six EaP partner countries. During the summit, Moldova, Ukraine and Georgia were to sign the Association Agreement with the EU. Unexpectedly, despite the promises of the Ukrainian government to both the EU and the population of Ukraine, the association agreement was brought to a halt. Moldova and Georgia proceeded. Thus, the 'soft power' tool did not seem to be working in this case. It was particularly good environment to test other allegedly pro-European countries, such as Armenia, Azerbaijan and Belarus. Armenia had already seemed to prefer the pro-Russian Customs Union despite an initial interest in the DCFTA, a part of AA. Azerbaijan opted for low-level cooperation with the EU, mostly in the energy sector. Finally, the support for the EaP by Belarus is always questionable due to A. Lukashenko's political regime and his tight ties with Russia.<sup>35</sup>

### **3. One ENP – two approaches**

Through the ENP, EU tried to combine its own interests with the interests of some EU member states in SEM region. At the same time, the EU has imposed its hegemony and influence as the regional power in order to face Russia in beyond the EU's eastern border. Thus, in the ENP framework two different approaches have emerged: state-centred approach and community approach.<sup>36</sup> The SEM region

35 But cf. J. Olędzka, 'Strategie przetrwania prezydenta Białorusi, A. Łukaszenki' [Survival strategies of the president of Belarus, A. Lukashenka], *KOMENTARZE IESW* [Commentary IESW], no. 30/2016, 2016-11-08.

36 Mouhoub, Debbihi, op.cit., p. 160.

is the subject to the state-centred approach, where the EU delegates its competences in conflict and crisis resolution to particular member states. In the EaP, the EU follows the community interest towards Russia. The lack of a regional power in SEM caused the EU abstention from the governance in favour of some of the EU member states.<sup>37</sup>

The diversified approaches are reflected in the EU funding. For instance, the post-Arab-Spring Tunisia was assigned €445 million for the development during 2011-2013 streamed from the European Neighbourhood and Partnership Instrument. For the period 2014-2020, in the framework of the European Neighbourhood Instrument €725-886 million was foreseen for Tunisia.<sup>38</sup> Additionally, on 24 June 2016, a decision was adopted to provide Tunisia a maximum of €500 million euro in macro-financial assistance (MFA).<sup>39</sup> In comparison, Ukraine in the period of 2014-2020 can benefit from 1.561 milliard in form of grants<sup>40</sup> and up to €1.8 milliard in medium-term loans in MFA framework<sup>41</sup>. These differences in the EU financial support for Tunisia and Ukraine prove evidently the uneven treatment of those regions by the EU.

## Conclusions

The analysis of the enlargement policy and the ENP from the negotiation perspective proved that it was not possible to directly transpose negotiation as a mode of governance, although it was strongly influenced by the EU 'negotiation system.' The complexity of the negotiation process resulting from several factors, i.e. context, actors, interests and preferences, specific strategies, negotiation and communication styles, made it even more difficult. This is reflected in the poor negotiation outcomes. For instance, the EaP has proved to be more a discussion forum, where the partner-countries can present

37 M. Grącik-Zajączkowski, 'Ideas in ENP: conflicting visions and interests of the ENP: the partner-countries', *Yearbook of the Institute of East-Central Europe*, vol. 13, no. 4, 2015, p. 121.

38 Mouhoub, Debbihi, op.cit., p. 162.

39 Official website of the Council of the European Union: <http://www.consilium.europa.eu/en/press/press-releases/2016/06/24-tunisia-financial-assistance/> [2016-07-01].

40 Mouhoub, Debbihi, op.cit., p. 162.

41 Official website of the European Commission: [http://europa.eu/rapid/press-release\\_MEMO-15-5035\\_en.htm](http://europa.eu/rapid/press-release_MEMO-15-5035_en.htm) [2016-10-07].

their achievements and exchange views. Its support for the process of reforms is hindered by a lack of coherence as well as enormous divergence of the partner-countries' interests. Apart from that, the EaP lacks appropriate instruments and financial means.

Furthermore, the perception of negotiation as a mode of governance can be twofold. On the one hand, all parties involved, i.e. the EU institutions, the EU member states, and partner-countries, can use negotiation as an instrument that postpones unwanted agreements. In this context, negotiation may be seen as a highly effective tool. On the other hand, in the light of the definition of negotiation mentioned earlier and the poor results of negotiation, the ineffectiveness is hard to conceal. Finally, in the revamped ENP, the instrument of negotiation retained its position as the ENP is based on bureaucratic procedures, including negotiation of bilateral agreements. The amendments concerned more correction of ENP instruments and rhetoric than a qualitative change in the policy. Nevertheless, the shift in the ENP approaches to Eastern and Southern region seems to be promising. The tangible results are still to come.

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- tion from the Commission to the Council and the European Parliament, COM (2003) 104, Brussels, 11 March 2003.
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