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The European Neighborhood Policy: An Assessment of the EU's Actorness in the Southern Neighborhood in the Post-Lisbon Era

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ABBREVIATIONS

AA	Association Agreement
ACP	African, Caribbean, and Pacific (group)
AFSJ	Area of Freedom, Security, and Justice
AP	Action Plans
CAMM	Common Agenda on Migration and Mobility
CBC	Cross-Border Cooperation Programs
CEAS	Common European Asylum System
CEE	Central and Eastern Europe
CFS	Civil Society Facility
CFSP	Common Foreign and Security Policy
CSDP	Common Security and Defense Policy
DCFTA	Deep and Comprehensive Free Trade Agreement
DCI	Development Cooperation Instrument
DEVCO	Directorate General Development and Cooperation - EuropeAid
EaP	Eastern European Partnership
EASO	European Asylum Support Office
EDF	European Development Fund
EEAS	European External Action Service
EEC	European Economic Community
EFP	European Foreign Policy
EFTA	European Free Trade Association
EMP	Euro-Mediterranean Partnership
ENI	European Neighborhood Instrument
ENP	European Neighborhood Policy
ENPI	European Neighborhood and Partnership Instrument
EU	European Union
EUSR	European Union Special Representative
FAC	Foreign Affairs Council
FTA	Free Trade Agreement
GAC	General Affairs Council
GAM	Global Approach to Migration
GAMM	Global Approach to Migration and Mobility

HR/VP	High Representative/Vice-President
MEDA	Mesures D'Accompagnment
MME	Africa-EU Migration, Mobility and Employment Partnership
NIF	Neighborhood Investment Facility
ODA	Official Development Assistance
PICUM	Platform for International Cooperation on Undocumented Migrants
QMV	Qualified Majority Voting
SEE	South-East Europe
SPRING	Support for Partnership, Reforms, and Inclusive Growth
TCN	Third-Country National
UfM	Union for the Mediterranean

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INTRODUCTION

"A lot of Europeans in the room is not a problem,
but there is only an advantage if we sing from the same hymn sheet.
We need to think about this and reflect on this very seriously,
or we will lose our leadership role in the world."

(Comm. Hedegaard, 2009)

This statement by Commissioner Hedegaard was emblematic for the criticism of the performance of the European Union[1] (EU) at the 2009 Copenhagen Climate Summit (COP-15). The Union did not manage to play a significant role during that summit and Hedegaard linked the EU's lack of goal achievement, or 'effectiveness', to its internal institutional set-up and the resulting external representation (Groen & Niemann, 2013). In doing so, Commissioner Hedegaard drew on a line of thought that connects the EU's political system to its ability to act externally, or 'actorness', based on the assumption that stronger EU actorness will translate into more effectiveness. As such, a unified EU – "singing from the same hymn sheet" – is sufficient to speak of an effective EU, no matter to what extent the EU's policy objectives have in fact been attained (da Conceição-Heldt & Meunier, 2014). It can be argued that the same reasoning was behind the reform of external representation brought about by the Lisbon Treaty (2009), which attempted to strengthen the EU's actorness by strengthening its cohesion (Corthaut & Van Eeckhoutte, 2012).

Twenty-five years ago, the Final Declaration of the Euro-Mediterranean Conference held in Barcelona in 1995 was approved, kick-starting the Barcelona Process, as it is known. This began a new era in the relations between Europe and the Arab Countries of the Southern and Eastern Mediterranean, together with Turkey and Israel. It was a time of great optimism for Europe and the world after the fall of the Berlin Wall in 1989 and the decomposition of the Warsaw Pact and the USSR itself. The subsequent evolution of the Barcelona Process and its continuation through the European Neighborhood Policy (ENP) as of 2004 and the Union for the Mediterranean since 2008 has been recounted repeatedly. All the Southern and Eastern Mediterranean countries attending expressed their agreement with the Final Declaration and welcomed it as a historical occasion for their relations with Europe and their neighboring countries. The Final Declaration represented a double pact (. First, it was the result of an agreement among Europeans: the EU and its member states

[1] The European Union refers to the post-Lisbon European Union, but also its predecessors, the European Economic Community, the European Community and the European Union as established by the Maastricht Treaty.

would launch a historical cooperation project in favor of the South, extolled by Europe's Mediterranean countries such as France, Spain, and Italy, in exchange for the implementation of a large-scale cooperation project with the East demanded by Germany and the Northern European countries. Secondly and most importantly, the Final Declaration and the Barcelona Process itself were major North-South pacts between the EU and its member states on the one hand and the Southern and Eastern Mediterranean partner countries on the other.

Taking into consideration not only the stance and role the European Union has and plays in its Southern neighborhood, but especially its changing institutional set-up throughout the last decades, the aim of this dissertation is to assess whether the entry into force of the Lisbon Treaty in 2009 can be considered a critical juncture able to modify the institutional actorness of the Union when facing its neighbors in the framework of the ENP. Consequently, such a research proposal might be subdivided into various research questions, which will – hopefully – be successfully developed into satisfying answers throughout this work. *Can the Lisbon Treaty be considered a critical juncture capable of changing the actorness of the Union in the institutional framework of the European Neighborhood Policy in the Southern neighborhood? If yes, did it bring the same institutional changes in all policy areas tackled by the EU in the neighborhood? If not, what caused such discrepancies?* To answer these questions, the work will be organized as follows. The first chapter aims at analyzing the chronological developments that the European Neighborhood Policy went through and how the institutional actorness of the EU was impacted by them, especially after the entry into force of the Treaty of Lisbon in 2009. A great portion of the chapter will follow a chronological logic. First, through such a logic, the main developments impacting the European Neighborhood Policy will be described, starting from the late 1990s, to the establishment of the Policy, until the revisions of the latter, in 2011 and 2015. A special focus will be dedicated to the establishment of the Union for the Mediterranean (UfM) and, indeed, to the Treaty of Lisbon. The second part of the chapter will deal with the main constitutional novelties brought by the Treaty and how they impacted the ENP, focusing especially on the new Article 8 (TEU) and the set-up of the European External Action Service (EEAS). The third and final section will be completely dedicated to, first, the theorization of the concept of "actorness" by the scientific literature, which will then be applied to the specific case of the ENP. Indeed, this chapter forms the basis for the following two, which will deeply analyze the institutional balance of power and actorness of all the relevant actors in the framework of the ENP, in the specific policy areas of irregular migration and foreign aid and development. The second chapter aims at analyzing the approaches that the institutional actors of the EU have employed in the framework of the European Neighborhood Policy in the field of irregular

migration. Such analysis is considered necessary to fully expose the hypothesis that will be brought forward throughout the dissertation, namely that the Lisbon Treaty, accompanied by developments in the international context, was a critical juncture in the establishment of specific institutional setup(s) in the framework of the European Neighborhood Policy, due to which the European Union showed clear changes in its agency and approach to the areas analyzed. Also in this chapter, a chronological development of events will be employed, and three main moments will be analyzed: the establishment of the European Neighborhood Policy, the drafting of the Global Approach to Migration (and Mobility), and the 2015 refugee crisis and its aftermath. For the development of this dissertation, the division of this section into three clear institutional periods (pre-, during, and post-Lisbon Treaty) is crucial. Such a division will allow a clear analysis of if and how the entry into force of the Treaty of Lisbon in 2009 had an impact on the actorness of the various EU institutions, taking into consideration also the international turmoil and developments impacting the area. The final section of the second chapter will be dedicated to a more empirical analysis of the relationship between the European Union and its southern neighbors, taking the crucial position of Turkey as a case study. The decision to pick Turkey as an empirical example in this chapter is due to the current relevance the relationship between the country and the EU has today in the field of irregular migration and the "securitization" of migration. Turkey's stance in Europe today is more complicated and fascinating than ever: it is the neighbor that precisely connects the two neighborhoods of the Union – the Southern and the Eastern –; both sides are currently experiencing great turmoil in which Turkey plays the role of mediator and negotiator; and also, on the other hand, Turkey needs the European Union, not only because it is its greater exporter, but also due to its status as a candidate country to access the EU ever since 2005. Finally, the third chapter aims at analyzing the approaches that the institutional actors of the Union have employed in the framework of the ENP in the policy field of foreign aid and development. This chapter will analyze the role of the European Union in the Southern neighborhood in the framework of the ENP, indeed, great importance will be given to the European Neighborhood Instrument, the main tool used by the EU in the field of foreign aid. In order to dive deeper into the question and relevance of the actorness of the institutions of the European Union in the policy-making devoted to foreign aid and development, a great part of the chapter will deal with how these institutional actors are and have been involved in the matter. Importantly, a great part of this section will be dedicated to the establishment of EU Delegations, an institutional change that occurred thanks to the creation of the EEAS by the Lisbon Treaty. Finally, the last section will be fully dedicated to a more empirical analysis of the relationship of the European Union with its Southern neighbors, taking the case of the changes that occurred after the so-called Arab Spring. The Arab uprisings posed a challenge to European governments; policymakers and academics alike had

come to believe that decades-long authoritarianism in Arab countries was extremely resilient. This called into question the efficacy of EU policies that had only marginally advocated for democracy and human rights. Here, it will be stressed the relevance of the role of the Delegations in the countries most affected by the turmoil, since their actions display how the EU decided to act in such a complicated period, with a newly implemented institutional structure as the EEAS' one. In the end, conclusions will be drawn, which will gather the results of the research that has been carried out and displayed throughout the dissertation, hopefully providing a satisfactory answer to the research question of the following work.

For the sake and purpose of this research, the theoretical framework that will be employed is that of historical institutionalism. Historical institutionalism stresses how timing, sequences, and path dependence affect the actorness of institutions, shape political, social, and economic behavior and, consequently, cause change (Voeten, 2019). One of the best conceptualizations of the defining features of historical institutionalism is the one delivered by Hall and Taylor in their article *Political Science and the Three New Institutionalisms* (1996). There, they define institutions as "the formal or informal procedures, routines, norms and conventions embedded in the organizational structure of the polity or political economy" (p. 938). More generally, historical institutionalists associate institutions with organizations and the rules established and promulgated by the formal organization (Thelen, 1999). According to Pierson (1996), the theoretical approach of historical institutionalism finds its inherent meaning in the two terms semantically composing it, meaning "historical" and "institutionalism". In fact, this scholarship is historical in that it recognizes that political development and evolution must be viewed as a long-term process. It is, at the same time, institutionalist in that it stresses that many of the contemporary consequences of these temporal evolutions are enshrined in institutions – whether these be formal rules, policy structures, or norms. For the sake of this work, we are going to focus on the historical institutionalist distinctive perspective on historical development, based on the concepts of path dependency, unintended consequences, and critical junctures. Historical institutionalists have been strong proponents of a 'path dependent' view of social causation, which rejects the traditional postulate that the same operative forces will produce the same results everywhere. As a result, historical institutionalists have devoted a lot of time and resources in trying to understand and explain how institutions produce such paths, meaning, how they structure the response to changes and challenges. In this context, researchers emphasize current institutions' unintended consequences and inefficiencies in contrast to conceptions of institutions that appear to be more purposeful and efficient. In embracing this perspective, many historical institutionalists divide the flow of historical events into periods of continuity separated by so-called 'critical

junctures', meaning moments when significant institutional change occurs, resulting in a turning point from which historical evolution moves onto another path (Krasner, 1984). The causal logic behind such arguments emphasizes the long-lasting impact of choices made during those critical junctures in the structure and function of institutions[2]. Following Pierson's words, "Junctures are critical because they place institutional arrangements on paths or trajectories, which are then very difficult to alter" (2004, p. 135). In other words, path dependence is a crucial causal mechanism for historical institutionalist theorists, and critical junctures are the starting points for many path-dependent processes (Capoccia & Kelemen, 2007). This work will draw on the historical institutionalist usage of concepts such as path dependency and critical junctures to show the relevance of the role of the entry into force of the Lisbon Treaty, our critical juncture, in shaping and restoring the institutional setup of the European Union in the field of the European Neighborhood Policy and, specifically, how the new institutional framework brought a change in the actorness of the European Union as a global strategic actor. In order to do so, as far as methodology is concerned, the present research will be based on document analysis of academic papers, books, and official documents, as well as from webinars attended by the author of the present work, from which data on the subject matter will be gathered. The criteria guiding the selection of official documents, scientific papers, and books will be their capacity to support or disregard the hypothesis elaborated by the author and to provide further inputs to the research.

[2] Such moments of change are also referred to in the literature as "turning point", "crisis" and "unsettled times". However, we will use the term "critical juncture" throughout this work.

1. The Institutional Evolution of the European Neighborhood Policy

1.1. Introduction

"A European neighborhood policy is both logical and essential. Like a State, the European Union has neighbors, and these neighbors have a relationship with the Union that is separate and often also different from their relations with the individual member states of the EU."
(Mahncke 2008, p.19).

Mahncke's words summarize not only the main reason why the European Union decided to launch the European Neighborhood Policy (ENP), but also the reason why the EU had already established a dense network of agreements with its neighboring countries prior to the official set-up of the policy. Indeed, as already noted in the introduction, the Union's steady growth as an international actor, despite its sporadic collaboration in traditional policy areas, eventually led to a supranational European Foreign Policy (EFP), although to a still limited extent. Despite such limitations, the European Union has built a diverse set of association, partnership, and cooperation agreements with varying degrees of collaboration, encompassing all the Union's neighboring countries as well as many oversea countries.

For the sake of clarity, this first chapter aims at analyzing the chronological developments that the European Neighborhood Policy went through from its establishment, and how the institutional actorness of the European Union was impacted by them, especially after the entry into force of the Lisbon Treaty in 2009. Such a first description is needed in order to fully grasp the relevance of more empirical aspects that will be tackled in the next two chapters, when analyzing such changes in the institutional agency of the EU in the policy fields of irregular migration and foreign aid and development in the Southern neighborhood of the Union.

The institutional developments that lead to the establishment of the ENP and the impact the Lisbon Treaty had on it will be treated in the first section. In a chronological manner, we will start from the 1990s and the first interactions between the Union and its neighbors, then the establishment of the ENP will be discussed and analyzed, focusing especially on the institutional functioning of the policy. Subsequently, we will briefly tackle – with a focus on the Southern neighborhood – the 2007 Regional Framework established by the Union for the Mediterranean (UfM), to arrive, finally, to the entry into force of the 2009 Lisbon Treaty, main character of this dissertation. The second section then introduces the institutional changes that the Lisbon Treaty brought and how they impacted the

European Neighborhood Policy, of specific interest will be the new Article 8 (TEU) and the establishment of the European External Action Service (EEAS). Finally, a brief section will be dedicated to the post-Lisbon era and the 2011 and 2015 revisions of the ENP. The third and final section will be completely dedicated to, first, the theorization of the concept of "actorness" by the scientific literature, which, then, will be applied to the specific case of the ENP. Indeed, this chapter forms the basis for the following two, which will deeply analyze the institutional balance of power and actorness of all the relevant actors in the ENP in the specific policy areas of irregular migration and development aid, aiming to show how the changes brought by the Lisbon Treaty impacted the role of the single institutional bodies involved.

1.2. From the Establishment of the ENP to the Lisbon Treaty

1.2.1. The EU and the Neighborhood, Historical Relations

In the period preceding the establishment of the European Neighborhood Policy, the EU had already established a thick network of agreements with all the countries facing its borders. However, at the end of the 1990s, at least two concerns prompted the European Union to reconsider its neighborhood policy. First, the Mediterranean region was far from being a stable and prosperous zone in the years following the Barcelona Process[3], or Euro-Mediterranean Partnership (EMP), which demonstrated the EU's limited leverage in promoting democratization in Southern countries (Christiansen, 2011). Second, and more importantly, the enlargement policy was almost complete. The question of how far the Union could expand its borders became an urgent matter to be tackled during the turn of the new millennium. On the one hand, the European Commission frequently praised the Enlargement Policy as the Union's most successful foreign policy tool. On the other hand, it was the source of numerous concerns; the European Council introduced the concept of "absorption capacity" for the first time (European Council, 1993, p. 14), and the term "enlargement fatigue" became widely used in public debate and among academics (Szołucha 2010; Devrim, Schulz 2009; Durand, Missiroli 2006; Rachman 2006). According to Wallace (2003, p. 19), "The indefinite enlargement of the EU's borders would end up making the Union unable to provide the very benefits that have inspired its neighbors to join it". The so-called 'wideners vs. deepeners' dispute resulted in a perceived trade-off between a loosely integrated larger union and a strongly integrated union with fewer members (Tarry, 1999).

[3] On 28 November 1995, in Barcelona, the European Union and 12 Mediterranean countries (Algeria, Cyprus, Egypt, Israel, Jordan, Lebanon, Malta, Morocco, Palestinian Authorities, Syria, Tunisia, and Turkey) put their signatures to a declaration concerning the new Euro Mediterranean Partnership which creates a framework for political, economic, cultural and social ties between the partners.
Full text of the final declaration available at: https://eeas.europa.eu/archives/docs/euromed/docs/bd_en.pdf

There was a widespread conviction that pushing for further enlargement would have leveled down the degree of internal integration of the EU, which would be counterproductive when having to face third parties and countries. Unsurprisingly, today this claim is once again very present in the debate concerning the enlargement of the European Union. Finally, when one considers the lower economic and social wealth that characterized the neighbors of these new neighbors, it becomes easy to understand why developing new strategies to promote positive transformations in third countries had become a core concern.

Before coming to the establishment of the ENP, a variety of proposals were made to address these issues. Frans Andriessen, a former European Commissioner for External Relations and Trade, proposed the "affiliate membership" in 1991, which entailed full representation and participation in the Council and in the European Parliament when dealing with specific matters (Andriessen, 1991)[4]. In 1992, the Commission suggested the construction of the European Political Area, which was replaced by the 1993 Copenhagen European Council in the form of 'structured' relationships. It was imagined functioning as a regular venue for trans-European conversations as well as a framework for policy coordination in the neighborhood. This effort, which was replaced again in 1997 by the European Conference, had the overall ambiguity of being in place after the participating nations were given the option of seeking EU membership (Smith, 2005). In the end, it only served as a unified framework for the twelve applicant states participating in the admission process[5]. The European Conference was expanded to include the EFTA countries[6], South-East Europe (SEE) countries, Ukraine, Moldova, and Russia in 2001, bringing the total number of participants to 40. Its broadness eventually became its main flaw: "with no decision-making capacity, it not only offers neighbors little of substance but also has never produced much substance itself" (Smith 2002, p. 762). Such experiences influenced how the ENP was initially shaped, rather than focusing on grand

[4] In his own words: "Creative thinking is now required to define arrangements whereby the Community could offer the benefits of membership, and the accompanying gains for stability, without weakening its drive towards further integration and without subjecting the fragile structures of new market economies to excessive pressure. This could be achieved through AFFILIATE MEMBERSHIP, a new concept not provided for by the Community treaties or by the Europe agreements and, at present, not on the agenda of the inter-governmental conference. Affiliate membership would provide membership rights and obligations in some areas, while excluding others, at least for a transitional period. It would give the affiliate member a seat at the Council table on a par with full members in specified areas, together with appropriate representation in other institutions, such as Parliament."
Full press release available at: https://ec.europa.eu/commission/presscorner/detail/en/IP_91_327

[5] It also to included Turkey, the only state in the European Conference not included in the admission process, which de-facto did not participate to the Conference.

[6] The European Free Trade Association (EFTA) is the intergovernmental organization of Iceland, Liechtenstein, Norway and Switzerland.

consultations, it was immediately oriented at building on existing agreements, emphasizing the established bilateral dimension, which was to be supported and improved.

1.2.2. The Establishment of the ENP

The origin of the European Neighborhood Policy dates to the General Affairs Council (GAC)[7] of April 2002 (Council of Ministers 2002), which, led by the United Kingdom, agreed to launch a *Wider Europe* initiative. Initially directed only towards Belarus, Moldova, Ukraine and Russia, the Copenhagen European Council expanded it to also include the Mediterranean states by the end of the same year (European Council 2002). The Commission submitted the Communication *Wider Europe – Neighborhood: a New Framework for Relations with our Eastern and Southern Neighbors* in March 2003 (European Commission 2003a). It was a detailed document that outlined exactly how the new policy should be implemented. It was the first ENP plan, defining the program's goals and tools. The broader idea that underpins the Communication can be summarized as follows:

> "The Neighboring countries are EU's essential partners: to increase our mutual production, economic growth and external trade, to create an enlarged area, of political stability and functioning rule of law, and to foster the mutual exchange of human capital, ideas, knowledge and culture."
>
> *(European Commission 2003a)*

This new policy's principal purpose was to "create a ring of friendly, stable and prosperous countries around the European Union in order to guarantee stability along the outer borders of the EU" (Wesselink and Boschma 2016, p. 13). Given the breath of this stance, the proposal covered a wide range of policy sectors, including the single market, movement of people and migration, security, and conflict management, as well as financial, cultural and research cooperation among neighboring countries. Aside from broad assertions of intent, the *Wider Europe* Communication revealed at least three concrete features that would constitute the foundation of the future ENP. Firstly, rather than replacing existing agreements, the new ENP "was meant to rationalize and streamline this complex and sometimes overlapping set of programs" (Wasselink and Boschma 2016, p. 3). Secondly, because the ENP began with

[7] The General Affairs Council is mainly made up of the European Affairs ministers from all EU member states. The European Commission is usually represented by the Commissioner for Interinstitutional Relations, depending on the matter discussed.

already-existing agreements, it should have served as an opportunity to discard the one-size-fits-all strategy that proved to be ineffective during the Barcelona Process. Given that the *Wider Europe* program encompassed all countries from Russia to Morocco, a greater emphasis on bilateral cooperation was considered as a practical alternative. Finally, it was already agreed that the goal of improving the relations with third countries was to be pursued in the new framework without any membership prospects. The Communication was approved by the Thessaloniki Council of June 2003 (European Council 2003a), which charged the European Commission with developing the policy project further. The Commission created the Wider Europe Task Force[8] in July after submitting the Communication *Paving the Way for a New Neighborhood Instrument* (European Commission, 2003b). Finally, both the Council and the European Council asked the Commission to submit a suitable plan, and the Commission began exploratory conversations with several of the EU's third-country partners with whom it had association, cooperation, or partnership agreements[9]. After evaluating the state of the current relationship and reporting to the Council by the end of 2003, the European Commission published the *Neighborhood Policy – Strategy Paper* in May 2004 (European Commission, 2004). It was the document officially entitling the European Neighborhood Policy and launching it. In addition to this document, the Commission issued the Communication *Implementing and Promoting the European Neighborhood Policy* (European Commission 2005) and the Communication *Strengthening the European Neighborhood Policy* (European Commission 2006) in 2005 and 2006, respectively, in which the ENP was further detailed and specified. Recalling from the Security Strategy (European Council 2003b), the ENP aims to "promote a ring of well-governed countries to the East of the EU and on the borders of the Mediterranean with whom we can enjoy close and cooperative relations" (European Council 2003b, p. 2). Eventually, the members included in the final version of the ENP were sixteen[10], covering the areas of North Africa, the Middle East, Eastern Europe, and the South Caucasus.

1.2.3. The 2007 Regional Framework: The Union for the Mediterranean

After its establishment, the first natural step was to strengthen the co-ownership principle and focus on the specificities of the single regions and countries. After 2004, the first occasion to adjust the

[8] Made up of officials from the DG RELEX and the DG for Enlargement, it worked on the drafting of the Wider Europe initiative and of the ENP Strategy Paper.

[9] These states were: Israel Morocco Jordan Tunisia Palestinian Authority Moldova and Ukraine.

[10] There are sixteen ENP partners: Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Republic of Moldova, Morocco, Syria, Palestine, Tunisia, Ukraine.

ENP came during the French electoral campaign in 2007, with the proposal of Nicolas Sarkozy to establish a Mediterranean Union[11]. Eventually, in 2007-2008 the ENP did not experience an actual revision, rather, it was endowed with three regional branches, namely the Union for the Mediterranean, the Eastern European Partnership (EaP)[12], and the Black Sea Synergy (BSS)[13]. For the sake of this piece of research, we are going to focus only on the Union for the Mediterranean. The UfM includes all the Mediterranean neighbors taking part in the ENP, some Balkan states with a Mediterranean coastline[14], Monaco, and Turkey. With the aim of both complementing and enlarging the scope of the ENP, the UfM was meant to have a functional approach, focusing on practical projects of common interest, aimed at diluting the regional approach that characterized the EMP. To make it different from the past approach, "the initiative was also to be directed in an overtly political way, introducing a north-south policy-making dimension"[15] (Perchoc, 2016, p. 16). The UfM had four-component bodies: a North-South Co-Presidency, a secretariat located in Barcelona, a Euro-Mediterranean Assembly, and an Assembly of Euro Mediterranean Local Authorities (*ibid.,* p. 17). While the initiative was positively welcomed and considered to be very promising, and its performances were indeed quite good in the first period, we will see in the next subsection that, since 2008, the Southern region has continued to experience a series of fierce conflicts that ultimately undermined all the cooperation initiatives launched by the EU. The UfM had an intergovernmental nature and was focused on concrete projects of shared interest (Tocci & Cassarino, 2011) with the partner country concerned, and can, hence, be considered the most structured initiative among the three regional initiatives of the time, endowed with a combination of specialized institutions, an independent political agenda-setting process, and a project-based approach.

1.2.4. The Lisbon Treaty and the Constitutional Novelties

The Lisbon Treaty warrants special consideration in the constitutional path of the European Union, being the most relevant Treaty revision since the 1992 Maastricht Treaty. Its principal aims were to

[11] In his own words: "I invite all the heads of state and government of countries bordering the Mediterranean to meet in France in June 2008 to lay the foundations of a political, economic and cultural union founded on the principles of strict equality".
Source: Goldirova (2007), *Sarkozy Touts 'Mediterranean Union' Plan*, Bloomberg, 27 October. Available at: https://www.bloomberg.com/news/articles/2007-10-26/sarkozy-touts-mediterranean-union-planbusinessweek-business-news-stock-market-and-financial-advice

[12] More information available at: https://eeas.europa.eu/diplomatic-network/eastern-partnership_en

[13] More information available at: https://eeas.europa.eu/diplomatic-network/black-sea-synergy_en

[14] These countries were: Albania, Montenegro, Bosnia, and Herzegovina.

[15] As a symbol of the bilateral political approach, the initiative was co-chaired by France and Egypt.

unify all the developments of the European *aquis communitaire* (or simply, *acquis*)[16] under a single legal text and to promote coherence and consistency of the Union's policymaking, which has occasionally been shown to be too complex and fragmented.

The Lisbon Treaty came into force in December 2009. The Treaty comprised several amendments to the Treaty of Maastricht, or Treaty on the European Union (TEU), and to the Treaty Establishing the European Community (TEC), contextually renamed as Treaty on the Functioning of the European Union (TFEU). Additionally, the Charter of Fundamental Rights[17], recognized by the 2001 Nice Treaty, was granted legal significance in a separate Treaty included in Lisbon. Hence, the TEU, the TFEU, and the Charter, taken together – which ultimately compose the Lisbon Treaty – form today's legal basis of the European Union. After the failure of the 2004 proposed Constitution for Europe[18], one of the main goals of the Lisbon Treaty was to rationalize the intricate institutional structure that the Union had gradually come to possess, bringing the fragmented *acquis* under the purview of a single legal document. The elimination of the previously established pillar structure was a logical first step to take in order to prevent the fragmentation of the Treaty provisions. Although the pillar system was technically rejected, its rationale was not only acknowledged, but further strengthened. In fact, the reliance of the EU's decision-making system on two different decision-making regimes, one supranational and the other intergovernmental, to address different policy domains, brought many to argue that the EU was given a "dual constitution" after the came into force of the Lisbon Treaty (Fabbrini 2015, p. 65).

As much as supranational integration is concerned, integration shall be accomplished through legal acts, following the principle of integration through law. Practically speaking, regulations, directives, decision, and recommendations are used to control almost all single market policies. All these instruments, with the exception of recommendations, are legally binding on member states and, in some cases, are directly incorporated into national law without further action from the national

[16] The *acquis communitaire* (or EU *acquis*, or simply *acquis*) is the body of common rights and obligations that is binding on all EU Member States and that is constantly evolving, which comprises: i) the content, principles and political objectives of the Treaties; ii) legislation adopted pursuant to the Treaties and the case law of the Court of Justice of the EU (CJEU); iii) declarations and resolutions adopted by the European Court; iv) instruments under the Common Foreign and Security Policy; v) instruments under Justice and Home Affairs; vi) international agreements concluded by the European Union and those entered into by its Member States among themselves within the sphere of the Union's activities. (Source: Description of the EU acquis on the website of DG Migration and Home Affairs.)

[17] Full Charter available at: https://www.europarl.europa.eu/charter/pdf/text_en.pdf

[18] The Treaty establishing a Constitution for Europe was adopted by the European Council on 18 June 2004, and signed in Rome later that year in the presence of the EP President, Josep Borrell Fontelles. Approved by the EP, the Treaty was then rejected by France (29 May 2005) and the Netherlands (1 June 2005) in their national referenda. Following the rejection of the Constitutional Treaty Member States began work on the Lisbon Treaty.

legislature. The member states reiterated the effective transnational approach for managing the supranational constitution, reaffirming the established separation of powers between the legislative and the executive. As stated in Article 289 (TFEU)[19], the legislative function is shared by the European Parliament and the Council through the so-called ordinary legislative procedure. Hence, what emerges is a bicameral system, with the European Parliament serving as the low chamber, directly elected by European citizens, and the Council serving as the high chamber, representing the governments of the member states through its various functional configurations. The European Parliament and the Council make up the supranational constitution's legislative branch. Acting in their legislative functions, the Parliament and the Council must discuss, amend, and eventually approve the legal acts proposed by the European Commission, which has the monopoly over legislative proposals, according to Article 289 (TFEU). Thanks to such a monopoly, the Commission can be thought of as having the ultimate executive power, although, since the came into force of the Lisbon Treaty, its position has been challenged by the European Council. With the Lisbon Treaty, the European Council was in fact acknowledged as an official European institution, allowing it to elect its independent President through Qualified Majority Voting (QMV). Given the naturally strong political stance of the European Council as an institution, its President has a very strong political mandate. In the end, the strengthening of the position of the European Council resulted in a division of the executive authority between it and the Commission. To put it simply, while the European Council is the political executive, which sets the Union's political agenda, the Commission is the bureaucratic executive institution charged with concretizing the European Council's suggestions through specific legislative proposals, which would then be submitted to the Council and the European Parliament for approval (Kreppel, 2006). As we shall see in the next section, the European Neighborhood Policy is the main supranational policy in the domain of European Foreign Policy and, more interestingly for this piece of research, displays the most relevant modifications brought by the Lisbon Treaty in the actorness of the institutions of the EU.

On the other hand, as regards the intergovernmental constitution, the Lisbon Treaty kept the tradition of solely promoting integration between member states through voluntary or consensual policy

[19] "(1) The ordinary legislative procedure shall consist in the joint adoption by the European Parliament and the Council of a regulation, directive or decision on a proposal from the Commission. This procedure is defined in Article 294. (2) In the specific cases provided for by the Treaties, the adoption of a regulation, directive or decision by the European Parliament with the participation of the Council, or by the latter with the participation of the European Parliament, shall constitute a special legislative procedure. (3) Legal acts adopted by legislative procedure shall constitute legislative acts. (4) In the specific cases provided for by the Treaties, legislative acts may be adopted on the initiative of a group of Member States or of the European Parliament, on a recommendation from the European Central Bank or at the request of the Court of Justice or the European Investment Bank."

coordination (Fabbrini, 2015). In all the policy fields managed by the intergovernmental constitution, Common Foreign and Security Policy in particular, binding legislative acts are not included. The legal basis can be found in Article 24 (TEU)[20], which provides that all decisions made within the intergovernmental constitution are executed through common actions and common positions (Article 25 (TEU)[21]). In this kind of regime, the EU supranational institutions lack the material ability to exert any significant influence.

1.3. The Institutional Impact of the Lisbon Treaty

1.3.1. The New Article 8 (TEU)

The new Article 8 (TEU), which ultimately provided the European Neighborhood Policy a legal basis, can be considered the most explicit change that the Lisbon Treaty brought to the policy. It states that:

> "(1) The Union shall develop a special relationship with the neighboring countries, aiming to establish an area of prosperity and good neighborliness, founded on the values of the Union and characterized by close and peaceful relations based on cooperation.
>
> (2) For the purposes of paragraph 1, the Union may conclude specific agreements with the countries concerned. These agreements may contain reciprocal rights and obligations

[20] "(1) The Union's competence in matters of common foreign and security policy shall cover all areas of foreign policy and all questions relating to the Union's security, including the progressive framing of a common defence policy that might lead to a common defence. The common foreign and security policy is subject to specific rules and procedures. It shall be defined and implemented by the European Council and the Council acting unanimously, except where the Treaties provide otherwise. The adoption of legislative acts shall be excluded. The common foreign and security policy shall be put into effect by the High Representative of the Union for Foreign Affairs and Security Policy and by Member States, in accordance with the Treaties. The specific role of the European Parliament and of the Commission in this area is defined by the Treaties. The Court of Justice of the European Union shall not have jurisdiction with respect to these provisions, with the exception of its jurisdiction to monitor compliance with Article 40 of this Treaty and to review the legality of certain decisions as provided for by the second paragraph of Article 275 of the Treaty on the Functioning of the European Union. (2) Within the framework of the principles and objectives of its external action, the Union shall conduct, define and implement a common foreign and security policy, based on the development of mutual political solidarity among Member States, the identification of questions of general interest and the achievement of an ever-increasing degree of convergence of Member States' actions. (3) The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity and shall comply with the Union's action in this area. The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations. The Council and the High Representative shall ensure compliance with these principles."

[21] "Principles The Union shall conduct the Common Foreign and Security Policy by: (a) defining the general guidelines; (b) adopting decisions defining: i) actions to be undertaken by the Union; ii) positions to be taken by the Union; (iii) arrangements for the implementation of the decisions referred to in posts i) and ii); and by (c) strengthening systematic cooperation between Member States in the conduct of the policy."

as well as the possibility of undertaking activities jointly. Their implementation shall be the subject of periodic consultation."

As anticipated, before the entry into force of the Lisbon Treaty, the ENP was "the outcome of a number of interactions, mostly informal, between the European Commission and the Council [...] together with the European Council" (Comelli 2014, p. 268). Indeed, due to the way the ENP is designed, it does not require any legal acts to function, including regulations, decisions or directives. In fact, not even the Action Plans qualify as legally binding documents nor establish any kind of legal duty. The only specific legal entities and bodies on which the European Neighborhood Policy relies are those that were constituted under the respective partnership agreements.

In the assessment of the impact of the new Article 8 on the ENP, the first characteristic to consider is where it is located in the legal text, the TEU in this case. On the one hand, the fact that it is located in Title I named "Common Provisions" might indicate some sort of constitutionalization of the policy within the Treaty (Hillon, 2013). Furthermore, it should be observed that Article 8 (TEU) was clearly separated from the provisions related to enlargement, now regulated by Article 49 (TEU)[22]. It is especially important because the clauses that were once thought to represent the ENP's informal legal foundation were always linked to the ones pertaining to expansion and were typically close together in legal documents (Comelli, 2014). On the other hand, Article 8 (TEU) is excluded both from Part V (TFEU) on the "External Action by the Union" and from Part V (TEU) on "General Provisions on the Union's External Action and specific Provisions on the Common Foreign and Security Policy". The decisions of marking the detachment of the ENP's legal foundation from the Treaty provisions governing the EU's external action and the CFSP is of utmost relevance given that the main goal of the Lisbon Treaty was to foster institutional coherence.

Considering the structure of the article, the first paragraph appears to be fundamentally consistent with both the narrative of the *Wider Europe* Communication and the substance of the European Neighborhood Policy as described throughout the chapter. Although the joint-ownership principle was given a lot of weight in the first drafts of the European Neighborhood Policy, as well as in later

[22] "Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union. The European Parliament and national Parliaments shall be notified of this application. The applicant State shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the consent of the European Parliament, which shall act by a majority of its component members. The conditions of eligibility agreed upon by the European Council shall be taken into account. The conditions of admission and the adjustments to the Treaties on which the Union is founded, which such admission entails, shall be the subject of an agreement between the Member States and the applicant State. This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements."

Commission Communications and Council Conclusions, the new Article 8 (TEU) expressly specifies that the area of prosperity in the neighborhood must be "founded on the values of the Union." The Lisbon Treaty further emphasizes the departure from the joint-ownership principle. In fact, the legal foundation of the normative character of the European Foreign Policy – namely, Article 3 (TEU)[23] and Article 21 (TEU)[24] – explicitly presumes a Eurocentric point of view regarding the promotion of values on a global scale. The enhanced prominence given to the normative dimension, which in turn strengthened the conditionality principle and the general asymmetry in the EU's interactions with its partners, was in stark contrast with the future 2015 ENP review, as we shall see in section 1.2.3. Finally, the potential of signing the European Neighborhood Agreements appears to be explicitly mentioned in the second paragraph, but such connection is vague and should not be taken for granted. The issue of whether the second paragraph of Article 8 (TEU) could be seen as pointing to new types of agreements has given rise to a significant academic debate (Hanf 2011; Van Elsuwege and Petrov 2011). First, the EU has consistently proposed association agreements that are so broad and address a wide range of topics that the paragraph may refer to any of them while still being consistent. Secondly, as witnessed in the past, where neither official provisions nor informal documents specified the exact features and procedures in the case of a Neighborhood Agreement, the new Article 8 (TEU) did not provide such guidance either. Finally, actual evidence has shown that practically all of the ENP partners are not eager to change their current positions to a not very well specified form of agreement.

1.3.2. The European External Action Service

Since the European Neighborhood Policy was introduced in 2004, the establishment of the European External Action Service (EEAS) has had the greatest impact on how the Policy is implemented.

[23] Focus on 3(5): "In its relations with the wider world, the Union shall uphold and promote its values and interests and contribute to the protection of its citizens. It shall contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter."

[24] Focus on 21(1): "The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law. The Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organisations which share the principles referred to in the first subparagraph. It shall promote multilateral solutions to common problems, in particular in the framework of the United Nations."

> "The EEAS is the result of a compromise between the integrationist and non-integrationist member states and the EU institutions. The compromise resulted in a unique sui generis body, which is neither supranational nor intergovernmental, it has linkages with the MS, it is to some degree accountable to the European Parliament and is required to cooperate with the Commission."
>
> *(Kostanyan 2017, p.118)*

According to Article 27(3) (TEU)[25], the EEAS's overall responsibility is to support the High Representative/Vice President (HR/VP) in all of its duties under both the intergovernmental and supranational constitutions. The EEAS is guaranteed a unique institutional place within the Lisbon Treaty's dual constitution as a result of its cross-cutting nature. Regarding the former, the EEAS supports the HR/VP in its capacity as chair of the Foreign Affairs Council (FAC), which primarily covers CFSP/CSDP issues. Additionally, the EEAS supports the HR/VP in its capacity as an external spokesperson for the CFSP of the Union. As regards the supranational constitution, the EEAS supports the High Representative in his or her capacity as Vice President of the Commission in order to strengthen coordination between it and the Council. Besides the support it gives to the HR/VP, the EEAS also assists the Presidents of the Commission and of the European Council. Furthermore, the drafting of the annual progress reports of the ENP is coordinated by the EEAS, which covers all the 16 ENP countries. The EEAS is also involved in both the bilateral and multilateral dimensions of the European Union's external relations, as it actively participates in the drafting of Association Agreements (AAs), Deep and Comprehensive Free Trade Agreements (DCFTAs), and the multilateral frameworks of the Union for the Mediterranean and the Eastern Partnership[26]. For the sake of this piece of research, it appears relevant to define the first two elements previously cited, namely, the AAs and the DCFTAs. An AA is a treaty between the European Union, its Member States and a non-EU country that creates a framework for cooperation between them. According to the

[25] Focus on 27(3): "In fulfilling his mandate, the High Representative shall be assisted by a European External Action Service. This service shall work in cooperation with the diplomatic services of the Member States and shall comprise officials from relevant departments of the General Secretariat of the Council and of the Commission as well as staff seconded from national diplomatic services of the Member States. The organization and functioning of the European External Action Service shall be established by a decision of the Council. The Council shall act on a proposal from the High Representative after consulting the European Parliament and after obtaining the consent of the Commission."

[26] As regards the EaP, the EEAS chairs the political platform and participate to all the other platforms. As regards the south, the EEAS participates in all the UfM multilateral frameworks.

EEAS, for an agreement to be classified as an AA, it must meet several criteria (Van Elsuwege et al., 2019):

i. the legal basis for AAs is Article 217 (TFEU)[27];
ii. the intention to establish close economic and political cooperation;
iii. the creation of parity bodies for the management of the cooperation, competent to take decisions that bind the contracting parties;
iv. offering the so-called "most-favored-nation" treatment[28];
v. providing for a privileged relationship between the Union and its partner country;
vi. since 1995 the clause on the respect of human rights and democratic principles is systemically included and constitutes an essential element of the agreement);
vii. the AA replaces a cooperation agreement thereby intensifying the relations between the partners.

Most recently signed AAs also include a Free Trade Agreement (FTA) between the EU and the third country. On the other hand, DCFTAs are an important part of each country's EU Association Agreement. Currently, there are three free trade areas established between the EU and Georgia, Moldova, and Ukraine, which grant these countries access to the European Single Market in selected sectors and grant EU investors in those sectors the same regulatory environment in the associated country as in the EU.

Institutionally relevant is the response of the Commission to the "intrusion" of the EEAS in the implementation of the Neighborhood Policy. Initially, according to Konstanyan (2017, p. 127) "[the Commission] has tried to keep as many resources as possible in an effort to prevent their transfer to the EEAS". It has not always been easy to settle conflicts between the Commission and the Council thus, it should not be surprising that the Commission has engaged in a series of "struggles" to defend its authority and competences (see also: Bouris and Schumacher, 2017). As for the institutional structure and mandate of the EEAS, it is largely dependent and influenced by that of the Directorate-General for the External Relations (DG RELEX). Under the Lisbon Treaty, the EEAS took over RELEX's functions, merging them with its counterparts in the Council. Put simply, with the entry

[27] "The Union may conclude with one or more third countries or international organizations agreements establishing an association involving reciprocal rights and obligations, common action and special procedure."
[28] A most-favored-nation (MFN) clause requires a country providing a trade concession to one trading partner to extend the same treatment to all.1 Used in trade treaties for hundreds of years, the MFN clause and its principle of universal equal treatment underpin the World Trade Organization.

into force of the Lisbon Treaty, nearly all of DG RELEX's employees and a smaller proportion of DG for International Cooperation and Development (DG DEVCO) employees were transferred to the EEAS. In the end, the Council Secretariat made up one-third of the EEAS, Commission officials made up another third, and national diplomats made up the final third. It would have been logical at this point to transfer all of DG RELEX's responsibilities within the ENP to the EEAS, given the significant role it played in its implementation. On the other hand, the President of the Commission "removed the ENP portfolio from the RELEX Commissioner and transferred it to the responsibilities of the Commissioner for enlargement [...]. The Commission itself thus went against the spirit of the TEU by preventing some of the DG RELEX staff from moving to the EEAS" (Kostanyan, 2017, p. 127). Having said that, all the relevant DGs previously involved in the implementation of the ENP maintained their competences, leading to a final institutional equilibrium in which the Commission was *de facto* more suited to manage trade and development matters, and the EEAS, partially controlled by the Member States, was more biased towards diplomatic and security issues (Smith, 2013). Because of this institutional equilibrium, the EEAS and the Commission's partnership became particularly complicated since they must coordinate their efforts and match their areas of expertise in order to implement the ENP (*ibid.*). As we shall see in the next section the 2011 ENP review had no major impact on the ENP's institutional structure or content. On the other hand, the 2015 ENP review was a true turning point, however, it could be too early to assess its real effects.

1.3.3. The Action Plans: How the ENP is Implemented

The European Neighborhood Policy, as anticipated, builds on already existing agreements and aims to improve the frameworks that have developed over time. One of the instruments used to achieve this goal is that of Action Plans (AP). The very first step in the creation of the first round of APs was the drafting of Country Reports, meaning detailed reports prepared by the Commission examining the state of the numerous agreements and relations with the country in question. Country Reports were particularly specialized to each country and included a wide range of areas, from social to economic matters. They were then submitted to the Council and formed as the foundation for the drafting of the respective Action Plan. This first round of APs was in 2005, and included Armenia, Azerbaijan, Georgia, Israel, Jordan, Moldova, Morocco, Tunisia, the Palestinian Authority, and Ukraine. The second round the following year involved Egypt and Lebanon and resulted in 12 out of 16 ENP participating states having their respective AP. Algeria, Belarus, Libya and Syria were particularly difficult cases to deal with and their respective Action Plans have recently been or still have to be drafted. Action Plans cover a time range of three to five years and are "are comprehensive and detailed, but on the whole represent a political declaration of objectives rather than a specific

program or precise construction plan" (Mahncke 2008, p. 37). The APs, on average, encompass all key policy areas historically linked with the EU, providing a wide framework for facilitating collaboration in specific sectors[29], based on the peculiarities of the partner country. Finally, if an AP is fully implemented, which would be the ENP's ultimate goal, it may be replaced by a European Neighbor Agreement, which envisions even tighter, although not very well defined, political and economic cooperation. At that point, the European Neighbor Agreement might replace all earlier agreements. Nonetheless, such agreements have yet to be reached, and this problem will be revisited in the next section when discussing the new Article 8 (TEU) of the Lisbon Treaty, which provided the ENP with a legal foundation.

A relevant aspect to be tackled is that concerning the principle of joint ownership[30], it is precisely this strong commitment to include the partner country in setting the AP's aims that were perceived as a break from prior approaches to neighboring states, including enlargement. The concept of joint ownership brings us immediately to the ENP procedure's final phase, the "joint monitoring" phase (European Commission 2005, p. 10). Action Plans define the targets, and the progress toward those targets is monitored by the specific bodies previously established under the respective association, cooperation or partnership agreements. The monitoring phase is considered jointly managed because the partner country participates by collecting and providing detailed information, and the EU participates through representatives from the Commission, member states, and the Council Secretariat; the High Representative is involved when issues related to the Common Foreign and Security Policy (CFSP) are discussed. Nonetheless, the EU ultimately leads the monitoring process, which, as we will see in the next section, is mostly administered by the Commission alone (Wissels, 2006). With no doubt, the 2004 Strategy Paper tasked the commission to draw up mid-term reports after two years from the signing of the Action Plans, assessing the progresses and serving as a starting point for further decisions to be taken by the Council (Mahncke, 2008).

1.3.4. The 2011 and 2015 ENP Reviews: Focus on the Southern Neighborhood

[29] A general list of the matters covered: political dialogue and reform; economic and social reform and development; trade, market and regulatory reform; cooperation on issues relating to justice, freedom and security; cooperation and reform in sectors such as transport, energy, information society, environment, science and research; "people-to-people" areas such as civil society, education, public health and cultural cooperation. (Wissels 2006, p. 9)

[30] If the partner country was to be engaged in a transformative process, the dynamic should have been based on "shared values and common interests". It is important for the EU that the participating states get involved in areas of common interest, as it is important to show that the EU "does not seek to impose priorities or conditions to its partners" (European Commission 2004, p. 12).

It is commonly agreed that the first full-fledged review of the ENP, which came in 2011, was a response to the uprisings in the Mediterranean region that led to the so-called Arab Springs.

> "The 2011 Arab Spring uprisings caught Europe by surprise, despite signs something was brewing in a region characterized by democratic stagnation, economic imbalances, unaccountable political systems, and aging autocratic leaders. The total irrelevance of the ENP in the early days of the Arab uprisings [...] prompted the EU to take stock of its activities in the MENA in response to momentous events that Europeans were both inspired and alarmed by."
>
> *(Furness, 2018, p. 203)*

These words summarize the situation in the Southern Neighborhood in 2011, less than two years after the entry into force of the Lisbon Treaty. Old authoritarian regimes collapsed in Syria and Libya, leading to fierce civil wars, a sudden regime change destabilized Egypt, a major European partner, and, finally, ISIS emerged. A prompt revision of the ENP to respond to the new scenario was urgent. The actual ENP revision was specified in the Joint Communication "A New Response to a Changing Neighborhood" (European Commission, 2011a). Unfortunately, the document did not bring any substantial change. Maybe also due to the short timing that was needed to promptly respond to the Mediterranean uprisings, "the document did not examine the policy framework's core premises or the usefulness of the enlargement-based instruments through which it was implemented" (Furness, 2018, p. 203). Eventually, the "New Response" was almost limited to reiterating the ENP objectives and instruments.

In 2015, several conflicts and the perpetual political instability of the European neighborhood led to a new revision of the ENP, in a political scenario that was possibly more complicated. To the South, the 2001 ENP revision demonstrated to be insufficient in stabilizing the region, as the Mediterranean Neighborhood was doomed by civil conflicts in Libya and Syria and the consequent migration crises, while in Egypt a military government reversed the popular uprisings. In March 2015, the Commission together with the European External Action Service opened a period of consultation called "*Towards a New European Neighborhood Policy*" (European Commission 2015), aimed at collecting inputs for a review of the ENP. The principal objective was to finally overcome the "long-standing critique of EU-centrism in those policy areas" (Delcour, 2017, p. 294). Eventually, the Review of the European Neighborhood Policy was submitted in November 2015 (European Commission 2015b). The document analyzes the new realities at the European borders and takes a more realistic and less value-

driven approach (Kostanyan, 2016). The Review was the "most extensive reassessment of the policy ever since its launch" (Delcour, 2015, p. 1). It has been argued that the 2015 revision represents an overall scaling back of the ENP, not only modifying the instruments but also putting into doubt "the validity of the assumptions upon which the ENP was based" (*ibidem.*). The ENP's long-term goal of creating a prosperous ring of friends is complemented with shot/medium-term objectives aimed at stabilizing the neighborhood in security and economic terms through an enhancement of the differentiation principle.

In this regard, there is a clear step away from the one-size-fits-all approach inherited from the enlargement experience, in favor of a "pragmatic acceptance of the realities on the ground" (Kostanyan, 2016, p. 18). A great departure from the enlargement procedures was the dismission of the regular progress reports, with the reporting process becoming more flexible, politically focused, and introducing thematic platforms. Following this approach there was of course the risk of fragmenting the unitary character of the ENP, leading to cherry-picking or an ENP *à la carte.* For this reason, the 2015 review included thematic platforms to keep the single framework of the ENP, which nonetheless still must prove its efficiency.

1.4. The Concept of *Actorness* and the ENP

1.4.1. Conceptualization of "Actorness"

Anyone who observes the integration and enlargement undertaken by the European Union since its establishment cannot help but examine the impacts these changes have on the EU's agency capability in the global arena. For enthusiasts of European Union studies, clarification on the role of the Union in the international arena is of considerable interest, since it addresses a dimension of its "personhood" that is increasingly important in a multi-polar world: how the EU is shaped by and shapes the international system (Rhodes, 1998). Nevertheless, the discussion about what type of actor the EU is, first requires a more systemic analysis of EU actorness in international relations (Hoffmann & Niemann, 2018).

Many scholars have attempted to conceptualize the criteria for assessing the European Union's agency capacity. The first of such attempts was Sjöstedt's book *The External Role of the European Community* (1977), in which he defined actorness as the "ability to function actively and deliberately in relation to other actors in the international system" (1977, p. 16). Here, he first identified two key aspects to understanding the EU's potential role in the global arena: actor capability, which concerned

structural characteristics; and actor behavior, which include more dynamic features related to the Union's performance (1977, p. 6). He further argued that to be an actor is

> "the same thing as to possess a quality, which is here called actor capability. The object equipped with this quality is a unit in the international system' which always meets two basic conditions: it is discernible from its external environment – it has a minimal degree of separateness – and it has a minimal degree of internal cohesion. If these conditions are fulfilled, we could say that the unit has autonomy, which is...a necessary condition for the unit to be able to attain an actor capability" (1977, p. 15)

Sjöstedt identified three sets of conditions necessary to assess actor capability: the ability to articulate interests and mobilize resources towards common goals; the capability of decision-making; and a network of implementation agents to carry out the will of the entity, in this case, of the European Union. This approach was criticized for focusing too extensively on internal characteristics, which appear to be too difficult to operationalize and apply to specific cases (Niemann & Bretherton, 2013). Such critiques of Sjöstedt's approach have led to a variety of different approaches towards the actorness of the European Union in international affairs.

According to Jupille and Caporaso (1998), to begin the empirical investigation of the role of the European Union in global politics, one must first tackle the question of how to determine the stance of the European Union. In order to answer such a question, they proposed three broad possibilities. First, the EU is seen as a collection of states, a place for their interaction, with a minimum level of rules governing those interactions. According to this view, the EU's stance as a "collective actor" (Laumann & Marsden, 1979) is due to the convergence of interests at the national level, made easier by internal interactions within an established institutional structure (Kenis & Schneider, 1987). The second possibility, which is quite opposite to the first one, is to see the EU as a polity, or an evolving polity. According to this view, the political transition from nation-state system to polity has already been made (Jupille & Caporaso, 1998), however, it takes for granted the whole process of system transformation itself. Finally, in the third possibility, the EU can be seen as an evolving entity, composed of various issue areas and policy networks, hence, neither a polity nor a system of sovereign states, which displays different degrees of agency capability across issues and developing in time. The third definition is the one on which Jupille and Caporaso base and develop the four criteria for the assessment of actor capacity in global politics: recognition, authority, autonomy and cohesion. First, recognition is understood as the acceptance by others in the international system and the consequent interaction with these actors. Being recognized by others allows for the presence of

the entity in the global arena, which, not by surprise, is considered by many[31] as the *sine qua non* of global actorness (Jackson, 1986). According to Jupille and Caporaso (1998), it is useful to assert that whenever a third party interacts with the EU, rather than with its single member states, the criterion of recognition is satisfied. Followingly, recognition cannot be conceived as a one-shot experience, rather, as the Union comes to interact with third parties either bilaterally, regionally, or globally, a process of socialization occurs through which the action of the EU comes to be both accepted and expected by others. The second criterion established to assess the EU's capacity as a global actor is its authority to act externally. Authority here is understood as the EU's legal competence on a given subject matter, which is directly delegated by its member states[32]. Third, actor capacity is determined by autonomy, implying both distinctiveness and independence from other actors, especially states. By distinctiveness, Jupille and Caporaso mean institutional distinctiveness, "An international organization, to be an actor, should have a distinctive institutional apparatus, even if it is grounded in domestic political institutions" (1998, p. 217). Hence, in other words, the assessment of the European Union's capacity to act as an international actor cannot be undertaken unless one considers the extent to which it is institutionally distinct from its member states and to what extent it is independent from them. Finally, the fourth criterion is that of (policy) cohesion[33], which describes the ability of the Union to formulate an internally consistent position as assessed in several dimensions (*ibid.*). According to the authors, the European Union would still make a difference in global politics, even without policy cohesion, and this underlines the difference between being an actor of and being present in the global arena. To be an actor implies a "minimal level of cohesion" (Jupille & Caporaso, 1998, p. 219). In order to clarify this concept, Jupille and Caporaso identify four separate dimensions of the term: value (goal) cohesion, tactical cohesion, procedural cohesion, and output cohesion[34].

[31] Robert Jackson (1986) considered that full recognition (or what he calls "negative sovereignty") was a sufficient condition of international agency.

[32] Under the principle of conferral, laid down in Article 5 of the Treaty on European Union, the EU acts only within the limits of the competences that EU countries have conferred upon it in the Treaties. These competences are defined in Articles 2–6 of the Treaty on the Functioning of the EU. Competences not conferred on the EU by the Treaties thus remain with EU countries. While the principle of conferral governs the limits to EU competences, the use of those competences is governed by the principles of subsidiarity and proportionality.

[33] In some texts may be found also under "coherence".

[34] Value cohesion refers to the similarity or compatibility of basic goals. If these goals are different but can be made to fit with one another, we speak of tactical cohesion. In contrast, procedural cohesion implies some consensus on the procedures and rules used to deal with issues where conflict exists. Output cohesion has to do with public policies. If member states are successful in formulating policies, regardless of the level of agreement, more cohesion is said to be present. The ability to conceive collective positions, distinct from the level of agreement, is an indicator of strong cohesion.

One last attempt of conceptualization of the international agency of the European Union that is worth to mention is the one by Bretherton and Volger in the book *The European Union as a Global Actor* (2006). Here, they base their conceptualization of the European Union as an actor "under construction" (2006, p. 22) on Ruggie's notion of the EU as a "multi-perspectival polity", which is able to capture the complexity of the EU's external personality (Ruggie, 1993). According to this view, the EU is a multifaceted actor, who can appear to be several different actors, sometimes even simultaneously. In some circumstances, the EU resembles an international organization, in other circumstances it has state-like qualities that cannot be separated from their inherent territoriality, in the sense that stringent rules operate in relation to the movement of goods and people, within its space (Bretherton & Vogler, 2006). Bretherton and Volger's approach to the EU as an actor "under construction" considers a complex set of interacting processes based on the notions of presence, opportunity and capability that can be combined in varying ways to form and shape the European Unions' external agency. First, opportunity denotes "factors in the external environment of ideas and events which constrain or enable actorness" (2006, p. 22), meaning, the structural context of the Union's action in international relations. Such context is seen as a dynamic process that integrates external perceptions and expectations of the Union. Second, presence conceptualizes "the ability of the Union, by virtue of its existence, to exert influence within and beyond its borders" (2006, p. 25). The presence feature combines understandings of both the fundamental nature and identity of the EU and the consequences of the Union's internal policies and interests. Finally, capability refers to "the internal context of the EU external action – the availability of policy instruments and understandings about the Union's ability to utilize these instruments, in response to opportunity and/or to capitalize presence" (2006, p. 28).

1.4.2. Actorness and the ENP

The concept of EU actorness has strongly influenced the literature on the European Neighborhood Policy. After its 2004 inauguration, the ENP was largely acclaimed as an example of the Union's role as a new kind of international actor, and as an example of a multinational political community developing its actorness in the international field in terms of a Common Foreign and Security Policy (Scott, 2017). Bechev (2011) draws on the works of Sjöstedt (1977) and Jupille and Caporaso (1998) and defines actorness as "the capacity to articulate and put forward, in a coherent manner, a set of material stimuli and normative demands, to reward alignment, and, possibly, to win the loyalty of elites and citizenry in 'third countries'" (p. 419), while also expressing the need for more EU actorness in the ENP. Another explicit reference to the EU actorness in the European Neighborhood Policy can be found in Delcour (2007), in which, referring to Bretherton and Volger's (2006)

understanding of actorness as being constructed on the interplay of internal political factors and perceptions and expectations by outsiders, she argues that those elements make a contribution on the EU shaping its neighbors' perceptions *vis-à-vis* the Union and the ENP, as well as to the EU's influence[35].

To assess the importance of the concept of EU actorness to the scholar debate on the role of the Union in the ENP, it may result helpful to identify a variety of sub-concepts (i.e., variables) of actorness. For the sake of this work, we will focus on the criteria presented by Jupille and Caporaso in 1998. Cohesion (or coherence) is a prominent point of interest in the literature concerning the European Neighborhood Policy of the Union. Developing further the standard use of coherence, Bosse (2007) makes use of the coherence of policy discourse on the significance and substance of 'shared values' as a criterion to assess the ability of the EU to justify the implementation of policies on the basis of its values and mission, in order to assess the extent to which the Neighborhood Policy can improve existing policies towards the neighborhood. Tulmets (2007) identifies a key variable determining the success of the ENP as ensuring a minimal internal coherence and "to enhance its expertise about neighboring countries in order to keep and increase its legitimacy and external coherence" (2007, p. 215). The other criteria identified by Jupille and Caporaso (1998) received relatively less attention in the ENP compared to the criterion of coherence. The authority criterion can be identified in some approaches to the Neighborhood Policy, such as Browning and Joenniemi (2007), where they argue that "the ENP enhances the imperial characteristics of the EU, with governance and authority becoming centered on the core and power and subjectivity being dispersed out to declining degrees in a series of concentric circles" (*ibid.*, p. 20). Lehne (2014) compares the role of EU institutions in the ENP with the enlargement process, arguing that while the Commission was considered the most important dialogue partner by candidate countries in the enlargement process, the EU institutions lack such authority in the context of the Neighborhood Policy. Conversely to the previous criteria, neither recognition nor autonomy are particularly prominent in ENP literature. This can probably be explained by the fact that the EU's recognition and autonomy, meaning the acceptance of and interaction with the EU by other actors and the institutional distinctiveness of the EU (Jupille & Caporaso, 1998), is taken for granted by the literature, which therefore are not explicitly discussed (Hoffmann & Niemann, 2018).

[35] Following Nils and Niemann (2018), Tulmets (2007) also acknowledges the debate concerning the EU international actorness, discussing the discourse on EU 'soft-power' and its possible potential to help the EU bridge its capability-expectations gap.

1.5. Conclusion

This chapter started by showing the relevance of the relations that the EU developed prior to the launch of the ENP. The main reason is that the first aim of the ENP was to enhance those previous relations by using their respectively established instruments. All the initiatives and agreements described in this chapter, such as the Barcelona Process, the EFTA and also the enlargement policy itself, were breaking-through European practices that shaped the future ENP. After a period of institutional negotiations, which will be dealt in the next chapter, the ENP was eventually launched in 2004. It had the main objectives of political stability, economic prosperity, connecting the neighborhood and tackling the regional conflicts. In concrete, to each partner country was assigned an AP, containing a detailed list of all the specific targets that should have been met. The regional split of 2007 endowed the ENP with three regional operative branches, in an attempt to foster the bilateral dimension and the differentiation principle of the ENP. Importantly, with the entry into force of the Lisbon Treaty in 2009, the ENP witnessed a strong institutional rearrangement, especially due to the new Article 8 (TEU) and the establishment of the European External Action Service, both of them giving the Policy a legal and institutional foundation. Besides few examples of success, the ENP needed another review in 2011, when both the Southern and the Eastern neighbors were doomed by conflicts. As this chapter described, the 2011 review has indeed been useful in understanding the main shortcomings of the ENP, but only responded by reinforcing what was already in place instead of rethinking the policy. Nonetheless, not much has been done to tackle the several conflicts in the regions, and in 2015 the ENP called again for a revision. The 2015 review represented a pragmatic scale-back of the policy, which stemmed from the recognition that the transformational power of the EU was very limited, leading to a watering-down of the ENP's normative dimension. Unfortunately, after 2015 the EU faced many challenges: an unprecedented migration crisis coupled with perpetual conflicts in Libya and Syria, players such as Russia and Turkey which have obscured almost in total the role of the EU in its very neighborhood, and the widespread rise of sovereigntist parties all over Europe, which is not helping in fostering cooperation in foreign policy matters. Being the actorness of the European Union the main focus of this thesis, and, specifically, how it changed and developed after the entry into force of the Lisbon Treaty, the chapter concludes with a theoretical conceptualization of the notion of "actorness", through a vast and detailed literature review. Finally, such theories on actorness are applied to the European Neighborhood Policy, drawing on the criterion first identified in 1998 by Jupille and Caporaso. Now that a general, although comprehensive, view of the ENP, the institutional impact the Lisbon Treaty had on it, and the concept of actorness, has been given, the next two chapters analyze the ENP and the actorness of the European institutions in

two policy areas: irregular migration and development aid. Such analysis will help the research to understand how and if, after the entry into force of the Lisbon Treaty, the actorness of the EU institutions changed.

2. ENP Irregular Migration and Asylum Policies in the Southern Neighborhood

2.1. Introduction

"The message that migration issues are now at the top of the EU's external relations priorities has not yet been fully communicated to and appreciated by partners. It is essential that in close cooperation with all Member States it is made clear to our partners that a solution to the irregular and uncontrolled movement of people is a priority for the Union as a whole."

(European Commission 2016a, p. 3)

The series of migrant boat tragedies in the Mediterranean Sea, and unusual high numbers of new migrants arriving on European soil starting from late 2015, have stressed the Union to the point of a "crisis" (Trauner, 2016). In response, the EU has sought to deepen its cooperation with countries of migrants' origin and transit. 'Comprehensive partnerships' (or 'compacts') that bring together EU instruments, mechanisms, and leverage to "better manage migration" (European Commission 2016a, p. 6) are to be or have been signed with Jordan, Lebanon, and a range of other priority countries (Trauner & Cassarino, 2018). A third country's willingness to prevent irregular migration into European soil is expected to become a determining element of this country's relation with the Union. In the 2016 Communication from the Commission *Establishing a new Partnership Framework with Third Countries under the European Agenda on Migration*, the external migratory pressure is considered the "new normal" (p. 5) both for the EU and for partner countries. To tackle such a new normality requires a more coordinated, systematic and structured approach to maximize the synergies and leverages of the Union's internal and external policies. In order to happen, it needs to reflect both the EU's and its partners' interests, with clear objectives and a clear way forward on how the objectives will be achieved, in terms of positive cooperation where possible but also the use of leverage where necessary. The 2016 Communication on *Establishing a new Partnership Framework with Third Countries under the European Agenda on Migration* will be further discussed throughout the chapter.

For the sake of clarity, this chapter aims at analyzing the approaches that the institutional actors of the Union have employed in the framework of the European Neighborhood Policy in the policy field of irregular migration. Such analysis is needed in order to fully expose the hypothesis that will be brought forward throughout the dissertation, namely that the Lisbon Treaty, accompanied by developments in the international context, was a critical juncture in the establishment of specific

institutional setup(s) in the framework of the European Neighborhood Policy, due to which the European Union showed clear changes in its agency and approach to the areas analyzed.

The first section of the chapter will be fully dedicated to the chronological development of the European Union's approach to the migratory and asylum issue in the Southern neighborhood. Three are the main moments that will be analyzed: the establishment of the European Neighborhood Policy, the drafting of the Global Approach to Migration (and Mobility), and the 2015 refugee crisis and its aftermath. Importantly, the 2016 Communication on *Establishing a new Partnership Framework with Third Countries under the European Agenda on Migration* states that pressures stemming from external migration are to be considered the "new normal" (European Commission 2016a, p. 5). In order to dive deeper into the question and relevance of the actorness of the institutions of the European Union in the policymaking process devoted to irregular migration, the second section deals with how these institutional actors are and have been involved, willingly or unwillingly, in the matter. For the development of this dissertation, the division of this section into three clear institutional periods (pre-, during, and post-Lisbon Treaty) is crucial. Such a division will allow a clear analysis of if and how the entry into force of the Treaty of Lisbon in 2009 had an impact on the actorness of the various EU institutions, taking into consideration also the international turmoil and developments impacting the area. Finally, the third section will be fully dedicated to a more empirical analysis of the relationship of the European Union with its Southern neighbors, taking the crucial case and position of Turkey. On several crucial aspects, the agreements established with Turkey plainly diverge from the mobility compacts or cooperation agreements that the EU works on with the neighbors in Northern Africa. However, these agreements have also common elements with the agreements with Turkey and might take inspiration and learn some lessons from them.

2.2. Institutional Actors and the Migration and Asylum Policy of the European Union

The European Union's migration policy, in the eyes of many, is historically a form of "liberal paradox" (Vatta, 2017) because it exhibits a liberal stance toward the free movement of citizens of EU Member States within the Union's territory while being rather restrictive when it comes to Third-Country Nationals (TCNs) (Givens & Luedtke, 2003). The EU's objective of creating a single migration and asylum policy is a true exception in the field of international organizations, given the lack of a comprehensive international migration treaty or an active global institutional architecture, since States do not readily accept restrictions on their regulatory capacity and, most importantly, authority (Hampshire, 2016a). Instead, they often designed their immigration policy in consideration of their economic and security interests (Adamson, 2006). While states have been reluctant to limit

their sovereignty, European institutions have developed their own stances. The European Commission, as policy starter and technical body, has frequently followed a proactive strategy, while the Council has traditionally paid more attention to national interests. Instead, over time, concurrent with the introduction of co-decision, the European Parliament has gradually shifted its position from one that was generally liberal to one that is more restricted, maybe in an effort to better collaborate with the Council to pass legislation (Lopatin, 2013). It has been argued that Member States have approached the EU level more frequently in this policy area because it provides a forum where national governments may more easily reach consensus on salient policies (Vatta, 2017). Parliamentary opposition at home and criticism from organized civil society are avoided[36]. Not by surprise, directives are the most employed legislative tool in EU migration policy since they give Member States some discretion over how to execute them, whereas regulations, which are legally-binding, are less common (Aja & Diez 2005). The Council has been more focused on control whereas the Commission has generally advocated a root causes approach to identify the push and pull causes of migrations, both in origin and destination countries (Vatta, 2017).

In the following sub-sections, the "tug-of-war" on competence and sovereignty between Member States and EU institutions is reconstructed throughout the chronological development of the policy, though especially after the Lisbon Treaty.

2.2.1. From the Origins of the Policy to the Amsterdam Treaty

At first, migration policy was handled independently at the state level, outside EU institutions (Cellamare, 2006). The matter was covered under the intergovernmental cooperation for Justice and Home Affairs (the JHA pillar) in the Maastricht Treaty (1992). The K4 Committee[37], which was later

[36] This tactic is known as "venue shopping" (Guiraudon 2000), that is, the idea that policy-makers who encounter obstacles in their traditional policy venue generally seek new venues for policy-making that are more amenable to their preferences and goals. Thus, Guiraudon has argued that national officials began to cooperate on asylum and migration matters at the EU level in a bid to circumvent the domestic obstacles that they encountered when attempting to strengthen migration controls at the beginning of the 1980s (Guiraudon, 2000: 252). More precisely, venue- shopping to the EU level enabled domestic policy-makers to circumvent three types of obstacles that jeopardised the success of their attempts at increasing migration controls, namely judicial constraints, other more 'migrant-friendly' political actors, and pro-migrant non-governmental organisations (NGOs).

[37] The new EC structures which are to replace the existing ad hoc groups when the Maastricht Treaty is finally ratified (Germany has yet to complete ratification) are beginning to emerge. The plethora of EC-wide groups which have been meeting on an intergovernmental basis for nearly 20 years is to be replaced by a single structure. The Trevi Group (started in 1975) and its five working parties, the Ad Hoc Group on Immigration (started in 1986) with its six working parties, Mutual Assistance Group (MAG, customs cooperation) and other groups are to be brought together under a new Council of Interior and Justice Ministers. The real power, however, will lie with a committee of senior officials comprising the K4 Committee. This new structure is to be set up under the little debated Title IV of the Maastricht Treaty. This Title

replaced by the SCIFA (Strategic Committee of the Council for Immigration, Frontiers, and Asylum) Committee, allowed the Ministers of Interior and Justice to participate in Council activities (Vatta, 2017). However, the history of immigration towards Europe goes at least as far back as the post-World War II years. Delgado (2002) asserts that migration to Europe was lured by the continent's post-war economic rebound, although the Northern States (the United Kingdom, Ireland, and Scandinavian countries) had comparatively more precise labor market regulation than the Southern ones. In the 1980s, with the development of the European Single Market, the admission of Greece, Spain, and Portugal to the European Economic Community (EEC), and the fall of the Berlin Wall, the subject of immigration took on a supranational scope. These events gave rise to the issue of border control: the Mediterranean region would quickly become problematic under this profile, and the future membership of eastern European nations would result in organizational issues regarding budgetary resources and people training (Vatta, 2017).

Following the Schengen agreement (1985)[38], signed by Germany, France, and the Benelux countries, an *ad hoc* group on immigration was established, by initiative of the Council, with the intention of enhancing police and judicial cooperation. The introduction of the Schengen convention and the reunification of Germany in 1990 increased the pressure the Commission was putting on the other institutions for a communitarization of migration policy. However, due to the differences in national policies, it was challenging to accomplish this purpose. A Council Decision (1988/384)[39] established a strategy of information and consultation on migratory flows to stimulate convergence. Due to these efforts, national laws governing how foreign nationals were treated increasingly became more comparable, yet important discrepancies still remained. Such disparities, related to peculiar political and historical reasons, had specific terms for asylum-seeking and family reunification (Vatta, 2017).

Over time, globalizing forces – including new information technologies, more public scrutiny of state authorities, and a general push in favor of human rights – led to a stronger sense of the

provides for cooperation between the EC member states on issues concerning justice and internal affairs covering: the controls at external borders of the EC; immigration and asylum policies; "combatting unauthorised immigration"; drugs; international fraud; judicial cooperation on civil and criminal matters; customs; and police cooperation including the creation of a European Police Office, Europol (Article K.1). Article K.3 determines that cooperation in these areas are to remain intergovernmental (with two exceptions on visa policy where the Commission can take the initiative). This means that the work of the new Council of Ministers and the K4 Committee will remains outside of the democratic control of the European Parliament and that its deliberations will be conducted in secret.

[38] Based on the principle of free movement, the Schengen Agreement signed on June 14, 1985, is the treaty that led most of the European countries towards the abolishment of their national borders, to build a Europe without borders known as the "Schengen Area". Signed in Luxemburg, initially by only five EU countries, the agreement remains one of the world's biggest areas that have ended border control between member countries.

[39] Full text available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31988D0384

interdependence between national migration policies. Overall, the EU's stance in this area remained cautious (Fielding, 1993). While states continued to have authority over labor immigration, the Commission progressively gained the lead on asylum and immigration. Neo-functionalist theory is a popular way to understand such gradualism, according to which economic integration (i.e., the development of the Single European Market) had to come first and all other policies should follow (Haas, 1958). This may also be the reason the Commission prepared the first drafts of the Council's proposed shared immigration policy in 1985, with the coordination of national laws and the establishment of a shared perspective among the states as the key objectives (Vatta, 2017). This strategy was supported by the Single European Act (SEA) in 1986[40], which, except for visas, favored intergovernmentalism in this area. It became a community issue to develop a common model for visas and to list the nations for whom they were compulsory.

A turning point was reached in 1997 with the Amsterdam Treaty (in force since 1999), which contemplated the institution of an integrated European Area of Freedom, Security and Justice (AFSJ), which opened the way for the adoption of common measures in immigration. Title IV of the Treaty included dispositions on asylum, visas, migration, and free movement of people, while Title VI regarded police and justice cooperation in criminal issues. If the Council – as the intergovernmental body – had a crucial decisional role, the Commission played a decisive political role, moving the migration issue to a supranational and communitarian level. The European Parliament, generally favorable to integration policies, supported the establishment of the European Migration Forum (EMF) (Favell & Geddes, 1999), a body composed by representative organizations of TCNs, and pushed towards further policy communitarizatio. In order to get consensual positions, the Commission regularly adopted rather generic and impartial stances but worked in three clear areas: the analysis and control of migratory pressures, the check on the number of migrants, and the enforcement of norms on legal immigration (Vatta, 2017).

2.2.2. The Consolidation of the Policy and the Lisbon Treaty

Another specific working body inside the Council, the High-Level Working Group, was established in 1998 to handle JHA-related concerns. In accordance with the 2001 Nice Treaty, Council decisions pertaining to free movement of people would be made by Qualified Majority Voting (QMV). The Commission took advantage of this rule to formulate a new Directive (2004/38/EC)[41], which

[40] Full text of the resolution available at: https://www.europarl.europa.eu/about-parliament/files/in-the-past/ep-and-treaties/single-european-act/en-resolution-on-the-single-european-act-19861211.pdf

[41] Full text available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32004L0038

continues to control the entry and residence of European citizens on the territory of Member States. Following the 2004 and 2007 enlargements, several restrictions were placed on citizens of Central and Eastern Europe, very much like what had previously happened with Greece, Spain, and Portugal upon their accession. For immigration-related matters, however, co-decision and QMV were put off until 2004, when the Council was scheduled to adopt unified standards and guidelines first for asylum and temporary refugee protection[42] (Vatta, 2017).

After the 2001 terrorist attacks in New York and Washington and the 2004 and 2005 bombings in Madrid and London, the securitization of the migration policy gained momentum, as did the distrust towards the communitarization of policies (Ceccorulli 2014). Despite such distrust, the first year of the new millennium saw the enforcement of the legal texts which constitute the basis of the European asylum law: the Reception Directive (2003/9/EC, amended as 2013/33/EU)[43], the Qualifications Directive (2004/83/EC, amended as 2011/95/EU)[44], the Procedures Directive (2005/85/EC, amended as 2013/32/EU)[45], as well as the Dublin II and III Regulations (343/2003 and 604/2013)[46]. However, Member States insisted on keeping harmonization to a minimum, especially regarding procedures, while the Parliament opposed their restrictive attitude. Both the Commission and the Parliament kept a more liberal position in comparison to the Council also during the revision of the Dublin regulation (Ripoll, Servent & Trauner, 2014). As a result, the Dublin III Regulation addressed previous weaknesses by establishing an early warning mechanism and an *ad hoc* support for frontline countries (like Greece, Italy, and Spain) but did not introduce any real burden-sharing clause (Vatta, 2017).

In 2007 the Lisbon Treaty defined the Area of Freedom, Security and Justice as a shared competence between the EU and the Member States, but communitarization – and the ordinary legislative procedure[47] – are extended to nearly all the issues. A common European system for temporary

[42] After 2004, the Commission would monopolize legislative initiative also in this field and the Council – at unanimity and with European Parliament's con- sultation – would be able to apply QMV and codecision with the Parliament.
[43] Full text available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013L0033
[44] Full text available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32011L0095
[45] Full text available at: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0032
[46] The Dublin Regulation (Regulation No. 604/2013; also called the Dublin III Regulation; previously the Dublin II Regulation, No. 343/2003, and Dublin Convention) is a European Union law that determines which EU Member State is responsible for the examination of an application for asylum, submitted by persons seeking international protection under the Geneva Convention and the EU Qualification Directive, within the European Union. It is the cornerstone of the Dublin System, which consists of the Dublin Regulation and the EURODAC Regulation (No. 603/2013), which establishes a Europe-wide fingerprinting database for unauthorized entrants to the EU. The Dublin Regulation aims to determine rapidly the Member State responsible [for an asylum claim]" and provides for the transfer of an asylum seeker to that Member State.
[47] Under the Treaty of Lisbon, co-decision officially became the 'Ordinary Legislative Procedure' and the general rule for passing legislation at EU level, covering the vast majority of areas of Union action. The main characteristic of the ordinary

protection and asylum as well as for managing exterior borders were also envisioned under the treaty. Article 79 (TFEU)[48] declared the adoption of a common immigration policy, covering the efficient management of inflows, the fair treatment of legally residing TCNs, and the fight against illegal immigration and smuggling of human beings. Also, the article covers readmission agreements with third countries. Member states are however held responsible for integration policies and the definition of labor migrants' admission, being supported by the European Parliament and the Council. Article 80 (TFEU)[49] declares that solidarity and fair sharing of responsibility shall govern European policies in this area. Even if the competence of the EU is shared with Member States, the treaty puts an end to the "minimal norms" implied in Amsterdam to set comprehensive provisions (Vatta, 2017). It remains in the competence of the states to decide on the number of migrants who are legally admissible (Favilli 2010)

In 2005, the establishment of Frontex, via Regulation 2007/2004[50], although conceived as a common patrolling instrument, raised further debates on the limited initiative power of the agency and its

legislative procedure is the adoption of legislation jointly and on an equal footing by Parliament and the Council. It starts with a legislative proposal from the Commission (normally for a regulation, directive or decision) and consists of up to three readings, with the possibility for the co-legislators to agree on a joint text - and thereby conclude the procedure - at any reading.

[48] "(1) The Union shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings.
(2) For the purposes of paragraph 1, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures in the following areas: (a) the conditions of entry and residence, and standards on the issue by Member States of long-term visas and residence permits, including those for the purpose of family reunification; (b) the definition of the rights of third-country nationals residing legally in a Member State, including the conditions governing freedom of movement and of residence in other Member States; (c) illegal immigration and unauthorized residence, including removal and repatriation of persons residing without authorization; (d) combating trafficking in persons, in particular women and children.
(3) The Union may conclude agreements with third countries for the readmission to their countries of origin or provenance of third-country nationals who do not or who no longer fulfil the conditions for entry, presence or residence in the territory of one of the Member States.
(4) The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may establish measures to provide incentives and support for the action of Member States with a view to promoting the integration of third-country nationals residing legally in their territories, excluding any harmonization of the laws and regulations of the Member States.
(5) This Article shall not affect the right of Member States to determine volumes of admission of third-country nationals coming from third countries to their territory in order to seek work, whether employed or self-employed."

[49] "The policies of the Union set out in this Chapter and their implementation shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. Whenever necessary, the Union acts adopted pursuant to this Chapter shall contain appropriate measures to give effect to this principle."

[50] Full text available at: https://eur-lex.europa.eu/eli/reg/2004/2007/oj

dependency on states' resources (Rijpma 2010)[51]. A new Standing Committee on Internal Security was also established as a supporting arm of the Council with Frontex, Europol and Eurojust. Notwithstanding the treaty, a signal that states would not easily leave control on immigration policy to the Union was given by the 2008 French Presidency of the Council, when it presented a Pact on Immigration and Asylum right when the Commission was preparing the AFSJ's Stockholm Programme (2010-2014)[52] (Hampshire 2016a).

2.2.3. An Assessment of the Post-Lisbon Era

In 2010 the Commission's Directorate-General (DG) Justice, Freedom and Security was split into two sections, the first responsible for justice and the second for the internal AFSJ and the protection from external risks. The latter section, re-titled "Home Affairs," covers immigration, the universal system of asylum, the Schengen region, border controls and visas, internal security, organized crime and terrorism, police collaboration, and world affairs. Migration is there divided into four sections: legal and illegal, immigration, asylum and refugees, and integration. Apart from tourism and short-term visits, the EU has only intervened to set entry and residency requirements for specific worker groups (highly skilled professionals, students, and researchers), as well as to provide guidelines on family reunification and long-term stays. This is because legal immigration is linked to the state's labor market conditions. Within a framework of overarching principles established by the EU, integration strategies are also essentially a national responsibility. Asylum and refugees have already represented a serious problem due to the multi-level regime constituted by international obligations, EU guidelines and Member States' positions[53] (Vatta, 2017). Concerning illegal immigration, EU intervention regarded human smuggling and trafficking, by creating control devices like Eurosur, the surveillance system for border information exchange[54]. Following the Hague Programme (2004-2009), the Stockholm Programme (2010-2014)[55] stated the need to protect fundamental rights and to

[51] Differently from most interpretations of the agency's surveillance system, Neal (2009) maintains that Frontex is not the result of securitization, but rather of the ineffectiveness of the EU migration policy.

[52] More information related to the Program is given further down in the chapter.

[53] The juridical basis for international protection of asylum-seekers in EU Member States are the Convention of Geneva (1951) and its 1967 Protocol, national legal and constitutional norms and other international conventions, like the European Convention for Human Rights and Basic Freedoms (1950), the Convention against Torture (1984), the Convention on the Rights of Children (1989) and the Charter of Fundamental Rights of the EU (2000) (Garlick 2010).

[54] The start of the European Border Guard, agreed in 2016, should potentiate Frontex activity, in view of the possible adoption of a new "entry-exit" registration system in the framework of the "smart border" project for the control of border-crossing by TCNs of the Schengen area, due to come into force by 2020 (European Commission 2016a).

[55] The Stockholm Program is the third program in this area. The first program was adopted in 1999 in Tampere. The second program, the Hague Program, was adopted in 2004 and expired in December 2009. The Program contains guidelines for common politics on the topics of protection of fundamental rights, privacy, minority rights and the rights

build the external security dimension in the AFSJ (Nugent 2010). In 2011 the EASO (European Asylum Support Office) was inaugurated to support Member States in the implementation of the Common European Asylum System (CEAS). After the expiry of the Stockholm Programme, the European Council issued a series of strategic guidelines focusing on the correct implementation of the existing legal discipline. In the latter sense, agreements and partnerships were established with Jordan, Morocco, Turkey and Tunisia, especially for the safe resettlement of migrants. In line with the Global Approach to Migration and Mobility, the EU insisted on cooperation with third countries and regions, including eastern countries, like Azerbaijan, China and Armenia. As already discussed in the previous section, the main instrument of the GAMM are the mobility partnerships. Though non-binding and based on the exchange between cooperation on migration issues and favorable visa conditions, the participation on the part of EU Member States is highly variable (Hampshire 2016b).

More generally, in front of periodical emergencies, the principle of burden-sharing does not seem to find a fluent application. Though the Lisbon Treaty states that border controls, immigration and asylum policies are subject to solidarity and fair division of responsibilities among Member States, in practice EU intervention is often difficult. The Directive 2001/55/EC[56] provides extraordinary provisions for temporary protection of displaced people, but Frontex has unclear competencies with regard to Member States' authorities (Nascimbene & Di Pascale 2011). At national level, the degree of economic growth and unemployment in the countries of origin and destination, as well as the existence of social and family networks that are difficult for states to control, can all affect the success of policy efforts. (Franchino 2009).

In March 2016, a much-discussed agreement has also been closed with Turkey, whereby irregular migrants and asylum seekers arriving on the Greek islands may be returned to Turkey. For every Syrian returned to Turkey from Greece after an irregular crossing, the EU should take a Syrian from Turkey who has not sought to make this journey irregularly. Since doubts have been raised on the human rights' record of the country, this could offer a chance for courts (included the European Court

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of groups of people in need of special protection, as well as citizenship of the European Union. The program also outlines plans for measures in the area of border-crossing data exchange between State authorities and surveillance of the Internet. The Program's work program also attaches great importance to how the EU should work to guarantee respect for fundamental freedoms and privacy, while guaranteeing security in Europe. Chapter 5 specifically outlines the priorities in migration and asylum matters. It underlines that solidarity is an important objective of a common immigration and asylum policy and that the EU should provide support to EU Member States most exposed to migratory pressures. For more information, see the Communication on an area of freedom, security and justice serving the citizen (Stockholm Program) COM (2009) 262. Available at: https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=OJ%3AC%3A2010%3A115%3ATOC

[56] Full text available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32001L0055

of Justice) to have their say on asylum and immigration matters (Vatta, 2017). In 2009, the adoption of the Directive 2008/115/EC[57] on common standards and procedures for returning illegally staying TCNs has tried to harmonize this process, ensuring rights-compatible practices and legal assistance to non-EU nationals, applying cooperation with third countries within the GAMM and among Member States through the European Migration Network information platform. The "external governance" of the EU migration policy has been translated into projects towards neighboring countries, using the Neighborhood Policy dimension of the common foreign policy and extending the range of European action (Wunderlich 2012). In 2012, the Commission also advised the Council and the Parliament to streamline the shared visa policy (European Commission 2012).

Frequent critical remarks have been made to the Dublin rules, deemed as too rigid. According to the evaluation of Dublin III (European Commission 2015b), the regulation was not designed to deal with mass inflows and, since it does not foresee a fair sharing of responsibility, its effectiveness is severely reduced. Its current application emphasizes only one of its guiding criteria (i.e. the country of first entrance is in charge of the asylum request processing). Bilateral relationships among potentially responsible states make such processes very time-consuming, and multiple asylum requests ("asylum-shopping"[58]) remain a problem. Transfers are additionally complicated by the duration of appeals and procedures, the challenges of interstate coordination, and asylum applicants' efforts to game the system.

2.3. The Development of EU's Approach to the Migratory Issue in the Mediterranean

As far as the context of irregular migration is concerned, two main approaches have had an impact in the EU's external migration policies (Boswell, 2003). The first approach is restrictive and control-oriented, according to it, the Union assists and puts pressure on third countries to strengthen their entry controls and to accept provisions for facilitating the removal of irregular migrants and/or rejected asylum seekers. The second approach, instead, tackles the circumstances in the counties of origin of migrants that make people decide to migrate or flee to the European Union by using foreign policy tools – for instance, sanctions for human rights violations – economic cooperation, and/or development aid, this last tool will be discussed and analyzed in detail in the third chapter. In other

[57] Full text available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32008L0115

[58] This is the practice of asylum seekers applying for asylum in different states or in a particular state after transiting through other countries. European Union legislation, through the Dublin Regulation, in order to prevent abuse of the phenomenon, stipulates that asylum applications must be filed and registered in the migrant's country of first arrival and that the decision of the first member country where the application was formalized is the final decision in all other EU countries.

words, this second approach aims at eliminating the causes at the root of migration, a frequent objective in the policy and academic debates (Trauner & Cassarino, 2018).

2.3.1. The EU's Action at the Advent of the ENP

Although the European Union has emphasized that it seeks to take into consideration both approaches, one or the other have been dominant during different stages of the development of the migration objectives of the European Union, specifically in relation to the European Neighborhood Policy. Scholars have frequently pointed out the fact that the restrictive approach dominated especially the period prior the establishment of the Policy (Trauner & Cassarino, 2018). Lavenex (2004) proposed a reading of the *Wider Europe* initiative as an attempt to govern externally with the aim of improving the problem-solving capacity of internal European policies. "The EU will expand its sphere of actorness in particular in areas which have become securitized inside and where vulnerability is attributed to development in the third countries in question" (*ibid*., p. 686). There is little doubt that at the beginning of the millennium, also given the international developments and rising preoccupation related to terrorism, migration would be among these securitized areas.

A key migration-related theme at the beginning of the ENP in 2003 was the prevention of negative externalities stemming from the eastward expansion of the Union and its Schengen borders (Trauner & Cassarino, 2018). While developing positive relationships with neighbors has long been a goal of EU foreign policy actors, the more inward-looking European Ministers of the Interior also added their priority: neighboring countries should work together in the removal of illegal immigrants and do more to curb unwanted migration. In their debate, the recurring theme was the contrast between the safe inside (i.e., EU territory) and the unstable and unsafe outside (Zhynomirska, 2011). The EU's tool of visa facilitation agreements was ultimately viewed as a catch-all solution: they gave the EU a powerful lever to force some third countries to sign readmission agreements and launch reforms in their justice and home affairs sectors, while they also addressed significant concerns from neighboring countries by loosening the stringent visa regime and providing facilitated travel opportunities (Trauner and Kruse 2008). The visa facilitation-readmission nexus became firmly established in Eastern Europe (Hernández i Sagrera 2010), but less so in the southern neighborhood. In this region, informal agreements and unconventional bilateral readmission agreements have servedas the main foundation for cooperation on irregular migration (Cassarino 2007). As anticipated in the previous chapter, the specific objectives of the EU were outlined in the Action Plans for each individual ENP country. They tended to offer "little space to take into account the diversity of migrant realities" (Wunderlich 2010, p. 255) in the different countries. In most cases, they contained

equivalent priorities for migration management, capacity building, and adherence to international agreements. There have been also different relevant regional dialogues and consultative processes aligned with external EU migration objectives such as the 5+5 dialogue in the Mediterranean[59] and the Africa-EU Partnership on Migration, Mobility and Employment[60], the Khartoum Process[61] and the Rabat Process[62].

2.3.2. The EU's Global Approach to Migration and Mobility

From 2005 onwards, the European Union started to move its efforts towards a stronger emphasis on legal migration and development issues, going beyond the purely control-oriented migration approach (Council of the European Union, 2005). The reasons of such a shift were manifold and included the successful lobbying of ENP countries such as Morocco and the dramatic events in Ceuta and Melilla in 2005, considered one of the first migration-related tragedies happened in the Mediterranean, when dozens of migrants died while trying to overcome the fences surrounding the enclave.

Launched under the British Presidency in 2005, the Global Approach to Migration (GAM) aimed at presenting a comprehensive strategy to address irregular migration and human trafficking on the one

[59] The Western Mediterranean Forum, commonly referred to as 5+5 Dialogue, comprises Algeria, France, Italy, Libya, Malta, Mauritania, Morocco, Portugal, Spain and Tunisia. As a Trans-Mediterranean initiative, the "raison d'être" of the Dialogue 5+5 is to ensure closer cooperation between the five EU Member States and the five Arab Maghreb Countries through political dialogue and cooperation and by encouraging more effective resource management as a means of strengthening interdependence and regional development. More information available at: https://www.fiveplusfiverihe.org

[60] The Africa-EU Migration, Mobility and Employment (MME) Partnership aims to ensure sustainable development through better management of and joint cooperation on MME issues. It pushes for the implementation of relevant international agreements and declarations, in particular the Tripoli Declaration on Migration and Development, the Ouagadougou Action Plan to Combat Trafficking in Human Beings, Especially Women and Children and the Ouagadougou Declaration and Plan of Action for Promotion of Employment and Poverty Alleviation. More information available at: https://www.iom.int/africa-eu-partnership-migration-mobility-and-employment-mme

[61] The Khartoum Process is a platform for political cooperation amongst the countries along the migration route between the Horn of Africa and Europe. It aims at establishing a continuous dialogue for enhanced cooperation on migration and mobility. The process also seeks to support member states in identifying and implementing concrete projects to address trafficking in human beings and the smuggling of migrants. Additionally, the Khartoum Process gives a new impetus to the regional collaboration between countries of origin, transit and destination regarding the migration route between the Horn of Africa and Europe. More information available at: https://www.khartoumprocess.net

[62] The Euro-African Dialogue on Migration and Development (Rabat Process) brings together European and African countries from North, West and Central Africa, as well as the European Commission and the Economic Community of West African States (ECOWAS), with a view to tackling questions arising from migration issues. The Rabat Process provides a framework for consultation and coordination; contributes to meeting the challenges posed by migration; and encourages opportunities for exchange and development. More information available at: https://www.iom.int/euro-african-dialogue-migration-and-development-rabat-process

hand, and to manage migration and asylum through cooperation with third countries, both of origin and transit, on the other. Activities were initially focused on Africa and the Mediterranean, which were identified as the main regions of origin of migrants in Europe, but it was quickly expanded to the Eastern neighborhood too. The Global Approach to Migratory sought to address push factors and lessen migration demand from these regions by tying together migration management and development policies. The promotion of circular migration was recognized as a mutually beneficial strategy: not only did it serve the Union's economic interests, in terms of labor force, but it was also a means to avoid the so-called "brain drain" and support development back in the country of origin (Martin, 2012).

The GAM's flagship instruments have been 'Mobility Partnerships', seeking to open channels for circular and temporary migration in exchange for cooperation in the prevention of irregular migration and trafficking of human beings (Council of the European Union, 2005), which further anchored the notion of a "more for more" approach: the more third countries cooperate, the more advanced visa facilitation will be for their nationals (Martin, 2012). Such partnerships are not legally-binding, however, they politically commit the participating Member States, and the contracting third country, to implement certain projects and priorities (Trauner & Cassarino, 2018). In other words, mobility is officially conditioned upon cooperation on border control (FRONTEX) and the conclusion of a readmission agreement with the EU. Readmission agreements were also signed and applied to third-country nationals and stateless people who have transited through or originated from these countries. Scholars, however, considered the innovation that Mobility Partnerships offered to be limited. According to Lavenex (2010, p. 473) "[the Mobility Partnerships] largely summarize existing bilateral cooperation programs with individual member states under a new heading"[63].

The so-called "Arab Spring" exerted an influence on the set-up of the EU migration policy in the Southern neighborhood. The field of migration and mobility filled the European debates on how to reinvigorate the Euro-Mediterranean relations in the wake of the revolutionary events. In 2011, the term "mobility" was added to the heading Global Approach to Migration, to reflect the EU's intention to promote people-to-people contacts in the neighborhood. Other objectives of the renewed approach were to foster legal immigration, focus more on migrants' rights, improve international protection of refugees and create a closer development-migration nexus. In order to do so, according to the European Commission, Mobility Partnerships "should be upgraded and promoted as the principal framework for cooperation in the area of migration and mobility between the EU and its partners,

[63] For further discussion on the matter see Parkes 2009; Reslow 2012; Weinar 2013.

with a primary focus on the countries in the EU Neighborhood" (European Commission 2011a, p.10). If an ENP country prefers not to negotiate readmission and visa facilitation agreements, an alternative framework should be that of Common Agenda on Migration and Mobility (CAMM). This cooperation framework is less ambitions and committing, because the contracting parties agree to open a dialogue on all migration matters, which is gradually expected to lead to major mutual understanding on such thorny issues as readmission (Trauner & Cassarino, 2018). This explains why a CAMM might be upgraded to a Mobility Partnership at a later stage. With time, the Mobility Partnerships became more tailor-made regarding the commitments a country was willing to make. The signing of a readmission agreement has become no longer a precondition for entering a partnership with the EU – the formal recognition of the willingness to cooperate on the removal of irregular migrants now suffices (European Commission, 2011a).

2.3.3. The EU's Approach to Dimension after the 2015 Refugee Crisis

The 2015 refugee crisis, when an unprecedented number of newly arrived migrants landed on European soil, created a sense of urgency in the Union to engage in a more comprehensive and determined way with its neighboring countries. Such urgency was also reflected in budgetary allocations; in fact, around half the available ENP funding was now spent on migration-related issues (European Commission, 2016a). However, at the time of writing (July 2022), the European Union is still struggling to find a balance between the restrictive and the preventive approach of external engagement. On paper, the restrictive approach surely dominates. All the EU tools should be mobilized to give readmission "a central place in all dialogues with countries of origin and transit of irregular migrants" (European Commission and HR of the EU for Foreign Affairs and Security Policy 2015, p. 17). According to the 2016 Communication on *Establishing a new Partnership Framework with Third Countries under the European Agenda on Migration* pressures stemming from external migration, as already noted, are the "new normal" (European Commission 2016a, p. 5), so the Union needs a "more coordinated, systemic and structured approach to maximize the synergies and leverages of the Union's internal and external policies". The Partnership Frameworks or 'compacts' should achieve the threefold objective of (*ibid*, p. 6):

i. Saving lives in the Mediterranean sea;
ii. Increasing the rate of returns to countries of origin and transit; and
iii. Enabling migrants and refugees to stay close to home and avoid taking dangerous journeys.

The Partnership Frameworks envisaged by the Communication institutionalize a shift to more informal, flexible, and *ad hoc* arrangements, notably in the southern neighborhood and in Africa (Cassarino, 2017): "The paramount priority is to achieve fast and operational returns, and not necessarily formal readmission agreements" (European Commission 2016a, p. 7). The compacts received a substantial amount of money in the 2016-2020 period. In the long term, an External Investment Fund with up to €62 billion may be devoted to addressing the root causes of migration (*ibid.*). Outside the European Neighborhood Policy framework, the European Union also develops country packages for sixteen countries in North and Sub-Saharan Africa[64]. Unsurprisingly, the EU's plan to use all available tools for migration-control purposes – and to present the EU-Turkey deal as an example of engagement in the neighborhood – has received strong criticism. A total of 104 NGOs working with migrants and refugees have signed an open petition to the Union in which they condemn the EU's new approach to contain and control migration.

> "This new Partnership Framework risks cementing a shift towards a foreign policy that serves one single objective: to curb migration, at the expense of European credibility and leverage in defense of fundamental values and human rights." *(PICUM[65], 2016)*

Scholars, however, have shown that some compacts include many aspects that can be attributed to the preventive rather than the restrictive approach of EU external migration policy (Boswell, 2003), the compact with Jordan being a good example. The Union has simplified the rules of origin for Jordanian exporters in their trade with the EU. More concretely, the European Union will open its market for manufactured goods produced in special industrial areas and development zones, under the condition that their producers employ a minimum percentage of Syrian refugees, 15 percent at the outset, progressively increasing to 25 percent in three years (Trauner & Cassarino, 2018). The overall objective is to provide Syrians with a possibility of a decent life in the country and to improve "Jordan's resilience in light of the Syria refugee crisis" (European Commission, 2016b). the Union's approach to Jordan reflects to what migration scholars have long suggested, namely to "help refugees help themselves" by facilitating their inclusion in the labor markets through a special "zonal development model" (Betts & Collier, 2015).

[64] For Afghanistan, Algeria, Bangladesh, Ethiopia, Eritrea, Ghana, Ivory coast, Niger, Nigeria, Mali, Morocco, Pakistan, Senegal, Somalia, Sudan and Tunisia.

[65] PICUM, the Platform for International Cooperation on Undocumented Migrants, is a network of organizations working to ensure social justice and human rights for undocumented migrants. Grounded in principles and values of social justice, anti-racism and equality, PICUM is committed to ensuring that undocumented migrants have a dignified standard of living and rights.

2.4. EU-Turkey Relations in the Field of Irregular Migration and Asylum Policies

The European Union and its Member States over time have concluded agreements with Turkey concerning elements of migration and asylum policy. The first of these was the Association Agreement in 1963, which was followed by a Protocol in 1971 and Association Council Decisions in 1976 and 1980. The second was the Readmission Agreement in 2013, and the third was the EU-Turkey statement in 2016. In addition, Turkey and the EU agreed in 2013 to begin a discourse about visa liberalization and to collaborate on implementing the *Roadmap towards the Visa Free Regime with Turkey* (or *Visa Liberalization Dialogue*). On several crucial aspects, the four agreements with Turkey plainly diverge from the mobility compacts or cooperation agreements that the EU has already signed or is now negotiating with nations in Northern Africa[66]. However, these new agreements have also common elements with the agreements with Turkey and might take inspiration and learn some lessons from them.

2.4.1. The 1963 Association Agreement and the 1970 Protocol

The Association Agreement[67] signed in September 1963 was a formal international agreement between Turkey, the six Member States[68], and the European Economic Community, 1964 saw the accord come into effect. The same parties also agreed to an Additional Protocol in 1970, which forbids the introduction of new restrictions on the freedom of establishment of self-employed individuals and on the provision of services, also known as a "standstill clause," and provides for the gradual establishment of free movement of workers between Turkey and the EEC during a ten-year transitional period (1976–1986) (Groenendijk, 2019). After the 1973 Oil Crisis, numerous Member States formally ended the recruitment of workers from Turkey and other Mediterranean nations, not long after the Protocol came into effect in January 1973. The Association Council, established by the Agreement, adopted Decisions 2/76 and 1/80 on the rights of Turkish workers (and EEC workers in Turkey) to continue lawful employment and granting equal treatment of the workers and their family members to employment and education, but not to first entry and admission in another Member State,

[66] European Agenda on Migration, COM(2015) 240 of 13 May 2015; the Communication on establishing a new Partnership Framework with third countries under the European Agenda on Migration, COM(2016) 385 of 7 June 2016; and the earlier Communication on circular migration and mobility partnerships between the European Union and third countries, COM(2007) 248 of 16 May 2007.

[67] Full text of the Association Agreement and Protocol available at: https://www.ab.gov.tr/files/ardb/evt/EEC-Turkey_association_agreements_and_protocols_and_other_basic_texts.pdf

[68] At that time being Belgium, France, Italy, Luxembourg, the Netherlands and West Germany.

respectively, at the beginning of the transitional period in 1976 and 1980.[69]. The Association Council, made up of a minister from each Member State and a minister from Turkey, unanimously approved these decisions. The decisions are simplified versions of international agreements that do not require ratification by the concerned states (Groenendijk, 2019). Both decisions were adopted after the foreign worker recruitment policy had ended in most EEC Member States, and without serious involvement of national parliaments.

In light of Turkey's economic situation, the Association Agreement called for a gradual development of the association. For more than ten years, both in the EEC and in Turkey, the regulations on migration and the rights of workers and self-established persons in the 1970 Protocol and in the Decisions of 1976 and 1980 remained a dead letter. The rules in the Decisions were not considered as binding international and Community law, but rather as political statements by the immigration officials and judges in the few cases that made it to court (Groenendijk, 2015). By 2002, the Court of Justice had already rendered more than 20 decisions regarding the bindingness of association rules concerning Turkish migrants in EU Member States[70]. Despite the agreement, Member States are still reluctant to implement the association rules in their national immigration law. Tescan (2015) observes that the standstill clauses in the Association law were long forgotten or not taken seriously in the Member States.

2.4.2. The 2013 EU-Turkey Readmission Agreement

After eight years of negotiations, the EU-Turkey Agreement on the *Readmission of Persons Residing Without Authorization*[71] was signed in December 2013, a formal international agreement between the EU and Turkey. The Union's competence was based on Article 79(3) (TFEU)[72] and the procedure laid down in Article 218(6)(a) (TFEU)[73] applied. The agreement was concluded by the Council, and

[69] The Association Council Decisions No. 2/76 and No. 1/10 have not been published in the OJ. The full text can be found in Council of the European Communities, Association Agreement EEC-Turkey and Protocols and Other Basic Texts, December 1993, available at: https://www.ab.gov.tr/files/ardb/evt/EEC-Turkey_association_agreements_and_protocols_and_other_basic_texts.pdf

[70] For a full list of all CJEU judgments and pending cases on EEC-Turkey Association law see http://www.ru.nl/law/cmr/documentation/cmr-newsletters/cjeu -overview/

[71] Full text available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A22014A0507%2801%29

[72] Focus on paragraph 3: "The Union may conclude agreements with third countries for the readmission to their countries of origin or provenance of third-country nationals who do not or who no longer fulfil the conditions for entry, presence or residence in the territory of one of the Member States".

[73] Focus on paragraph 6: "The Council, on a proposal by the negotiator, shall adopt a decision concluding the agreement. Except where agreements relate exclusively to the common foreign and security policy, the Council shall adopt the decision concluding the agreement:

the European Parliament gave its consent. After ratification by both sides, the agreement formally entered into force in October 2014.

The conditional promise of visa liberalization for Turkish nationals and the provision that for the first three years the agreement would only apply to the readmission of Turkish nationals by Turkey and Union citizens by their Member State (Article 24(3) of the Agreement[74]) overcame the Turkish opposition to a readmission agreement covering both Turkish nationals and third-country nationals. This would allow Turkey to fulfill the conditions of the 2012 Roadmap on visa liberalization and acquire the much-desired visa liberalization promised in that document. The provisions on persons to be readmitted in Articles 3–6[75] of the agreement suggest full reciprocity, whilst it was clear that the actual readmission would be mainly – if not exclusively – from EU countries to Turkey (Zoeteweij & Turhan, 2017).

The growing number of Syrian asylum seekers that arrived from Turkey on the Greek islands near the Turkish coast in the summer and autumn of 2015 led the European Union to press at the EU-Turkey Summit in November to agree to shorten the transitional period by 18 months, aiming at the full application of readmission agreement including the Turkish obligation to readmit nationals of other countries by June 2016. In the statement on this meeting, this shortening was explicitly linked to visa liberalization for Turkish citizens. In November 2015, following the EU-Turkey Summit, the Union and Turkey expressed their political agreement:

> "The EU-Turkey readmission agreement will become fully applicable from June 2016 in order for the Commission to be able to present its third progress report in autumn 2016 with a view to completing the visa liberalisation process i.e., the lifting of visa

(a) after obtaining the consent of the European Parliament in the following cases (i) association agreements; (ii) agreement on Union accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms; (iii) agreements establishing a specific institutional framework by organizing cooperation procedures; (iv) agreements with important budgetary implications for the Union); (v) agreements covering fields to which either the ordinary legislative procedure applies, or the special legislative procedure where consent by the European Parliament is required.

(b) after consulting the European Parliament in other cases. The European Parliament shall deliver its opinion within a time-limit which the Council may set depending on the urgency of the matter. In the absence of an opinion within that time-limit, the Council may act."

[74] Focus on paragraph 3: "The obligations set out in Articles 4 and 6 of this Agreement shall only become applicable three years after the date referred to in Paragraph 2 of this Article. During that three-year period, they shall only be applicable to stateless persons and nationals from third-countries with which Turkey has concluded bilateral treaties or arrangements on readmission. During that three-year period, existing bilateral readmission agreements between individual Member States and Turkey shall continue to apply in their relevant parts."

[75] Full text available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A22014A0507%2801%29

> requirements for Turkish citizens in the Schengen zone by October 2016 once the requirements of the Roadmap are met".[76]

The political agreement was formalized in April 2016, two weeks after the EU-Turkey Statement, by a decision of the EU-Turkey Joint Committee established by the Readmission agreement[77]. The decision provides that it shall be binding "following the necessary internal procedures required by the laws of the Parties". In June 2016 the Commission reported that the Turkish Parliament approved the entry into force of the provisions on readmission of third-country nationals, but the decision of the Turkish Council of Ministers necessary for the actual readmission of third-country nationals had not been adopted, probably because Turkey considered that the EU did not fulfill its part of the deal, the visa liberalization by the end of June 2016 (Zoeteweij & Turhan, 2017). The Readmission Agreement, up until October 2017, could not be used as the legal justification for the repatriation of foreign people to Turkey as stated in the EU-Turkey agreement from March 2016. The European Commission stopped regularly reporting on the agreement's implementation in the eight months following September 2017 (Groenendijk, 2019). However, the Commission repeatedly emphasized that one of Turkey's seven benchmarks for implementing the Visa Liberalization Roadmap remains unmet, namely "implementing the *EU-Turkey Readmission Agreement* in all its provisions including the provision on third-country nationals that enters into force on 1 October 2017" (European Commission, 2016c, p. 10; 2017, p. 11). Apparently, the Commission considered that Turkey did not fully live up to its obligations under the agreement (Groenendijk, 2019).

2.4.3. The 2016 EU-Turkey Statement: Political or Legal Tool?

In March 2016, the General-Secretariat of the Council published a press release entitled *EU-Turkey Statement*[78], which started with the message that on that day the Members of the European Council met with their Turkish counterpart for the third time since November 2015 EU-Turkey Summit and that both sides had

> "Reconfirmed their commitment to the implementation of their joint action plan activated in November 2015. In order to break the business model of the smugglers and to offer migrants an alternative to putting their lives at risk, the EU and Turkey today decided to

[76] Declaration 870/15 of 29 November 2015 of the Secretariat-General of the Council. Full statement available at: https://www.consilium.europa.eu/en/press/press-releases/2015/11/29/eu-turkey-meeting-statement/

[77] Decision (EU) 2016/551 of the Council of 23 March 2016, full text available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32016D0551

[78] Full statement available at: https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/

end the irregular migration from Turkey to the EU. In order to achieve this goal, they agreed on the following [nine] additional action points."

(*European Council, 2016*)

In April 2016 Irish lawyers on behalf of asylum seekers who entered Greece after the adoption of the EU-Turkey statement with the intention to introduce an asylum application in Germany, started a case against the European Council before the EU General Court to annul the statement. All three EU institutions involved argued that the EU-Turkey statement was only a political statement, whilst the asylum seekers argued the statement was a legally binding EU instrument. The General Court held that the statement could not be regarded as an instrument adopted by an EU institution. Even if the statement was an international agreement, then it would be an agreement between the Heads of State or Government of the EU Member States and the Turkish Prime Minister, and thus not binding the EU. In practice, the Orders implied that there is no effective judicial control on the adoption and application of this agreement, neither at the EU level nor at the national level. Moreover, the absence of control by the European Parliament on the adoption of the agreement was legitimated. The appeal of asylum seekers against this decision was declared manifestly inadmissible by the Court of Justice on formal grounds[79]. The question whether the statement is soft law or hard law, only creating political obligations or legally binding, and in the latter case, who is bound (the EU or the Member States) was left undecided by the Court of Justice. Nonetheless, the statement has already far-reaching effects in practice as it will be pointed out in the following subsection.

Between April 2016 and September 2017, the Commission published seven reports with detailed information on the implementation of the statement[80]. In the seventh report[81] (European Commission, 2017) it is stated that since 16 March 2016 until September 2017 more than 25,000 asylum requests have been filed on the Greek islands. The Greek Asylum Service made first-instance decisions in 24,000 cases (18,000 about admissibility and 7,300 about merits). Almost 1,900 third-country nationals have been returned to Turkey. According to the Turkish authorities, 57 of the persons not

[79] Order of the CJEU of 12 September 2018, C-208/17P-210/17P (*NF a.o./ European Council*).
[80] Full list of all the Reports available at:
https://ec.europa.eu/search/?queryText=Progress+made+in+the+implementation+of+the+EU-Turkey+Statement&query_source=europa_default&filterSource=europa_default&swlang=en&more_options_language=en&more_options_f_formats=&more_options_date=
[81] Full text available at:
https://www.avrupa.info.tr/sites/default/files/2018-03/Seventh%20Report%20on%20the%20Progress%20made%20in%20the%20implementation%20of%20the%20EU-Turkey%20Statement%20-%20September%2006%202017.pdf

coming from Syria applied for asylum in Turkey, two requests were granted and nine were denied. More than 10,000 third-country nationals were said to have voluntarily returned from the Greek islands and the mainland to their country of origin under the return program. Moreover, almost 9,000 Syrian nationals from Turkey had been relocated in 15 EU Member States (*ibid.*). According to the Commission data, between March 2016 and March 2018 a total of 2,150 third-country nationals had been returned from Greece to Turkey, 600 under the bilateral Greece-Turkey Protocol and 1,550 under the EU-Turkey statement.

2.4.4. Lessons to be Learnt

What can we learn from the experience of the instruments agreed upon by the European Union and Turkey about their implementation and compliance by both parties? Only after 1995, were the Association Agreement and the Council Decisions of 1976 and 1980 gradually implemented in the relevant EU Member State compliance. The laws governing EU employees and their family members have yet to be incorporated into Turkish law. In the end, the EU was successful in getting Turkey to sign a readmission agreement, which requires Turkey to accept non-Turkish citizens after a three-year transitional period. Later, the EU was successful in getting Turkey to agree to a shorter transitional period. However, Turkey has yet to implement this part of the agreement, most likely as a *quid pro quo* or retaliation for the EU's failure to remove the visa obligation for Turkish citizens (Groenendijk, 2019). Although the parties solely view the EU-Turkey statement as a political instrument, it is at least partially implemented and regularly reviewed by Turkey, Greece, and Brussels.

The Association and the Readmission Agreement provide as examples that a legal document alone does not guarantee that the parties will comply with its terms. As the statement demonstrates, the legally binding nature is not necessary for compliance, while a political agreement means little or no parliamentary review and judicial oversight. Due to the Association Agreement's status as binding EU law, the Court of Justice has the authority to force the Member States to live up to their legal obligations. However, the EU-Turkey Statement's ambiguous position gave the General Court the chance to contest its competence. This being said, it does not necessarily imply that the parties do not adhere to political agreements. Rather, it means that a legally binding version of the agreement is not a requirement for compliance by the parties and neither does it guarantee compliance. A legally binding agreement may give rise to new rights for individual migrants and be subject to parliamentary and judicial review, but that is no guarantee for actual enforcement. Enforcement of migrants' rights often will require additional action by NGOs, lawyers, or other independent bodies (Gatti & Ott,

2019). Indeed, in the EU-Turkey case, it appears that the legally binding nature of the agreements did not guarantee actual enforcement, neither by the Member States (regarding the rights of Turkish migrants) nor by Turkey (regarding the treatment of EU nationals and the readmission of third-country nationals who the Member States intend to expel to Turkey). The actual implementation of these agreements required a favorable outcome of the balance of costs and benefits of the agreement in the perception of the third country involved and stronger involvement of other interested agents.

As highlighted by Groenendijk (2019), the 2016 EU-Turkey Statement is a good example that legally binding agreements are not necessary to get real effects on the ground and make a third country change its policy and attitude. Informal agreements, however, from a democratic perspective, have the clear disadvantage of a sharp reduction or even total loss of parliamentary and/or judicial control on the content and the implementation of the agreement, both at national and EU level. Informal agreements, generally, do not create new rights for migrants. The EU-Turkey statement and the Mobility Partnerships with Morocco and Tunisia illustrate this conclusion[82]. The rights of migrants in these cases depend on existing international or EU instruments (UN Geneva Refugee Convention and Protocol[83] or the EU Asylum Directives[84]) or on national legislation (in our case, the Greek and Turkish asylum law) or national policy (such as the recent regularization measures and new immigration legislation in Morocco). The EU's financial incentives are primarily used to encourage the third state party to implement and abide by informal agreements. Pressure on the third country during the negotiations to accept the unpopular readmission of non-nationals and the carrot of liberalization of EU visa policy or new paths for legal migration, may induce the third country to bring their national immigration legislation in line with the EU system and copy certain parts of that system (as the conclusion of readmission agreements with neighboring states or the introduction visa obligations for nationals of those states). So far new paths for legal migration from countries in Africa have been mainly a matter of nice words on paper[85]. In the Commission's 20-page Progress report on

[82] More information related to EU Migration Cooperation with Morocco and Tunisia: Abderrahim T. (2019), *A Tale of Two Agreements: EU Migration Cooperation with Morocco and Tunisia,* 41PapersIEMed.
Available at: https://www.euromesco.net/wp-content/uploads/2019/04/EuroMeSCo-Paper_A-tale-of-two-agreements.pdf

[83] Full text available at: https://www.unhcr.org/3b66c2aa10

[84] List of Directives related to the Common European Asylum System available at: https://home-affairs.ec.europa.eu/policies/migration-and-asylum/common-european-asylum-system_en

[85] The European Commission in November 2017 stated that 'most Member States have welcomed the concept [pilot projects on legal migration], and several are ready to take this forward'. The Commission listed among its 'key future actions': 'Together with interested Member States, define the scope of the pilot projects on legal migration, and identify third countries that could participate', see COM(2017)669, p. 18 and COM(2017)558, pp. 15/16.

the Implementation of the European Agenda on Migration of May 2018, only three sentences deal with “legal migration pilot projects” (European Commission, 2018).

2.5. Conclusion

A key question regarding the Southern neighborhood has been how much the Union can, and should, engage with authoritarian regimes to curb unwanted migration. Many have underlined the ethical and human rights-related challenges that the EU faces in terms of cooperation with southern autocrats to establish a buffer zone against irregular migration (Cassarino, 2010). Some have noted that the Euro-Mediterranean cooperation on migration offers opportunities for both sides. The EU's involvement may lead to more transparent, accountable, and participatory migration governance (Freyburg 2012). Building upon the case study of the 2003 Moroccan reform of migration law, Freyburg argues that the EU's migration governance may be perceived as 'Janus-faced' – meaning, it weakens democratic governance at home, but it improves these standards abroad. While the southern ENP partners have refrained from formalizing EU-level cooperation on readmission, the network of bilateral agreements linked to readmission has intensified, often in the shadow of public debates (Cassarino, 2007). Cooperation on removal of irregular migrants has been embedded in broader strategic frameworks of cooperation or other types of arrangements (such as police cooperation agreements and *memoranda* of understanding). Informal patterns of bilateral cooperation on readmission are characterized by four elements: their invisibility, flexibility, limited costs of defection, and adaptability to security concerns (Cassarino 2007). France, Greece, Italy, and Spain have been drivers in developing this non-standard approach toward readmission. Member States usually rely on material and non-material incentives – instead of conditionalities – for cooperation on readmission and reinforced control of borders. Material incentives include financial protocols to improve foreign direct investments and create job opportunities, as well as technical equipment and capacity-building programs for law-enforcement institutions. Non-material incentives include international recognition of the cooperative governments and stronger support of their political demands in international affairs (Cassarino, 2010).

This chapter served a three-fold purpose for the results of the dissertation. The first was to describe the development of the relationship between the European Union and the Southern neighborhood in the field of irregular migration and asylum policies, in the framework of the European Neighborhood Policy. Through the description and analysis of the two main approaches the EU employs and has employed in the field of irregular migration and asylum policies – the first, restrictive and control-oriented, and the second focused on push and pull factors of migration – it has been possible to show that, although the institutional and governmental set-up of the European Union, its Member States,

and its Southern partners plays a relevant role in how these actors approach such issues, an even bigger role is played by national interests and international geo-political developments. Importantly, although the European Union, more frequently than not, describes its action toward irregular migration and asylum policies as development-oriented, many NGOs working with migrants and refugees have denounced the approach employed by the EU, its Member States, and the Southern ENP countries as being based on control and containment of irregular migration and, consequently, asylum. The second purpose of this chapter has been to dive deeper into the actorness of EU institutions in the field of irregular migration and asylum. This has been done through the analysis of the so-called "tug-of-war" on competence and sovereignty between Member States and EU institutions, which has been reconstructed throughout the chronological development of the policy, especially after the Lisbon Treaty. Here, strong importance has been given to the main instrument of the GAMM, Mobility Partnerships and to the concept of "burden-sharing" established by the Treaty of Lisbon, according to which, border controls, immigration and asylum policies are subject to solidarity and fair division of responsibilities among the parties to the agreement, being them Member States or third-country partners. Finally, the third purpose has been to apply the theoretical knowledge gained to an empirical case: the relationship between the European Union and Turkey in the field of irregular migration and asylum. In this case the chronological methodology has again been applied and allowed us to see how the relationship between the two actors has evolved throughout the last 50 years, following different institutional setups, Conventions, and international geopolitical developments. This last section allows us to draw some relevant conclusions for the purpose of this piece of research. Namely, although the entry into force of the Lisbon Treaty gave the European Neighborhood Policy both a legal basis through Article 8 and a more formal institutional set-up, the European External Action Service, the case of EU-Turkey relations in the field of irregular migration and asylum policies, shows that legally binding agreements are not necessary to get real effects on the ground and make a third country change its policy and attitude. Indeed, the implementation of and compliance with informal agreements by the third state party is mainly attained through financial incentives provided by the EU. Also, in this specific case, we see the prominence of the European Parliament and the Council – the two co-legislators – over the Commission, which has been disregarded more than once after having delivered its proposals.

3. ENP Aid Development Dimension in the Southern Neighborhood

3.1. Introduction

"Twenty-five years ago, the European Union and the Southern Mediterranean partners committed to turning the Mediterranean basin into an area of dialogue, exchange and cooperation, guaranteeing peace, stability and prosperity. The 25th anniversary of the Barcelona Declaration reminds us that a strengthened Mediterranean partnership remains a strategic imperative for the European Union, as the challenges the region continues to face require a common response, especially ten years after the Arab Spring. By acting together, recognizing our growing interdependence, and in a spirit of partnership, we will turn common challenges into opportunities, in our mutual interest."

(European Commission, 2021, p.1)

Today, an increasingly high proportion of EU aid is directed toward the 16 ENP countries. From a development perspective, this has been often criticized (Orbie et al., 2016). In principle, the EU has committed to prioritizing least developed countries (European Commission, 2011b), and, although the ENP beneficiaries do not belong to the group of poorest countries, they are obviously of key interest to the EU. Apart from their strategic importance to the EU, another reason why they receive such a large part of EU aid is that, in the neighborhood, Member States have delegated much of their activities to the EU level. This contrasts with the approach to the Global South, where the EU is often 'just another donor' beside traditionally strong Member State donors[86]. At the same time, the latter are less actively present in the neighborhood, where the EU institutions play a more prominent role. This is also reflected in the amount of Official Development Assistance (ODA)[87] that the Member States provide to the ENP countries. In fact, in 2014, only 5 percent of the total ODA of the EU28 went to the ENP countries, compared to more than 20 percent in the case of the EU institutions. Moreover, this percentage has remained stable over the years for the Member States (*ibid.*), while it has significantly increased in the case of the EU institutions.

[86] Usually these are the United Kingdom, Sweden, the Netherlands, Germany and France.

[87] Official development assistance (ODA) is defined as government aid that promotes and specifically targets the economic development and welfare of developing countries. The Development Assistance Committee (DAC) of the OECD adopted ODA as the "gold standard" of foreign aid in 1969 and it remains the main source of financing for development aid.
More information available at: https://www.oecd.org/dac/financing-sustainable-development/development-finance-standards/official-development-assistance.htm

For the sake of clarity, this chapter aims at analyzing the approaches that the institutional actors of the Union have employed in the framework of the European Neighborhood Policy in the policy field of foreign aid and development. Such analysis is needed in order to fully expose the hypothesis that will be brought forward throughout the dissertation, namely that the Lisbon Treaty, accompanied by developments in the international context, was a critical juncture in the establishment of specific institutional setup(s) in the framework of the European Neighborhood Policy, due to which the European Union showed clear changes in its agency and approach to the areas analyzed.

The first section of the chapter will be fully dedicated to the EU's approach and available instruments in the framework of the ENP's aid and development dimension. Firstly, the two main models employed by the European Union in this field, namely the 'southern development' and 'enlargement *acquis*' models, will be discussed and analyzed to understand in which manner, depending on the country or on the historical period, the EU approaches foreign aid. Consequently, in order to dive deeper into the functioning of the European Neighborhood Policy in this field, the main tool will be introduced and described, i.e., the European Neighborhood Instrument. Finally, a quick discussion will be dedicated to two of the main democracy-driven instruments for foreign aid and democratization in the southern neighborhood, namely the European Instrument for Democracy and Human Rights and the European Endowment for Democracy. In order to dive deeper into the question and relevance of the actorness of the institutions of the European Union in the policymaking devoted to foreign aid and development, the second section deals exactly with how these institutional actors are and have been involved in the matter. Importantly, a great part of this section will be dedicated to the establishment of EU Delegations, an institutional change that occurred thanks to the creation of the EEAS by the Lisbon Treaty. The analysis of these new institutional bodies will allow a clear analysis of if and how the entry into force of the Treaty of Lisbon in 2009 had an impact on the actorness of EU institutions, especially in this case of the European Commission, taking into consideration also the international turmoil and developments impacting the area. Finally, the third section will be fully dedicated to a more empirical analysis of the relationship of the European Union with its Southern neighbors, taking the case of the changes that occurred after the so-called Arab Spring. The Arab uprisings posed a challenge to European governments. Policymakers and academics alike had come to believe that decades-long authoritarianism in Arab countries was extremely resilient. This called into question the efficacy of EU policies that had only marginally advocated for democracy and human rights (Bicchi, 2010). Also in this case, what should be stressed is the relevance of the role of the delegations in the countries that were most affected by the turmoil, since it displays

how the Union decided to act in a complicated period and with a newly implemented institutional structure.

3.2. EU's Approach and Instruments to the ENP's Aid Dimension

3.2.1. Between Models: The Development and Enlargement Models

The first and obvious consideration to be made is that, although aid is a key dimension of the ENP, it sometimes sits uneasily with the EU's development policy. In fact, the latter has traditionally focused on the countries of the African, Caribbean and Pacific (ACP) group[88], and on the countries in sub-Saharan Africa. Consequently, roughly two models of EU aid can be distinguished, each of them has a distinctive background and finality as originated in the history of European integration. On the one hand, the *Lomé model* focuses on the interaction between trade and aid, with the purpose of economic development. The idea behind this model is that poverty should be addressed by providing exclusive trade and aid benefits. The ACP countries received preferential access to the European market, and the European Development Fund (EDF)[89] provided aid that was exclusively targeted to these countries (Montana, 2003). Interestingly, a 'lighter' version of the *Lomé model* has been applied to the EU's southern ENP countries. As part of its Global Mediterranean Policy, during the 1970s, the EU established several preferential trade agreements with the Maghreb and Mashreq countries (Mishalani et al., 1981). This was accompanied by financial assistance aimed mostly at supporting economic development. The special relationship with the southern Mediterranean countries was reinvigorated in 1995, as already discussed, in 1995 with the Euro-Mediterranean Partnership, which included an economic and financial partnership involving preferential free trade agreements, as well as additional funding through the MEDA (*MEsures D'Accompagnement*) programs. According to the concept that economic development is the primary factor in reducing poverty, the fund was specifically intended to promote liberal economic reform and economic integration of the countries with Europe (Holden, 2008). On the other side, there is the 'enlargement model', which focuses on extending the EU *acquis* to the ENP countries. It finds its origins in the process that led up to the

[88] Today known as the Organization of African, Caribbean and Pacific States (OACPS), is an organization created by the Georgetown Agreement in 1975. It is composed of 79 African, Caribbean and Pacific states, with all of them, save Cuba, signatories to the Cotonou Agreement, also known as the "ACP-EC Partnership Agreement" which binds them to the European Union. There are 48 countries from Sub-Saharan Africa, 16 from the Caribbean and 15 from the Pacific.

[89] The European Development Fund is one of the main instrument for European Union aid for development cooperation in Africa, the Caribbean, and Pacific countries and the Overseas Countries and Territories (OCT). Funding is provided by voluntary donations by EU member states. The EDF was subject to its own financial rules and procedures, and was managed by the European Commission and the European Investment Bank.

2004-2007 'big bang' enlargement of the Union[90]. After the dissolution of the Soviet Union in 1991, the EU extended the already-existing assistance programs "Poland and Hungary Assistance for Restructuring their Economies" (PHARE) to those countries in Central and Eastern Europe expected to join the EU in the medium-to-long run – i.e., Bulgaria, the Czech Republic, Estonia, Latvia, Lituania, Romania, Slovakia, and Slovenia. The main purpose of the EU was to facilitate the transition from a communist system to a democratic and market-oriented economy (Hughes, 2007). After the launch of the ENP in 2004, bringing together the EU's Southern and Eastern neighbors under one umbrella framework, the financial instruments for both regions were merged in 2007, with the set-up of the new multi-annual financial framework. The European Neighborhood and Partnership Instrument (ENPI) – and its successor, the European Neighborhood Instrument (ENI) – encompasses elements of both 'southern development' and 'enlargement *acquis*' models, although the latter clearly became dominant. Indeed, the basic thrust of the ENP is "enlargement without institutions" (Kelley, 2006, p. 37), which implies a focus on exporting the EU *acquis* with a view to integration in the European economic and political space, ultimately fostering regional stability and avoiding new dividing lines.

The influence of both models on ENPI/ENI is also clearly visible at the level of the instrument's aid modalities, in that it relies both on typical enlargement assistance modalities[91] and on typical development aid modalities[92]. Arguably, the imperative of regional stability has become even more important in recent years. In the context of the conflicts in Ukraine, Syria and Libya, as well as the refugee crisis, regional stability has become an explicit objective of the ENP and of the EU's external action as a whole. This resonates also with the broader trend of securitization of EU development policy. Despite the commitments to poverty reduction and the Millennium Development Goals and, after 2015, the Sustainable Development Goals, as the main objectives, EU development policy has increasingly become aligned with foreign and security policy objectives. Institutionally, with the entry into force of the Lisbon Treaty, the establishment of the European External Action Service, may also enlarge the impact of foreign policy considerations on development policy. The latter was previously located within the European Commission and now must be formulated in cooperation with the EEAS.

[90] In 2004: Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia; in 2007: Bulgaria and Romania.

[91] Such as Twinning (European Union instrument for institutional cooperation between Public Administrations of EU Member States and of beneficiary or partner countries), the Support for Improvement in Governance and Management (SIGMA), and the Technical Assistance and Information Exchange Instrument (TAIEX).

[92] Such as project-based grants, budget support, and concessional loans.

3.2.2. The European Neighborhood Instrument

The European Neighborhood Policy, with the Union for the Mediterranean and the Eastern Partnership as its regional components, has been the overarching framework through which the EU conducts bilateral and multilateral relations with its neighbors. The lion's share of aid allocated to the ENP countries comes from the ENI, which is used exclusively designed for the 16 ENP countries. The EU's approach to aid allocation for this instrument is incentive-based and differentiated, meaning that the EU differentiates its levels of support by tailoring its assistance to the countries' contexts based on five specific criteria (Regulation (EU) No 232/2014)[93]:

i. Needs, such as level of development and population;
ii. Progress in political, economic and social reforms;
iii. Commitment to advancing democracy;
iv. The level of cooperation with the EU;
v. Absorption capacity of the recipient country.

The incentive-based approach implies that the Union intends to increase its support to those countries that are genuinely committed to implementing the suggested reforms (Bossuyt, et al., 2018).

The distribution of aid follows the multiannual financial frameworks, for the sake of thoroughness, we are going to take into consideration the 2014-2020 framework, instead of the 2021-2027 one, which is further divided into two programming cycles: 2014-2017 and 2018-2020. The ENI regulation provides some flexibility by allowing indicative financial allocations for each country to range up to 20 percent of the foreseen allocations. For the period 2014-2020, the ENI has been allocated €15.4 billion (European Commission, 2013a), which is an increase compared to the €11.2 billion allocated in the period 2007-2003, which already was a 30 percent increase compared to the aid provided to ENP countries between 2000 and 2006 (European Commission, 2014). Funding through the ENI can be divided into four categories: bilateral support for ENP countries; support for regional programs in the neighborhood through thematic platforms or regional dialogues; ENP-wide

[93] Full text available at: https://www.eumonitor.eu/9353000/1/j9vvik7m1c3gyxp/vjia903r4czx

horizontal programs, such as the Neighborhood Investment Facility (NIF)[94] and Erasmus+; and Cross-Border Cooperation (CBC) Programs[95].

Generally, about two-thirds of the ENI funds have been committed to the ten southern neighborhood partner countries and one-third to the six EaP countries (see Figure 3.1). When calculated per capita (relative to the GDP per capita), however, the EU's funding for the two regions is roughly similar, with the EaP region slightly outnumbering the MENA region. For the whole ENP region, a clear increase in aid allocations followed the Arab uprisings in 2011.

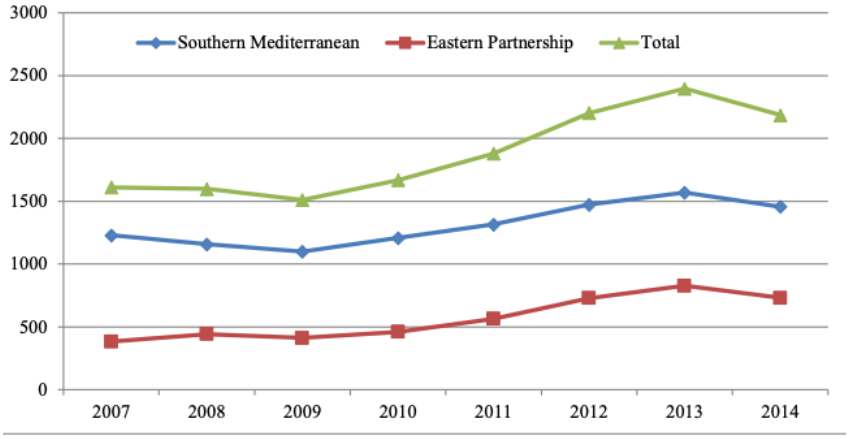

Figure 3.1 ENPI/ENI bilateral and regional allocations (in EUR million) (2007-2014)

Source: Bossuyt, F., Kostanyan, H., Orbie J. & Vandecasteele, B. (2018), Aid in the European Neighborhood Policy, In: Schumacher, T., Marchetti, A., Demmelhuber, T. *The Routledge Handbook on the European Neighborhood Policy,* Routledge, p. 419.
The authors' compilation is based on figures from the European Commission, DEVCO, https://ec.europa.eu/europeaid/

About 62 percent of the ENI funds are allocated to bilateral assistance, most of which is granted through budget support, which is also commonly applied under the European Development Fund and the Development Cooperation Instrument (DCI)[96], which are the two main EU's development assistance instruments. Due to their different needs and changing situations, the exact share is

[94] Officially launched in May 2008, the Neighborhood Investment Facility (NIF) is an innovative financial instrument of the European Neighborhood Policy, whose primary objective is to finance, with a mix of grants and loans, key infrastructure projects in the transport, energy, social and environment sectors as well as support private sector development in the Neighborhood region.

[95] Cross-border Cooperation (CBC) Programmes promote integrated regional development between neighbouring border regions in Member States or between neighbouring border regions in Member States and third country on external borders of the Union. As being an instrument of both the EU Regional Policy and the European Neighbourhood Policy, CBC's main objective is to support cooperation toward economic and social development in border regions.

[96] The Development Cooperation Instrument (DCI) is the main financial instrument in the EU budget for funding aid to developing countries, and as such complements the European Development Fund, which is outside the EU budget. The primary objective of the DCI is to alleviate poverty, but it also contributes to other international priorities of the EU such as the UN's post-2015 Development Agenda; sustainable economic, social and environmental development; and the promotion of democracy, the rule of law, good governance and respect for human rights.

significantly variable among the ENP countries. In Egypt, for instance, the EU has scaled down the use of budget support in recent years due to the government's non-compliance with the agreed conditions and its lack of reform implementation (European Commission, 2014). The European Commission argues that it uses budget support to give ownership to the countries and to 'buy' reforms from the neighboring governments. The counterargument is that once financial assistance enters in the budget it is very difficult to trace, which is problematic considering that many of the ENP countries are still faced with high levels of corruption (Chernikov, 2014). Since 2007, the ENP has also made use of so-called blending mechanisms to assist the ENP countries. Through the Neighborhood Investment Facility, grants from the European Commission and the EU Member States are, in fact, blended with loans from European Financial Institutions (Bossuyt, et al., 2018). There is a large diversity among the sectors supported under bilateral ENI assistance, which is consistent with the EU's aims to promote ownership and custom aid (see Table 3.1 below). It must be noted that there are differences between the eastern and southern neighborhoods, however, for the sake of this dissertation, the Table focuses only on the countries of the southern one.

Lastly, the ENI-funded regional programs for the neighborhoods complement the bilateral policies. In the case of the Southern neighborhood, the UfM goes beyond the countries included in the ENP, also including Albania, Bosnia and Herzegovina, Mauritania, Monaco, Montenegro and Turkey. The UfM gathers under the "Platform for Regional and Policy Dialogue" to discuss policies, share knowledge and insights, and set priorities. Business development, social and civil affairs, higher education and research, transportation and urban development, water and environment, and energy and climate action are the jointly defined strategic priority areas (Bossuyt, et al., 2018).

	Priorities for the 1st period of 2014-2020	2014-2020	2011-2013	2007-2010
Algeria	• Justice reform and strengthening of citizen participation in public life 25% • Labour market reform and employment creation 30% • Management and diversification of the economy 30% • Capacity development and civil society 15%	EUR221,000,000- EUR270,000,000	EUR172,000,000 • Environmental protection; • Protection and valorisation of cultural heritage; • Socio-economic and sustainable development; • Reform of the transport sector; • Fisheries and aquaculture; • Preparation for Association Agreement.	EUR220,000,000 • Reform of the justice system; • Economic growth and employment; • Improvements in basic public services.
Egypt	• Poverty alleviation, local socio-economic development and social protection 40% • Governance, transparency and business environment 20% • Quality of life and environment 40%	EUR756,000,000- EUR924,000,000	EUR449,290,000 • Democracy, human rights, good governance and justice; • Competitiveness and productivity of the economy; • Sustainability of the development process, including social, economic and environmental aspects.	EUR558,000,000 • Democracy, human rights and justice; • Competitiveness and productivity of the economy; • Sustainability of the development process, including social, economic and environmental aspects.
Israel			EUR14,000,000 • Higher education: approximation of education and training policies in a global knowledge-based economy, including workshops, exchanges, and academic cooperation; • *Acquis*-related activities in key Israeli ministries, including through Twinning/Twinning light in areas such as justice, freedom and security, internal market, networks, environment, people-to-people contacts; • Support to events for the exchange and dissemination of information on *acquis*- and Action Plan-related issues.	
Jordan	• Rule of law for enhanced accountability and equity in public delivery 25% • Employment and private sector development 30% • Renewable energy and energy efficiency 30% • Capacity development and civil society 15%	EUR567,000,000- EUR693,000,000	EUR223,000,000 • Enhanced political dialogue and reform; • Economic and social reform and development; • Trade-related issues, market and regulatory reform; • Justice and home affairs; • Transport, energy, information society and environment; • People-to-people contacts, including education.	EUR265,000,000 • Political reform, democracy, human rights, good governance, justice, co-operation in the fight against extremism; • Trade and investment; • Sustainability of the development process; • Institution building, financial stability, support for regulatory approximation.
Lebanon	• Justice and security system reform 15% • Social cohesion, sustainable economic development, protecting vulnerable groups 40% • Sustainable and transparent management of energy and natural resources 20% • Capacity development and civil society 25%	EUR315,000,000- EUR385,000,000	EUR150,000,000 • Political reform; • Social and economic reform; • Recovery and reinvigoration of the economy.	EUR187,000,000 • Political reform; • Social and economic reform; • Reconstruction and recovery.
Libya	• Democratic governance 45% • Youth: active citizenship and socioeconomic integration 28% • Health 16% • Capacity development and civil society 11%	EUR126,000,000- EUR154,000,000	EUR60,000,000 • Human capital; • Sustainability of economic and social development; • Managing migration.	
Morocco	• Equitable access to basic social services 30% • Democratic governance, rule of law and mobility 25% • Jobs, sustainable and inclusive growth 25% • Capacity development and civil society 20%	EUR1,323,000,000- EUR1,617,000,000	• EUR580,500,000 • Social policy; • Economic modernisation; • Good governance and human rights; • Environmental protection.	EUR654,000,000 • Social policy; • Good governance and human rights; • Institutional support; • Economic development; • Environmental protection.
Syria	Bilateral relations suspended.		EUR129,000,000 • Political and administrative reform; • Economic reform; • Social reform.	EUR130,000,000 • Political and administrative reform; • Economic reform; • Social reform.
Tunisia	• Socio-economic reforms for inclusive growth, competitiveness and integration 40% • Strengthening democracy 15% • Sustainable regional and local development 30% • Capacity development and civil society 15%	EUR725,000,000- EUR886,000,000	EUR240,000,000 • Employment and labour market reform, focus on youth and social protection; • Economic reform, competitiveness (agricultural, industrial and services sectors) and integration in world market; • Implementation of free trade agreement with the EU.	EUR300,000,000 • Economic governance and competitiveness; • Improved graduate employability; • Sustainable development.

Table 3.1 EU bilateral support to ENP southern countries

Source: Author's reformulation of table from *Bossuyt, F., Kostanyan, H., Orbie J. & Vandecasteele, B. (2018),* Aid in the European Neighborhood Policy, In: Schumacher, T., Marchetti, A., Demmelhuber, T. *The Routledge Handbook on the European Neighborhood Policy,* Routledge, pp. 422-424. The authors retrieved information for this table from the Single Support Frameworks 2014-2017, Country Strategy Papers 2007-2013 and National Indicative Programs 2007-2010 and 2010-2013 for individual ENP countries, available on the website of the EEAS: www.eeas.europa.eu.

3.2.3. Democracy-driven Instruments in the Neighborhood: the EIDHR and the EED

ENP countries are furthers supported by other EU external aid programs with thematic or global reach, such the Instrument contributing to Stability and Peace (IcSP)[97] and the European Instrument for Democracy and Human Rights (EIDHR). The most widely used of these is the EIDHR, although its overall budget is relatively limited. The EIDHR is a specific tool used by the EU to give financial support to civil society organizations working on human rights and democratic development matters. Unlike the EU's other international cooperation instruments, EIDHR operates without the need for consent from the target countries' governments. The EIDHR funds are disbursed mainly through calls for proposals initiated by the European Commission's headquarters and by EU delegations. For the period 2014-2017, the EU has allocated €337.2 million to the EIDHR's Country Based Support System (CBSS), which takes up the largest share of EIDHR's funding (European Commission, 2013b), of which €76.9 has been committed to the ENP countries. In terms of allocations at the country level, the EU tends to prioritize countries where the impact of the EIDHR activities has more chance of success, which means that more authoritarian countries such as Azerbaijan and Algeria are allocated less funding than countries with more liberal governments, such as Israel, Morocco and Georgia. Research on EIDHR has revealed that the majority of financing goes to projects focused on generally non-controversial themes, such as women's and children's rights (Bicchi & Voltolini, 2013).

The EU also promotes democracy through the European Endowment for Democracy (EED), but, interestingly, most funds for this instrument are provided by the EU Member States and not by the European Commission. The EED is an independent, grant-making organization, established in 2013 by the European Union and EU Member States as an autonomous International Trust Fund to foster democracy in the neighborhood. The beneficiaries of the grants of the Endowment, supported in a non-partisan manner, may include: pro-democratic movements and other pro-democratic actors in favor of a pluralistic multiparty system on democratic ground; social movements and actors; civil society organizations; young leaders; independent media and journalists; and non-governmental institutions. The work of EED is overseen by its Board of Governors and Executive Committee, composed of representatives from the EU institutions and EU member states, and civil society experts on democracy support.

Finally, the EU has also been providing a substantial amount of humanitarian assistance in its neighborhood. As the so-called "ring-of-friends" around the EU (Commission of the European

[97] The Instrument contributing to Stability and Peace (IcSP) is one of the EU's main instruments in the areas of crisis response, conflict prevention, peace-building and crisis preparedness, and in addressing global and trans-regional threats.

Communities, 2003) has become more like a "ring of fire" (The Economist, 2014), plagued by conflicts and war, it is perhaps not surprising that several of the ENP countries are currently among the main beneficiaries of EU humanitarian assistance. Since the outbreak of the war in Syria in 2011, Syria has been the top beneficiary of EU humanitarian aid. As such, Lebanon and Jordan have been receiving substantial amounts of EU humanitarian assistance for coping with the massive inflows of Syrian refugees. In Libya, meanwhile, the EU has been providing emergency aid to the hundreds of thousands of civilians affected by protracted armed violence involving tribal clashes between militias[98] and due to the rise of ISIS/Da'esh. Another major beneficiary of EU humanitarian aid is Palestine. In 2015, for instance, the Occupied Palestinian territories received €25 million in humanitarian funding from the European Commission[99]. EU humanitarian aid for Palestine consists mostly of emergency support to people affected by eviction and/or demolitions, provision of basic services, legal assistance and advocacy for the upholding and respect for International Humanitarian Law and Human Rights Law (European Commission, 2015c).

3.3. EU Foreign Aid and Development Action after the Lisbon Treaty

3.3.1. New Development and Aid Provisions under the Lisbon Treaty

Under the Treaty of Lisbon, development and aid cooperation has been kept as a shared competence between the European Commission and the Member States. This is not new, but whilst formerly Community policy was to be complementary to the policies of Member States, under the Lisbon Treaty, the Union's development cooperation policy and that of the Member States should complement and reinforce each other (Van Seters & Klavert, 2011). As such, the Treaty now assigns more weight to development cooperation on the European level. Article 210 (TFEU) further specifies that:

> "In order to promote the complementarity and efficiency of their action, the Union and the Member States shall coordinate their policies on development cooperation and shall consult each other on their aid programs, including in international organizations and during international conferences. They may undertake joint action. Member States shall contribute if necessary to the implementation of Union aid programs."

[98] More information available on the ECHO Factsheet on Libya.
Available at: https://ec.europa.eu/echo/files/aid/countries/libya_factsheet.pdf
[99] More information available on the ECHO Factsheet on Palestine.
Available at: https://ec.europa.eu/echo/files/aid/countries/palestine_factsheet.pdf

Following the ratification of the Treaty of Lisbon by all EU member-states, the European development cooperation policy goal has been clearly defined in Article 208 (TFEU), indeed, the Treaty stipulates that all policy efforts should be aimed at "the reduction, and, in the long term, the eradication of poverty"[100]. Article 208 further obliges the EU to design its development cooperation "within the framework of the principles and objectives" of its external action. The EU's principles and objectives in the field of external action are defined in Article 21(1) (TEU):

> "The Union 's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law."

Importantly, the Treaty also contains specific provisions for tackling poverty and social exclusion within the EU. According to Article 9,

> "In defining and implementing its policies and activities, the Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health."

Indeed, the Lisbon Treaty has provided the EU with institutional and policy provisions to allow the EU to indeed strengthen coordination and act increasingly as one and not as single, individual institutions.

Furthermore, there is also the Development Cooperation Instrument, introduced in the previous section, which governs EU's development agenda with a specific focus and application to countries in Asia and Latin America (or the non-neighborhood and non-ACP countries). The neighborhood countries and the ACP countries can access specific budget lines under the DCI, and as such the DCI relates to all developing countries, providing financial support for thematic policy areas with

[100] "(1) Union policy in the field of development cooperation shall be conducted within the framework of the principles and objectives of the Union's external action. The Union's development cooperation policy and that of the Member States complement and reinforce each other. Union development cooperation policy shall have as its primary objective the reduction and, in the long term, the eradication of poverty. The Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries. (2) The Union and the Member States shall comply with the commitments and take account of the objectives they have approved in the context of the United Nations and other competent international organisations."

resources provided through the General Budget of the EU (Mekonnen & van Reisen, 2012). Hence, the DCI, along with the Cotonou Agreement[101] and the European Neighborhood Policy, provides the sub-treaty legal framework of the EU's policy with developing countries. It further oversees the resources from the general budget with developing countries and it relates in a thematic sense to all such countries (*ibid.*).

3.3.2. A New Institutional and Diplomatic Body: The EU Delegations

What drives the Lisbon Treaty changes is the recognition that the EU needs to increasingly act jointly if it wants to have its voice heard at the international stage and influence global policy decisions. This is pursued through efforts to step up EU representation, combined with stronger internal coordination to prepare joint positions (Van Seters & Klavert, 2011).

The conversion of Delegations of the European Commission into full-fledged Delegations of the European Union was one of the first modifications made following the entry into effect of the Lisbon Treaty in December 2009. The Commission offices were transformed into diplomatic houses representing the entire EU, not just one of its institutions, *vis-à-vis* third nations, thanks to the EU gaining a legal personality (Article 47 TEU) [102]. The actual upgrading process took several months to complete, nonetheless, all of the upgrades were completed before the creation of its diplomatic headquarters, the European External Action Service, in Brussels. In some ways, the changes in the EU's diplomatic system abroad were only intended to serve as a sort of byproduct of the institutional changes that were supposed to occur in Brussels. Indeed, EU Delegations have stayed out of the public conversation despite, or perhaps because of, this. In fact, this study contends, as have others (Novotná, 2014), that EU Delegations have been much more successful in promoting an EU single foreign policy when operating outside of the spotlight, particularly when dealing with the partner non-EU countries. The changes in Brussels were the main focus of the Lisbon Treaty negotiations, which resulted in the creation of the new triple-hatted position of HR/VP with assistance from the EEAS on a daily basis (Article 27(3) TEU). The objective was to make internal EU policies' external aspects coherent and coordinated (Lequesne, 2013). Despite being established earlier, EU Delegations were only upgraded as a result of the necessary institutional and legal changes made in

[101] The Cotonou Agreement is the overarching framework for EU relations with African, Caribbean and Pacific countries. It was signed in June 2000 in Cotonou, Benin's largest city, by 78 ACP countries (Cuba did not sign) and the then fifteen Member States of the European Union. It entered into force in 2003 and was subsequently revised in 2005 and 2010.
More information available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A22000A1215%2801%29

[102] "The Union shall have legal personality."

Brussels and not as a part of the overall effort to transform the foreign-policy apparatus. However, it can be argued that Delegations proved to be more successful and their transition from Commission to EU Delegations as smoother than the transition in the Brussels headquarters, perhaps more so because than in spite of their supplementary nature (Novotná, 2014).

In contrast to previous arrangements, under the Treaty of Lisbon, EU Delegations are expected to be political players. Legally, they are responsible both for the Community policies previously run by the Commission Delegation as well as for CFSP matters vis-à-vis the third countries. In practical terms, "EU ambassadors", who are political appointees chosen by HR/VP, are in charge of EU Delegations, while Delegations expanded their political sections which are nowadays staffed primarily by EEAS, rather than Commission, officials (European External Action Service, 2013; European Parliament, 2013). EU Delegations also took over the role of the rotating presidencies in coordinating meetings with national embassies at all levels (with a few exceptions, such as consular and defense issues) that are present in the host country. Last but not least, thanks to the recruitment of national diplomats into EEAS, nowadays about 60% heads of delegations come from national diplomatic services (Novotná, 2014) which adds to the political relevance of the work of EU Delegations.

3.3.3. EU Delegations and the Development of the Neighborhood

As already argued in the previous section, the EU has a strong impact in those third countries where the EU is the largest provider of aid and trade. Novotnà (2014, p. 38), put it bluntly: "Money matters, particularly when it is distributed in large sums". Even though the Union faces competition in its traditional areas of development aid delivery (such as activities by China on the African Sub-Saharan continent), it still remains the biggest donor, particularly in countries that were former colonies of a current EU Member State. Such host countries tend to be rather smaller states and the power balance between the EU and the host country tends to be asymmetrical. EU Delegations are usually one of handful European representations, perhaps with the exception of national embassies of the former colonial powers and Member States with special interests in the region. Given the fact the EU Delegation in such states tends to be among the largest embassies as well as one of the key donor players, it did not face any strong opposition among its European national colleagues while upgrading its status. Adding a political role to its previously strong development and financing portfolio only amplifies its strong position among the local actors (*ibid.*). In a way, much less has changed since the transition to EU rather than Commission Delegations since politics through funding was in place already before the Lisbon. Nonetheless, the possibility to leverage political and economic power only adds to the already significant status of the Delegations.

Apart from conditionality, EU Delegations can exert their influence through accession procedures and neighborhood policies. In many respects EU Delegations in enlargement and neighborhood countries are mixed Delegations: a part of their goal is to promote EU's foreign policy and a part of their task is to bring the host countries closer or even in the EU. In a similar vein to EU 'Development' Delegations, the 'Accession' Delegations experienced a significant impact on candidate and neighborhood states even before Lisbon enhanced their political roles. For instance, the Commission Delegations in the 2004/7 enlargement countries were an integral and influential part of the writing process of progress reports on candidate states from Central and Eastern Europe (CEE) as well as administration of the PHARE and other assistance programs (Novotná, 2014). On the political level, thanks to the frequent and regular contact between its staff and local ministries and politicians, they were one of the main sources for assessment of the country's institutional and political reforms (Novotná, 2012). Although there has been more increase in EEAS staff in EU Delegations in enlargement and neighborhood countries than in those dealing with development issues (European External Action Service, 2014), the staff remains mixed – perhaps to the same extent as the tasks of such Delegations remain mixed. Moreover, with the exception of Turkey, all the current candidate and potential candidate states are small countries. Therefore, despite the 'Accession' Delegations continuing to combine the power of money and politics, the change in their character has been perhaps less striking than in EU Delegations to strategic and other large countries (Novotná, 2014).

3.4. The Foreign Aid and Development Dimension of the ENP after the Arab Spring

The Arab uprisings posed a challenge to European governments. Policymakers and academics alike had come to believe that decades-long authoritarianism in Arab countries was extremely resilient. This called into question the efficacy of EU policies that had only marginally advocated for democracy and human rights (Bicchi, 2010). The Arab Spring also came at a bad time for Europe for a number of reasons. First, the Euro area's Member States experienced an economic crisis that shook the social and political pillars of their domestic systems. Along with "less time for the neighborhood" (Whitman & Juncos, 2012, p. 148) and "through the fog created by the uncertainty of the future" (Kirzner, 1997, p. 51), the crisis made it harder to formulate a consistent political and economic response. The magnitude of their internal economic difficulties muted the South European nations, who have historically been the backbone of the EU's Mediterranean policy. Second, the European Union was witnessing the creation of its newest player, the European External Action Service, as a result of the Lisbon Treaty taking effect, as was already mentioned. As if all of this weren't enough, Europe's political climate was mixed. While the tenacity with which Arabs fought for freedom and social justice mesmerized public opinion, not all European governments were prepared to accept

change and part with longtime allies (Bicchi, 2014). The majority of European governments chose a conservative or cautious course of action. Europe did not advocate for change in the Mediterranean, revealing its character as a pro-*status quo* actor (Tocci & Cassarino, 2011). The EU thus found itself in the challenging situation of having to adapt to change it had not prompted in the post-Arab spring context.

3.4.1. The New EU Institutional Set-Up

The institutional practice of EU foreign policy post-Arab uprisings has been characterized by a high number of actors with a low level of political power (Bicchi, 2012). When the Arab Spring occurred, the EU was transitioning to the EEAS as a result of the Lisbon Treaty's implementation. Hence, EU practices responding to the uprisings had to rely on a new institutional structure, which, as already discussed, is notable for the new balance created between the EEAS and the Commission on the one hand and between Brussels and third countries on the other. An EU Special Representative and several Task Forces for important countries were also established by the EU as direct responses to the Arab Spring in order to deal with post-Arab Spring developments. These new institutional arrangements indicated the level of ambition of the EU's response as well as the political innovation it sought to offer. Nevertheless, the working practice of these institutional actors is not without issues, as the multiplicity of EU actors has often led to fragmentation and left room for Member States' disengagement. Thus, the outcome has frequently been a scenario of many actors with little power (Bicchi, 2014).

The result of the establishment of the EEAS has, however, been a complex patchwork of outputs from the EU. This was the case, especially, with declarations issued in response to the Arab Spring. They came from the full set of actors: Member States individually, the EU Council, the European Council, HR/VP Ashton, the Commissioner for Enlargement and Neighborhood Policy Stefan Füle, the President of the European Parliament, and the President of the European Commission, among others. It was often unclear who was meant to speak for the Union as a whole, despite all of these actors having the right to voice their opinions on foreign affairs (Tocci & Cassarino, 2011). Due to his responsibility for the financial instrument for the ENP, Commissioner Füle often took the initiative in presenting a vision for Europe. It is important to note that, at least during normal times, the programming of aid is now more organized and is based on a protocol that specifies the EEAS's primary duty and the Commission's supporting role. Additionally, the EU created new institutional structures directly in response to the Arab Spring. To increase the EU's effectiveness and visibility, the EU appointed Bernardino Léon as an EU Special Representative (EUSR) for the Southern

Mediterranean region in July 2011. Since EUSRs report directly to the High Representative, their willingness to communicate with those higher up the organizational hierarchy depends entirely on them (Bicchi, 2014). In the case of Bernardino Leon, it appeared that he understood his mandate as assisting in political negotiations, whenever possible. As a result, his action was particularly relevant in both Tunisia and Egypt. These efforts, however, have not been integrated with the Neighborhood Policy programming and there has been little coordination with the EEAS; thus, adding a further layer to the structure rather than allowing it to become more well-organized.

In order to respond to the repercussions of the uprisings, the EU set up three Task Forces, one with Tunisia, one with Egypt and one with Jordan. These task forces were intended to bring together officials from the Union, Member States, the European Investment Bank, and the European Bank for Reconstruction and Development, as well as representatives from other international financial institutions and the private sector. The main outcome was a series of meetings involving a high number of participants and exploring a very wide number of issues, from economic climate to human rights and beyond. On these occasions, funds were pledged, but not disbursed, for aid, soft loans, or investments. Without providing any physical financial support, the Union acted as a mere facilitator and "as a catalyst of existing interests" (Bicchi, 2014, p. 322). As a result of these changes – which came in response to both the adoption of the Lisbon Treaty and the Arab Spring – there are now more technocratic actors who are in charge of putting forward short-term EU initiatives for the Arab countries. This has happened in an environment where a number of EU members have taken a "hands-off" approach for two main reasons (*ibidem.*). First, there have been relevant political divergences among Member States. Whereas Northern European countries advocated to see a tougher EU stance, so as to speed up transition processes, Southern European countries were much more risk-averse and less prone to changes. Second, the internal problems of South European countries, which have usually given a strong relevance to the Mediterranean in EU external relations, have limited their ability to promote such interests. While this has been particularly true for Italy, Spain, and Portugal, also France had to deal with the effects of the euro crisis on its own internal politics as well as European ones. As a result, no Member State made a point of vocally supporting a new start for Euro-Mediterranean relations in the wake of the Arab Spring.

3.4.2. The Policy Practice of the EU post-Arab Spring

The response of the European governments to the post-Arab Spring environment has been consistent with earlier eras, reflecting the same priorities that have characterized European foreign policy for at least two decades. The Communications issued by the Union in 2011, often summarized with the

motto ‘more for more’, have not altered the policy practice dating from pre-Arab Spring times. However, given the change in magnitude of the political and economic challenges in the Arab countries post-Arab Spring, this, has been argued (Bicchi, 2012; 2014), is rather a case of ‘less of the same’. Three communications are relevant in relation to the EU policy practice for relations with the Southern neighbors. In the first one, *A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean*[103], published in March 2011, the EEAS and the Commission presented an ‘incentive-based approach’ (Bicchi, 2014). The motto ‘more for more’ summarized this approach, denoting that additional reforms would be rewarded with increased EU cooperation and support. Money, mobility, and market access were referred to by HR/VP Ashton as the "3-Ms," which represent the issues at stake in the communication. This approach, heralded as a fundamental step change in the EU’s relationship with those partners that commit themselves to reforms, offered ‘mobility partnership’ to ease legal migration, an increase in funds and more market access through the negotiation of DCFTAs. The document was followed by another communication, *A New Response to a Changing Neighborhood*, issued in May 2011[104]. This document elaborated further on the previous one and it stressed again the role of conditionality as a cornerstone of the Union’s foreign policy: “Increased EU support to its neighbors is conditional” (p. 3). The third Communication launched SPRING (Support for Partnership, Reforms and Inclusive Growth)[105], in September 2011, aimed at supporting democratic transitions, economic growth and institution building, as will be further discussed in the next section. There is no real innovation in these communications, especially in the principles they embody. While additional funds are important and the discussion about mobility partnerships is interesting, the main EU tools remain trade and limited aid, coupled with conditionality, which are *de facto* biased in favor of the Union (Bicchi, 2014). Conditionality is the traditional EU instrument for linking trade and aid to political developments and, as such, it has received substantial scholarly attention, but also criticism (Balfour, 2012).

The more interesting innovations concern the socio-political aspects of Arab transitions. Supporting civil society, including political actors, is now prioritized. Although some Member States, like Germany, have long been in this line of business, this is a first for the European Union. The support

[103] Full text available at: http://ec.europa.eu/trade/analysis/sustainability-impact-assessments/assessments/
[104] Full text available at: https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011DC0303&from=EN
[105] More information on the SPRING Program available at: https://ec.europa.eu/commission/presscorner/detail/en/MEMO_11_636

was expressed in the adoption of the Civil Society Facility[106] and of the European Endowment for Democracy, which opened new budgetary lines devoted not only to NGOs, but also to political parties, trade unions, and non-officially sanctioned NGOs. This is a potentially interesting development, which, however, partially replicates the efforts of the EIDHR and further complicates the tracking of funds.

Nevertheless, all these ideas need to withstand the test of implementation, and funds need to be committed and disbursed to contribute to the proclaimed aims. Importantly, the overall structure of Euro-Mediterranean relations has not yet fully incorporated this new emphasis on socio-political dynamics. It suffices to mention the case of Morocco. Between 2011 and 2015, 94 percent of bilateral commitments on the ENPI for Morocco were simply in the form of budget support (i.e., financial transfer to the national treasury)[107], allegedly in order to address the challenge of managing large volumes of big operations within a tight timeframe.

Rather than a 'more for more' approach, it has been claimed (Bicchi, 2014), Europe seems to have opted for a 'more of the same' approach, in which the Union is in charge of protecting a conservative vision for the Southern neighborhood beyond the demise of the 'Arab Presidents for life' (Owen, 2012), maintaining rather than reversing the order of European priorities (Cassarino, 2012) and re-packaging old concepts in 'new bottles' (Mustapha, 2012). There are grounds to argue, therefore, that the EU policy principles in the post-Arab Spring context do not express a vision for the Southern neighborhood. Even though the process had started already with the transition from the Euro-Mediterranean Partnership to the UfM, the Arab uprisings contributed to highlighting the increasing lack of strategic planning that European leaders were able to provide. As the fragmentation of the region continued, European governments were even less able to counter it. The EU approach labeled 'more for more', in fact, has arguably represented less than before, raising the issue of the EU's relevance in this changing environment (Bicchi, 2014).

3.4.3. Democracy Promotion after the Arab Uprisings: the case of Morocco and Tunisia

[106] The Civil Society Facility (CSF) was established in 2008 to support the development of civil society financially. It includes both national and multi-beneficiary initiatives which are programmed in a coordinated manner to achieve shared outcomes.
More information available at: https://neighbourhood-enlargement.ec.europa.eu/enlargement-policy/policy-highlights/civil-society_en

[107] Source: EuropeAid, available at:
http://ec.europa.eu/europeaid/where/neighbourhood/country-cooperation/morocco/morocco_en.htm

Almost twenty years ago, Börzel and Risse (2004) supported the idea that the EU implemented a single model of democracy promotion, regardless of the country or region. This idea has been criticized by other authors (Wetzel & Orbie, 2011). Furthermore, as argued by Mouhib (2014), the observation of European practices in Tunisia and Morocco also disproves the theory of a single model of democracy promotion. In the Maghreb, the EU's democracy promotion appears to display two kinds of behaviors: active promotion, with the launching of programs and projects devoted to democracy and human rights, and a much more restrained position, where the EU almost seems to have given up any democratization goal. The relationship between the EU and Morocco is an example of an activist EU, whereas up until 2011 and during the Tunisian revolution, a passive EU was evident in the relationship between the EU and Tunisia. This can be observed not only in regional instruments, which directly depend on authorities from both sides but also in the EIDHR, which is supposed to be completely independent of bilateral relations and third countries' governments. Even with this thematic instrument, it is clear that the EU took a differentiated approach to each nation, as evidenced by the EIDHR's implementation in Morocco and its "non-implementation" in Tunisia under Ben Ali.

With the beginning of the Arab uprisings in January 2011, the EU claimed it would change its line, as stated on its website[108]:

> Since the first demonstrations in Tunisia in December 2010, a wave of popular discontent has shaken the Arab world, with people calling for dignity, democracy and social justice. Despite the unexpected magnitude of these uprisings, the EU has been quick to recognize the challenges of the political and economic transition faced by the region as a whole. It has also recognized the need to adopt a new approach to relations with its Southern neighbors.

The EU published a strategic response to the Arab uprisings[109]. If some new tools were created after the 2011 events in the Arab world, like the Civil Society Facility (CFS)[110], existing instruments, such as the EIDHR, were highlighted as necessary and useful tools to promote democracy in the southern Mediterranean region and fulfill the EU commitment to support the Arab uprisings and bolster organized civil society in those countries. In fact, Tunisia's popular contest and subsequent regime

[108] Full press release available on the European Commission website at: https://ec.europa.eu/commission/presscorner/detail/en/MEMO_11_918

[109] See Catherine Ashton and the Commission's communications 'A partnership for democracy and shared prosperity with the southern Mediterranean' and 'A New Response to a changing Neighborhood'.

[110] The Civil Society Facility (CSF) was established in 2008 to support the development of civil society financially. It includes both national and multi-beneficiary initiatives which are programmed in a coordinated manner to achieve shared outcomes.

change in 2011 lead to an adjustment in how the EU promoted democracy in the country. Shortly after Ben Ali's ouster, the delegations, along with DG Devco, the Directorate General devoted to Development and Cooperation[111], launched the first EIDHR call for proposals in the country.

However, it has been argued (Mouhib, 2014) that these changes are not sufficient to amount to an evolution and reorganization of EU democracy promotion practices. The institutional groups involved in the EIDHR adopt practices that allow them to protect and strengthen their institutional identities and resources, making it clear that the institutional determinants intrinsic to the EU are the primary drive for EU democracy promotion. Therefore, even if the uprisings were a determinant factor in the changes witnessed in Tunisia, they are nonetheless entirely in continuity with the previous practices of the EU delegations in the country. The Arab uprisings therefore represented a context change that led to a minor adjustment in how the EU promoted democracy in the region but did not in any way challenge the factors that shape practices that are deeply ingrained in the institutional identities of the EU actors involved (*ibid.*).

As already argued before, EU delegations in third countries have a political and diplomatic role. Furthermore, they keep fulfilling a role of management and implementation of the cooperation agreements and programs in third countries. So, staff directed by the Commission and staff directed by the EEAS are coexisting. It can be observed that the two original dimensions of the EU's external representation, the external relations dimension (previously under DG I) and the development assistance dimension (previously under DG VIII) still constitute the backbone of delegations in countries such as Morocco and Tunisia (Office for Official Publications of the European Communities, 2004). Indeed, even though the Rabat and Tunis delegations were created, in 1979, by DG I – in charge of external and commercial relations –, their work has been focused on economic concerns and political dialogue and mediation, but also includes implementation of bilateral and thematic assistance, including the EIDHR.

Although the promotion of democracy is carried out differently in Tunisia and Morocco, it appears that both delegations' practices comply with the standard of respecting national sovereignty, in order to continue working and maintain cooperation with the host government. Members of the institutional group view democracy promotion as a component of a larger framework of economic and political

[111] The Directorate-General for Development and Cooperation – EuropeAid was formed on 1 January 2011 following the merger of the EuropeAid Cooperation Office (AIDCO) with the Directorate-General for Development and Relations with African, Caribbean and Pacific States (DEV). At that time, DG DEV and the Directorate-General for External Relations (RELEX) were responsible for policy and programming. As of 16 January 2021, the DG International Cooperation and Development (DEVCO) became DG International Partnerships (INTPA).

relations with third countries, a context that predominates in all actions for promoting democracy (Bicchi, 2010). Practices are primarily based on the diplomatic and bilateral dimensions. As a result, the implementation of the EIDHR is strongly dependent on the context of bilateral relations. In Tunisia, before 2011, nothing was possible: the delegation was unwilling to offend Ben Ali's government, with which it enjoyed good economic and political relations. In Morocco, in a context in which democratization is part of political dialogue and negotiations, EIDHR projects are legion (Mouhib, 2014). Nevertheless, one can observe a cautious approach by the delegation: no actions likely to offend the Moroccan government – such as on Sahara, for instance – and a 'complementary' approach which consists of funding projects linked to issues developed in bilateral cooperation (*ibid.*).

The procedures followed by Delegations are intended to preserve and strengthen their institutional identity as the diplomatic representatives of the Union abroad. In keeping with the dual origin of Delegations, the role of their agents is both diplomatic and cooperative. Even though they frequently continue to be seen as technocrats or agents for cooperation, one can still see the development of a process that establishes Delegations as diplomatic representations. An essential step in this process is represented by the Lisbon Treaty and the establishment of the EEAS. At the same time, an evolution in perceptions can be stressed: the agents of delegations are increasingly considered diplomats within their own service, with other institutions, or with other actors (Carta, 2012). For instance, in this regard, the launching of EIDHR projects in Tunisia can be seen as an adaptation of the delegation to the national context: as the new Tunisian regime commits itself to a democratic transition, the delegation feels free to undertake democracy promotion in the country.

3.5. Conclusion

The EU's neighborhood has become an increasingly important destination of EU aid. Such development has, however, been criticized by many in the field of foreign aid and development. In principle, the EU has committed to prioritizing the least developed countries (European Commission, 2011b), and, although the ENP beneficiaries do not belong to the group of poorest countries, they are obviously of key interest to the EU. Apart from their strategic importance to the EU, another reason why they receive such a large part of EU aid is that, in the neighborhood, Member States have delegated much of their activities to the EU level. This is reflected, importantly, in the amount of ODA that Member States, on the one hand, and EU institutions, on the other, provide to the 16 ENP countries. Arguably, the imperative of regional stability has become even more important in recent years. In the context of the conflicts in Ukraine, Syria and Libya, as well as the refugee crisis, regional stability has become an explicit objective of the ENP and of the EU's external action as a whole.

This chapter, in order to prove the main thesis of this dissertation, has served a three-fold purpose. The first aim of this chapter was to introduce the practices, approaches, and instruments the European Union employs in the field of foreign aid and development, within the European Neighborhood Policy. Through the description and analysis of the two main models the EU employs and has employed in the field of foreign aid and development – the first, strictly focused on economic development and the interaction between trade and aid, and the second focused on extending the EU *acquis* to the ENP countries – it has been possible to see that after the launch of the ENP in 2004, which brought together the EU's Southern and Eastern neighbors under the same financial framework, i.e. the ENPI/ENI, the latter model became clearly dominant, often invoked under the formula "enlargement without institutions" (Kelley, 2006, p. 37). After a thorough introduction and description of the European Neighborhood Instrument, relevance has been given also to two democracy-driven financial instruments employed in the neighborhood for the democratization of EU bordering countries. Importantly for the assessment of the main thesis of this dissertation, the second aim of the chapter has been to discuss how the action of the EU changed after the entry into force of the Lisbon Treaty in the field of foreign aid and development. It has been proved the Lisbon Treaty has provided the EU with institutional and policy provisions to allow the EU to indeed strengthen coordination and act increasingly as one and not as single, individual institutions. Indeed, what drives the Lisbon Treaty changes is the recognition that the EU needs to increasingly act jointly if it wants to have its voice heard on the international stage and influence global policy decisions. Here, strong relevance has been given to the role of the Delegations of the EU, today the "Ambassadors" of the European Union in foreign countries. The main claim being that EU Delegations have been much more successful in promoting an EU single foreign policy when operating outside of the spotlight, particularly when dealing with the partner non-EU countries. Finally, the last aim of this chapter has been to put together the theoretical knowledge acquired into an empirical example – i.e., that of the Arab Spring – of the practices of the European Union in the field of foreign aid and development. It has been argued that the institutional practice of EU foreign policy post-Arab uprisings has been characterized by a high number of actors with a low level of political power. Importantly, EU practices responding to the uprisings had to rely on a new institutional structure, which, as already discussed, is notable for the new balance created between the EEAS and the Commission on the one hand and between Brussels and third countries on the other. As has been argued by Bicchi (2014), the response to the Arab Spring by the EU, instead of being based on a 'more for more' approach, as claimed by the Commission, has been more of a 'more of the same' approach, in which the Union is in charge of protecting a conservative vision for the Southern neighborhood, maintaining rather than reversing its priorities. Finally, further empirical examples of the role of EU Delegations in Morocco

and Tunisia have served the purpose to show that the change that occurred in Brussels after the entry into force of the Lisbon Treaty, i.e., the establishment of the EEAS, has played an even stronger role in ENP countries with the establishment of EU Delegations and their practice as diplomats of the EU.

CONCLUSION

The European Union can be considered a compound polity (Fabbrini, 2015), whose decision-making power is dispersed both vertically and horizontally among a wide range of actors with different sets of priorities (Amadio Viceré et al., 2017). Political decisions, particularly those regarding complex institutionalized policy frameworks with a perspective of several years, tend to be taken at critical junctures (Capoccia and Kelemen, 2007). Many have been the critical junctures related to the European Union's Neighborhood Policy cited throughout this dissertation: its launch in 2003; the creation of the regional partnerships in 2008-2009 (the Union for the Mediterranean and the Eastern Partnership); the entry into force of the Lisbon Treaty in 2009 and the establishment of the European External Action Service; the 2011 ENP review conducted just before the so-called Arab Spring; and the 2015 review, just to cite a few. Each occasion has seen the EU institutions, EU Member State governments, and neighboring countries engage in a process of reflection, proposal, counterproposal, and negotiation before deciding on the ENP's future. Formal rules and competencies structure informal interactions, which are essential for producing a policy framework that EU-level actors, Member States, and neighboring country governments can accept as worthwhile and legitimate. It is clear, however, that the ENP decision-making process is an example of a multi-actor process from which revolutionary outcomes should not be expected to be the norm.

This research has aimed at answering the following question: *Can the Lisbon Treaty be considered a critical juncture capable of changing the actorness of the Union in the institutional framework of the European Neighborhood Policy in the Southern neighborhood?* In order to answer this question, the work has been organized as follows. The first chapter aimed at analyzing the chronological developments that the European Neighborhood Policy went through and how the institutional actorness of the EU was impacted by them, especially after the entry into force of the Treaty of Lisbon in 2009. A great portion of the chapter has focused on a chronological logic. In the period preceding the establishment of the European Neighborhood Policy, the EU had already established a thick network of agreements with all the countries facing its borders. However, at the end of the 1990s, at least two concerns prompted the European Union to reconsider its neighborhood policy. First, the Mediterranean region was far from being a stable and prosperous zone in the years following the Barcelona Process, which demonstrated the EU's limited leverage in promoting democratization in Southern countries. Second, and more importantly, the enlargement policy was almost complete. In 2003 the Commission submitted the Communication *Wider Europe – Neighborhood: A New Framework for Relations with our Eastern and Southern Neighbors* in March 2003. Finally, after

evaluating the state of the current relationship and reporting to the Council by the end of 2003, the European Commission published the *Neighborhood Policy – Strategy Paper* in May 2004, the document officially giving birth to the European Neighborhood Policy. After its establishment, the first natural step was to strengthen the co-ownership principle and focus on the specificities of the single regions and countries. After 2004, the first occasion to adjust the ENP came during the French electoral campaign in 2007, with the proposal of Nicolas Sarkozy to establish a Mediterranean Union, which brought to the establishment of the Union for the Mediterranean. Crucial for this dissertation, the Lisbon Treaty warranted special consideration in the constitutional path of the European Union, being the most relevant Treaty revision since the 1992 Maastricht Treaty. At the same time, strong relevance and wide space have been given to the institutional impact the Lisbon Treaty had on the actorness of the EU, specifically in the framework of the ENP. Two are the main novelties on which this work has focused: the new Article 8 (TEU), the establishment of the European External Action Service. A further chronological development was dedicated to the two major ENP reviews, the 2011 and the 2015 ones, which have marked a clear step away from the one-size-fits-all approach inherited from the enlargement experience, in favor of a more pragmatic acceptance of the realities of the different countries. Following this approach there was of course the risk of fragmenting the unitary character of the ENP, leading to cherry-picking or an ENP *à la carte*, whose failure or success has yet to be assessed. For a correct outcome of this piece of research, the first chapter concluded with a theoretical definition of the concept of actorness by the already-existing scientific literature, which has then been applied to the specific case of the ENP, drawing mainly on the definitions and criteria dictated by Jupille and Caporaso in 1998.

For the sake of the conclusions of this work, it appears useful to summarize the second and third chapter in a sort of comparison between the findings of the two. As far as the purpose of both chapters, they both aimed at analyzing the approaches that the institutional actors of the EU have employed in the framework of the European Neighborhood Policy in the fields of irregular migration and foreign aid and development, respectively. Such an analysis was deemed necessary by the author in order to fully expose the hypothesis that has been brought forward throughout the dissertation, namely that the Lisbon Treaty, accompanied by developments in the international context, was a critical juncture in the establishment of a specific institutional setup(s) in the framework of the European Neighborhood Policy, due to which the European Union showed clear changes in its agency and approach to the areas analyzed. The first characteristic to be underlined is the reason behind the choice of these two case studies. The main reason for this choice is the author's interest in the two souls of the European Union: the supranational and the intergovernmental one. These two policy areas appear

opposite but at the same time strongly connected. In the case of the EU's actorness in the field of irregular migration, this dissertation has shown that although the entry into force of the Lisbon Treaty gave the European Neighborhood Policy both a legal basis through Article 8 and a more formal institutional set-up, namely the European External Action Service, the case of EU-Turkey relations in the field of irregular migration and asylum policies shows that legally binding agreements are not necessary to get real effects on the ground and make a third country change its policy and attitude. Most importantly, in a policy area that is considered so sensitive and relevant by EU Member States in terms of national security and sovereignty, it appears clear that the intergovernmental soul of the EU prevails, to the detriment of the EU institutions' authority and independence. Indeed, the implementation of and compliance with informal agreements by the third state party is mainly attained through financial incentives provided by the EU. Also, in this specific case, we see the prominence of the European Parliament and the Council – the two co-legislators – over the Commission, which has been disregarded more than once after having delivered its proposals. Something different appears to happen in foreign aid and development, which, as shown in this work, has been left to the capable hands of the European Union from its Member States throughout the years. Importantly, with the establishment of EU Delegations, directly created and managed by the EEAS, it has been argued that they have been much more successful in promoting an EU single foreign policy when operating outside of the spotlight, particularly when dealing with the partner non-EU neighboring countries. As highlighted through the empirical case of the Arab Spring, specifically in Morocco and Tunisia, the change that occurred in Brussels after the entry into force of the Lisbon Treaty, i.e., the establishment of the EEAS, has played an even stronger role in ENP countries with the establishment of EU Delegations and their practice as diplomats of the EU.

Inspired by already-existing literature, this dissertation analyzed to what extent and how the Lisbon Treaty had the expected impact on the EU's actorness in the framework of the European Neighborhood Policy and whether this had in turn varying results in different policy areas in relation to the Southern neighborhood of the Union. In conclusion, this thesis asserts that the Lisbon Treaty, thanks to the constitutional and institutional novelties introduced with it, had indeed an impact on the actorness of the European Union in the field of the ENP. Nevertheless, it must be highlighted that the impact the entry into force of the Lisbon Treaty had on the actorness of the EU, is strongly dependent on the policy area taken into consideration. As shown, a policy area still strongly retained in the hands of the Member States – such as the one of irregular migration – shows a narrower range of maneuver for the development of the EU's actorness in relation to its Southern neighbors. At the same time, a policy area conferred mostly to the European Union – such as the one of foreign aid and development

– shows a wider range of action for the European Union to modify, develop and expand its actorness using one single voice, especially in terms of authority and coherence of policies, such as between the European Neighborhood Policy and the European Foreign Policy, which appear to become more and more coherent with one another.

Looking at the current socio-political circumstances regarding the EU's neighbors and the so-called "neighbors of the neighbors", Europe and more generally Western countries have a responsibility to support and anchor transitions to democracy, especially in a context of economic crises. As the Arab Spring has turned into a long power struggle, the issue of what role the Europeans play and what 'messages' they bring forward is more important than ever. Socio-economic development and social justice remain of paramount importance in the Arab world, thus highlighting the role of the EU as a near economic bloc, while questioning the appropriateness of its approach. As the European governments listen and comment the changes occurring in their Southern neighborhood, they might do so as part of a process of communicative exchange, in which they not only aim to persuade and influence, but also learn, adapt and redefine their interests, as well as their default approach to political and economic challenges. This thesis concludes in the hope of being a useful starting point for following the future developments of the actorness of the European Union in the framework of the ENP, and to enquiry whether the latter will ever enable the establishment of an area of maneuver in which all the institutional body comprising the European Union could act and talk in unison with its Southern – and Eastern – neighbors in most of its relevant policy areas.

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SUMMARY

The European Union can be considered a compound polity (Fabbrini, 2015), whose decision-making power is dispersed both vertically and horizontally among a wide range of actors with different sets of priorities (Amadio Viceré et al., 2017). Political decisions, particularly those regarding complex institutionalized policy frameworks with a perspective of several years, tend to be taken at critical junctures (Capoccia and Kelemen, 2007). Many are the critical junctures related to the European Union's Neighborhood Policy cited throughout this dissertation: its launch in 2003; the creation of the regional partnerships in 2008-2009 (the Union for the Mediterranean and the Eastern Partnership); the entry into force of the Lisbon Treaty in 2009 and the establishment of the European External Action Service; the 2011 ENP review conducted just before the so-called Arab Spring; and the 2015 review, just to name a few. Each occasion has seen the EU institutions, EU Member State governments, and neighboring countries engage in a process of reflection, proposal, counterproposal, and negotiation before deciding on the ENP's future. Formal rules and competencies structure informal interactions, which are essential for producing a policy framework that EU-level actors, Member States, and neighboring country governments can accept as worthwhile and legitimate. It is clear, however, that the ENP decision-making process is an example of a multi-actor process from which revolutionary outcomes should not be expected to be the norm.

Twenty-five years ago, the Final Declaration of the Euro-Mediterranean Conference held in Barcelona in 1995 was approved, kick-starting the Barcelona Process, as it is known. This began a new era in the relations between Europe and the Arab Countries of the Southern and Eastern Mediterranean, together with Turkey and Israel. It was a time of great optimism for Europe and the world after the fall of the Berlin Wall in 1989 and the decomposition of the Warsaw Pact and the USSR itself. The subsequent evolution of the Barcelona Process and its continuation through the European Neighborhood Policy (ENP) as of 2004 and the Union for the Mediterranean since 2008 has been recounted repeatedly. All the Southern and Eastern Mediterranean countries attending expressed their agreement with the Final Declaration and welcomed it as a historical occasion for their relations with Europe and their neighboring countries. The Final Declaration represented a double pact (. First, it was the result of an agreement among Europeans: the EU and its member states would launch a historical cooperation project in favor of the South, extolled by Europe's Mediterranean countries such as France, Spain, and Italy, in exchange for the implementation of a large-scale cooperation project with the East demanded by Germany and the Northern European countries. Secondly and most importantly, the Final Declaration and the Barcelona Process itself were

major North-South pacts between the EU and its member states on the one hand and the Southern and Eastern Mediterranean partner countries on the other.

Taking into consideration not only the stance and role the European Union has and plays in its Southern neighborhood, but especially its changing institutional set-up throughout the last decades, the aim of this dissertation is to assess whether the entry into force of the Lisbon Treaty in 2009 can be considered a critical juncture able to modify the institutional actorness of the Union when facing its neighbors in the framework of the ENP. Consequently, such a research proposal might be subdivided into various research questions, which is – hopefully – successfully developed into satisfying answers throughout this work. *Can the Lisbon Treaty be considered a critical juncture capable of changing the actorness of the Union in the institutional framework of the European Neighborhood Policy in the Southern neighborhood? If yes, did it bring the same institutional changes in all policy areas tackled by the EU in the neighborhood? If not, what caused such discrepancies?* In order to answer these questions, the work is organized as follows. The first chapter aims at analyzing the chronological developments that the European Neighborhood Policy went through and how the institutional actorness of the EU was impacted by them, especially after the entry into force of the Treaty of Lisbon in 2009. A great portion of the chapter focuses on a chronological logic. In the period preceding the establishment of the European Neighborhood Policy, the EU had already established a thick network of agreements with all the countries facing its borders. However, at the end of the 1990s, at least two concerns prompted the European Union to reconsider its neighborhood policy. First, the Mediterranean region was far from being a stable and prosperous zone in the years following the Barcelona Process, which demonstrated the EU's limited leverage in promoting democratization in Southern countries. Second, and more importantly, the enlargement policy was almost complete. In 2003 the Commission submitted the Communication *Wider Europe – Neighborhood: A New Framework for Relations with our Eastern and Southern Neighbors* in March 2003. Finally, after evaluating the state of the current relationship and reporting to the Council by the end of 2003, the European Commission published the *Neighborhood Policy – Strategy Paper* in May 2004, the document officially giving birth to the European Neighborhood Policy. After its establishment, the first natural step was strengthening the co-ownership principle and focusing on the specificities of the single regions and countries. After 2004, the first occasion to adjust the ENP came during the French electoral campaign in 2007, with the proposal of Nicolas Sarkozy to establish a Mediterranean Union, which brought to the establishment of the Union for the Mediterranean. Crucial for this dissertation, the Lisbon Treaty warranted special consideration in the constitutional path of the European Union, being the most relevant Treaty revision since the 1992 Maastricht Treaty. At the

same time, strong relevance and wide space have been given to the institutional impact the Lisbon Treaty had on the actorness of the EU, specifically in the framework of the ENP. Two are the main novelties on which this work has focused: the new Article 8 (TEU), the establishment of the European External Action Service. A further chronological development was dedicated to the two major ENP reviews, the 2011 and the 2015 ones, which have marked a clear step away from the one-size-fits-all approach inherited from the enlargement experience, in favor of a more pragmatic acceptance of the realities of the different countries. Following this approach there was of course the risk of fragmenting the unitary character of the ENP, leading to cherry-picking or an ENP *à la carte*, whose failure or success has yet to be assessed. For a correct outcome of this piece of research, the first chapter concluded with a theoretical definition of the concept of actorness by the already-existing scientific literature, which has then been applied to the specific case of the ENP, drawing mainly on the definitions and criteria dictated by Jupille and Caporaso in 1998. The second chapter aims at analyzing the approaches that the institutional actors of the EU have employed in the framework of the European Neighborhood Policy in the field of irregular migration. Such analysis is considered necessary to fully expose the hypothesis that is brought forward throughout the dissertation, namely that the Lisbon Treaty, accompanied by developments in the international context, was a critical juncture in the establishment of specific institutional setup(s) in the framework of the European Neighborhood Policy, due to which the European Union showed clear changes in its agency and approach to the areas analyzed. Also in this chapter, a chronological analysis of events is employed, and three main moments are analyzed: the establishment of the European Neighborhood Policy, the drafting of the Global Approach to Migration (and Mobility), and the 2015 refugee crisis and its aftermath. For the development of this dissertation, the division of this section into three clear institutional periods (pre-, during, and post-Lisbon Treaty) is crucial. Such a division allows a clear analysis of if and how the entry into force of the Treaty of Lisbon in 2009 had an impact on the actorness of the various EU institutions, taking into consideration also the international turmoil and developments impacting the area. The final section of the second chapter is dedicated to a more empirical analysis of the relationship between the European Union and its southern neighbors, taking the crucial position of Turkey as a case study. The decision to pick Turkey as an empirical example in this chapter is due to the current relevance the relationship between the country and the EU has today in the field of irregular migration and the "securitization" of migration. Turkey's stance in Europe today is more complicated and fascinating than ever: it is the neighbor that precisely connects the two neighborhoods of the Union – the Southern and the Eastern –; both sides are currently experiencing great turmoil in which Turkey plays the role of mediator and negotiator; and, on the other hand, Turkey needs the European Union, not only because it is its greater exporter, but also due

to its status as a candidate country to access the EU ever since 2005. Finally, the third chapter aims at analyzing the approaches that the institutional actors of the Union have employed in the framework of the ENP in the policy field of foreign aid and development. This chapter analyzes the role of the European Union in the Southern neighborhood in the framework of the ENP, indeed, great importance is given to the European Neighborhood Instrument, the main tool used by the EU in the field of foreign aid. In order to dive deeper into the question and relevance of the actorness of the institutions of the European Union in the policymaking devoted to foreign aid and development, a great part of the chapter deals with how these institutional actors are and have been involved in the matter. Importantly, a great part of this section is dedicated to the establishment of EU Delegations, an institutional change that occurred thanks to the creation of the EEAS by the Lisbon Treaty. Finally, the last section is fully dedicated to a more empirical analysis of the relationship of the European Union with its Southern neighbors, taking the case of the changes that occurred after the so-called Arab Spring. The Arab uprisings posed a challenge to European governments; policymakers and academics alike had come to believe that decades-long authoritarianism in Arab countries was extremely resilient. This called into question the efficacy of EU policies that had only marginally advocated for democracy and human rights. Here, it is stressed the relevance of the role of the Delegations in the countries most affected by the turmoil, since their actions display how the EU decided to act in such a complicated period, with a newly implemented institutional structure as the EEAS' one.

For the sake of this work, it appears useful to summarize the findings of the second and third chapters in a sort of comparison between the two. As far as the purpose of both chapters, they both aim at analyzing the approaches that the institutional actors of the EU have employed in the framework of the European Neighborhood Policy in the fields of irregular migration and foreign aid and development, respectively. Such an analysis was considered necessary by the author in order to fully expose the hypothesis that is brought forward throughout the dissertation, namely that the Lisbon Treaty, accompanied by developments in the international context, was a critical juncture in the establishment of a specific institutional setup(s) in the framework of the European Neighborhood Policy, due to which the European Union showed clear changes in its agency and approach to the areas analyzed. The first characteristic to be underlined is the reason behind the choice of these two case studies. The main reason for this choice is the author's interest in the two souls of the European Union: the supranational and the intergovernmental one. These two policy areas appear opposite but at the same time strongly connected. In the case of the EU's actorness in the field of irregular migration, this dissertation shows that although the entry into force of the Lisbon Treaty gave the

European Neighborhood Policy both a legal basis through Article 8 and a more formal institutional set-up, namely the European External Action Service, the case of EU-Turkey relations in the field of irregular migration and asylum policies shows that legally binding agreements are not necessary to get real effects on the ground and make a third country change its policy and attitude. Most importantly, in a policy area that is considered so sensitive and relevant by EU Member States in terms of national security and sovereignty, it appears clear that the intergovernmental soul of the EU prevails, to the detriment of the EU institutions' authority and independence. Indeed, the implementation of and compliance with informal agreements by the third state party is attained through financial incentives provided by the EU. Also, in this specific case, we see the prominence of the European Parliament and the Council – the two co-legislators – over the Commission, which has been disregarded more than once after having delivered its proposals. Something different appears to happen in foreign aid and development, which, as this work shows, has been left to the capable hands of the European Union from its Member States throughout the years. Importantly, with the establishment of EU Delegations, directly created and managed by the EEAS, it has been argued that they have been much more successful in promoting an EU single foreign policy when operating outside of the spotlight, particularly when dealing with the partner non-EU neighboring countries. As highlighted through the empirical case of the Arab Spring, specifically in Morocco and Tunisia, the change that occurred in Brussels after the entry into force of the Lisbon Treaty, i.e., the establishment of the EEAS, has played an even stronger role in ENP countries with the establishment of EU Delegations and their practice as diplomats of the EU.

For the sake and purpose of this research, the theoretical framework employed is that of historical institutionalism. Historical institutionalism stresses how timing, sequences, and path dependence affect the actorness of institutions, shape political, social, and economic behavior and, consequently, cause change (Voeten, 2019). One of the best conceptualizations of the defining features of historical institutionalism is the one delivered by Hall and Taylor in their article *Political Science and the Three New Institutionalisms* (1996). There, they define institutions as "the formal or informal procedures, routines, norms and conventions embedded in the organizational structure of the polity or political economy" (p. 938). More generally, historical institutionalists associate institutions with organizations and the rules established and promulgated by the formal organization (Thelen, 1999). According to Pierson (1996), the theoretical approach of historical institutionalism finds its inherent meaning in the two terms semantically composing it, meaning "historical" and "institutionalism". In fact, this scholarship is historical in that it recognizes that political development and evolution must be viewed as a long-term process. At the same time, it is institutionalist in that it stresses that many

of the contemporary consequences of these temporal evolutions are enshrined in institutions – formal rules, policy structures, or norms. For the sake of this work, we are going to focus on the historical institutionalist distinctive perspective on historical development, based on the concepts of path dependency, unintended consequences, and critical junctures. Historical institutionalists have been strong proponents of a 'path dependent' view of social causation, which rejects the traditional postulate that the same operative forces would produce the same results everywhere. As a result, historical institutionalists have devoted a lot of time and resources in trying to understand and explain how institutions produce such paths, meaning, how they structure the response to changes and challenges. In this context, researchers emphasize current institutions' unintended consequences and inefficiencies in contrast to conceptions of institutions that are more purposeful and efficient. In embracing this perspective, many historical institutionalists divide the flow of historical events into periods of continuity separated by so-called 'critical junctures', meaning moments when significant institutional change occurs, resulting in a turning point from which historical evolution moves onto another path (Krasner, 1984). The causal logic behind such arguments emphasizes the long-lasting impact of choices made during those critical junctures in the structure and function of institutions. Following Pierson's words, "Junctures are critical because they place institutional arrangements on paths or trajectories, which are then very difficult to alter" (2004, p. 135). In other words, path dependence is a crucial causal mechanism for historical institutionalist theorists, and critical junctures are the starting points for many path-dependent processes (Capoccia & Kelemen, 2007). This work draws on the historical institutionalist usage of concepts such as path dependency and critical junctures to show the relevance of the role of the entry into force of the Lisbon Treaty, our critical juncture, in shaping and restoring the institutional setup of the European Union in the field of the European Neighborhood Policy and, specifically, how the new institutional framework brought a change in the actorness of the European Union as a global strategic actor. In order to do so, as far as methodology is concerned, the present research is based on document analysis of academic papers, books, and official documents, as well as from webinars attended by the author of the present work, from which data on the subject matter are gathered. The criteria guiding the selection of official documents, scientific papers, and books is based on their capacity to support or disregard the author's hypothesis and provide further inputs to the research.

Inspired by already-existing literature, this dissertation analyzes to what extent and how the Lisbon Treaty had the expected impact on the EU's actorness in the framework of the European Neighborhood Policy and whether this had in turn varying results in different policy areas in relation to the Southern neighborhood of the Union. In conclusion, this thesis asserts that the Lisbon Treaty,

thanks to its constitutional and institutional novelties, had indeed an impact on the actorness of the European Union in the field of the ENP. Nevertheless, it must be highlighted that the impact the entry into force of the Lisbon Treaty had on the actorness of the EU, is strongly dependent on the policy area taken into consideration. As this work shows, a policy area still strongly retained in the hands of the Member States – such as the one of irregular migration – shows a narrower range of maneuver for the development of the EU's actorness in relation to its Southern neighbors. At the same time, a policy area conferred mostly to the European Union – such as the one of foreign aid and development – shows a wider range of action for the European Union to modify, develop and expand its actorness using one single voice, especially in terms of authority and coherence of policies, such as between the European Neighborhood Policy and the European Foreign Policy, which appear to become more and more coherent with one another.

Looking at the current socio-political circumstances regarding the EU's neighbors and the so-called "neighbors of the neighbors", Europe and more generally Western countries have a responsibility to support and anchor transitions to democracy, especially in a context of economic crises. As the Arab Spring has turned into a long power struggle, the issue of what role the Europeans play and what 'messages' they bring forward is more important than ever. Socio-economic development and social justice remain of paramount importance in the Arab world, thus highlighting the role of the EU as a near economic bloc, while questioning the appropriateness of its approach. As the European governments listen and comment the changes occurring in their Southern neighborhood, they might do so as part of a process of communicative exchange, in which they not only aim to persuade and influence, but also learn, adapt, and redefine their interests, as well as their default approach to political and economic challenges. This thesis concludes in the hope of being a useful starting point for following the future developments of the actorness of the European Union in the framework of the ENP, and to enquiry whether the latter will ever enable the establishment of an area of maneuver in which all the institutional body comprising the European Union could act and talk in unison with its Southern – and Eastern – neighbors in most of its relevant policy areas.