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**INEFFECTIVENESS OF THE EUROPEAN
NEIGHBOURHOOD POLICY:
A CASE STUDY OF LIBYA AND MOROCCO**

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ABSTRACT

The objective of this paper is to find out the reason why the European Neighbourhood Policy is ineffective in the European Union's Southern Neighbourhood. The topic is relevant because the events of the Arab Spring and ongoing conflicts in many Middle Eastern countries raise questions whether the ENP has managed to have any positive influence in its neighbourhood at all. Most of the hypotheses tested in case studies of Libya and Morocco proved to be true to an extent: ENP has indeed lack of incentives to motivate partner states to commit to the reform agenda; it has ill-targeted funding and applies the principle of conditionality selectively; and the lack of EU's foreign policy coherence coupled with member states own interests in the neighbourhood make decision-making concerning external matters more challenging. However, hypothesis stating that the ENP is based on EU's enlargement experience is only true to a limited extent. The main conclusion is that the ENP is ineffective because it constitutes a form of informal imperialism that is too rigid, inconsistent, and stuck in the framework of the EU's own incoherent foreign policy. In addition, case studies of Libya and Morocco showed that the impact of the ENP has been insignificant in both countries. In Libya it has been so both prior and post Arab Spring because of the chaotic domestic situation coupled with rather negative attitude towards Europe and weak nature of the ENP. The positive impact of the ENP on Morocco has not been very significant either – despite the large amount of money poured into the country, transformational changes have remained limited. Finally, it was found that the main objective of the ENP in the Southern Neighbourhood has been more about avoiding destabilisation rather than promoting genuine change, especially in areas of democracy and rule of law. Overall, the policy has not really proven effective and the EU seriously needs to make some profound changes in order to improve it.

Key words: European Neighbourhood Policy, Southern Mediterranean, Morocco, Libya, Arab Spring, informal imperialism, hypocrisy trap, policy incoherence

INTRODUCTION

Over the past eleven years, the European Union (EU) and the states from the Southern Mediterranean region have tried to achieve closer cooperation through the European Neighbourhood Policy (ENP) in order to pursue stability in the problematic Southern Mediterranean region. Launched in 2004, the ENP governs relations between the EU and 16 of its closest Eastern and Southern neighbours and tries to achieve a stable buffer zone outside the borders of the EU by supporting these states in their efforts towards political stability (democratisation, rule of law, human rights), economic development (economic integration and trade), and better social cohesion. In other words, the EU wants to help to establish a “zone of prosperity and stability” (COM 2003, 104). Although the ENP was reviewed in 2011 and it is a key part of the EU’s foreign policy, both past and current events show that the ENP has not been effective. Focusing on the EU’s Southern Neighbourhood, events such as Arab Spring uprisings, ongoing conflicts in Iraq, Syria, and Libya show the continuation of extensive political and economic instability in the region which raise questions whether the ENP has managed to influence the region positively at all. The importance of looking at the flaws of the ENP lies in the EU’s own security and stability. The effects of such conflicts have by now even spread into Europe in the form of the worst refugee crisis since World War II, and the impacts of such crises can trigger many political, economic, and social problems within the EU. In fact, impacts of the migration crisis can already be seen in the growing popularity of radical right-wing political parties, increasing fear of terrorism among the public, and rapidly rising public dissatisfaction with the refugee crisis management.

Therefore, as the EU plays part in achieving stability in the Southern Mediterranean region through the ENP, the research problem of this paper is concerned with the effectiveness of such policy. This paper is only focusing on analysing the effectiveness of the ENP in the Southern Mediterranean region because this region has remained the most volatile despite the efforts the ENP has made over the years. Thus, the research question of this paper is following:

- Why has the European Neighbourhood Policy turned out to be ineffective in its Southern Neighbourhood?

There is a rather extensive literature regarding the ineffectiveness of the ENP and a range of arguments have been presented that try to explain the weakest aspects of the policy. These arguments have been outlined as hypotheses in this paper and are as follows:

- The ineffectiveness of the ENP lies in its wrong approach towards the neighbourhood that is based on the EU's own enlargement experience
- The ENP fails to set enough incentives for the partner countries to make them seriously commit to the policy
- The ENP is ineffective due to EU's complex institutional setting and disunity between the EU member states

The method used in this paper is empirical research with mainly qualitative data where hypotheses are tested through case studies of Libya and Morocco. The choice of case studies is based on the comparative research method of the Most Different System Design that compares to extreme cases and finds the similar results. The paper is divided into four chapters. The first chapter is a theoretical chapter that explores the nature of the ENP and points out the hypotheses from the literature that try to explain the ineffectiveness of the ENP. The second chapter is a brief methodological overview that describes the methods used for solving the research problem. The third chapter consists of two case studies, Libya and Morocco, which help to test the hypotheses by showing the actual impact of the ENP in these countries. The fourth chapter analyses the results, looks at the validity of hypotheses, and tries to conclude the research by adding its own contribution based on findings from the case studies.

The paper concludes that the reason for the ENP ineffectiveness is more complicated than stated in the hypotheses. In reality it is a result of different factors interacting with each other simultaneously – namely, the ENP's potential is trapped in its imperial, rigid and often hypocritical nature, coupled with the overall incoherency of the EU's foreign policy. As a result, there is a wide gap between promises on paper and actions in practice, which means that no profound changes can actually be triggered in the neighbourhood with such approach.

1. LITERATURE REVIEW

1.1 European Neighbourhood Policy

In order to better understand the criticism of the ENP, it is relevant to look at the nature and content of the policy. However, before looking at the ENP in depth, it is important to mention that the EU is a political-economical union, not a separate state, and foreign policy is present both at the union and member state level. Foreign relations are still mostly of an intergovernmental nature, meaning that each member state has maintained its distinct national foreign policy and that decision-making mostly takes place by means of consensus. The union has agreed that sometimes acting together on an international level gives the EU more influence in foreign affairs and a louder voice at promoting EU interests. Therefore, despite the differences between member states, foreign policy has been considered as one of the areas where the EU has made the most dynamic changes. For example, the Common Foreign and Security Policy (CFSP) was created with Maastricht Treaty in 1992, and the position of the High Representative of the Union for Foreign Affairs and Security Policy (HR), together with the EU's diplomatic corps and the European External Action Service (EEAS) was created with the Lisbon Treaty in 2009. At least in theory, when thinking of the EU's common foreign policy and the ENP, one should see the EU as a single unit where decisions and actions are decided upon collectively, rather than individually.

As for the ENP, already Article 8(1) of the Treaty of the European Union (1992) states that „the Union shall develop a special relationship with neighbouring countries, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation.“ Thus, when the EU enlargement in 2004 shifted EU borders extensively, there was a need for a new policy framework that would manage the neighbourhood and avoid the emergence of possible dividing lines. As a result, the ENP was launched in 2004 and aimed to cover all immediate neighbours both in the South and in the East. Although the ENP has the eastern and southern dimension, it is a bilateral policy between the EU as a single unit and each partner country in

the region. The policy dimensions should not be considered identical with multilateral cooperation initiatives such as the Eastern partnership and the Union for the Mediterranean (UfM), because these are complementary and regional policies and they work in parallel to the ENP. (EEAS, n.d.-a) All these policies are related but they are not the same.

The importance of the ENP was also mentioned in the European Security Strategy (ESS) (2003) which stated that the „EU's task is to make a particular contribution to stability and good governance in the immediate neighbourhood". When launching the policy, the aim was to create a „zone of prosperity“, or „ring of friends“ with whom the EU could enjoy close, peaceful and co-operative relations (COM 2003, 104). However, achieving this was (and still is) a challenge as both the Southern and Eastern regions were (and still are) known to be unstable and problematic. Therefore, the main objective of the ENP was to support the structural transformations and reforms in the neighbourhood by promoting cooperation between countries based on EU liberal values (Smith 2011) - political stability (democratisation, rule of law, respect for human rights), economic development (economic integration and trade) and social cohesion. By trying to manage order outside its borders, especially in a problematic Southern Mediterranean, the EU also improves its own security – after all, the EU is responsible for guaranteeing its citizens' security and well-being in political, economic, social aspects. The ESS (2003) has also stated the interest in a well-governed neighbourhood: “neighbours who are engaged in violent conflicts, weak states where organised crime flourishes, dysfunctional societies or exploding population growth on its borders all pose problems for Europe”.

The way the EU tries to support transformations is by using the principle of conditionality which is about setting motivating incentives for the partner states in return for reforms towards political, economic and social change that would comply with the EU norms and values (COM 2004, 373). In other words, the more the ENP partners developed their societies based on EU values, the more EU deepened economic integration and political association with them (Ibid; Kelley, 2006). And the EU does this by taking a „positive“ approach aka relying on persuasion, socialisation, and capacity building instead of coercion or negative incentives (Hüllen, 2009). These positive incentives have been summed up as the “three Ms”: money, mobility, and markets (Lehne, 2014), aka financial support and aid, simplifying the movement of people, giving an opportunity to partially access the European single market, and allowing the participation in many EU programmes (COM 2004, 373). As

the former EU Commission President Romano Prodi (2002) stated, the partner states were promised to be offered “everything but institutions”. Such promise and the principle of conditionality were hoped to achieve the same positive results as the EU’s enlargement policy.

However, before the ENP can fully work in the neighbouring countries, an Association Agreement (AA) between the EU and the external state needs to be signed which sets a broad framework for cooperation and bilateral relations. Only after such agreement is signed, the ENP can outline desired reforms and direction of actions in ENP Action Plans (AP) which are agendas for each partner country to commit to and which are agreed upon jointly between the EU and each of the partner country. Each AP identifies specific priorities for action over a three to five year period and takes into account the individual stage of economic, social and political development of the respective country. (COM 2004, 373) After the events of the Arab Spring in 2010-2011, the ENP was slightly changed by introducing a new principle of "more for more", also known as positive conditionality (COM 2011, 200). This meant that the EU was willing to develop even stronger partnerships with those neighbours that made more efforts and progress towards deep and sustainable democracy.

To sum up this brief overview of the ENP, Kahraman (2005) has stated that the ENP may be characterized as a “stabilization, transition and partnership process”, meaning that on the one hand, the ENP is a policy for encouraging stability, security and prosperity in the EU neighbourhood by means of peaceful cooperation, and on the other hand, it offers a privileged partnership for the neighbours in exchange for their commitment to shared liberal values and EU foreign policy and security objectives.

1.2 Criticism of the European Neighbourhood Policy

1.2.1 Wrong approach

Many scholars have widely criticised that the ENP is built on EU enlargement experience and the model of economic integration and regional cooperation (Kelley, 2006, Lehne, 2014; Kleenmann, 2010; Delcour, 2015). It has been argued that the ENP follows the theory of path dependency, which states that previous institutional decisions have influence on present institutional options and as a result affect future policies (Pierson, 1996) - in other

words, if an institution is successful at making successful policies, it tries to pursue the same strategy to future policy-making. As previous cases of EU enlargement were considered successful in achieving security, stability and prosperity within its borders, the ENP tried to follow the same pattern in the Southern Mediterranean (Cardwell, 2011). Indeed, from the beginning of the ENP, the policy seemed to follow the same strategy as with the enlargement process. In addition to reforms in economic and social sector, it claimed to put an emphasis on promoting reforms based on democracy, human rights and rule of law in order to create a stable zone around itself. By exporting elements such as conditionality and Action Plans to the neighbourhood, the EU transferred its internal policy making outwards. The ENP required signing of the Association Agreement like with its own enlargement and some early drafts of Action Plans had even references to Copenhagen criteria (Kelley, 2006). All in all, it can be seen that the ENP has been trying to promote EU's own model of governance, which follows the Lavenex's (2004) idea of „external governance“ - having securitized various areas internally, the EU saw a need to „help“ vulnerable surrounding states by expanding its internal model of governance outwards. However, it has been argued that institutions following path dependency risk becoming stuck and constrained (Pierson, 2000).

Using such strategy of passing on the success of political and economic transitions (Kleenmann, 2010; Lehne, 2014) onto neighbouring countries, has not been approved by many. The concept of informal imperialism was first addressed by Gallagher and Robinson in 1953 and tackled the aims of British free trade; however, the concept has been expanded by Zielonka who has taken a firm stance and said that the EU is trying to impose informal imperialism on its ENP partner countries (2011) and is simply being an empire in denial (2006). Namely, although EU's foreign politics has become softer and is based on invitation rather than conquest, it can be seen in reality as just another attempt to control the periphery (Zielonka, 2011). After all, the EU does what historical forms of empires have always done - it feels superior in civil and cultural terms, it considers its norms as the right ones and thus puts many constraints on partner states using the principle of conditionality (Ibid).

In addition, Delcour (2015) has noted that EU's approach is ignoring the local and regional realities and the needs of the neighbourhood. The states in the Southern Mediterranean diverge in almost every aspect: their level of economic development, cultural and historical backgrounds, political systems and ambitions, attitude towards one another, vision of relations with the EU, etc. Although, to an extent, the same can be said about the EU

member states, the differences in the EU neighbourhood are far bigger (Lehne, 2014). All the EU has done is creating the artificial concept of „neighbours“ with only one thing in common - geographic closeness. However, only this indicator is not enough to have important relationships (Ibid). That is why ENP experts Smith (2005) and Blatt (2003) consider convergence with the *acquis communautaire* of the EU not an appropriate framework for countries struggling even with basic economic reforms. The concept of hypocrisy trap by Weaver (2008) seems also relevant here. Weaver handles the concept of organisational hypocrisy and although she analyses mainly the World Bank, the concept has many similarities with the EU. She has noted that institutions are often hypocritical, meaning that there are large gaps between organisation’s words on paper and actions in practice. In other words, there is often a wide policy inconsistency, or policy evaporation, in organisation’s policy-making. Often such hypocrisy is systematic and even inevitable to an extent, making the organisation trapped (Ibid) – in EU’s case, its complex institutions are made up of many departments who have different interests and functions from each other, and many of these departments can thus conflict each other. Also, being hypocritical is often a survival strategy (Ibid). The policy needs to consider the interests of all 28 member states and interests of all neighbouring partners. Thus, the EU needs to try to please all parties involved to an extent. However, as the EU itself is largely affected by the decisions it makes in the neighbourhood, its decisions and actions are often biased and inconsistent. In other words, although the EU claims to be committed to deep reforms in the partner countries, it is actually more interested in its own benefits. Such approach does not take into account the real interests of partner states and as noted by Weaver (Ibid.), this can actually cause more suffering in those states than relief and development.

In addition, Lehne (2014) adds that the ENP approach is „naive and Eurocentric” and often ignores the influence of the outside actors in the neighbourhood. The Southern Mediterranean the ENP operates in today has changed into a more complex environment than it was at the beginning of the ENP. Although the EU is still the most important trading partner in the region and the primary source of foreign investment, it is not the only player. There are other influential actors on national (e.g the US, Russia, Saudi Arabia, etc.), international (e.g. the Organization for Security and Co-operation in Europe (OSCE), Council of Europe and African Union), and transnational (e.g. oil and gas companies, civil society) levels, each with their own agendas (Lehne, 2014; Manners, 2009).

1.2.2 Lack of incentives

In order for states to cooperate, they need some motivating incentives to do so. It has been widely discussed that due to lack of incentives, the EU fails to trigger any change in the neighbourhood.

One of the most widely discussed flaws of the policy is the absence of membership perspective. As stated by Lehne (2014) „what is on offer for the neighbourhood is “enlargement lite,” - a diluted version of the original without the promise of accession and with a much weaker commitment from the EU side“. Supported by Lynch (2006), the ENP constitutes “a pale shadow of the enlargement policy that is driven by the logic of the enlargement – it is aimed similarly to promote the European values but does not offer the main carrot – the membership”. Furthermore, Prodi’s aim to „offer everything but institutions" is not motivating for those countries that do not want very close relationship with the EU; neither it is attractive for those who like the idea of EU membership (Lehne, 2014). Regarding the latter, no membership perspective also weakens the influence of pro-EU politicians in the neighbourhood because they cannot justify the necessary implementation of reforms with closer integration to the EU (Eriş, 2012). Either way, not having an accession possibility weakens EU’s legitimacy and neighbours’ cooperation desire.

When EU membership is not an option, it becomes necessary for a partner country to assess the financial costs of aligning its legislation with the EU *aquis* (Ibid). As the EU goals in the neighbourhood are mostly long-term oriented and thus fail to quickly show positive impacts, the general perception in the neighbourhood is that the adjustment costs are too high for their less-developed economies, and it can take years before benefits are seen from regulatory approximation with the EU (Dreyer, 2012; Noutcheva, 2015). As the EU financial assistance cannot cover all such costs, this makes the ENP less attractive. In addition, the euro crisis shook the image of the EU as an economic power.

Moving on, the inconsistent and selective application of the principle of conditionality has been considered as another ineffective stimulus for the neighbourhood. The principle states that „the level of the EU’s relationships with its neighbours will take into account the extent to which the EU values are effectively shared“ (Gebhard, 2010). In other words, the EU will have closer ties and cooperation with those states that comply more with union’s requirements. However, the result is often one-sided dependence and an unbalanced relationship – for example, when an Action Plan is being negotiated, the EU does not give its

partner state any meaningful say in setting the central objectives and agenda (Eriş, 2012). Also, there is no possibility for partner states to express their own interpretation of „shared values” — such as democracy, liberal economy, rule of law, respect for human rights, etc. In addition, the EU has not specified the exact rewards for increased conditionality. According to Youngs (2006), the reason for this is a desire to retain flexibility and discretion, but in practice it spreads unease about the idea of conditionality. Carbone (2010) has also contributed to this debate. Although his work focuses more on EU development policies, his central claims can also be recognised in the ENP. Namely, he has noted that the main problem of EU in its relations with the developing world is policy evaporation. This means that there are significant gaps between the theory and practice of policies. However, this tendency has been noticed by the neighbouring countries that have found ability to influence negotiations with the EU increasingly reduced, meaning that the EU fails to take into account the voice of the developing countries (Ibid). All in all, the EU offers much less than „everything but the institutions“ promised in 2004, and as illustrated by Lehne (2014), „the EU has simply over-sold the ENP“ .

Furthermore, the ENP does not offer integration in sectors where the Southern states are most competitive: it does not offer comprehensive access to the single market, especially in agriculture; freedom of movement of workers; and access to European regional and cohesion funds (Youngs, 2006; Kleenmann, 2010; Comelli, 2004). Although increased cooperation in these areas was promised, it is highly unlikely due to recent euro crisis and growing anti-liberalism and neo-protectionism in the EU (Eriş, 2012). Liberalisation of the agricultural market was already stalled with increased restrictions and exceptions to market opening by the EU members at the Barcelona summit in 2005 (Youngs 2006; Eriş, 2012; Kleenmann, 2010). On migration, there is even less hope as most member states are in favour of tightening rather than liberalising their immigration regimes due to fears of crime and mass illegal immigration (Youngs, 2006; Eriş 2012). As a result of EU’s high protectionism, partner states have no success perspective in sectors of their key interest and thus, options for development are limited. Such reality, especially in the trade sector, has been strongly criticized by the former President of the World Bank, Paul Wolfowitz (2005). He has noted that unfair trade benefits the first world and holds back the potential for success of poor countries, and thus such reality needs to be changed. After all, „success is measurable in the concrete opportunities that are opened up for countries to benefit from trade, and particularly

in the area of agriculture, where so many of the world's poor depend on” (Ibid). In addition to limiting the ENP countries’ access to their most competitive areas, it has also been argued that the ENP is underfunded (Kleenmann, 2010; Youngs, 2006). The ENP provides financial assistance through the European Neighbourhood Instrument (ENI) for the period of 2014-2020 and replaces previous European Neighbourhood and Partnership Instrument (ENPI) that financed the neighbourhood in the period of 2007-2013 (EEAS, n.d.-c). However, considering that the ENP covers 16 countries in total, it can be doubted that the ENI budget of €15.4 billion for the period of 2014-2020 (Ibid) is enough to fund profound reforms of each partner state. In addition, recent problems in the euro zone also limit the EU’s commitment. Overall, lack of financial assistance creates another inadequate incentive for partner countries to promote reforms and extend EU’s values.

However, the problem is not just about the amount of financial help, but also about where the money goes. According to Kleenmann, (2010) and Youngs (2006), the EU has based its approach too much on front-loading aid, rather than making it subject of progress and deep engagement. It has been argued that “aid weakens governmental accountability, by retarding the development of a healthy civil society underpinning democracy and the rule of law” (North, 1990). Moreover, in Knack’s study on the relationship between aid levels and the quality of governance it was found that: “periods of higher aid levels coincide with periods of lower-quality governance” (Knack, 1999). Also, as countries in the EU Southern Neighbourhood are highly problematic and corrupt, Wolfowitz (2005) has noted that distribution of financial help needs to be better guarded as corruption alone creates costs for the developing world approximately \$80 billion a year, which equals the total of all development assistance given to the developing world per year.

Finally, it has been argued that the EU is primarily pursuing its own internal policy goals and interests instead of extending its normative power to the neighbourhood (Eriş, 2012) and thus makes partner states less interested in cooperation. Although it has been stated that democratic progress, sustainable development and human rights are very important aspects of the ENP, the EU has been pursuing mainly its economic and security agendas instead. As stated by Youngs (2006), the focus has primarily been on a rather one-sided notion of free trade and controlling illegal immigration, while EU democracy projects tend to avoid controversial areas, preferring to cover them with generic side priorities such as NGOs, women’s rights etc. However, it has been recognised that that security and state-building

should come first and then be followed by economics (Wilson, 2014). The reason is that with stable state institutions, it is easier for governments to create a stable environment for economic growth and development in general (Kleenmann, 2010). Especially in the Southern Neighbourhood, the challenge is not just to „build member states, but to build states“ (Wilson, 2014). However, it is a very challenging task as most of the states in the region are either semi-authoritarian or authoritarian and simply not interested in giving up their power (Hüllen, 2009). Furthermore, prior to the Arab Spring, good governance was not even the top priority of cooperation from the EU side either. The EU has always been concerned with the possibility of mass immigration from the Southern Mediterranean and therefore supported authoritarian rulers and their political stability in exchange for their cooperation in migration, counterterrorism and other security matters (Bicchi, 2009). Although the EU started paying more attention to good governance after the Arab Spring, it is still struggling with finding balance between the need for stability and promotion of good governance (Kleenmann, 2010).

1.2.3 Complexity of the EU decision-making

Up to this point, the EU was assumed to have unity of action in the ENP framework. It is true to an extent – namely, all decisions concerning the ENP are made collectively and the EU acts as a single unit in its relations with the ENP partner states. However, all decision-making regarding the ENP requires unanimity of all member states as the ENP is part of European foreign policy. In other words, when something is decided about the ENP, it has to get an approval of all member states. There is no single supranational institution responsible for external action and although the European Commission (EC) is the main promoter of the policy and the strategic objectives of the ENP are set out in the ESS and drafted by the EU High Representative, all this has to go in line with the Council of the European Union. This shows that the ENP is highly intergovernmental with member states having the highest authority. However, such shared competence of the foreign policy poses many problems. As argued by Noutcheva (2015), „the fragmentation of decision-making power is not a problem for EU actorness per se, but the EU can be seriously restricted when internal disunity prevents collective external action“. Namely, because of the unanimity requirement, the only way the EU institutions and member states can agree upon different aspects of the ENP is by making them broad and ambiguous (Noutcheva, 2015, Zielonka, 2011), and thus all ENP documents

have ended up being vague and generic. In addition, this makes wide differences in implementation possible as well.

Moreover, the ENP various objectives are governed by different institutional arrangements, making the ENP decision-making even more difficult and intangible (Noutcheva, 2015). In other words, the freedom of EU institutions to use necessary instruments to commit to ambitious goals of the ENP differ in many areas of external trade, mobility of people, conflict management, democracy promotion, etc. For example, when democracy support through the European Instrument for Democracy and Human Rights is the sole responsibility of the Directorate-General for International Development and Cooperation (DG DEVCO) of the European Commission, the imposition of sanctions in the case of political repression and human rights violations is the responsibility of the EU member states in the framework of CFSP. Such differences, however, make it difficult for the ENP to impose power abroad in a strategic manner (Zielonka, 2011).

Furthermore, the EU institutions are most constrained when it comes to managing the protracted conflicts in the neighbourhood. Firstly, effective conflict management is stuck behind the disunity of member states. Secondly, there is no clear and shared understanding about which conflicts constitute a priority and require more attention and resources. Finally, the High Representative has no significant impact in decision-making on behalf of the union and thus cannot have significant influence at managing conflicts. (Ibid) Given these realities, it is not surprising that the post Arab Spring conflict management by the EU has remained ineffective and vague. It can be assumed that as long as the EU has internal divisions and does not agree on clear objectives, instruments, and approaches towards the neighbourhood, the ENP remains indecisive and ambiguous (Ibid).

Finally, in addition to complex institutional setting that constrains quick and clear decision-making, the EU member states often pursue their own bilateral foreign policy without much regard to the ENP, even though some of them have considerable clout in the neighbourhood and could, if they wanted to, greatly enhance the EU's overall role (Lehne, 2014). However, the priorities are often set instead by member states' historical preferences, national interests and interdependence between the countries (Fischer, Lannon, 2011).

To sum up this section, the ENP seems to be stuck in EU's institutional framework. Variation in the freedom of action of EU institutions and the different interests of EU member states have resulted in the EU being „neither a strategic actor nor a normative power, but

rather a bystander, trapped in its internal institutional process and content to passively react to crisis events“ (Noutcheva, 2015). The partner states are presented a weak and vague policy that leaves space for confusion, lack of incentives, and no specific solution to problems. In addition, today’s changing international system and current crises in the Middle East have put the EU in an even more difficult position and the consequences of ineffective action have by now even spread into Europe. All in all, the EU desperately needs to find a way how to speak with one voice and how to respond quicker to short-term political and security developments.

To sum up this chapter of literature review, it seems that the ENP is neither conceptually complete nor operationally stable and tends to produce more challenges than agreements (Manners, 2009). There are rather wide blocks of hypotheses that have addressed the shortcomings of the ENP. Firstly, some argued that the ineffectiveness of the ENP lies in its wrong approach towards the neighbourhood based on EU’s own enlargement experience, some others have said that EU’s approach is rather imperial; secondly, the EU has set lack of incentives for the ENP partner states that would motivate them to really commit to the ENP; and finally, different interests of EU member states and general lack of coherence of EU’s complex institutional structures hamper the ENP potential even further.

2. METHODOLOGY

This paper is trying to test a set of hypotheses derived from the existing literature about the ENP by using the method of the Most Different System Design (MDSD). This method requires selecting and analysing very different cases in order to eventually identify similar and overlapping tendencies that can be believed to hold true across the whole framework or problem under investigation. Thus, as the ENP covers ten countries in its Southern Mediterranean region, analysing all of them is not possible due to the limits of this paper. However, it is still possible to understand the flaws of the ENP by using the method of MDSD. Therefore, in order to investigate whether hypotheses regarding the ineffectiveness of the ENP hold true, opposite cases of Libya and Morocco are chosen. Libya is chosen because it is considered to be uncooperative with the EU; Morocco, on the other hand, has often been considered as the ENP success story. Such selection helps to see how much impact the ENP has had on these countries and to which extent the shortcomings of the ENP are similar and overlap. After the data analysis, the reasons for ENP ineffectiveness become more evident as well.

The case studies are structured as follows: first, the main incentives for cooperation between the EU and the partner country are presented; secondly, the scope and depth of ENP actions in the country are outlined; and finally, the level of impact of the ENP is examined. Case studies are followed by a detailed analysis of results and main conclusions. The connections between hypotheses and case studies will be explained in length, followed by this paper's own contribution to the discussion, derived from the findings of the case studies.

This empirical study mainly employs a qualitative method - it tries to understand “why” and “how” the ENP has failed in both countries. However, some quantitative data will be presented as well in order to illustrate and emphasize the little impact the ENP has had in the Southern Neighbourhood – for example, data from the World Bank database, Freedom House Index, and Frontex are used. Qualitative data is mainly derived from primary and secondary sources such as books, journal articles, newspapers, and EU official websites, legislation, and documents.

3. CASE STUDIES

3.1 Case study of Libya

Libya has been included in the ENP framework from the beginning of its launch, but has never become a fully participating partner. The reason for this was Libya's refusal to sign an Association Agreement with the EU which means that the policy's potential was never fully activated in the country. Thus, Libya has remained outside most of the structures of the ENP. However, it is eligible for funding under the European Neighbourhood Instrument (ENI) and the ENI's regional programmes (DG NEAR, 2015a), which means that at least in theory the EU should have some impact in the country. Before discussing the level of impact of the ENP on Libya and Libya's attitude towards EU's foreign policy in the Mediterranean, it is necessary to understand overall relations between the EU and Libya both prior and post Arab Spring.

Libya and the EU have a history of problematic relationships. After defeating the Ottoman Empire in 1911, Italy invaded the country, but due to very strong anticolonial resistance Italy only managed to get full control in 1932. In 1934 "Libya" became the official name of the Italian colony and it was made up of three provinces: Cyrenaica, Tripolitania, and Fezzan. Italian colonization lasted until 1943, after which British-French joint administration took it over until Libya got its independence in 1951. (Mostyn, Hourani, 1988; Middleton, Miller, 2008) With Colonel Gaddafi coming to power in 1969 as a result of a military coup, Libya became a dictatorship under his strict rule. Since the beginning, Gaddafi pursued anti-western and anti-capitalist foreign policy that he blamed for divisions in the Arab World. His goal was to achieve Arab unity and eliminate any western influence in the Middle East and Africa. Although relations between the US and Libya were complicated in the 1970s, mainly over the Israeli-Palestinian conflict, Europe remained rather neutral towards Libya in that decade. However, as Gaddafi supported terrorist movements and the evidence of this grew, Europe had to take a stand soon. The death of a British policewoman outside Libya's London embassy in 1984, terrorist attacks in Rome and Vienna airports in 1985, bombing in a Berlin

discotheque in 1986, made Europe to impose diplomatic sanctions and weapons embargo, and US to bombing Libya. (Gaub, 2014) Relations between Libya and the West got even worse after the bombings of a Pan Am flight over Lockerbie in 1988 and a UTA flight over Niger in 1989 that killed hundreds of people. This resulted in UN economic sanctions, air and arms embargo, and Libya was the only Mediterranean country not to become a member of the EU's Barcelona process, launched in 1995 (a predecessor of ENP) (Gaub, 2014). As stated by Joffé and Paoletti (2010), Libya was perceived by the West as "the archetypal pariah state".

However, relations seemed to improve when Libya agreed to hand over two suspects in the Lockerbie case in 1999. Libya was invited to attend the Barcelona Process III as a special guest and was an observer at meetings. Soon after, UN sanctions were lifted; the EU kept just the arms embargo and relationship seemed to improve. (COM 2003, 104) Relations between Europe and Libya were boosted especially in 2003 when Gaddafi agreed to abandon its WMD programme, partly as a result of seeing what was happening to Iraq and Saddam Hussein (Zafar, 2010). As the relations between Libya and the EU improved, member states agreed that Libya should become a full member of Barcelona process. However, Gaddafi refused to accept the Barcelona declaration and its rules as they put a strong emphasis on political and economic liberalisation, human rights and rule of law, which were against Gaddafi's regime (Gaub, 2014) and his own ideas of democracy in the Jamahiriya (Gaddafi's political system) (Joffé, Paoletti, 2010). As stated by former British ambassador to Libya, Oliver Mines, „it is one thing for the presidents of Egypt, Tunisia and Syria to swear they are committed to parliamentary democracy, quite another for Gaddafi, who professes to believe his system is different and better“ (Miles, 2008). Indeed, there were many hypocritical authoritarian regimes that belonged to the Barcelona Process and still belong to the ENP, who formally agree to comply with EU values and rules, but in reality do not obey those (Stelios, Stavridis, 2014). However, it was a different case with Gaddafi. As he was anti-West, he considered complying with EU rules as "an insult to us Arabs and Africans" referring to another attempt of Europe to colonise Africa. The whole approach by the EU was considered by Gaddafi as "taking us for fools" and „we do not belong to Brussels“. (The Standard, 2008) In other words, he put great emphasis on nationalism as a source of legitimacy. In addition to different understanding of governance, Gaddafi would have had to cooperate with Israel which he strongly opposed, and the EU's offer of economic integration was not that appealing to Libya's already wealthy oil economy (Gaub, 2014) that was largely a source of political

independence for Libya. As Gaddafi said, “If they come with an offer based on value and principle like fighting disease or climate change we can maybe discuss this. But they come with economic offers because they consider us as hungry people” (The Standard, 2008). All in all, EU could not really offer much that would attract Gaddafi. Before launching the ENP in 2004, Libya had never even received any financial assistance from the EU (Gaub, 2014) and the contribution from the member states remained very limited as well due to negative relations. For example, during the Cold War, Gaddafi preferred cooperation with the Soviet Union, mainly for weapons and technical assistance which gave him up to \$14billion worth of arms (Mostyn, Hourani, 1988). Overall, Libya-EU cooperation was limited and focused mostly on two areas: tackling illegal migration and oil trade. However, after launching the ENP, Libya was listed as a partner of the ENP, although it only received funds.

Gaddafi’s open-door policy to African workers in 2002 increased migration significantly to Libya which also became a transit country for migration to the EU. In order to manage the situation, the EU found it essential to cooperate with Libya (Hamood, 2008). Libya agreed to cooperate, however Gaddafi remained ambivalent and noted that "land is the property of everyone, and God commands all human beings to migrate on Earth to seek a living, which is their right" (BBC News, 2006). Still, cooperation happened and it focused on border control and surveillance and was funded with €20 million. However, the EU cooperation measures had little impact as 39 800 migrants crossed the Mediterranean in 2008. The situation only improved when Libya and Italy signed a Friendship Treaty in 2009 after which only 4500 people crossed the sea in 2010. (Frontex, 2013) This shows that the European approach to tackle migration as one unit had little results, and instead it was a firmer stance and bilateral cooperation of Gaddafi and Berlusconi that proved successful. In addition, Gaddafi understood perfectly that irregular migration was a weak spot for Europe and therefore gained him much leverage. For example, in 2010 Gaddafi declared that unless the EU pays Libya at least €5 billion a year to block the arrival of illegal immigrants from Africa, Europe runs the risk of turning "black" and becoming "another Africa" (Squires, 2010). Europe was willing to pay the money.

Throughout the 2000s, EU-Libya relations were actually on the rise and without any major conflicts. The two even started negotiating a Framework Agreement in 2008 that focused on achieving trade agreement regarding goods, services and investment (EC, 2009). The efforts were mainly made by the EU; overall input by Libya remained little as it preferred

to engage with EU member states bilaterally. Eventually, nothing came from the negotiations and they were stopped when conflict broke out in 2011. In addition, according to Seeberg (2014), the general softening of Libyan foreign-policy was simply a Gaddafi's strategy to „gain access to foreign expertise for the purpose of maintaining and developing the oil infrastructure and attracting foreign investments.“ After all, Libya and EU have had important relationship in terms of oil trade. As Libya has vast oil and natural gas reserves and European countries are dependent on Middle Eastern and North African oil, the two are important for each other. This has made Europe careful in its relations with Libya. Already in 1993, when the US tried to impose additional oil sanctions, EU governments protested strongly against this. At that time trade between the EU and Libya was worth around \$20 000 million each year, with almost 90% of Libya's oil exported to Western Europe. The oil exports of Libya accounted for around 10% of Europe's petroleum supplies. In addition, European oil companies, particularly Spanish and Italian ones, had strong interests in the Libyan petroleum industry and were the most vulnerable to the new sanctions. (Zafar, 2010) For example, the Italian company ENI is still the biggest oil producer in Libya. Before the end of Gaddafi's regime, the energy sector generated about 96% of government revenue, 65% of GDP (CIA World Factbook, 2015a) and the overall trade with the EU accounted for 70% of the country's total trade and amounted to €36.3 billion in 2010 (DG Trade, 2015a). Overall, the energy sector was a highly important reason for both parties to have decent relations with each other.

Based on this brief overview prior to Arab Spring, some things can be concluded. It cannot be denied that both sides understood the importance to each other, both political and economic. Gaddafi seemed to understand that he needed to keep his hostility in lines as Libya was dependent on the EU in terms of oil trade. However, despite Europe being the main export target, Gaddafi had more leverage in the relations between the two. For Europe, Libya was a significant source of energy, but more importantly, it was crucial at managing illegal migrant inflows from Africa. The migration issue can be seen as a manipulation tool for Gaddafi that allowed him to pull Europe whichever direction he wanted. As possible instability in Northern Africa would cause difficult problems for Europe, the EU was willing to accept Gaddafi's way of governing and turn a blind eye to a negative situation of human rights in Libya. All in all, by helping Europe to tackle illegal migration, Gaddafi guaranteed his domestic power and EU's rather neutral stance towards him. It has even been noted that the security logic of the EU regarding migration has simply been 'just keep them out!'

(Kausch, Youngs, 2009). Controlling borders and managing illegal migration for the EU, and not having other important economic ties with the EU apart from energy export, Libya was in a good position to not put much effort into the ENP. The policy simply did not provide enough incentives for Libya to be interested. As Libya was independent in terms of economy because of abundant oil resources and as Gaddafi had his own idea of governance and was anti-Western, signing an Association Agreement, followed by an ENP Action Plan, was seen as obeying to European rule. Secondly, the economic aspect and financial assistance of the policy was not motivating either. Libya was considered a prosperous economy because of its oil resources and had thus little need for EU's financial assistance. In addition, the 2004 EU agreement to provide financial assistance to Libya in the health and migration sectors under the ENPI (Zafar, 2010) worked well for Libya – although not being obliged to commit to EU values it was still eligible for funding.

After the fall of Gaddafi's regime in 2011, the EU's relationship with Libya has become broader - in addition to migration and energy, the relationship today also includes broader economic and a political dimension (EEAS Euromed, n.d). Since the conflict broke out, the aim of the EU has been to assist Libya at establishing „democratic, stable and prosperous state“ that would be based on „an inclusive constitution, the emergence of strong, transparent and accountable institutions, an alert civil society and a vibrant private sector“ (EEAS, n.d.-b). The EU's wider engagement with Libya started with military intervention in 2011 by some member states in response to the conflict. The engagement has now been continued mainly through diplomacy and cooperation that has been realised by funding different development programmes through ENP instruments like ENI (previously ENPI) and sending experts to Libya to help to stabilise the domestic situation and promote democracy.

As an immediate reaction to the crisis in 2011, large-scale humanitarian assistance was provided. In addition to the European Commission's €80.5 million, a majority of the member states also contributed and the total humanitarian assistance accounted for over €158.7 million, making the EU the biggest donor to Libya (DG ECHO, 2012). Moreover, already during the crisis, Catherine Ashton, the High Representative at the time, officially opened an EU office in Benghazi and another one in Tripoli. The main purpose was to support civil society, ensure the delivery of humanitarian aid, and closely collaborate with the National Transitional Council (NTC) that became a Libyan government for some time after Gaddafi's fall. Collaboration aimed at providing the NTC with technical assistance that would help with

building state institutions, and by giving €25 million in order to facilitate immediate stabilisation needs. EU offices also deployed experts in communications, border management and security, and procurement. (EEAS, 2011) As the EU and Libya had no Association Agreement and Action plans, the ENP with its rigid structure could not give much else apart from sending some experts and modestly funding different development programmes that would help Libya to stabilize and improve its political, economic and social sector. The main financial instrument for this was ENPI from 2007 to 2013 which is now replaced by ENI for the period of 2014-2020. Some of the many programmes include a €4.5 million one, that aims to support the Libyan institutions in their state building activities and public administration (DG DEVCO, 2015a); a €4.8 million programme that works on making the judiciary more effective, promoting democratic values, and preventing corruption and human trafficking; a €10 million one that promotes the rule of law (Ibid); and a SPRING programme that is based on the „more for more“ principle and supports Southern Mediterranean partners' progress towards democratic transformation - in 2013, an additional €150 million was allocated through this programme of which Libya got €5 million for the media and the constitutional process (SWD 2014, 100). As for the economy - in addition to the EU being Libya's main trading partner for oil, economic recovery and development has also been promoted by a €6.5 million Technical Vocational Education and Training (TVET) programme which aims to improve the quality of the training to the demands of the labour market; and a €10 million „Economic Integration, Diversification and Sustainable Employment“ programme that helps to develop micro, small and medium-sized enterprises that would create employment for Libyans with a particular focus on women and young people (DG DEVCO, 2015a).

Tackling migration has remained one of the highest priorities for the EU and therefore programmes concerning migration have been the biggest recipients of funding, amounting to €47 million, and covering different dimensions such as: institutional capacity of Libyan authorities, direct support to migrants and refugees, voluntary return programmes and labour market strategies, etc. For example, a €10 million programme deals with migration management in line with international standards, meaning respecting human rights of migrants and giving the possibility of international protection. Also, a €4.5 million „SEAHORSE programme“ aims to strengthen border surveillance systems. (DG DEVCO, 2015a) In addition to funding programmes under the ENPI and ENI, the EU Border Assistance Mission (EUBAM) was launched in Libya in 2013 under Common Security and

Defence Policy (CSDP). It has an annual budget of €26 million and the mission aims to support Libyan authorities at developing border management and security at the country's land, sea and air borders and also to devise a broader Integrated Border Management Strategy (EEAS, 2015).

In addition to these areas, funding also covers different programmes concerning the improvement of civil society, education, health and human rights. In total, bilateral assistance given to Libya from 2007-2013 was €83 million, and the total funding stands now at €130 million, however, thematic assistance programmes (e.g. human rights) provide additional funding sources (DG DEVCO, 2015a). As for 2014-2015, EU's assistance to Libya focuses on three priority sectors: democratic governance; youth that participates actively in citizenship and socioeconomic integration; and health. These programmes are expected to cost up to €154 million (EEAS, 2014). In addition to funding, the EU has also tried to resume previous negotiations on a Framework Agreement and Association Agreement whenever Libyan authorities felt they were ready for this (EEAS, 2011; EEAS, n.d-b). Unfortunately, these negotiations have still not been started due to the unsolved conflict in the country.

EU's actions in Libya seem to have had an impact to a certain extent. Namely, Libya made some improvements towards democratic transition in July 2012 when it held the first ever free elections (EC, 2014a) which the EU Election Assessment Team was sent to observe (JOIN 2013, 4). As a result of this historic event, Libya was registered from decades of "not free" to "partly free" by Freedom House in 2013. However, this was a very temporary improvement as the country faced a new civil war soon and since the end of Gaddafi's regime, no central government has been able to establish authority. The first elected government, the NTC, had to step down due to protests and give power to the General National Congress (GNC). In 2014, new elections favoured the Council of Deputies, but the former and the latter have remained rivals and created a power vacuum that tribal militias and jihadist groups have quickly taken advantage of. As a result of no authority in the country, political struggle between different sides has resulted in absence of a political settlement and worsening security environment (EC, 2014a). Despite different programmes, violence is a daily reality and clashes between military groups are outside the state power. Because of political instability and strong influence of militant non-state actors, the executive, legislative and judicial institutions have no chance to develop and implement decisions (Ibid.), making Libya a failed state. As a result of the ongoing civil war, positive recognition of Libya by the

Freedom House in 2012 has been rated back to „Not Free“ in 2015 with “freedom rating”, “civil liberties” and “political rights” all rated with 6 (1=best; 7=worst) (Freedom House, 2015a). In addition, the following graph (see Figure 1) gives an overview of the governance indicators over the years:

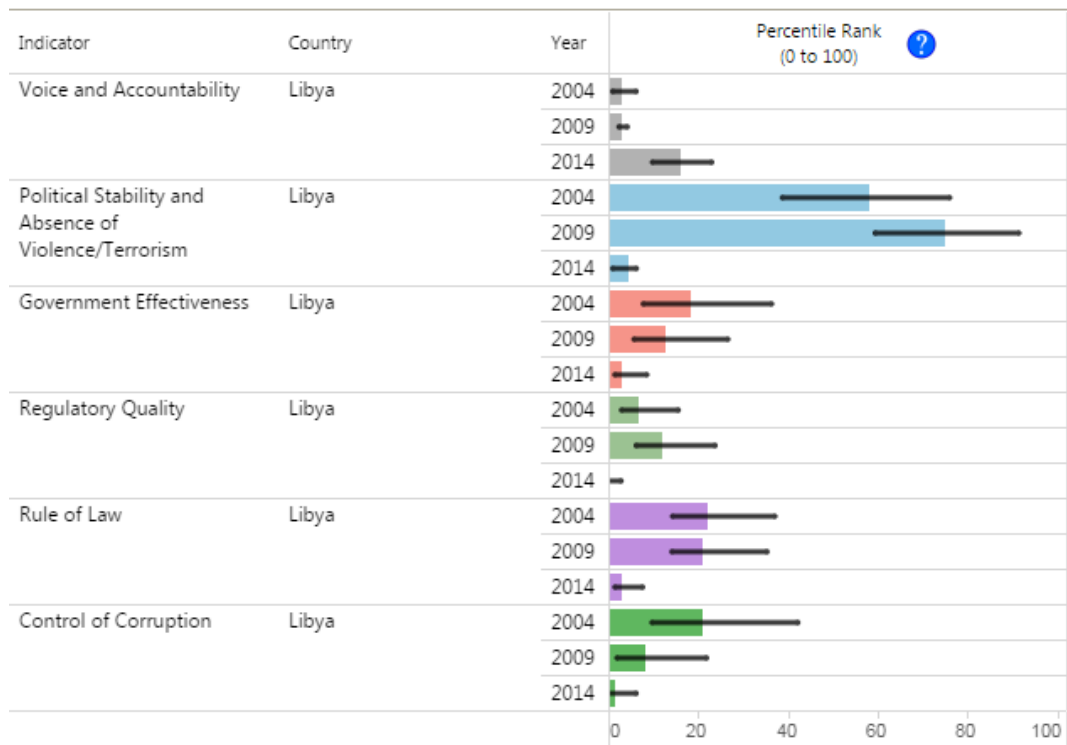


Figure 1. Worldwide Governance Indicators – Libya. Source: The World Bank, 2015a

It can be seen from the graph that the country has been very volatile. The only improvement after the Arab Spring happened to “Voice and Accountability” which can be explained with Gaddafi’s fall that ended the dictatorship. However, due to the civil war, indicators referring to “Political Stability and Absence of Violence/Terrorism”, “Government Effectiveness”, “Regulatory Quality”, “Rule of Law”, and “Control of Corruption” have become very low, almost non-existent.

Libya’s incapability to form a stable and functioning political culture can be considered to be largely inherited from colonial legacy and also Gaddafi’s regime. Firstly, Libya still lacks collective national identity and the reason for this lies in the legacy of colonialism. Namely, colonialism created borders without differentiating numerous tribes or taking into account their ethnic integrity (Nesmenser, 2013). In other words, Libyan borders

were created artificially. Although during British-French administration and the first decade of independence the provinces of Cyrenaica, Tripolitania and Fezzan were separately administrated and the country had two capitals, Tripoli and Benghazi, due to the uniqueness and distinctness of tribes, this changed in 1963 when King Idris I combined the provinces under centrally administrated authority. This task was problematic as different tribes had different interests and goals, and contrasting ethnic compositions and histories. Gaddafi tried to unite three provinces even further on an ideological level by trying to create overall Libyan national identity. However, he succeeded only partially – although some assimilation occurred due to urbanisation as well as Gaddafi's strict policies, strong tribal stratification remained. (Middleton, Miller, 2008) Since Gaddafi's fall, numerous tribes have been trying to establish their power and legitimacy in many areas, in addition to violent groups.

Moreover, besides weak collective national identity, Gaddafi's dictatorial rule and forbidding tribes to enter a political life left a legacy of lack of knowledge how to build a functioning state, especially one that is governed on democratic principles. Absence of strong political parties and also distrust towards them has resulted in completely inefficient decision-making that can be illustrated, for example, by endless debates, and GNC forming a government for four months and laying the groundwork for drafting the constitution for one year instead of 30 days (Gaub, 2014). Moreover, long history of authoritarian regime coupled with Italian colonisation, the main interests of ruling political elites have remained to be about staying in power by any means (Fischer, Lannon, 2011). Also, as Gaddafi's weapons have spread irresponsibly after his death (Lehne, 2014) and created a large number of violent non-state armed groups, these groups that have been challenging Libya's democratic improvements and sustainable decision-making already since 2011. Some of them are former rebels against Gaddafi's army, for example Libya Shield and the Supreme Security Committee (SSC), some are autonomous militias, etc. (Seeberg, 2014). According to Sharqieh (2013), military councils and revolutionary organizations at both national and local level hold the real power in the country at every level. As for 200 000 declared rebels, only 10,000 have signed up for disarmament, demobilization, and reintegration programs and surrendered their arms to state control (Ibid.). Strength of such groups has made managing them, as well as general decision-making over the means of violence, outside the hands of the state. This, as a result, makes stabilising and uniting the state even more difficult.

Rebuilding Libya, especially in the political sphere, has been a serious concern of the international community, especially the EU for whom the stability in the country is of strategic concern. However, although the EU is willing to provide assistance by any means, especially at initiating political dialogues, and is widely recognised as a natural option for this, many Libyans have concerns about blurring the line between assistance and intervention. As said by Salah Maghani, Libyan Minister of Justice, „whatever assistance is given to the country cannot conflict with Libyan sovereignty and cultural sensitivities." (Sharqieh, 2013) This shows that the EU and its external assistance raise suspicions among the local public, making it even more difficult to have a say in the stabilisation process. However, this kind of attitude can also refer to colonial legacy and Gaddafi's legacy.

Although political life is the most challenging and has little improved over the years, other sectors have not had significant improvements either. There is still a serious concern regarding human rights. Although freedom of expression improved with Gaddafi's fall and the number of media outlets increased and experienced liberty like never before, the improvement deteriorated with the progress of civil war in 2013-2014. Moreover, violence against women has remained a problem which is believed to be hidden in local, social, religious, and cultural customs. Furthermore, capital punishment is still formally in force although it has not been formally used since Gaddafi's fall. However, many informal executions by militias have still occurred. Finally, Libya still lacks a national asylum system, meaning that migrants and refugees are not protected in any way. As for the health sector, it has also deteriorated because of the civil conflict. Although health services are mostly free of charge, they often have poor quality. Overall scores of general service availability and readiness remain low at 54% for general service availability and 64% for readiness. (EEAS and DG DEVCO, 2014a) In addition, humanitarian access has been hampered since conflict intensified, meaning that most international aid workers have left the country and thus left the local personnel with more workload and injured people with less available medical help (EC, 2014b). As for the education sector, some improvements can be seen. Libya has become part of the EU Erasmus Mundus project and although female participation in the labour market was only 30.1% compared to 76.8 % for men in 2012, 55.6% of adult women have reached a secondary or higher education compared to 44% of men (EEAS and DG DEVCO, 2014a).

As already mentioned, Libya's has vast resources of oil and natural gas, making its economy dependent on the energy sector. During the 2011 conflict, sales fell sharply and

made GDP per capita to contract over 50% - GDP per capita in 2010 was \$11 933, but in 2011 \$5517). The economy recovered in 2012 and GDP per capita rose to \$13 035, but then it fell again in 2013 (GDP per capita: \$10454) and 2014 (GDP per capita: \$6569) when the civil war intensified and when oil fields were blocked by armed groups. (The World Bank, 2015b; SWD 2014, 100) EU imports from Libya decreased by 38% but despite this, Libya continues to be a fundamental energy exporter to the EU (DG Trade, 2015a). It is also important to mention that Libya has no macroeconomic dialogues with the EU (SWD 2015, 75) and no Free Trade Agreement with the EU (DG Trade, 2015a). Macroeconomic dialogues would be very important though, as they would create an open exchange of views on domestic economic and financial developments (JOIN 2014, 12). All in all, it can be assumed that minor development programmes such as TVET programme etc. are rather insufficient in a country that is struggling with economy and where the overall institutional structure is not even in place for such programmes to work.

As for managing migration, it has remained the most challenging task for the EU to tackle. Civil unrest in 2011 made the Central Mediterranean route a popular entry point for illegal immigrants to the EU. That year 64 000 people migrated along the route (Frontex, 2015a). Although after Gaddafi's death migration dropped significantly, it peaked again when civil war intensified in 2013. More than 170 000 migrants arrived to Italy in 2014 along this route which resulted in the largest influx into one country in EU history. Departure mainly from Libya was a result of the lack of basic law enforcement that allowed smuggling networks to bloom. (Ibid) Moreover, the situation has got even worse in 2015 when 710 000 migrants entered the EU from January-September 2015 (Frontex, 2015b), 128 619 of whom along the Central Mediterranean route (Frontex, 2015c). In addition to this, according to The Internal Displacement Monitoring Centre (IDMC) Libya had at least 434 000 internally displaced people by July 2015 (IDMC, 2015). Moreover, increased instability forced EUBAM Libya to relocate to Tunisia in 2014 until security conditions improved (EEAS, n.d.-b), showing that the on spot mission had failed. It has also been said that EUBAM Libya had and still has challenges beyond its capabilities - the poor infrastructure, weak law enforcement, military mind-set of many border guards that oppose largely the civilian European perceptions of border management, etc. In addition, the task of EUBAM Libya is even more challenging because Libya's security sector is not in the hands of the state and thus cannot be centrally directed or developed. (Mzioudet, 2013)

Having explained Libya-EU relations, some preliminary conclusions can be drawn. The EU's influence in Gaddafi's Libya remained to minimum, not to mention the basically non-existent impact of the ENP. Instead it was Gaddafi that had more influence at defining the relationship because the EU was dependent on his help in the area of controlling illegal migration. Thus, the EU preferred taking a softer stance towards Gaddafi. In general, as said by Miles, „European policy was predictable. Libyan policy was deliberately unpredictable” (Miles, 2008). This gave Gaddafi much leverage and a complete disinterest in EU policies, especially the ENP. The fall of Gaddafi's regime and sudden political chaos in Libya was a good opportunity for the EU to become more influential in the country; however, it is clear by now that this has not happened. On the one hand, ineffectiveness of the ENP and EU's approach can be explained by Libya's overall chaotic domestic situation. Lacking state structures and state authority and basically being incapable to function without a regime, EU's approach of providing cooperation has simply not been possible. Even if the ENP was a well-functioning policy, the overall impact would be dependent on Libyan conditions. After all, EU assistance cannot do more than Libya is either willing or able to accept.

Although domestic willingness to cooperate is highly important, Libya's case is a bit more complicated. The lack of EU impact in Libya is also a result of EU's wrong approach and incapability to act fast in the beginning of the conflict. The EU had a good opportunity to establish some influence in Libya right after Gaddafi's fall; however, hoping for a successful cooperation to happen in a state with weak political culture was naive. In addition, the absence of an Association Agreement and ENP Action Plans tied the hands of the ENP and made it incapable of realizing ENP's full potential. This fact, however, showed the rigidity of the policy and its incapability to adjust to a changing environment. The EU should have worked harder on incorporating Libya into the ENP and promoting the benefits of working together. In addition, EU development programmes should have focused more extensively on governance problems and provide more funds than just a few millions. After all, the EU should have guessed that if Libya remains unstable, an escalation of a new civil unrest is likely and this in return would cause many problems for the EU, especially in increase of illegal migration into the EU. However, as the EU missed its opportunity to take a firmer stance, its actions remained insignificant. Thus, it became incapable to put any pressure on Libya and the new civil war broke out soon after.

In addition to missing the opportunity for influence, the EU has failed to promote the ENP and its benefits altogether. Gaddafi had always expressed his negative attitude towards any Western influence and the nature of ENP assistance did not help to change such attitude. After all, the ENP was based on the principle of conditionality, meaning that assistance is based on how much the partner state is willing to comply with the EU rules. As Gaddafi was not interested in Western assistance, especially in the principle that mainly benefits the EU, he refused to become a fully participating member and thus, broader cooperation between the two remained modest. As for now, not much has changed either – Libya remains afraid to conform to EU norms that could threaten its sovereignty and bring European control back to the region. In addition, although the EU provides funding and technical assistance, this help seems to be insufficient and often about tackling problems that are completely insignificant in a broader context. Namely, different development programmes often focus on narrow areas that do not really help to manage to overall crisis. In addition, the recent euro crisis has shaken the image of the EU as an economic power. All in all, it seems that the ENP fails to be attractive and provide sufficient incentives for Libya. If the attitude towards the EU and its foreign policy is cautious and closer cooperation is considered as conforming to the EU norms, the relationship will remain insignificant no matter how strong or weak the ENP is.

3.2 Case study of Morocco

Close relations between the Kingdom of Morocco and the EU have resulted in Morocco being one of the main EU partners in the Southern Mediterranean (EEAS and DG DEVCO, 2014b). Already in 1987, the former King Hassan II applied for EU membership, but it was rejected due to Morocco's location outside of Europe. However, this did not hamper cooperation between the two. After the death of King Hassan II in 1999, his son Mohammed VI became the new leader who was considered modern and more liberal than his father. This was the beginning of even closer cooperation between the EU and Morocco that has resulted in Morocco being the first partner to get the Advanced Status in 2008. However, before moving on to understand what the EU has done and how it has affected the country, it might be necessary to look at the overall incentives for cooperation between the two.

Morocco and the EU have a rather asymmetric relationship where Morocco is more dependent on the EU than vice versa. To elaborate, main cooperation areas between the two

lie in trade and migration. The EU is Morocco's main trading partner as 60% (Pagliarulo, 2014) of Morocco's export goes to EU member states – mainly to Spain (22%) and France (20.7%) (CIA World Factbook, 2015b) – and in 2014, exports amounted up to €29.25 billion (DG Trade, 2015b). The key sectors of Moroccan economy are agriculture, tourism, phosphates, textiles and apparel (CIA World Factbook, 2015b), of which EU imports cover mainly machinery and transport equipment, some textiles and clothing and some agricultural products (DG Trade, 2015b). As for dependency, it is Morocco that is more dependent on the EU in terms of trade because Morocco's products make up only a small portion of total EU imports (Pagliarulo, 2014). However, Morocco has still some economic importance for the EU – namely, European vessels are dependent on fishery rights that allow them to fish in Morocco's waters (EPRS, 2013). In addition, since 1983 Morocco has been a transit country for Algerian gas that goes through Pedro Duran Farell gasline to Spain and Portugal (Ghilés, 2009). Also, Morocco might start exporting solar energy to Europe in the future as the project of becoming a global solar superpower is underway (Neslen, 2015). Altogether, Morocco-EU relations are considered positive and although Morocco faced some economic slowdown in 2012 because of the euro crisis, the overall economic relations and a picture of Morocco as a considerably stable economy in the region have remained (Khan, Mezran, 2015).

As for migration, the situation is reverse and it is the EU that is more dependent. Morocco has a very close geographical location to Spain and therefore many EU member states, especially the Southern ones, are concerned with migration and regional security (Kausch, 2009). For example, France, Spain and Italy have the largest Moroccan communities in Europe and they are not very eager to see them grow. In addition, Morocco itself is struggling being a transit country for migrants from other parts of Africa and therefore seeks assistance to manage its borders. (Kausch, 2008) The most used route to reach Europe through Morocco is the Western Mediterranean route that leads to Spain and is also popular for drug smugglers. Although the number of immigrants is much smaller than along the Central Mediterranean route (6500 in 2008, 8450 in 2011, 7840 in 2014), it is still considered a high concern and defined for Frontex operational purposes (Frontex, 2015d). In addition to EU's financial assistance given to Morocco for strengthening borders, Spain has also built tall fences in its enclaves of Melilla and Ceuta that migrants have tried to climb over numerous times.

Having briefly outlined the major reasons for cooperation between the two, it is now relevant to look at how Morocco and the EU have deepened their relationship, and what kind of impact the EU’s engagement under the ENP framework has had on Morocco. As Morocco has always been eager for closer cooperation with the EU, the EU–Moroccan Association Agreement came into force already in 2000 and set a framework for cooperation. Furthermore, in 2003, Morocco was the first ENP partner country to establish a „subcommittee on human rights, democratization and governance“ to the EU called the Moroccan Association Council (Kausch, 2009) which was a remarkable step in a region known for high human rights violations. With the establishment of the ENP, the Association Agreement was soon followed by the ENP Action Plan that Morocco signed among the first ones in 2005. The aim was to achieve “a mutually recognised acceptance of common values such as democracy, rule of law, free trade, sustainable development, etc. and the implementation of political, economic, social and institutional reforms” (EC, 2004).

As Morocco is considered to be the most cooperative country in the region, it has become the largest recipient of EU funds in the framework of the ENP (see Table 1).

	Indicative allocation 2007-2013 (DG DEVCO, 2014)	Indicative allocation 2014-2020 (EEAS, n.d.-d)
Algeria	€366,1 million	€221 million– €270 million
Egypt	€1 billion	€756 million – €924 million
Israel	€13.5 million	Limited due to advanced economy, only thematic and regional programmes
Jordan	€640 million	€567 million – €693,million
Lebanon	€455 million	€315 million – €385 million
Libya	€83 million	€126 million – €154 million
Morocco	€1,43 billion	€1,3 billion– €1,6 billion
Palestine (mainly humanitarian assistance)	€2,5 billion	Programmed annually: €508 - €621 million for 2014-2015
Syria	€239 million	Suspended since 2011
Tunisia	€775 million	€725 million - €886 million

Table 1. Indicative allocation of funds for Southern Mediterranean countries through ENI and ENPI

As can be seen, €1.43 billion (including also funding through SPRING programme) was received in the period of 2007-2013 under the instrument of ENPI which is a lot higher than funds given to Libya. As for the period of 2014-2020, the EU's assistance under ENI is expected to amount up even to €1.6 billion. However, as also with Libya, additional funding sources for Morocco are thematic cooperation programmes like programme for Civil Society and Local Authorities, etc. (DG NEAR, 2015b), which make the total funding even bigger.

Most of this assistance, however, goes to budget support – for example, sector budget support between 2011 and 2013 amounted to 80% of EU's financial assistance (DG DEVCO, 2015b). In addition, the EU also provides help by giving grants, supporting institutions with expertise and assistance, and by facilitating investments and loans (DG DEVCO, 2015c). But getting the biggest share of funds is not the only recognition Morocco has got – in 2008, Morocco also became the first ENP country to be granted an Advanced Status. It was given in order to reward Morocco for its reforms and good cooperation in the fields outlined in the Action Plan (EC, 2004). This was an example of how the EU's positive conditionality works and as the aim of such status was to deepen and strengthen cooperation even further – namely, in addition to cooperation in the previous spheres of economic, political, social, etc. fields, the aim was also to integrate Morocco into the EU single market and increase legislative and regulatory convergence. The support instruments did not change significantly - financial instrument continued playing the central support role, and institutional twinning also remained. (DG DEVCO, 2015b)

Morocco was also a special case when the Arab Spring broke out in 2011. Although Morocco is a constitutional monarchy where powers are separated by law and the King Mohammed VI is perceived as rather modern and democratic compared to his father, in reality the situation is different. Namely, the king has supreme political authority in the country, meaning that political parties have restricted powers and executive, legislative and judiciary powers are not truly separated. Decision-making has remained in the hands of the king and his close elite. As a result of these factors, the Arab Spring triggered pro-democratic protests in Morocco also. However, in order to keep the country stable, the king reacted quickly and introduced a reform plan that included a new constitution implying more power to the parliament and to the ministers. In addition, an economic plan with the support from the IMF was quickly drafted that aimed to improve public finances and contain inflation. (Khan,

Mezran, 2015) As a result, Morocco remained stable and rather unaffected by the events, which was also a relief for the EU.

After the Arab Spring, cooperation seemed to increase and included deepening relations in the fields where partners are tied together the most – trade and migration. In 2013, the EU and Morocco launched negotiations on a Deep and Comprehensive Free Trade Agreement (DCFTA) that aims to bring Moroccan legislation closer to EU legislation and include trade in services, government procurement, competition, intellectual property rights, and investment protection. The aim was to liberalise trade further than set in the previous Association Agreement and integrate Moroccan economy gradually into the EU single market. (DG Trade, 2015b) However, negotiations have not been concluded yet. Nevertheless, some improvements were made with other agreements. For example, the Agreement on Agricultural, Processed Agricultural and Fisheries Products entered into force in 2012 with an aim to liberalise trade (Ibid), and the new four year protocol to the Fisheries Agreement of 2007 was ratified in 2014 which aimed to exchange fishing rights for a number of European vessels in Morocco's territorial waters for €30 million payments a year by the EU (Martín, 2014). As for cooperation in the migration sector, Morocco became the first Southern Mediterranean country to sign the Mobility Partnership with the EU in 2013 which aims to combat illegal migration and to ensure the effective management of the legal movement of people (EC, 2013). Some of the initiatives included strengthening border management, improving and simplifying visa and legal migration arrangements, upgrading asylum systems to EU standards, etc. (SEC 2011, 650). In addition, mobility was increased in the sector of higher education and research, for example Morocco has become part of the Erasmus Mundus programme (DG DEVCO, 2015b).

These areas of cooperation were given to Morocco because of many liberalising reforms passed by the Moroccan government under the framework of ENP that were considered exceptional in the otherwise volatile region. As a result, Morocco also gained much international praise and attention. Some of the most notable reforms have been the recognition of Berber language in 2011 as part of Moroccan identity and its future integration in the school system (Haddadi, 2003); establishment of an Equity and Reconciliation Commission (IER) that dealt with human rights violations of the last regime of Hassan II; a comprehensive revision of the Family Code (Moudawana) in 2004 that improved the position of women in society by raising the legal age of marriage to 18, giving them a right to initiate

divorce, and claim child custody (Kausch, 2009); and also a new anti-torture legislation (Martín, 2009). As for the political sphere, some improvements were seen as well. In 2007, Morocco had its yet most transparent legislative elections that were observed by international actors and where political contestants were allowed to access media (COM 2008, 164). Political space became more open as more political parties were allowed into the political arena and opposition parties into the government. For example, integration of the moderate Islamist Justice and Development Party (PJD) into the political process has been recognised as a significant liberalisation of political life (Kausch, 2008). For these reforms, Morocco was one of the first ENP countries to receive an extra allocation of €28 million as a reward for significant progress towards democracy and human rights (Kausch, 2009). By 2010, Morocco also seemed to have made some progress at strengthening the judiciary, tackling corruption, ratifying some international conventions regarding human rights and fundamental freedoms, dealing with environmental issues, increasing participation of women in political life, etc. (COM 2010, 207; COM 2008, 164).

As for the post Arab Spring period, Morocco has continued to progress towards democratisation and modernisation. For example, some reforms have been made in the justice sector - such as adopting a framework of fighting human trafficking and improving asylum system. Also, some progress was made at pursuing freedom of expression and freedom of speech. In addition, as legal migration into the EU had increased in 2014 and in 2015, the negotiations on a Visa Facilitation Agreement and a Readmission Agreement have started between the EU and Morocco. (JOIN 2015, 9)

However, despite positive steps taken towards modernisation and democratisation, most of these reforms have been singular measures, making their long-term impact questionable. If looking at The Worldwide Governance Indicators of the World Bank (see Figure 2), governance in Morocco has not improved significantly at all. By 2014, Morocco was doing worse in almost all areas than back in 2004. Indicators of „voice and accountability“, „political stability and the absence of violence/terrorism“, „government effectiveness“, and „control of corruption“ have all decreased despite EU’s excessive funds and Morocco’s Advanced Status. Only areas that have improved, although not significantly at all, have been regulatory quality and rule of law. These results raise many questions about the actual effectiveness of the ENP in Morocco.

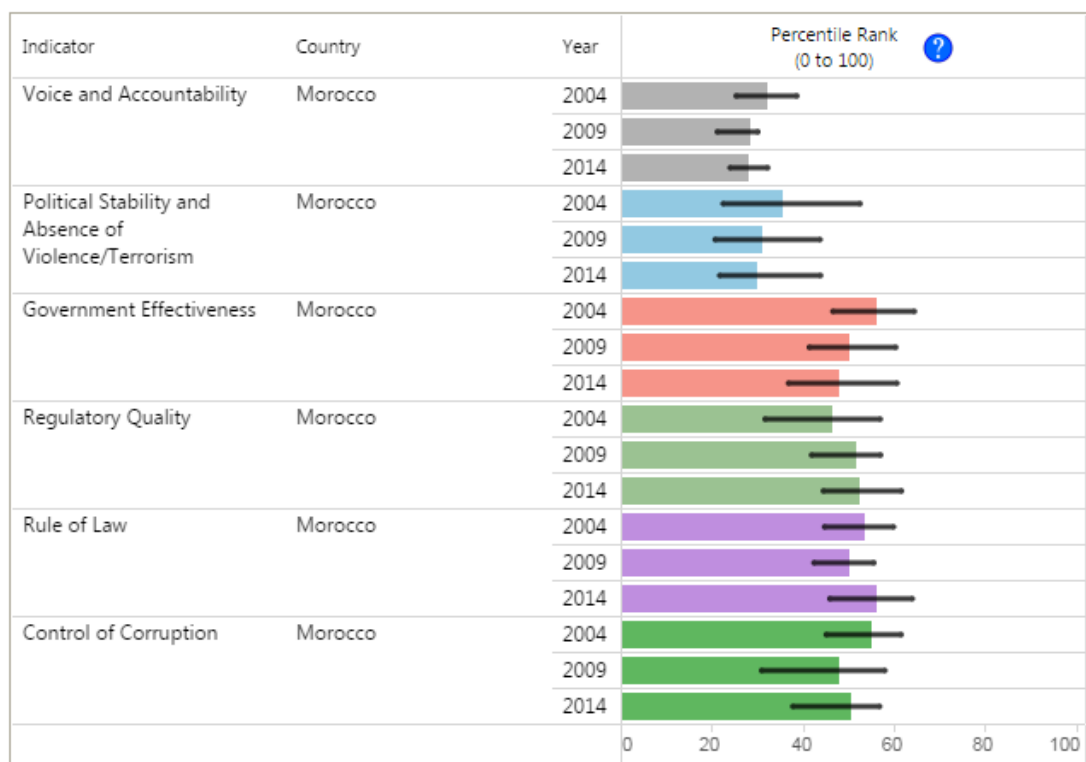


Figure 2: The Worldwide Governance Indicators – Morocco. Source: The World Bank, 2015a

Although Morocco is considered a stable country in the problematic North African region, the political situation has been described as something between cosmetic reforms and real democratisation (Khan, Mezran, 2015). Although it cannot be denied that Morocco has implemented many significant reforms that help it to modernise and partly liberalise, these reforms, however, have been selective and superficial and have not challenged the king or power elite to set a strong basis for a consistent process towards democracy (Kausch, 2008). For example, king’s governing institution called Makhzen forms a close network that dictates the policies and reforms (Kausch, 2009). To illustrate, when the ENP was launched in 2004, Morocco was classified by Freedom House as „partly free“ with freedom, civil liberties, and political rights all rated with 5 out of 7 (1=best; 7=worst) (Freedom House, 2004). However, the same classification has remained up to 2015 with only slightly better rating of freedom at 4.5 and civil liberties at 4 (Freedom House, 2015b). As a result of strong authority, the judiciary has remained corrupt and the gap between legal provisions and their practical use undermines the value of many legal reforms (Kausch, 2009). According to the Corruption Perception Index, Morocco ranked 80 out of 175 (the lower the better) in 2014 compared to 85 in 2010 and 77 in 2004, showing that although the current rank is better now than right

before the Arab Spring, it is higher than at the beginning of the ENP. Also, the independence of media and freedom of expression has been negatively affected as the broadcast media, the only media with nationwide coverage, is controlled by the state (Kausch, 2009; COM 2010, 207). In addition, wide concerns have remained regarding human rights despite some improvement in the situation of women – a Freedom House report in 2008 identified the human rights situation in Western Sahara as one of the most repressive in the world (Freedom House, 2008). In addition, prison conditions have remained bad, torturing is reported, the death penalty still exists, protection of refugees together with effective asylum system is still inadequate, the space for civil society actors and human rights defenders remains unduly limited, etc. (COM 2010, 207). Due to these human rights violations, granting Morocco Advanced Status has been widely criticized as it conflicts EU's otherwise strong commitments to democracy and human rights (Kausch, 2009). All in all, it can be seen that Morocco is not really moving forward, and although Morocco is generally considered a successful case of the ENP, in reality it proves not to be so.

Despite Morocco's interest in cooperation and EU's efforts to promote change, the EU clearly has not reached the same kind of influence like previously in Southern and Eastern European states (Martín, 2014). This can be explained with many reasons. Firstly, the EU values highly Morocco's stability and its overall stabilizing influence in the otherwise problematic region. The EU is thus reluctant to risk losing this stability by putting pressure on the Moroccan political elite to implement deep political reforms (Kausch, 2009), especially when Morocco is otherwise cooperative and has good relations with the EU. Instead, the EU addresses economic reforms and integration that threaten the regime less. Moreover, the ENP Action Plan for Morocco is just as vague as any other ENP Action Plan and thus does not specify timeframes, actors, implementation and evaluation mechanisms that define how and when the outlined objectives need to be achieved. (Ibid) Moreover, the Action Plan scratches no more than the surface of authoritarian rule by focusing only on selective reforms and singular measures instead of figuring out a strategy that addresses systematic change better (Kausch, 2009, 2010). However, such situation works for both sides. The EU does not have to worry about possible instability and Morocco can remain a semi-authoritarian façade democracy that keeps pursuing the ongoing strategy of modernisation that does not threaten the powers of the elite (Kausch, 2008). However, such situation together with constant praise by the international players actually harms the political situation in Morocco as it takes

attention away from the Moroccan government to take steps towards genuine democratization (Kausch, 2009). These reasons can explain why voter turnout has been shrinking over time despite all „efforts“ made for political liberalization and modernization – 58% in 1997; 52% in 2002; 37% in 2007 (of which 19% were either invalid or blank ballots). Citizens clearly had little confidence in their ability to trigger change. Although voter turnout of the latest election in 2011 was higher at 45%, it is still lower than before ENP (IDEA, 2011). However, in autumn 2015 local and regional elections were held where the opposition Authenticity and Modernity Party got the most votes together with the ruling Justice and Development Party (JDP) (Al Jazeera, 2015). However, the impact of these elections is too soon to assume.

Furthermore, another reason why Morocco is not so serious about political reforms is because it has lack of motivation to be so. Apart from funding and international praise, the EU gives little to Morocco in its main spheres of interests – trade and mobility of people. Firstly, the Agreement on Agricultural, Processed Agricultural and Fisheries Products has not brought significant benefits for Morocco - although Moroccan markets are widely open for EU exports, Morocco’s interest to export its cheap agricultural products to the EU has not been met due to many EU member states’ objections, especially Spain and France, and thus quotas and entry prices have remained. The EU’s high protectionism in the field of agriculture, however, creates lack of interest for Morocco to comply with EU rules and thus reduces EU’s leverage. (Kausch, 2010; Martín, 2014) In addition, the EU has had trade surplus with Morocco since 2008; and in 2013, EU exported more than €17 billion in exchange of €10 billion with Morocco (Martín, 2014). Moreover, although negotiations for DCFTA have started, they are still far from being concluded. The only step forward was done in 2012 when trade of industrial goods was liberalised. However, this benefits again the EU more than Morocco – namely, EU’s main spheres of export with Morocco are machinery, transport equipment, fuels and metals, but they have a significantly higher added value than agricultural products and apparel exported by Morocco into the EU. (Ibid) As for fisheries agreement, it has not addressed the key interests of Morocco either. The renewed protocol was only implemented in 2014 after a lengthy negotiation process. Namely, Morocco tried to get more concessions in the field of agriculture, but the EU claimed that the cost-benefit ratio was benefitting Morocco too much. As a result, Morocco gave in eventually and even agreed with the terms that actually benefitted it less than the previous protocol. Namely, no significant concessions in agriculture were achieved due to a strong resistance of European farmers, the

EU fishing opportunities were increased by a third compared to the previous protocol, and the EU financial assistance to develop the Moroccan fishery sector decreased from €36.1 million to €30 million a year. (EC, 2014c; Nielsen, 2012; EurActiv, 2013) It can be seen that trade and negotiation process have clearly been asymmetrical between the two.

Another main interest of Morocco is liberalising mobility of people, but this is again something that the EU is rather unwilling to do. Although a Mobility Partnership was signed between the partners, it has had no real consequences. Despite the negotiation regarding visa facilitation and readmissions of migrants, the partnership has not dealt with improving the status of Moroccan residents in Europe or simplifying legal labour migration (Martín, 2009). It has not even been clearly stated who and how many are eligible for legal labour migration (Balfour, 2012). The only thing done has been to support the implementation of the Mobility Partnership focused on technical assistance and capacity building with €5 million that mainly focuses on preventing African migrants from reaching Europe (Martín, 2009). All in all, it can be seen that the EU has not offered any considerable incentives for Morocco in the fields of trade and migration, which as a result could decrease EU influence in Morocco. It must also be noted that it is not actually the whole EU that shows interest in shaping and influencing the ENP in Morocco, but actually mostly only France and Spain. The reason for this is, in addition to being most affected if trade and migration liberalisation would occur, also general disinterest in the country by some other EU member states. Namely, the Northern European countries are looking more to the East than to the South, and have thus often left shaping Europe's relations and the ENP with Morocco to France and Spain (Kausch, 2009).

However, granting Morocco an Advanced Status has got the widest criticism. The concept of such status was desirable for both Morocco and the EU. The former had always wanted a more special status in hope of getting extensive funds, increased international profile, and more opportunities in the field of mobility of people and trade (especially agriculture). For the EU, on the other hand, making Morocco more tied to it would make Morocco's market more open for EU exports, and increase cooperation in the sectors of energy, migration, organised crime and counter-terrorism (Kausch, 2010). In addition, the EU hopes that Morocco will set an example for other ENP countries by demonstrating the benefits of cooperation with the EU. The overall objectives and focus areas of Advanced Status were stated in the Joint Document, which in reality did not differ much from the Action Plan. Namely, the aim was to deepen political dialogue, economic and social cooperation (for

example, enhanced cooperation in the fields of agriculture, higher education, energy and transportation, civil society, local authorities, human rights agencies, etc.) just like in the Action Plan. Besides these objectives, another goal was to integrate Morocco more to the standards of EU's common market, allow it more to participate in EU community programmes, and align Morocco closer to EU *acquis communautaire*. The status was also claimed to allow the holding of ad hoc summits between both players, including informal meetings of ministers of foreign affairs; and it also invited Moroccan ambassador to committees and groups of the Council of the EU. The overall aim in the economic sphere was to establish a Common Economic Area inspired by the European Economic Area. (Martín, 2009) As for cooperation regarding security management, the aim was to encourage Morocco to give practical support to EU crisis management operations, and allow it to participate in dialogues of the CFSP. Although Morocco participated in a peace-keeping operation in Bosnia and Herzegovina in 2005, aligning to CFSP declaration has not happened. (Bremberg, 2015) After all, aligning to already set common positions is not the same as formally having a say in the decision-making process.

The Advanced Status has not had any significant impacts and has actually created wide confusion instead. Firstly, as the Joint Document does not differ much from the Action Plan, the Advanced Status looks more like just an agreement on future negotiations rather than something containing extra value, especially in the fields of Morocco's strategic interests. Secondly, The EU also demands more than it gives. It emphasises conditionality, demands obeying to shared values, and wants to bring Morocco closer to its *acquis communautaire*, but fails to give much back in return. For example, although negotiations regarding trade liberalisation and cooperation in the field of agriculture have been claimed to be enhanced, in reality they have been mainly about increasing EU quotas for Moroccan farming products and have not even mentioned the possibility of an eventual participation in the Common Agricultural Policy or giving free access to EU markets. (Martín, 2009) Allowing Morocco to participate more in Community programmes and structures has also happened only partially (Ibid) and on top of it all, there are no official criteria about what a country needs to do in order to be entitled to Advanced Status (Kausch, 2010) which makes the meaning and benefit of such status highly muddled.

Moreover, many Moroccans and international NGO-s have criticised the EU for granting Advanced Status without demanding significantly stronger democratic commitments

from the Moroccan government (Kausch, 2009) - after all, Advanced Status requires, at least in theory, serious efforts towards good governance and political and socio-economic reforms (EC, 2004). However, if considering that Morocco has not got any significant benefits from being awarded Advanced Status, it is rather understandable why Morocco has not committed that seriously either. In general, it seems that the current weakness of Advanced Status makes it „just another EU paper tiger” (Kausch, 2010). In addition, insufficient demand and general intentions from the EU’s side can actually even send a signal to Morocco that it is possible to get a privileged political and economic partnership with the EU, including large financial aid, without seriously liberalising autocracy (Kausch, 2009). Overall, the impact of Advanced Status has remained rather neutral and it has taken more of a symbolic role in the region instead – it wants to encourage the neighbourhood to work more closely with the EU and present Morocco as a success story, whose commitment to Action Plan has granted it many benefits and also integration into the EU political and economic space (Kausch, 2010).

However, Morocco’s economic situation has not improved significantly even though it was left rather untouched by the Arab Spring and was given ENP’s vast financial support. For example, the GDP per capita has remained low (\$2792 in 2008; \$3001 in 2011; \$3103 in 2014) and youth unemployment has been growing over the years, especially after the Arab Spring (15,4% in 2004; 18,3% in 2008, 17,6% in 2010; 19,1% in 2013) (The World Bank, 2015b). In addition, and more importantly in the context of the ENP, Morocco’s external debt has been rising significantly since 2004: it was \$17 billion in 2004, \$20 billion in 2008; and \$39 billion in 2013 (Ibid). This means that Morocco’s current account has been decreasing and is now in deficit - when in 2005 it was positive at \$1 billion, then it first became negative in 2007 with \$-122 million, and decreased further over the next years resulting in \$-9,5 billion in 2012 and \$-7,8 billion in 2013 (Ibid). As the EU is Morocco’s main trading partner, it can be assumed that EU plays a role here at piling up Morocco’s external debt.

Some preliminary conclusions can be drawn from Morocco’s case. Although it cannot be denied that Morocco is considered the EU’s most cooperative country in the Southern Mediterranean which has made important steps towards modernisation and liberalisation of its domestic life, the level of actual change in Morocco as a result of the ENP can be doubted. It seems that both parties have had some bargaining power over each other, as well as dependence. Although Morocco’s key interests have not been addressed and it has not gained anything significant from Advanced Status, it still cannot afford to be critical of the EU. After

all, Morocco receives large funds from the EU, and its economy, especially the export sector, is highly dependent on the union. In addition, Morocco's international profile has become positive, it has more influence in the neighbourhood, and it has also managed to avoid real profound reforms in the political sector. However, the close relationship with the EU and getting Advanced Status has also been seen as Morocco's successful public diplomacy (Martín, 2009). The EU, on the other hand, has gained many benefits too at the expense of not criticising Morocco's domestic political situation too much. Namely, managing illegal migration via the Western Mediterranean route has become easier, Morocco's market has become opened for European agricultural products, manufacturing and service, and most importantly, Morocco has remained a stable country and an example for other countries in the region. This kind of interdependence and way of cooperation is not likely to trigger any significant change in Morocco's political life in the near future, especially from the EU's side.

However, the EU's current method towards Morocco poses many risks for the EU itself. Pouring large amounts of money into Morocco without getting any real results that show commitment towards democracy and human rights undermines the EU's credibility as a beacon of liberal values. In addition, its naivety coupled with a fear to trigger instability in the country, can actually result in both discontent among its own public, who disagrees with giving large funding without seeing any real results, and partner states' public, who sees the EU as supporting only the authoritarian elite without any wish to trigger actual positive change. All in all, despite of Morocco playing a very important role in many EU's spheres of interests, the EU should find a strategy how to push Moroccan government towards change. The options are either to sincerely help Morocco's economic development and hope that progress in the political front will follow; or to truly encourage Morocco to move towards real democratic change through the framework of Advanced Status. After all, Morocco has the highest potential to change than any other country in the neighbourhood. But in order for this to happen, the EU needs to provide more incentives and make real concessions in Morocco's key interest areas.

4. FINDINGS AND DISCUSSION

Having analysed Libya and Morocco as two extreme cases, shortcomings of the ENP have become clearer. The following chapter will conclude and analyse the findings of the case studies and see their relation to hypotheses outlined in the first chapter of this paper. There were three blocks of hypotheses that addressed the ineffectiveness of the ENP: wrong approach used towards the neighbourhood, lack of incentives given to ENP partner states, and the disunity within the EU.

The first hypotheses regarding the criticism of the ENP claimed that the ENP is ineffective because its overall approach towards the Southern Neighbourhood has been built on EU enlargement experience and its model of economic integration and regional cooperation (Kelley, 2006, Lehne, 2014; Kleenmann, 2010; Delcour, 2015) In other words, the EU is trying to transfer its internal policy making outwards by exporting elements such as conditionality and action plans to the neighbourhood. However, after having done the case studies, it has become apparent that this hypothesis is only true to a limited extent. Indeed, the ENP has some characteristics that are the same that EU's own enlargement experience had: it is not directly forcing countries to do anything they do not want to do; it shows the EU as a role model; and it tries to shape the countries through trade, financial aid, and preaching. However, it is missing two very important components that the EU's own enlargement process had – membership perspective and sincere emphasis on promoting reforms towards democracy, human rights and rule of law.

Instead of copying the enlargement experience in the neighbourhood, the EU actions seem to support Zielonka's (2006, 2011) idea of informal imperialism and Weaver's (2008) idea of hypocrisy trap. Namely, if the EU followed the enlargement example, the EU's goal in its Southern Neighbourhood would be about peace and prosperity; however, in reality it seems to be more about power and prosperity. Case studies show that the EU's overall aim for cooperation with its Southern Neighbourhood has not been about triggering genuine liberal change in the region, but more about keeping the region stable and benefit from mutual interest areas – mainly trade and migration. After all, the biggest fear for Europe is the

possible political destabilization in the region that would cause many problems for the union, especially in areas of migration, security and trade. Thus, in order to keep the region stable and avoid sudden crises, the ENP tries to get some control over the partner states by making them dependent on the union and without threatening the power of authoritarian regimes.

The ENP's approach of informal imperialism and its policy inconsistency can be seen in requiring the adoption of the EU *aquis* and committing to ENP Action Plans without taking into account the opinion of partner states. The policy has been built to be rigid but vague at the same time. Such characteristics work well for the EU – vagueness allows room for interpretation and rigidity makes it possible to always refer to the content of the documents if the partner state does not commit to reforms in areas where the EU wants to see definite improvements. Another imperial characteristic of the policy lies in its vague ambitious goals. Namely, as the ENP covers and funds many areas of political, economic, and social spheres in the partner country, it allows itself to keep a close eye on them. However, as these ambitious goals are mostly vague, they allow some room for interpretation. Furthermore, interdependence in areas of shared interests, namely migration and trade, is done so that the EU actually benefits more than the partner. However, rigidity and vagueness of the Action Plans actually benefits both sides as partner states too can interpret the content in a way that does not force them to be serious about political reforms. However, such characteristics also pose a weakness – vague but rigid three to five year plans do not take into account the possibility of sudden crises or impacts of a changing environment, making the policy stuck and without clear guidelines should they occur. All in all, the case studies have shown that such rather imperial and hypocritical nature of the policy has been successful in Morocco, but has completely failed in Libya. It is relevant to analyse why it is so.

In case of Morocco, the reason seems to lie in its dependency on the EU, as well as the weak nature of the ENP. On the one hand, Morocco is very dependent on the EU in terms of trade and international praise. On the other hand, Morocco's king is quite corrupted and thus, getting large financial assistance in return for some reforms coupled with EU's little pressure to trigger profound changes in areas of democracy, human rights, rule of law are attractive. Hence, although Morocco is being rather hypocritical, it actually satisfies both parties.

Libya, on the other hand, has been a completely different case, both prior and post-Arab Spring. In Gaddafi's Libya, EU's approach to establish informal control failed completely and the EU remained actually very careful when dealing with Gaddafi. Namely,

Gaddafi had no interest in being hypocritical like many other leaders in the neighbourhood, and he understood that the EU is dependent on Libya in terms of energy and migration. Thus, Gaddafi often had more leverage to pursue the direction of relations. In addition, Gaddafi's anti-West attitude and general negative colonial legacy made Libya critical of the EU. As a result, Europe took a rather soft approach in order to avoid the risk of possible destabilisation.

However, when the Arab Spring broke out and Gaddafi fell, the EU was forced to react and actually promote democratic governance in practice. The reason for this was not because the EU was secretly wanting Gaddafi's fall, but because it was simply trapped in its own rhetoric - firstly because the EU has been internationally perceived as a beacon of liberal values and a promoter of peaceful cooperation based on soft power; secondly because the union has been loudly talking about the promotion of democratic values in the neighbourhood since the launch of the ENP. Thus, when the Arab Spring broke out, the EU could not contradict its own words and had no other choice than to actually act. However, current situation in Libya shows that the EU has utterly failed to achieve any stability in the country and the reasons for it lie both in Libya's domestic situation as well as in the weakness of the ENP. Firstly, negative colonial legacy and the absence of strong Libyan national identity have been important players at impeding EU's action. As Libya is basically an artificial state and consists of various tribes with their own identities, people were not sure if they also had an overall collective identity apart from what was imposed by authoritarian leaders. Thus, when Gaddafi fell, tribes ended up trying to establish control in their areas and managing their own business without much effort to stabilize the country. However, despite the weak identity and negative attitude towards Europe, the EU could have done more if it had acted faster, firmer and in a more systematic way. But because of the rigidity of the ENP, the policy was completely unsuccessful at managing the crisis. Namely, as Gaddafi refused to sign the Association Agreement and Action Plans with the EU, the latter found itself stuck and indecisive about what to do when the Arab Spring broke out. As a result, the EU ended up putting emphasis on mutual cooperation instead of providing quick and systematic guidance on how to build up a state. In general, it can be said that the Arab Spring uprisings showed the overall ineffectiveness of the ENP and its failure of to impose informal imperialism. After all, it is naïve to think that with a weak, rigid and inconsistent policy it is possible to achieve genuine stability and progress, especially when countries in the region are different and also affected by other (more) influential actors on national, international and transnational levels.

Moreover, the ENP has not changed its approach much even after the Arab Spring. Although the more-for-more principle was introduced with the renewed ENP that was aimed for enhanced democratic reforms, in reality, however, sincere promotion of democracy has not become a priority. The negative governance indicators of Morocco have clearly shown that what is considered to be the most successful case of the ENP is actually not so successful after all. The reason for EU unresponsiveness seems to be the same as before the Arab Spring – it wants to avoid any destabilization in the partner state, especially after seeing the chaos in Libya and the unpredictable level of instability the Arab Spring caused.

All in all, the first hypothesis stating that the ineffectiveness of the ENP lies in copying EU's enlargement experience has proven to be rather invalid. The overall approach in the Southern Neighbourhood is more about pursuing informal imperialism in order to have some control over the volatile region, avoid any destabilisation, and to benefit from areas where both parties share interests. Its approach is rather hypocritical though as its actions differ from promises on paper. However, it seems that the reason for such reality is also because the ENP is trapped – in order to keep the region stable it has to satisfy all parties to an extent. However, doing less than promised and having imperial approach towards the neighbourhood is actually creating another lack of incentive for partner states to commit to the ENP, meaning that the first hypothesis partly overlaps with the second hypothesis.

The second hypothesis states that the ENP is ineffective because the policy provides lack of incentives for partner countries to really commit to reforms. Namely, committing to the ENP does not give partner states the possibility of an eventual EU membership (Lehne, 2014; Lynch 2006); the principle of conditionality is applied inconsistently and selectively (Gebhard, 2010); partner countries' cooperation and integration with the EU is limited in their most competitive areas like agriculture and migration (Youngs, 2006; Kleenmann, 2010); and partner states do not have much influence when setting the Action Plans (Eriş, 2012). In addition to hypotheses stated, the case studies have shown that other negative incentives are also the rigidity of the ENP and EU benefitting more from common cooperation areas.

As already mentioned, Morocco has always been interested in deeper relations and closer cooperation with the EU. Thus, the absence of EU membership possibility is a demotivating factor for Morocco to be more serious about the ENP. Although Morocco was granted an Advanced Status as a substitute for membership, in reality such status has caused much confusion as extra benefits have remained unclear. Such situation illustrates that the EU

has failed to commit to its own principle of conditionality. Case studies showed that Morocco has not even had any benefits in its main interest sectors of agriculture and legal migration - European agricultural market has remained largely closed to Moroccan products, advancing freedom of movement of workers has not really been an EU priority, funds from the EU have not significantly increased, and Morocco even failed to get better conditions from the renewed fishery rights. All in all, it seems that EU promises and claims have no substance in practice.

However, the case of Libya is different – when promotion of deep liberal values is welcomed in Morocco to an extent, it has completely failed in Libya. As already mentioned, in addition to chaotic domestic situation, Libya is not very interested in close association with the EU because its actions in the neighbourhood are often perceived as another attempt to colonise North Africa. Although oil sector (and previously migration too) makes the two cooperate, the impact of the ENP has remained almost non-existent in Libya. In addition, the ENP has also failed in Libya because of its rigidity. In other words, the policy has not even managed to set enough incentives for Libya to make it interested in signing the Association Agreement and Action Plans. Overall, it is clear that the ENP has failed to pursue EU's informal imperialism in Libya.

In addition, Kleenmann's (2010) and Youngs' (2006) claims that the ENP is underfunded and that it has based its approach too much on front-loading aid rather than making aid subject to progress and deepening engagement have proven to be true. When considering that the ENP covers 16 countries and tries to affect all policy areas in all countries, then it is unlikely that the total amount of €15.4 billion is enough. However, this paper supports more Kleenmann's and Youngs' second claim and also adds that the rigid funding framework of the ENP makes the policy even more ineffective. Firstly, as most of the financial assistance goes to budget support without really monitoring how this money is used or where it actually goes, it is actually quite understandable why despite the large financial assistance, Morocco has not changed remarkably since beginning of the ENP. Also, since allocation of money is based on the principle of conditionality, it makes the funding framework rigid and explains why Libya's financial assistance of maximum €154 million is completely insignificant compared to Morocco's €1.6 billion. In other words, due to the principle of conditionality more money is only given to those countries that are closer related to the EU and seemingly pursue more reforms. However, such situation poses a risk that the ENP does not notice the changing needs of different countries and thus also their changing

needs for funding. All in all, such allocation of funding is another unattractive incentive to be serious about the ENP.

Finally, the last hypothesis states that the reason why the ENP is vague and ineffective is because the EU's foreign policy is a shared competence of member states, meaning that all decisions need their unanimity; and because the ENP various objectives are governed by different institutional arrangements, making decision-making even more difficult (Noutcheva, 2015). Indeed, arriving at a clear and specific decision is very challenging with 28 member states and a complex EU institutional setting. In addition, Fischer and Lannon (2011) have argued that member states' priorities often differ in the neighbourhood due to historical preferences, national interests and general interdependence between countries. This hampers the ENP's potential even more and also helps to explain why the ENP cannot arrive to any specific and quick joint decisions. Namely, the EU options to act as a single unit are simply limited because it has trapped itself in its own institutional set-up, and thus, the policy has to be broad and ambiguous so that all decision-makers can agree to various aspects of the ENP. Although this hypothesis did not show up as a major factor in case studies, some important findings still emerged that are worth to be mentioned – namely, the indecisiveness of the ENP and different interests among the member states clearly hamper the ENP. For example, EU's incapability to act fast in post-Gaddafi Libya was partly because the EU institutions and member states could not agree on a joint action. In addition, the conflict showed clearly that the position of the High Representative has little impact and no decision-making power on behalf of the union. Moreover, Morocco's case also showed that not all member states are equally interested or have equal leverage to decide how the ENP is exactly pursued in the Southern Neighbourhood. For example, Spain and France have more influence than Northern EU member states, mainly because they are more affected by possible changes in the neighbourhood, and also because Northern members are simply more interested in the Eastern neighbourhood rather than Southern Neighbourhood. Finally, successful bilateral cooperation between Libya and Italy showed that member states' own foreign policy is sometimes more effective and more preferred than the EU's common policy.

Having analysed the ENP, it is clear that the policy can hardly be described as a “stabilization, transition and partnership process” (Kahraman, 2005). Instead it is pursuing rather cautious and rigid informal imperialism. Considering otherwise rather liberal and soft nature of European policy-making and its peaceful goals, it can be assumed that if Southern

partner states genuinely wanted to trigger democratic change and make profound reforms, the EU would also sincerely support such transformation by all means. However, as the reality is different, the EU has taken a different approach as well. Unfortunately, such approach has proven to be unsuccessful as the ENP is deeply flawed and contradicts EU foreign policy's overall structure. It is clear that the main aim of the policy has not been about triggering genuine democratic change in the Southern Mediterranean, but to keep the region as stable as possible by keeping current (semi-)authoritarian regimes in power and establishing some control through informal imperialism. Although it has been claimed that the cooperation is based on partnership, in reality however, the whole policy is based on EU values, norms and rules and has a rather rigid top-down nature. This shows that the ENP is not doing what it has promised to do, and thus supports the concept of organisational hypocrisy. However, the current nature of the policy allows partner states to be hypocritical too. Namely, they agree to pursue reforms in return for financial assistance, however in reality they do not commit to them, especially the ones that concern democracy and rule of law. Thus, such nature of relations works well for both parties. In addition, the ENP has an incompatible combination of pursuing informal imperialism in the region on behalf of the union whilst having disunity between member states and lack of coherence in EU's foreign policy. In other words, the ineffectiveness of the ENP is trapped both in its own as well as EU foreign policy's overall structure – after all, it is impossible to pursue rigid informal imperialism as a single unit when there is no clear structure in the EU's foreign policy itself.

Although the EU aims to continue ensuring the relevance and importance of the ENP to its partner states, including those in midst of conflicts, finding a solution to the ENP problems is very challenging. It is understandable that in order to make partner countries more committed to the ENP, it is necessary to motivate them by tailoring the policy to each partner country's needs and by setting enough incentives. However, it is difficult to achieve in reality – firstly because the EU has continued to pursue informal imperialism through the inconsistent and rigid nature of the ENP, and secondly because the main interest areas (agricultural trade and migration) of partner states are unlikely to be addressed. Namely, European agricultural market has always been very protective, meaning that opening it is not likely; and when considering the current migration crisis in Europe, liberalisation of movement of people is not likely to happen either. Furthermore, although it would be advisable for the EU to promote good governance as it often a prerequisite for

transformational changes in societies, it is unlikely to happen in reality, especially after seeing the unpredictable level of instability caused by the Arab Spring uprisings. Even though the EU has introduced “more-for-more” principle and encouraged democratic reforms in return for more financial assistance, this principle is not really being emphasized in reality as moving slowly and carefully in the political sphere is preferred instead. As for now, the ENP cannot justify its presence in the region with much else than by simply pouring financial assistance and some experts into the partner states and pretending like it is trying to trigger change. All in all, the ineffectiveness of the ENP does not lie in one reason, but is instead caused by combination of different factors. The ineffectiveness of the ENP seems to lie in its informal imperialism that is too rigid, inconsistent, and stuck both in its own as well as EU’s overall incoherent foreign policy framework. Thus, the ENP cannot achieve any effective outcomes in practice.

It would be relevant to end this paper by briefly stating some suggestions. As the potential of the ENP is largely trapped in EU foreign policy’s overall structure, it is important for the EU to become more coherent in its external actions. Although the importance of coherence was mentioned in the ESS and Lisbon Treaty and the position of High Representative was established with a hope that it would help the EU to speak with one voice and better coordinate its actions, it is clear by now that not much has been achieved. Nevertheless, Europe should continue working on achieving more coherence as it is crucial for being more influential in external affairs. Coherence would also make the ENP’s structure stronger and its decision-making quicker and clearer. However, achieving coherence is a long shot and considering the current nature of the ENP it is unlikely that much will change in the neighbourhood in the near future - or at least it will not happen until the partner states themselves truly want to change.

Preferably, the ENP should provide some tangible economic benefits instead of aid (i.e. free access to the agricultural market); however, this is highly unlikely to happen as already discussed above. Thus, in order to make the ENP more effective, a more realistic solution would be improving the structure of financial assistance. Current structure is simply wasting money irrationally, but if money was targeted better, outcomes would be better as well. For example, a good place to start would be to support civil societies better - not by funding the big Western type NGOs, but the small local ones that could actually address the root causes of problems.

CONCLUSION

The objective of this paper has been to find out the reasons for ENP ineffectiveness in EU's Southern Neighbourhood and it was done so by testing hypotheses through case studies of Libya and Morocco. Most hypotheses were confirmed – the ENP has indeed lack of incentives to make partner states truly commit to the reform agenda; it has ill-targeted funding and the principle of conditionality is applied inconsistently; and the lack of foreign policy coherence coupled with member states own interests in the neighbourhood make decision-making more challenging. However, hypothesis stating that the ENP is based on EU's enlargement experience was proven to be flawed. Instead, it was found that the reason for ENP ineffectiveness is more complicated than stated in hypotheses as in reality it is a result of different factors working together. It was argued that the main reason for the ENP ineffectiveness seems to lie in pursuing informal imperialism that is too rigid, inconsistent and stuck in the framework of the EU's overall incoherent foreign policy.

It was also found that neither of the countries analysed have changed significantly as a result of being an ENP partner state. The ENP has completely failed in Libya where the EU has been perceived rather negatively both prior and post Arab Spring. In Gaddafi's Libya it was Gaddafi that had more leverage in relations between the two and the cooperation happened mostly outside the ENP framework. As for post Arab Spring, the ENP failed to take quick and coherent action, thus failing to help Libya with stabilization process. Morocco, on the other hand, has often been perceived as the closest partner and an ENP success story in the neighbourhood. However, the case study showed that in reality, the ENP has not triggered any real changes in Morocco as the reforms have been selective and not really touching the most problematic areas such as good governance, rule of law or human rights. In addition, unbalanced relationship in trade has been piling up Morocco's external debt.

All in all, it seems that the main aim of the ENP has not been about triggering real changes towards democracy or changing the regimes in power, but more about avoiding possible (political) destabilisation in the region. The cooperation has thus focused more on areas of shared interests such as trade and tackling illegal migration.

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