UA: UKRAINE ANALYTICA

STRATEGY DELIVERABLES CIVIL SOCIETY EAST FORUM CHANGES PRAGUE REFORMS BORDERS ASSOCIATION UKRAINE POLICY EUROPEAN UNION NEIGHBOURHOOD WEST EASTERN PARTNERSHIP PERSPECTIVES FORUM BORDERS PESCO RUSSIA DELIVERABLES ASSOCIATION CHANGES BORDERS

- **EASTERN PARTNERSHIP**
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Deputy Head of the Administration of the President of Ukraine

Has the Eastern Partnership succeeded? Can it be further improved?

Ukraine considers the Eastern Partnership as a complementary track to our bilateral dialogue with the EU. It is clear that our main milestones – visa-free regime, Association Agreement, macro-financial assistance – are the achievements of the bilateral track.

Next year will mark the 10th anniversary of the Eastern Partnership. We deem this date should officially formalise differentiation within the EaP. The 'EU+6' format could continue existing in parallel with the 'EU+3' and cover such initiatives as harmonising of roaming prices among the Eastern partners, cultural and youth cooperation (EaP European School, Erasmus+, Creative Europe, Horizon 2020), enhancing of cyber security, etc.

Ukraine remains committed to the success of the Eastern Partnership and is ready to lead in the process of its further development and enhancement.

Should it be EaP+ to encourage the three states (Ukraine, Moldova, and Georgia) that signed the Association Agreement for further European integration?

The future of the Eastern Partnership is closely linked to deeper differentiation. Ten years of implementation showed that the EaP became a multi-speed initiative where different partners have different expectations.

> *Ukraine considers the Eastern Partnership as a complementary track to our bilateral dialogue with the EU*

The possibility of an enhanced dialogue with Associated Partners is enshrined in the Brussels Summit declaration. The informal ministerial meeting on trade and DCFTA-related issues in the 'EU+3' format became the first practical implementation of such a dialogue. It has proved its importance as a platform for discussions related to DCFTA implementation and coordination of efforts to promote trade and regulatory convergence with the EU and between DCFTA countries. In particular, the meeting was very useful to compare notes among the EU and the DCFTA partner countries on homework done in several key DCFTA priorities: reform of public procurement, customs facilitation, promotion of SMEs, and approximation of the SPS standards.

Ukraine is interested in regular and close cooperation with the EU and other DCFTA countries on these and other priorities in order to ensure effective implementation of the DCFTA goals and objectives. In this regard, it is necessary to set up regular ministerial meetings in this format and propose to host the next meeting in Kyiv.

> *As a result of implementation of the Agreement, Ukraine would de facto reach political and economic criteria that would make our country eligible to join the EU*

Moreover, we deem that this experience could be transferred to other areas of cooperation and cover approximation of partners' legislation in such areas as Digital Single Market, customs cooperation, and Energy Union. Extending the benefits of the Digital Single Market to the EaP countries would help the EU and partner countries gain greater opportunities from emerging digital technologies in terms of economic development, infrastructure modernisation, and promoting trade, as digital economy is one of the most important and beneficial areas of cooperation.

What are three biggest opportunities the EU Association Agreement generates for Ukraine?

The Association Agreement is offering huge opportunities for Ukraine's **transformation** into a modern European democratic state.

First, I would like to highlight a strategic opportunity this Agreement generates for Ukraine. As a result of implementation of the Agreement, Ukraine would de facto reach political and economic criteria that would make our country eligible to join the EU.

When we talk about benefits of the Association Agreement, the first and most obvious answer would be "**trade**". Our DCFTA has been in force since 2016 and we can already see remarkable results. Today the EU is our main trade partner with a share of 41.2% of Ukrainian total trade in goods and services. Moreover, our export to the EU increases every year. We had 26.7% of growth in 2017, and 18.9% of growth during January-July of 2018.

Statistics shows that Ukrainian businesses can be competitive in the EU market. Thus, we expect that our export to the EU will continue to grow.

DCFTA opens up huge prospects for investors. We see European companies that are seeking new opportunities in our market. Just during last month: we had $450 million from NBT of Norway, which invested in renewable energy in Ukraine; IKEA started a new large-scale project in Ukraine; H&M opened its first store in Ukraine; Ryanair launched flights from Ukrainian airports to a number of destinations in the EU countries.

DCFTA became one of the major driving forces for development of economic recovery of the country.

By signing the Association Agreement, the EU and Ukraine have committed to enhancing **energy security**, facilitating the development of appropriate infrastructure, increasing market integration and regulatory approximation towards key elements of the EU acquis.

Ukraine shares the objectives of the Energy Union, of all its pillars – energy security, market integration, decarbonisation, environment, and research. Currently there are different legal and policy frameworks for Ukraine-EU cooperation in the energy sphere. They include the Association Agreement, Energy Community, EaP initiatives, etc. These instruments allow

Ukraine and the EU to synchronise fully their ways to achieving the goals of the Energy Union.

We make every effort for a speedy integration into the European energy market and obtaining the internal market regime in energy. Success of this process will depend on sufficiency of Ukraine's progress in transposing the EU requirements into Ukrainian law and practice.

Full internal market treatment of Ukraine by the EU in the gas market should be the cornerstone of the framework for post-2019 gas supply to the EU and Ukraine. Such treatment envisages equal and reciprocal rights and obligations for Ukrainian and the EU companies in the market. It will oblige Gazprom to comply with the EU legislation already at the Ukraine-Russia border as well as at any other eventual entry point to the integrated EU-Ukraine gas market.

Ukraine seeks equal treatment of the Ukrainian Gas Transportation System and North Stream 2 project within the scope of EU law as a necessary guarantee for more reliable market behaviour of Gazprom, since greater integration of Ukraine and the EU in the gas market will provide more instruments for mitigating risks of unpredictable hostile actions by Gazprom.

What are three biggest risks?

The Russian military aggression, which is aimed at blocking the integration of Ukraine into a single European space, caused drastic changes in the external and internal security environment of our country. We have to find new mechanisms for ensuring Ukraine's national security and to make Ukraine's civilisation choice of European and Euro-Atlantic integration irreversible.

Under these circumstances, it is of paramount importance to make constitutional amendments consolidating the aspiration of Ukraine's membership in the EU and NATO, as was proposed by President Petro Poroshenko. Setting forth at the constitutional level Ukraine's path towards the EU and NATO membership will mobilise Ukrainian society and promote reforms aimed at achieving the necessary criteria for such membership.

The biggest risk that Ukraine faces in the process of implementation of the Association Agreement is the **risk to miss DCFTA opportunities by not delivering on regulatory reforms** or by implementing ill-conceived populist measures that violate our Agreement.

> *Association Agreement with Ukraine is about adaptation of 80% of EU acquis into Ukrainian legislation*

Implementation of sanitary and phytosanitary measures can be a good illustration of the importance of regulatory reforms. By complying with the European SPS requirements, we can open the EU market for several product categories that Ukraine cannot export now. The same would be true for other technical regulations and standards for industrial products.

The EU is not only Ukraine's largest trade partner, but also one of our biggest donors and a faithful supporter in many strategic issues including security. Therefore, the negative impact of non-compliance with either the letter or spirit of the Agreement sometimes goes far beyond trade and economic issues.

However, to my mind, one of the biggest risks remains **ignorance, Euroscepticism, populism, and ultra-nationalism in the EU member states' political circles**, which are significantly supported and boosted by Russian propaganda and money.

These factors could have a discouraging effect on Ukrainian citizens who struggle against the Russian aggression and its socio-economic consequences. The narratives in the EU capitals like 'you are not welcome in the EU', 'nobody cares about Ukraine' are as dangerous as Russian bullets and missiles.

In these times, I can assure you that the Ukrainian nation remains one of the most committed believers in democracy, the rule of law, and common European values. And it is not wise for the EU to construct artificial fences to restrain the expansion of the values and democracy in Europe.

What is more important for Ukraine in terms of the Association Agreement – the process of its implementation or the final goal – joining the EU?

The Ukraine-EU Association Agreement is a unique document in many ways. It is a genuine symbol of the Ukrainian people's European choice. The Ukrainians have paid an extremely high price for this Agreement in 2014 and our country continues to pay this price today, fighting for its freedom and independence.

It is also the most ambitious Agreement the EU has ever had with any third country. In fact, the Association Agreement with Ukraine is about adaptation of 80% of EU acquis into Ukrainian legislation. It means that Ukraine's commitments under the AA/DCFTA are comparable to those of pre-accession countries.

The only way to benefit from all opportunities of the Association Agreement is to ensure its successful implementation.

As a result of implementation of the Agreement, Ukraine would de facto reach criteria that would make our country eligible to join the EU. When this happens, the whole discussion about granting the European perspective for Ukraine would look very different from today's discussion with our European partners.

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THE EASTERN PARTNERSHIP AT THE TURN OF ITS TENTH ANNIVERSARY: WHERE HAVE WE COME SINCE PRAGUE, AND WHERE TO GO NEXT?

Pavel Havlicek
Association for International Affairs in Prague

In November 2017, Brussels hosted the fifth summit of the Eastern Partnership (EaP) since its emergence in 2009 in Prague. Over the last nine years, the EU's Eastern policy has gone through ups and downs and recently resulted in another meeting of heads of states from the EU and EaP countries in the Belgian capital. The Brussels summit, as well as the policy itself, set off with high expectations, which were – for many – not met by the final declaration. Despite that, the Eastern Partnership has made a considerable progress and it is far from being doomed or forgotten at the turn of its tenth anniversary.

From Prague to Brussels

In May 2009, it was the then Czech EU presidency that together with Poland and Sweden as well as a coalition of like-minded EU member states brought the initiative for Eastern Europe to life after a similar French initiative for the Mediterranean region. The then Eastern Partnership emerged as a counterweight to the Union for the Mediterranean with the aim of differentiating between 'European neighbours' and 'neighbours of Europe', as famously delineated by the former Polish foreign minister Radek Sikorski. This push against the 'one-size-fits-all' approach represented by the European Neighbourhood Policy was strongly advocated by the EU member states from Central and Eastern Europe (CEE), which naturally have closer connections with their neighbours to the east. This informal group of 'friends of the Eastern Partnership' argued in favour of closer bilateral relations between the EU and EaP countries, embodied in the Association Agreements (AAs), including the Deep and Comprehensive Free Trade Agreements (DCFTAs), and visa-free regimes that stood at the core of the policy since its beginning together with the multilateral framework of cooperation symbolised by biannual summits of heads of states.

The 2013 Vilnius Summit represented a breakthrough for the EU's Eastern policy, when Georgia and Moldova initiated their AAs, despite Ukraine refusing to sign the document, which later led to the turbulent events known as EuroMaidan (or the 'Revolution of Dignity' in the Ukrainian context). Due to the consequent illegal annexation by Russia of Ukraine's Crimean Peninsula and the City of Sevastopol and aggression in the east of Ukraine, Eastern Europe was dragged into chaos and instability which persist until today. However, in the meantime, Ukraine, Georgia, and Moldova were able

to successfully conclude their AAs, DCFTAs, and visa-free regimes, which came into force only recently.[1] Therefore, the six countries of the Eastern Partnership were effectively divided into smaller groups of associated states (Ukraine, Georgia, and Moldova), members of the Russia-led Eurasian Economic Union (Belarus and Armenia), and Azerbaijan pursuing its own path of special relations with the EU (and Russia as well). This multispeed character of the EaP and principle of differentiation were further confirmed by the Brussels summit.[2]

> **an upward tendency to 'EaP-fatigue' accompanied by pro-Russian sentiments of some of the EU member states can be observed, which does not help to move the mutual relations forward**

Current State of Play

The current state of the debate on the Eastern Partnership and its future can be best described with reference to negotiations surrounding the Brussels summit and its final declaration. Even if the informal group of 'friends of the Eastern Partnership' – including the Visegrad states – still exists, it is now less actively advocating closer relations between the EU and partner countries, unlike the European Parliament, which holds the most ambitious position towards the

Eastern Partnership. The reason for that is the expectation of concrete measures especially from the associated countries that have concluded their AAs and DCFTAs requiring a number of reforms in political, economic, and social spheres. In addition to that, an upward tendency to 'EaP-fatigue' accompanied by pro-Russian sentiments of some of the EU member states can be observed, which does not help to move the mutual relations forward. The Netherlands can be considered as a vivid example of a state seriously complicating the EU-Ukraine relations after the non-binding referendum in April 2015, in which Dutch voters by a small margin refused the AA with Ukraine.[3]

Furthermore, the situation is even more complicated in the partner countries themselves. The three associated countries have their own deep structural problems stemming from the character of their regimes and ruling elites as well as complicated domestic transformations into fully-fledged liberal democracies with established rule of law and free markets. In the most significant case of Ukraine, these include a never-ending struggle against corruption, pressure on civil society and journalists, and the tightening grip of the ruling clan of President Poroshenko at the expense of democracy and the rule of law.

Georgia, as the most advanced country of the region in terms of its reform process, suffers from a power consolidation by the Georgian Dream led by Bidzina Ivanishvili and partisanship, problems with the rule of law, and limited freedom of media. Finally, Moldova – the former EaP front-

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[1] The association agreement between the EU and Ukraine came into force on 01 September 2017 and visa-free regimes for Ukraine and Georgia only in June 2017.

[2] *Joint Declaration of the Eastern Partnership Summit*, General Secretariat of the Council Delegations, 2017 [http://www.consilium.europa.eu/media/31758/final-statementst14821en17.pdf access: 30 November 2017].

[3] A. Rettman, *EU Counter-propaganda 'Harms' Relations, Russia Says*, "EU Observer", 22 November 2017, [https://euobserver.com/foreign/139974 access: 30 November 2017].

runner – faces a domestic state capture by Vladimir Plahotniuc and his 'family', and, stemming from that, a serious problem with the rule of law and principles of democracy.[4] The three other partner countries have their own limitations in relations with the EU given by their (geo) political choices. In any case, both Belarus and Azerbaijan have serious issues with democracy, rule of law, freedom of speech, or civil society, which are under pressure from the state authorities,[5] while Armenia is currently going through turbulent post-revolutionary developments and transition of power to the new government led by Nikol Pashinyan.

Based on all of this, some of the EU member states feel tired of the complicated situation in Eastern Europe, including Russian aggression in the shared neighbourhood and troublesome domestic situations in most of the partner countries. Therefore, these states refused to explicitly recognise the European perspective for the associated countries, while others pushed for recognition of specific Russian interests in Eastern Europe and promoted stronger cooperation with Russia and its Eurasian Economic Union (EAEU). Also, the next tranches of macro-financial support for Moldova are now put on hold due to unfulfilled EU requirements. Due to these facts, the Brussels declaration is less ambitious in its wording than the previous final document from the EaP conference in Riga two years ago.

The Brussels Declaration

Even if heavily criticised for its content,[6] the final declaration from the fifth summit of the EaP can be assessed as innovative in several aspects. First of all, it is shorter and more consistent in its content than some of the previous EaP declarations (e.g. from Vilnius 2013).[7] One could even use the word 'realistic' in that it seeks to deliver concrete outcomes for the citizens of the EU's Eastern neighbourhood, symbolised by 20 Deliverables 2020 worked out by the European Commission in advance in December 2016 as part of the review of the European Neighbourhood Policy. Second, the summit and its final declaration did not primarily concentrate on big strategic goals, but rather on smaller, achievable pragmatic goals, possibly with the exception of the Comprehensive and Enhanced Agreement with Armenia (CEPA).[8] The honest discussion – supposedly for the first time – was also commended by the Commission's President Juncker as a move towards a more sincere dialogue between the EU and its Eastern partners.

Last but not least, even if the final wording was for many not so ambitious due to opposition from certain member states (e.g. the Netherlands), the most important aspects describing the current situation in Eastern Europe were captured starting with the conflict in eastern Ukraine ("continued violations of principles of international

4   *Moldovan Court Annuls Chisinau Mayoral Election Results*, "RFE/RL", 20 June 2018, [https://www.rferl.org/a/moldovan-court-annuls-chisinau-mayoral-election-results/29305971.html access: 01 July 2018].

5   S. Blockmans, *The EU's Half-hearted Ostpolitik*, "EU Observer", 22 November 2017, [https://euobserver.com/opinion/139968 access: 02 December 2017].

6   I. Bond, *Eastern Partners, Eastern Problems*, "EU Observer", 23 November 2017, [https://euobserver.com/opinion/139990 access: 01 December 2017].

7   D. Cenușa, *Future of EaP and Moldova Following Brussels Declaration – Between Pragmatism and Local Realities*, "IPN", 27 November 2017, [http://ipn.md/en/integrare-europeana/87845 access: 05 December 2017].

8   I. Merheim-Eyre, K. Sobieraj, *A Low-key Eastern Partnership Summit*, "Euractiv", 23 November 2017, [http://www.euractiv.com/section/europe-s-east/opinion/a-low-key-eastern-partnership-summit/ access: 07 December 2017].

law") and on to the future closer relations among the three associated partners (Ukraine, Georgia, and Moldova) with the European Union ("the European aspirations and European choice").[9] In addition, the commentary of the European Council's president Donald Tusk during the final press conference illustrated the position of those who are well aware of the Russian aggression against Ukraine and could imagine a more ambitious text.[10]

The EU's Innovative Approach

The Council was not the only one to articulate its position on the future of the Eastern Partnership. The European Parliament as well as the EaP Civil Society Forum clearly expressed their strategic visions too.[11] As usual, the European Parliament suggested a more ambitious plan, especially for the associated countries, than was finally agreed upon by the heads of states of the EU and EaP. However, this does not mean that the parliament's main ideas – the concept of 'EaP+' for associated countries, a European investment plan for Ukraine (Georgia and Moldova, respectively), further integration of

associated countries into the Single Market and Schengen Zone, or cancelling roaming for EaP countries – would be forgotten. On the contrary, these ideas are going to remain as proposals for the future.

Therefore, it is incorrect to say that the Eastern Partnership is doomed to failure, or even disappearance in the years to come, as claimed by some.[12] In fact, it is more justifiable to claim that the policy as of today needs stronger political impetus to further promote closer cooperation and create momentum for the EaP countries and their reform processes based on their AAs and DCFTAs. This can be illustrated by the EU's approach to Armenia, showing political will and a relatively flexible stance in the Eastern neighbourhood, which might be – under certain conditions – complementary with Russia's EAEU. In the end, this can advance the EU's original goal and turn the 'Ring of Friends on Fire' into a more secure, stable, and prosperous neighbourhood.

Roles of Czechia and Visegrad

The Czech position in this year's negotiations can be generally described as pragmatic. Unlike that of some of the 'friends of the Eastern Partnership' (e.g. Sweden), Czech diplomacy did not focus on one specific issue, which it would push through the negotiating process. Rather, it concentrated on minimizing the harm caused by more 'EaP-hesitant' member states. Moreover, some EU

9   N. Koval, *Стійкість, стабільність, стагнація – три "с" Східного партнерства (Stability, Stability, Stagnation – Three "S" of the Eastern Partnership)*, "Ukrainian Prism – Foreign Policy Council", 02 December 2017, [http://prismua.org/stability-stability-stagnation-three-s-eastern-partnership/ access: 06 December 2017].

10 D. M. Herszenhorn, J. Barigazzi, *Russia Casts Shadow over EU's Eastern Summit*, "Politico Europe", 28 November 2017, [https://www.politico.eu/article/russia-casts-shadow-over-eus-eastern-summit-donald-tusk-crimea-ukraine/ access: 07 December 2017].

11 *Tangible Results for People: Envisioning the Eastern Partnership in 2020 and Beyond*, Eastern Partnership Civil Society Forum, 2017 [http://eap-csf.eu/wp-content/uploads/Civil-SocietyDeclaration_EN-1.pdf access: 04 December 2017].

12 A. Aslund, *Does the EU Even Care about Eastern Europe Anymore?*, "Atlantic Council", 27 November 2017 [http://www.atlanticcouncil.org/blogs/ukrainealert/does-the-eu-even-care-about-eastern-europe-anymore access: 08 December 2017].

members pushed their own foreign policy priorities and national interests regardless of the context of Russian behaviour, or the political and/or socio-economic situation in the partner countries. Instead, Czechia kept a low profile and sometimes opted for mediating among various camps. From a critical perspective, this approach can be seen as lacking its own strategic vision, or simply unable to articulate its priorities in the negotiations.[13] It seems clear that Czech diplomacy sometimes lacks time and energy to consolidate its strategic position on the Eastern Partnership. Therefore, it often restricts itself to support of the status quo and damage control – vis-à-vis EU member states promoting stronger cooperation between the EaP and Russia/EAEU. This way, Czechia is slowly but surely losing diplomatic visibility in its traditional domain and declared foreign policy priority, unlike Poland and Sweden, who before the Brussels Summit advocated the importance of the policy on which Czechia largely resigned.

The Visegrad Group's state of play on the Eastern Partnership today lies in dissonance and differing views of the Russo-Ukrainian conflict, especially as seen from Budapest, Bratislava, and Prague. For a long time, Poland had the leading position in the pro-EaP camp; however, this situation has changed due to bilateral conflicts with Ukraine, which started after the Polish government of Law and Justice came to power in October 2015 and opened painful historical debates with Kyiv.

The current Hungarian diplomatic offensive against Ukraine related to educational law, including promotion of the Ukrainian language in the educational system, is another case in point. Nevertheless, in the past, these were the Visegrad Group countries that successfully negotiated the launching of the Eastern Partnership and significantly contributed to its development not only through keeping the policy high on the EU's agenda during their EU presidencies but in several other ways as well.

In 2011, for example, V4 launched a programme called 'V4EaP' that aims at supporting contacts within academia, civil society, but also with democracy and human rights advocates in the partner countries. The Visegrad Group also played an important role in political, economic, and social transformations of the EaP and engaged in the region through their development and humanitarian programmes. Moreover, the yearly meetings between V4 and EaP foreign ministers contribute to information sharing and policy coordination as well as keeping a high visibility of the policy by inviting EU officials involved in the EaP agenda. Finally, after 2015, the 'V4 Road Show' has supported Ukraine's transformation and reform process in sectoral agendas.

However, other initiatives stayed mostly on paper due to a general lack of political will and the diverging position of Visegrad on the Russo-Ukrainian conflict, which led to a paralysis of real action and tensions in regional cooperation. This is highly surprising taking into consideration that Ukraine borders three out of the four Visegrad members, whose national and security interests were violated by the Russian aggressive behaviour in Crimea as well as in eastern Ukraine.

13 R. Kot, *#Зрада или #Перемога: итоги саммита Восточного партнерства для Украины (Betrayal or Victory: Outcomes of the Summit of the Eastern Partnership for Ukraine)*, "Crimean News Agency", 30 November 2017, [http://qha.com.ua/ru/analitika/zrada-ili-peremoga-itogi-sammita-vostochnogo-partnerstva-dlyaukraini/183296/ access: 08 December 2017].

14 M. Wallstroem, W. Waszyczykowski, *EU's Eastern Partnership Needs Revival*, "EU Observer", 14 November 2017, [https://euobserver.com/opinion/139856 access: 18 November 2017].

What Can Be Done?

Due to the EU's pragmatic approach towards the partner countries, their citizens are finally in the core of the policy focused more on people-to-people contacts or enhancing living standards in the Eastern neighbourhood.[15] Pragmatism and honest discussion delivering concrete and new solutions should be welcomed and encouraged within the Eastern Partnership in the future. This is especially true for the implementation of the AA agenda with the three associated countries of the European Union – Ukraine, Georgia, and Moldova. However, this flexibility and pragmatism cannot come at the expense of EU values and basic principles,

Pragmatism and honest discussion delivering concrete and new solutions should be welcomed and encouraged within the Eastern Partnership in the future

such as democracy, human rights, or rule of law, as was previously condemned by the EaP Civil Society Forum,[16] because no explicit goal aiming at human rights or promotion of democracy was included in the Commission's plan for Deliverables 2020. Putting less emphasis on the EU values would only mean losing guidance for the EU's behaviour in its Eastern neighbourhood, which could harm the Union's reputation, as has already happened in Moldova, where a rhetorically pro-European government was after 2009 well-known for its corruption and misuse of power.

The EU cannot afford to gamble with its basic values and principles, as all its steps are carefully being observed from the autocratic regimes around Eurasia, desperately waiting for compromises in the above-mentioned areas, which would be immediately abused in the domestic realms. The EU can hope to combine its pragmatic approach to the Eastern Partnership with maintaining its own credibility and requiring partner countries to deliver on reform actions, thus giving the policy a new impetus in the years to come.

Therefore, what is really needed is not only the goal-driven agenda but also real and measurable progress on the ground going beyond rhetoric and 'shiny' infographics. In concrete terms, clear timetables of reform steps, setting ambitious targets, and adjusting the agenda to concrete reality on the ground should be applied to Deliverables 2020 to maximise the impact of this reform agenda. The negotiations between the European Commission and individual EaP countries should be also made as transparent as possible to involve public oversight and avoid compromises on EU values and principles, especially in association with the current EU talks with Azerbaijan on the 'Strategic Modernisation Partnership Agreement'.

The Visegrad countries can play an important role in this process and keep the policy high on the EU's agenda, promoting new initiatives in favour of closer cooperation with the partner countries to achieve stability, security, and prosperity in the Eastern neighbourhood. The best way to achieve that is through the support

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[15]   B. Jarábik, D. Šukyté, *Eight Years of Eastern Partnership: Hidden in the Trenches*, "New Eastern Europe", 23 November 2017, [http://neweasterneurope.eu/2017/11/23/eight-years-eastern-partnership-hidden-trenches/ access: 30 November 2017].

[16]   *Joint Staff Working Document EaP – Focusing on Key Priorities and Deliverables – Assessment and Recommendations by the Civil Society*, Eastern Partnership Civil Society Forum, 2017 [http://eapcsf.eu/wp-content/uploads/EaP-CSF-Policy-Brief_2020-deliverables.pdf access: 01 November 2017].

of like-minded civil society groups as well as advocacy of Euro-Atlantic integration, which has been chosen in several countries of the neighbourhood – respectively Ukraine and Georgia – as the vector of their foreign policy orientation. The EU membership perspective – particularly for the associated countries of the EU – should be never completely off the table, even if it represents the light at the end of the tunnel.

In addition, the 'friends of the Eastern Partnership' should actively engage in the partner countries and explain their complex situation of political, economic, and social transitions to the rest of the EU. Ukraine is the best example where the CEE states can have a positive role following the case of Lithuania and the investment plan for Ukraine originally proposed by Lithuanian politicians and later endorsed by the European Parliament.[17]

In order to do so, the V4 should return to its traditional role of supporter of the Eastern Partnership policy as well as democratisation and human rights that are slipping away from the EU's attention as well as being focused on delivering concrete results, no matter how difficult this might look today. The Visegrad Group should again become a major player in this field and not back off from the support of Euro-Atlantic integration of the EaP countries, which might be beneficial not only for its more positive label of a constructive actor within EU decision-making but also for V4's national and security interests. The European Parliament can be a valuable ally in this effort.

Nonetheless, the V4 must first stop its own ongoing fragmentation, caused by pursuing unilateral national decisions and megaphone diplomacy, instead of stronger coordination and mutual cooperation. Otherwise, it can open the door to more pro-Russian EU member states that follow the line of cooperation and 'normalisation' of relations with Russia at any expense.

The same is true for the new Czech government, which has to decide if it wants to invest in the Eastern Partnership or just continue with the rhetorical support to this declared priority of Czech foreign policy. This question is even more relevant since the EU's Eastern policy is going to celebrate its ten-year anniversary. Therefore, the Czech diplomacy should pay closer political attention to the agenda and aspire to become the leader in this policy field again. One way to do that is to have the ambition to conduct the future summit of the Eastern Partnership in Prague in 2022 during the next Czech presidency of the European Council. What will also be necessary is to come up with concrete recommendations as to where to move the relations with Eastern partners after 2020. Here again, Czechia can play an important role in the strategic thinking about the development of the Eastern Partnership in the future.

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[17] S. Kobzar, A. Paul, *Eastern Partnership Summit and Ukraine's 'Return to Europe' at Times of Uncertainty*, "European Policy Centre", 23 November 2017, [http://www.epc.eu/documents/uploads/pub_8086_eapsmtukr.pdf access: 29 November 2017].

TEN-POINT MEMO ON THE REVISED EASTERN PARTNERSHIP MULTILATERAL ARCHITECTURE

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In March 2018, the EEAS and the European Commission officially relaunched multilateral architecture of the Eastern Partnership, following the results of the 5th Eastern Partnership Summit in Brussels. Having endorsed "20 Deliverables for 2020" as a key roadmap for development of the region, the EU took a first major step in making the new EaP multilateral setup operational. Although some positive moments might be observed with the renewed Eastern Partnership, the multilateral track still does not address expectations of some partner states or stakeholders. This memo presents some core recommendations based on experience of taking part in different EaP multilateral fora and deep involvement in the activity of the Ukrainian National Platform of the EaP Civil Society Forum. It is addressed to both European institutions and Ukrainian authorities engaged in the Eastern Partnership implementation.

Introduction

The document has been prepared in the form of a memo to publicly discuss the expectations for the Eastern Partnership following the Brussels Summit in November 2017. As official EU documents state, the revised EaP architecture focuses on the process of "consulting, steering and enabling policy implementation" to engage more profoundly partner states in reaching the 20 Deliverables. While commending the restart of the multilateral track, which unfortunately proved to be ineffective in its previous design, we see some room for improvement on procedural and institutional level to make it more coherent and inclusive.

The multilateral activity in the framework of the Eastern Partnership needs more planning, coordination, consultations, and greater engagement of stakeholders. These 10 points elaborate on some specific areas that demand more attention from European and EaP region decision-makers.

1. Revisiting and correction of JSWD on "20 Deliverables for 2020"

One has to admit that the EEAS-NEAR Joint Staff Working Document SWD (2016) 467 on "20 Deliverables for 2020" was a very positive development in an attempt to demonstrate a bigger picture of where the EU is in relations with partner states and what the ambitions for the medium run are in the EaP policy[1].

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1   *Joint Staff Working Document: Eastern Partnership - 20 Deliverables for 2020 Focusing on Key Priorities and Tangible Results*, SWD (2017) 300, Brussels, 09 June 2017, [https://cdn3-eeas.fpfis.tech.ec.europa.eu/cdn/farfuture/dLJ9RdBalFgQqx34lgPlwagsNIuJB6cJzDeeiRR0RdQ/mtime:1497363650/sites/eeas/files/swd_2017_300_f1_joint_staff_working_paper_en_v5_p1_940530.pdf].

Provided that the 20 Deliverables are core for streamlining activity within the multilateral track, the necessity arises in tuning it to the programming.

Majority of the targets until 2020 in deliverables lack precision in two core respects. First, some of them are presented with a qualitative rather than quantitative description, putting into question the measurement process. It may present a perception that the document is not really about showing individual progress of the EaP partner states but rather about a united effort made by the European institutions towards the region at large. Thus, the document may present a political value, not being fit for assessing real progress on the ground.

Second, where it is quantitative, in some cases there is no clear understanding of what is a share per partner country in achieving a specific deliverable.

Thus, while having all 20 deliverables as declarations, it may appear difficult to assess how far every state advances in terms of the JSWD implementation.

2. National planning should be in place

Each partner state is pursuing its own track vis-a-vis the European Union with a unique set of bilateral commitments. Majority of these countries' tasks are indicated in the "20 Deliverables for 2020" but with a more loose description. At the moment, no partner country at the official level has done a comparison of the number and shape of the tasks prescribed by bilateral agreements with the EU and in the Joint Staff Working Document. In Ukraine this effort has been

done by civil society experts, with no public assessment in place[2].

Though, it is not always easy to extract a national share from the common target for 2020, governments in the EaP states may find it useful to create a specific plan on the 20 deliverables' implementation additional to bilateral road maps.

> **Provided that the 20 Deliverables are core for streamlining activity within the multilateral track, the necessity arises in tuning it to the programming**

It will also need a more concerted approach on the national level to participation in the multinational track. In the Ukrainian case, as of now under the Governmental Office for European and Euro-Atlantic Integration, there is now no department or working group in charge of EaP policy coordination on the national level.

3. The "20 Deliverables for 2020" reporting and assessment

To make it more attractive to reach the targets for 2020, a comparative report on implementation has to be designed. One single document on a yearly basis, uniting all the data provided under different platforms and panels as well as assessment of bilateral obligations, may inject some competitiveness in a good sense into participation in multilateral forms of cooperation.

The first attempt has been introduced by the EEAS with a short overview of the

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[2]   *The Eastern Partnership's Key Deliverables Compared with the Association Agreement Provisions: What Is the Added Value for the EU-Ukraine Relations?* "Civic Synergy", Policy Paper, 18 September 2018, [https://www.civic-synergy.org.ua/en/analytics/the-eastern-partnership-s-key-deliverables-compared-with-the-association-agreement-provisions-what-is-the-added-value-for-the-eu-ukraine-relations/].

implementation of the "20 Deliverables for 2020" as well as of concrete results achieved by September 2018[3]. Nevertheless, a simplified presentation of the achievements in a summarized way does not allow operationalizing this document in a country-to-country comparison. A more extended version of the monitoring based on an internal monitoring process that involves the EEAS and Commission services and takes into consideration results from meetings of the new institutional setup has to be produced.

4. Association states' club as permanent fora

In the recent architecture, there is no mention of any political or expert fora for three associated states to share and discuss their experiences on the path of the Association Agreement implementation, although the Joint Declaration of the Eastern Partnership Summit (Brussels, 24 November 2017) stipulates that "it is timely to engage the AA/DCFTA partners in joint discussions on the progress, opportunities and challenges concerning the association-related reforms, as requested by these partners, and with the aim of facilitating full implementation of the AA/DCFTAs" .

Last year's experience of preparation for the EaP Summit proved that such cooperation existed and sometimes was quite fruitful. Georgia, Moldova, and Ukraine managed to present a common stance in certain areas. The only concern there is that the associated countries elaborated their common policy towards the EU rather than the aim to convene in four (AA+EU).

As an initiative of the associated partners, the Inter-Parliamentary Assembly "Georgia-Moldova-Ukraine" was officially launched in Georgia in October 2018.

Against this backdrop, if the new EaP architecture is believed to be tuned to the realities on the ground, some permanent consultations mechanisms have to be introduced for partner states that implement the Association Agreement. It might increase the interest of bilaterally advanced states towards the multilateral track. Such a meeting format can help further develop the "more for more" principle, for example, allowing these countries to launch work on studying their potential for creating a common economic space, joint participation in civilian and military missions as part of the EU CSDP, etc.

5. Combining executive, political, and civil society dimensions

The streamlined EaP multilateral architecture, as presented in the JSWD in June 2017, deals predominantly with the executive authorities' level while leaving behind the scenes the agendas of political (EURONEST) and civil society (CSF) dimensions. It makes sense to set informal meetings at the beginning of the year with participation of Senior Officials Meetings (SOM) representatives and leadership of these two other pillars of the EaP policy to share their plans and future activity. It may increase synergy in their approaches.

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[3] *20 Deliverables for 2020: Monitoring – State of Play 2018*, EEAS, July, 7 pages.

[4] *Joint Declaration of the Eastern Partnership Summit*, Brussels, 24 November 2017, [https://www.consilium.europa.eu/media/31758/final-statement-st14821en17.pdf].

[5] *Joint Staff Working Document: Eastern Partnership - 20 Deliverables for 2020 Focusing on Key Priorities and Tangible Results*, SWD (2017) 300, Brussels, 09 June 2017, [https://cdn3-eeas.fpfis.tech.ec.europa.eu/cdn/farfuture/dLJ9RdBalFgQqx34lgPlwagsNIuJB6cJzDeeiRR0RdQ/mtime:1497363650/sites/eeas/files/swd_2017_300_f1_joint_staff_working_paper_en_v5_p1_940530.pdf].

6. Supporting CSF as a mainstream channel for consultations with civil society

Although the CSF has been mentioned as a contributor to the updated version of the "20 Deliverables for 2020" and as a channel of "well-functioning and regular multi-stakeholder policy dialogue",[5] the chart with the new streamlined architecture refers to civil society engagement at large while depicting cooperation with platforms. On the one hand, it may seem reasonable not to restrict cooperation with civil society solely to the CSF. But on the other hand, it makes less sense to have the CSF as a legitimate body specifically crafted for raising voices of the civil society. Moreover, the Forum has proved its effectiveness multiple times.

In this vein, the CSF has to be preserved as a core assembly of the SCOs from the EaP region and the main interlocutor in multilateral consultations. The Forum's experts have to be invited to the discussion of programs of platforms and panels on a regular basis with its contributions to the work programs.

7. Demand-driven expertise

Since its inception, the CSF has been looking for its own specific role in relations with the European institutions and national governments in partners states. But previously not much interest has been seen in taking advantage of the CSF activity and potential on the ground in the EaP region.

The change may be provided by introducing a request mechanism for expertise from the side of the EEAS, EC, other European and

EaP institutions. Some prerequisites have been already created by the CSF reform process. The wide expert database has been generated and the 20 Deliverables orientation of expertise has been prioritized in the CSF Strategy. The request mechanism might be part of the grand scheme.

> *The change may be provided by introducing a request mechanism for expertise from the side of the EEAS, EC, other European and EaP institutions*

Such a demand-driven approach will give more trust in relations and strengthen expert capabilities of the Civil Society Forum as well as increase its attractiveness to professional NGOs, think tanks, etc.

8. Full-scale participation of the CSF on the political level

However, a real prerequisite for mutual trust may lie in the change of the discriminatory practice of participation of the CSF representatives in EaP ministerial and other informal high-level meetings. After delivering a speech of 3-5 minutes at the beginning of an event, a civil society activist is asked to leave the meeting. This diplomatic manoeuvre is traditional to create a more convenient environment for the EaP partner states' leaders who have problems with human rights and reforms tracks.

The CSF Steering Committee has raised the issue many times but still the practice

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6 *Eastern Partnership Index* [http://www.eap-index.eu/].

7 *Ukraine in the Coordinates of the Eastern Partnership 2017-2020: Expert Review of the Joint Staff Working Document on Eastern Partnership – 20 Deliverables for 2020 Focusing on Key Priorities and Tangible Results*, Ukrainian National Platform of the Eastern Partnership Civil Society Forum, 2017, Page 6, [http://eap-csf.org.ua/wp-content/uploads/2017/10/Report_English.pdf].

8 These ideas were raised previously, but there was no interest on the European side to proceed.

is there. Allowing a CSF representative to attend the SOM or ministerial meetings will also give a more precise understanding of the current EU approaches towards specific EaP governments.

Needless to say, it is very important for forming a more relevant expertise within the CSF.

9. Eastern Partnership Index as a core alternative assessment of the 20 Deliverables' implementation

To assess the level of the "20 Deliverables for 2020" implementation, European institutions may take advantage of the renovated CSF annual project "Eastern Partnership Index" , which can provide comprehensive data on the partner countries' profile in implementation of the targets for 2020. In cooperation with interested representatives of the EU bodies, this index may be further tuned to the information needs.

10. More institutionalization of security cooperation in the EaP region

To incentivize the EaP countries in the implementation of the 20 Deliverables the EU might go further and create some additional institutions in specific areas of common interest. These bodies, counter to existing panels and platforms, might provide some practical assistance to reach specific deliverables.

Within the EaP multilateral setup, it might be beneficial to form an intergovernmental security platform . Besides issues presented in the Panel on Security, CSDP, and civil protection, a new platform may deal as well with counteraction to hybrid threats and settlement of lasting conflicts. Bearing in mind that in the new architecture, platforms must provide certain political guidance for topics elaborated at the level of panels and expert working groups, the weight of security issues seems to be underestimated. Thus, a separate thematic platform on security may add political weight to this issue and structure the activities that have already been going beyond mere issues of the CSDP or civil protection.

In this line, while fostering an expert level of cooperation, one may refer to potential creation of EaP centres of excellence or any kind of training centres for some civil or military missions, etc.

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EASTERN PARTNERSHIP: WHAT OPTIONS OF DEVELOPMENT ARE NEXT FOR UKRAINE?

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In this article, the author researches the Eastern Partnership's achievements and possibilities of further development. There is an attempt to find the reason behind the Eastern Partnership's limited results. Special attention is paid to the Ukrainian case. There are scores of the Association Agreement of Ukraine and the EU' implementation.

Eastern Partnership – Does It Bring the Countries Participating in the Initiative to the Prospect of the EU Membership or Remove Them from It?

The EU Eastern Partnership Initiative, launched in 2009, being a 'branch' of the European Neighbourhood Policy, as from the very beginning, still raises many questions and sparks a lively debate. Approaches of countries to this initiative vary. It seems that the Eastern Partnership unites the countries not at the level of development of bilateral relations with the EU and the ambitions of the EU, but from a geographical point of view.

Obviously, the initiative has raised the question on whether the Eastern Partnership, in the long run, provides the EU membership perspective. The answer is – participation in the initiative does not ensure membership in the EU but does not deny it. This position is disappointing for Georgia, Moldova, and Ukraine, which are seeking a clearer prospect of full membership in the EU. As of 2018, it became more and more obvious that the Eastern Partnership countries have different speeds of cooperation with the

European Union. Georgia, Moldova, and Ukraine are seeking membership in the organisation, while Azerbaijan, Belarus, and Armenia do not express such a desire. So, the question should be put as follows: Is the Eastern Partnership a European Union's policy of rapprochement with the EU or is it an attempt by the EU to strengthen its influence on the EaP member states while keeping them still at a distance?

What Has Been Achieved within the Framework of the Eastern Partnership?

The next year will mark 10 years of the Eastern Partnership. This is enough time to see and analyse the implications of this initiative. It is worth noting that during this time significant transformations took place with both the initiative itself and the countries. Signing the Association Agreements with Georgia, Moldova, and Ukraine in 2014 can be considered as the main achievement of the Eastern Partnership. Undoubtedly, this is a significant step towards rapprochement with the EU and a new stage in relations.

The Eastern Partnership Index 2015-2016[1] provides interesting data on achievements. In this study, two dimensions determine the European Integration Index of the Eastern Partnership countries: Approximation and Linkage. Approximation reflects the degree of implementation by the countries of key EU norms and international standards in certain areas. At the same time, Interconnection (Linkage) reflects intergovernmental ties among business, civil society, and governments in the countries of the Eastern Partnership and the EU. The Index 2015-2016 demonstrated Armenia's progress in approximation to the EU standards and it is placed together with the three AA signatory countries – Georgia, Moldova, and Ukraine. The worst placed EaP country in Approximation is Belarus.

In contrast, in the Linkage section of the Index 2015-2016, Armenia is placed scarcely better than Belarus, lagging far behind the three AA signatory countries, reflecting a lower intensity of political dialogue and a reorientation of Armenia's trade flows towards Russia since it joined the Eurasian Economic Union (EAEU). The worst placed EaP country in Linkage is Azerbaijan. Moldova is the frontrunner in both dimensions of the Index 2015-2016 but is closely followed in Linkage by Georgia and in Approximation by Ukraine.

As far as the Association Agreement itself is concerned, in 2018, the Government Office for the Coordination of European and Euro-Atlantic Integration, at the Office of the Vice Prime Minister for European and Euro-Atlantic Integration of Ukraine together with the experts of the European Union Project "Assossiation4U" issued a report on the implementation of the Association Agreement between Ukraine and the European Union for 2017[2]. This study showed that the overall progress of Ukraine's fulfilment of obligations under the Association Agreement reached only 41%. More concretely, the Verkhovna Rada coped with its tasks at 31%, central executive bodies at 42%, and other bodies of state power at 50%. For Ukraine, the most problematic areas of implementation of the commitments were: public health – 4%; transport, postal services – 11%; public procurement – 22%; environment – 27%; science, technology and innovation, space – 27%; sanitary and phytosanitary measures – 33%; energy efficiency and utilities – 39%.

A positive result of cooperation within the framework of the Eastern Partnership is a visa-free regime with the EU of the three EaP countries – Georgia, Moldova, and Ukraine. According to the EU ambassador in Ukraine Hugh Mingarelli, the percentage of Ukrainians who go to Europe has grown by 15% during the first year of visa-free regim[3].

Regarding the assessment of the Eastern Partnership by the European Union, we can quote President Jean-Claude Juncker, who at the Eastern Partnership Summit in Brussels in November 2017 said:

The Eastern Partnership is first and foremost a partnership of people. It is about improving lives in all of our countries, about bringing our societies closer together. It is about standing up for the values, principles, and aspirations that people in the European Union and in our eastern neighbourhood

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collectively share. Through the Eastern Partnership, the European Union has helped to create 10,000 jobs, train 20,000 people, and provide over 100,000 loans to companies. We have improved access to free legal services, invested in transport links, promoted gender equality, and helped thousands of students to move between Europe and the Eastern Partnership region. As we look to 2020 and beyond, now is the time for even more action. We are on the right track, let us stay the course.

The Reasons for the Lack of Effectiveness of the Eastern Partnership

However, most experts and analysts are less optimistic about the effectiveness of the Eastern Partnership. What are the reasons behind this? We can specify a few of them:

Conceptual Weakness

• The initiative brings together very different countries, in terms of both economic and political indicators. At the moment, this distance has become even greater, as Georgia, Moldova, and Ukraine signed the Association Agreements, while the other countries – Azerbaijan, Belarus, and Armenia – do not have such an agreement.

• It does not foresee EU membership (although it does not deny it). The lack of clear membership prospects impedes member states. However, the EU, which understands its own problems and risks, cannot give a promise of membership, and should also be understood.

• It does not foresee resolution of territorial conflicts.

Five of the six Eastern Partnership countries have territorial problems (Azerbaijan and Armenia over Nagorno-Karabakh, Georgia because of South Ossetia and Abkhazia, Ukraine with illegally annexed Crimea and separated districts of Donetsk and Luhansk regions). If the EU declared that within the framework of the Eastern Partnership, a mechanism for the settlement of territorial conflicts would operate, it could undoubtedly be of interest to the participating countries. In the words of the EU, Brussels maintains a firm and consistent policy of supporting the territorial integrity of partner countries in the Eastern neighbourhood (European Commission, 2017). Changes that have taken place since 1991 in exercising control over the territories are not recognised. The EU also supports ongoing dialogues with the aim of reaching peaceful and sustainable solutions. Still, the Eastern Partnership is not a platform for solving this painful and vital problem.

Crisis in the EU

• The economic crisis at the beginning of the Eastern Partnership has led to the financial inability of the EU to allocate more money to the eastern direction of its foreign policy. Since the founding of the Eastern Partnership in 2009, the EU has contributed €5.4 billion ($6.4 billion) in grants for the six states. That does not include bilateral agreements: e.g., Ukraine received some €13 billion in loans after domestic political upheaval and Russia-backed violence in recent years.[5]

• The EU migration crisis has affected the electorate of many countries, which has led to an increase in support for populist

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4   *Press Release 2017 Eastern Partnership Summit: Stronger Together*, European Commission, Brussels, 24 November 2017, [http://europa.eu/rapid/press-release_IP-17-4845_en.html access: 07 September 2018].

5   B. Riegert, *EU Offers Eastern Partnership Members Money, Motivation*, "DW", 24 November 2017, [https://www.dw.com/en/eu-offers-eastern-partnership-members-money-motivation/a-41509363].

right-wing parties. In France, party France National and Freedom Party in the Netherlands have got 13% of votes; Danish People's Party in Denmark – 21%; in Italy, the League – 17.4%; in Hungary, Jobbik – 19%; in Austria, Austria Freedom Party – 26%; the Finns in Finland – 18%. They oppose increase in funding going beyond the organisation. Moreover, such a trend threatens the integrity of the European Union itself.

> ❝ *intensification of the EU activity in the post-Soviet space is perceived by Russia as an 'intervention' in its sphere of influence*

The Russian Factor

One of the important factors is that the Eastern Partnership Initiative involves countries that traditionally were in the area of special interests of the Russian Federation. The EU assured the Russian Federation that this initiative was not created 'against Russia'. Yet, we understand that the intensification of the EU activity in the post-Soviet space is perceived by Russia as an 'intervention' in its sphere of influence.

Russia's official position on the Eastern Partnership was previously formulated by Russia's Permanent Representative to the EU Vladimir Chizhov, who stated that Moscow "opposed the fact that the countries were faced with an artificial dilemma: either ahead, in a bright future with the European Union, or back – with Russia."[6] If the EU

uses 'soft power' to spread its influence, then Russia is a fan of 'soft power' and 'hard power'.

Thus, as of 2018, we see the situation where Russian troops are present in three countries of the Eastern Partnership: Georgia (South Ossetia), Moldova (Transnistria), and Ukraine (East of Ukraine and annexed Crimea).

What Are the Options for Improving the Eastern Partnership?

The imperfection of the Eastern Partnership is understood not only by the analysts of the participating countries, but also by the European Union. We recall that in 2011, at the Eastern Partnership Summit in Warsaw the 'more for more' approach was proposed. It envisaged more funding for countries that are more active in the initiative.

In 2017, the European Parliament issued recommendations[7] to the Council of the European Union, the European Commission, and the European External Action Service on the Eastern Partnership policy on the eve of the initiative summit on 24 November. This is the so-called 'Eastern Partnership+'. What is this? Here we are talking about an expanded partnership model for the EaP countries that have already signed the Association Agreement (for Georgia, Moldova, and Ukraine). The 'Eastern Partnership+' format should include the creation of a trust fund, a new European investment plan, a mechanism for financial support for the implementation of association agreements, etc. In addition, Ukraine, Georgia, and Moldova should be given the opportunity of potential membership in the Customs,

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6   A. Terehov, *Чижов В.А.: Южный поток надо сделать приоритетным проектом ЕС (Chizhov V.: North Stream Must Be Made a Priority EU Project)*, "Nezavisimaya Gazeta", 18 May 2009, [http://www.ng.ru/courier/2009-05-18/9_chizhov.html access 29 of September].

7   *The "Eastern Partnership Plus" Is the EU's Failure*, "New Eastern Europe", 07 December 2017, [http://neweasterneurope.eu/2017/12/07/eastern-partnership-plus-eus-failure/ access 05 September 2018].

Digital, and Energy Unions, association with the Schengen area in the case of countries fulfilling their obligations under the Eastern Partnership and the Association Agreement[8]. On the other hand, even the implementation of the 'Eastern Partnership+' will not guarantee aspired membership in the EU.

In our opinion, these proposals could really change the approach of the Eastern Partnership countries to the initiative. However, these recommendations were not taken up during the Eastern Partnership Summit in Brussels on 24 November 2017. Perhaps the EU fears that the 'Eastern Partnership plus' is to become an 'Eastern Partnership minus'. It is clear that the implementation of the 'Eastern Partnership+' proposals will deepen the gap between the countries that have already signed the Association Agreements (Georgia, Moldova, and Ukraine) and the other countries of the Eastern Partnership (Azerbaijan, Belarus, Armenia).

That is why even if the EU decides to implement some 'Eastern Partnership+' thesis later, it must preserve support to civil society and tolerate no compromise on support for the democratic and pro-European aspirations of the societies of Armenia, Azerbaijan, and Belarus. Also, from the Eastern Partnership countries' side, their governments must focus on institutional reforms, making them sustainable and less dependent on changes in political power and less susceptible to political instability.

At the same time, at the summit in Brussels, the focus was on 20 key tasks for the

> **" from the Eastern Partnership countries' side, their governments must focus on institutional reforms, making them sustainable and less dependent on changes in political power and less susceptible to political instability**

period up to 2020[9]. Among these tasks are 'stronger economy', 'stronger government', 'stronger interconnections', and 'stronger society'. Attention should be drawn to the fact that the practical results by 2020 are designed taking into account changes in the Eastern Partnership region, the development and implementation of the EU Global Strategy for Foreign Policy and Security, the comprehensive review of the European Neighbourhood Policy, as well as the provisions of the EU and Ukraine, Georgia, and Moldova Association Agendas, the partnership priorities for other partner countries[10].

One more very important detail is that the EU should play a more proactive role in fostering a joint EU response to the long-term security threat posed by Russia to the EU, Russia's neighbourhood, and Europe as a whole.

Conclusions

The problem of the Eastern Partnership is that it has been trying 'to unite annuity countries' since its creation. Now we see that the Eastern Partnership countries move

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[8]   *The "Eastern Partnership Plus" Is the EU's Failure*, "New Eastern Europe", 07 December 2017, [http://neweasterneurope.eu/2017/12/07/eastern-partnership-plus-eus-failure/ access 05 September 2018].

[9]   *Joint Declaration of the Eastern Partnership Summit*, Council of the European Union, Brussels, 24 November 2017, [http://www.consilium.europa.eu/media/31758/final-statement-st14821en17.pdf access 05 September 2018].

[10] Н. Masak, *Виміряти «Східне партнерство»: як оцінити успішність ініціативи ЄС (Eastern Partnership: How to Evaluate Success of the EU Initiative)*, "Європейська правда", 11 October 2017, [https://www.eurointegration.com.ua/articles/2017/10/11/7072039/ access 03 September 2018].

in the EU cooperation directions at different speeds. This is a problem for the EU because a gap between these two country groups became bigger. That is why methods and tools should be different.

Ukraine tries to use the Eastern Partnership instrument as a tool of Euro-integration process. However, as we can see in the Report on Implementation of the Association Agreement between Ukraine and the European Union in 2017, the scores are not high enough. Therefore, Ukraine has to increase the pace of domestic reforms.

In addition to its steps towards the EU, Ukraine wants to see from the EU a clearer perspective on its membership in the organisation, more active participation in solving the armed conflict with Russia, deepening of bilateral relations.

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EAP–EU ECONOMIC INTEGRATION: WHAT IS NEXT?

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Economic cooperation was set as one of the Eastern Partnership key priorities. The basic alternative for further development of economic cooperation within the EaP and between the EaP and the EU is a two-step integration: Establishment of the Neighbourhood Economic Community of the Association Agreement signatory states; creation of the Common Economic Space of NEC with the EU. Ukraine is acting as a locomotive on promoting within the EU ideas to transform the current EaP format, so Ukrainian stakeholders have to focus their efforts on the NEC format justification and advance.[1]

Economic cooperation was set as one of the Eastern Partnership's (EaP) key priorities. The implementation of this priority was reflected at both bilateral level, in the form of a proposal made to the partner countries to set up a Deep and Comprehensive Free Trade Area (DCFTA) with the EU, and the multilateral level, in setting up governmental Platform 2 "Economic Integration and Convergence with EU Policies" embracing sectoral panels.

There are several options in further development of economic cooperation within the EaP and between the EaP and the EU. These are based on the extent of economic integration of the EaP countries both among each other and with the EU, as well as on the direction of their foreign policy. The basic alternative is a two-step integration, which will serve to enhance the economic ties of the Association Agreement signatory countries with each other and strengthen their positions in the negotiation process with the EU through their ability to act jointly within the EaP framework: Establishment of the Neighbourhood Economic Community (NEC) of the Association Agreement (AA) signatory states; creation of the Common Economic Space (CES) NEC with the EU. At this stage, Ukraine is acting as a locomotive in promoting within the EU ideas to transform the current EaP format; so Ukrainian stakeholders have to focus their efforts on the NEC format justification and advance.

Current State

Within the EaP, its member states have de facto split into three groups based on their integration formats of cooperation:

1) Three countries (Georgia, Moldova, and Ukraine) that have DCFTA with the EU;

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[1] The article is based on policy paper "The Future Economic Integration of the Eastern Partnership Countries: A View from Ukraine" by Yurii Vdovenko.

2) Two countries (Belarus and Armenia) that have joined the alternative Eurasian Economic Union (EAEU) led by Russia;

3) One country (Azerbaijan), which keeps status quo, neither entering into a DCFTA agreement with the EU nor joining the EAEU.

> **Integration of the three AA signatory states with the EU has resulted in reorientation of their trade flows as an effect of the DCFTAs; however, it has not been generating essential benefits so far, nor does it have a decisive impact on their general internal economic situation.**

Regardless of their proclaimed foreign policy course, all of the EaP countries are oriented towards developing their trade and economic cooperation with the EU in a bilateral format. The level of ties within the EaP is low, the AA signatory states being no exception.

In the context of global economic processes, all the partner countries have experienced worsening of their internal economic situation since the EaP establishment:

- Georgia, Moldova, and Ukraine have sustained significant losses from the phasedown in cooperation with the Russian Federation (RF), which was the latter's response to the choice of a pro-European course by these countries;
- Belarus and Armenia because of the essential dependence on Russia and structural problems of national economies;

- Azerbaijan because of the changes in the world's primary markets' conditions.

Integration of the three AA signatory states with the EU has resulted in reorientation of their trade flows as an effect of the DCFTAs; however, it has not been generating essential benefits so far, nor does it have a decisive impact on their general internal economic situation. In turn, the EU has exhausted its political potential for a deeper economic integration, stressing the necessity for the partner states to channel their efforts into the AA implementation and avoiding discussions on further integration prospects.

These realities urged the Ministry of Foreign Affairs of Ukraine on 11 July 2016 to initiate a new cooperation format among the partner countries – the EaP CES. Having a common economic block formed on the European principles could be a factor able to facilitate both an improvement in the economic situation of the partner countries and intensification of their dialogue with the EU on a deeper economic integration.

Interaction with the EU

The EaP countries should consolidate their efforts in the economic field based on the principles that are in line with European models. The three basic types of the EU agreements are:

- Customs Unions (customs barriers in bilateral trade removed, common customs tariffs for third-country imports established);
- Association Agreements, Stabilization Agreements, (Deep and Comprehensive) Free Trade Areas (FTA), Economic Partnership Agreements (customs tariffs in bilateral trade eliminated or reduced);

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[2]   R. Ralev, *EU to Set up Western Balkans Regional Economic Area*, "SeeNews", 08 June 2017, [https://seenews.com/news/eu-to-set-up-westernbalkans-regional-economic-area-571590#sthash.faY7fHlD.dpuf].

- Partnership and Cooperation Agreements (general framework for bilateral economic relations set up, customs tariffs remain as they are).

The most widespread format of those the EU offers to its partners concerns their trade relations and is formalized in a form of either ordinary FTAs or their deep and comprehensive versions.

There is a separate format for interaction with various sorts of associations. In the FTA context, its examples include agreements concluded between the EU and Central European Free Trade Agreement (CEFTA). The CEFTA is the only FTA that has a long-term future. During the 2017 Summit, the EU presented the extension of cooperation within the CEFTA framework as the establishment of a CES with these countries.

An analysis of the EaP countries' foreign economic relations (both with each other and with the EU) envisages investigating not only qualitative indicators but also the legal foundations for these relations – how much the existing formats correlate, and also, what the membership of the EaP countries is in some or other international economic association and organization.

WTO: Armenia (05 February 2003), Azerbaijan (-), Belarus (-), Georgia (14 June 2000), Moldova (26 July 2001), Ukraine (16 May 2008).

CIS FTA: Armenia (17 October 2012), Azerbaijan (10 December 2003), Belarus (20 September 2012), Georgia (-), Moldova (09 December 2012), Ukraine (20 September 2012).

GUAM FTA: Armenia (-), Azerbaijan (-), Belarus (-), Georgia (10 December 2003), Moldova (10 December 2003), Ukraine (10 December 2003).

CEFTA: Armenia (-), Azerbaijan (-), Belarus (-), Georgia (-), Moldova (26 July 2007), Ukraine (-).

EU AA (FTA): Armenia (-), Azerbaijan (-), Belarus (-), Georgia (01 September 2014), Moldova (01 September 2014), Ukraine (01 January 2016).

EAEU: Armenia (02 January 2015), Azerbaijan (-), Belarus (01 January 2015), Georgia (-), Moldova (-), Ukraine (-).

From the time the EaP started functioning, Ukraine had generated a half of the EaP GDP volume before the beginning of the Russian aggression, the second and third economies being Azerbaijan and Belarus. The lowest GDP group included Armenia, Georgia, and Moldova.

Since 2013, the export volume of the EaP's largest economies (Ukraine, Belarus, and Azerbaijan), which had been generating over 90% of the EaP's export flow, has decreased. A reduction in the share of exports in the EaP countries' GDP happened in 2012, except for Belarus, where this process began in 2013. The share of exports in GDP of the EaP countries reached its highest level in 2011, when exports exceeded 46% of the GDP.

Ukraine, Belarus, and Azerbaijan accounted for about 95% of the EaP countries' exports to the EU in 2017. The trends of export reduction from the EaP to the Russian Federation first appeared in 2013-2014, and even in 2012 in the case of Ukraine. Ukraine and Belarus accounted for over 90% of exports from the EaP to Russia in 2017.

Interaction within the EaP

The level of the EaP countries' economic interaction with each other is low. According to the European Economic Integration Index in EaP, developed by the EaP CSF Working Group 2 "Economic Integration and Convergence with EU Policies", Azerbaijan and Georgia had the closest economic relations between them. At the same time, ties between the EaP countries and the EU were much closer, having the highest index between the EU and Azerbaijan.[3]

The distribution of foreign economic ties among the EaP countries indicates the existence of two clusters, western (Belarus, Moldova, and Ukraine) and eastern (Azerbaijan, Armenia, and Georgia), based on their historical traditions of cooperation. It also suggests the lack of purposeful development of economic relations within the EaP. The Russian Federation sanctions imposed on Ukraine and Moldova are a factor that has an impact on exports within the framework of Ukrainian-Belarusian and Moldovan-Belarusian cooperation. Belarus, which belongs to the EAEU, acts as a transit entry point for Ukraine's and Moldova's penetration into the Russian market. Georgia plays a similar role in the other cluster, since Azerbaijan and Armenia do not maintain official trade relations.

From the point of view of Ukrainian interests, there are several primary and secondary alternatives in economic cooperation development within the EaP, which are based on two main factors:

- the benefit from a deeper level of economic integration within the EaP;
- the depth of further economic integration with the EU.

When launching the EaP, the EU intended to introduce model tools of cooperation with partner countries in the region for the sake of their approximation to the EU and each other in various areas. It emphasized equal opportunities, declared access to which was through the 'more for more' approach. Attempts were made to channel efforts to formats that would be applicable to all the EaP countries and smooth out differences existing between them. The recent years

have shown the prevalence of an individual approach to each country, as reflected in the ENP flexibility concept. Statements by the EU officials are limited to the articulation of the necessity to work consistently on the AA implementation, including the DCFTA implementation, whereas any other initiatives of a deeper integration they perceive as premature.[4]

The EaP countries also mostly prefer to develop bilateral relations with the EU. The current model's potential for further deepening of the integration has been practically exhausted. In turn, the EU still advocates keeping on the EaP framework for cooperation with all of the region's countries without shifting the priority towards bilateral relations.

The European Parliament, in its address to the Council of the European Union, the European Commission, and the European External Action Service in 2017, proposed to consider an attractive 'EaP+' model, based on the highest possible common denominator, which would include joining the customs union and Schengen area, further EU internal market access, participation in other EU programmes, increased involvement in the CSDP, as well as more immediate measures such as additional unilateral tariff preferences, the abolition of roaming tariffs between the partners and the EU, and the development of high-capacity broadband; to open the 'EaP+' model to other EaP countries once they are ready for such enhanced commitments. This model must remain open also for other EaP countries, once they are ready to undertake higher commitments.[5]

3   *European Economic Integration Index in Eastern Partnership*, Polissya Foundation for International and Regional Studies, [http://pfirs.org/produkti/book/30-european-economic-integration-index-in-eastern-partnership/3-produkti.html].

4   A. Pikulicka-Wilczewska, *Mierzymy wysoko, ale jesteśmy realistami – rozmowa z Johannesem Hahnem (We Have Ambitious Goals but We Are Realists – Interview with Johannes Hahn)*, "Eastbook", 16 October 2017, [http://www.eastbook.eu/2017/10/16/rozmowa-johannes-hahn/].

A deeper economic integration within the EaP is a kind of a trigger to boost fulfilment of the partner-countries' aspirations for the European integration. Any attempts to limit the EaP countries' economic integration with the EU to only trade relations' development would be wrong. In that case, the matter would be only to eliminate trade barriers on the way of export and import. The existing DCFTAs with the AA signatory countries provide an extended access to the European market because of fundamental transformations and institutional changes inside the countries, not just by solving the issues of quotas and tariffs.

The EaP countries' integration with each other may not be set as an end in itself. Benefits from such integration cannot be significant, whereas trade between partner countries is still influenced by their traditional ties developed in both the western and the eastern EaP clusters. The choice of an integration model within the EaP is based on the geoeconomic factor associated with the creation of prerequisites for a deeper integration of the EaP countries with the EU. When it is taken as the basis, the following geographic configurations appear:

- three countries – Georgia, Moldova, and Ukraine – AA states;
- four countries – Georgia, Ukraine, Azerbaijan, and Moldova – GUAM;
- five countries[6] – Azerbaijan, Armenia, Georgia, Moldova, and Ukraine;
- six countries – Azerbaijan, Belarus, Armenia, Georgia, Moldova, and Ukraine – EaP.

Keeping up the current status quo could be also considered as an alternative, but none of the partner countries is satisfied with the

> **A deeper economic integration within the EaP is a kind of a trigger to boost fulfilment of the partner-countries' aspirations for the European integration. Any attempts to limit the EaP countries' economic integration with the EU to only trade relations' development would be wrong**

cooperation results achieved in the economic area. If the EU is inclined to freeze the achieved integration level, this position will be under constant pressure from the EaP countries, and it will encourage a dialogue aimed at finding and implementing deeper integration models.

Options for the EaP States' Integration

The basic alternatives to the deeper economic integration within the EaP framework are as follows:

1. Integration of the three AA signatory countries, which could be implemented by joining the existing initiatives or creating a new one. The deepest integration level would be the countries' accession to the European Economic Area (EEA). Another possibility would be to join the CEFTA, with or without further accession to the EEA. A NEC might be established as a counter to the existing options, with or without further accession to the EEA.

2. Integration of the four GUAM countries, which could be implemented by joining the existing initiatives or creating a new one.

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5   *Draft Report on a European Parliament Recommendation to the Council, the Commission and the EEAS on the Eastern Partnership, in the Run up to the November 2017 Summit (2017/2130(INI))*, Committee on Foreign Affairs, 02 August 2017, [http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fNONSGML%2bCOMPARL%2bPE-607.922%2b01%2bDOC%2bPDF%2bV0%2f%2fEN].

6   De-facto Belarus is excluded from integration processes with the EU.

> **Looking from the angle of economic integration with the EU, it makes sense to consider realistic options, automatically excluding Belarus and Armenia from joint integration projects, which will come into conflict with the EAEU conditions.**

A limiting factor of this alternative is the stance taken by Azerbaijan. The options are similar to those mentioned above. The NEC created in this format will have the shape of GUAM FTA.

3. Integration of five countries (Azerbaijan, Armenia, Georgia, Moldova, and Ukraine) is an alternative with significant constraints in comparison with the previous one. Although, politically, Armenia aims at integration with the EU, its EAEU membership is an additional constraint from the economic point of view. Given the current situation in Azerbaijan-Armenia relations, this alternative is hypothetical and could be implemented only if Azerbaijan changes its position and if the chasms between Azerbaijan and Armenia and between the EU and the EAEU would be bridged. Therefore, consideration of potential integration models in this configuration is not expedient for the time being.

4. Integration of the six EaP countries is the most difficult alternative. On top of the constraints mentioned above, there are both political and economic challenges associated with Belarus, which is not a WTO member but is a member of the EAEU; moreover, it does not declare its European choice. Of all the hypothetical models, this configuration will actually be about EU-EAEU integration.

The current situation in the EaP should be used as a basis for identifying the most realistic options and proposing a possible model for further economic association with the EU for each of the options.

On the one hand, consideration of the suggested alternatives should be based on a scale of benefits that could be gained, and on the other hand, it should take into account the factor of reality. The criterion for choosing the best alternative needs to be maximization, i.e., the best alternative will be the one that allows the EaP countries to reach the deepest possible economic integration level with the EU. The EaP countries' economic integration with the EU must ensure free movement of production factors and output. The choice of alternatives will be to identify a model ensuring the four freedoms between the EaP countries and the EU: free movement of goods, services, capital, and labour.

Looking from the angle of economic integration with the EU, it makes sense to consider realistic options, automatically excluding Belarus and Armenia from joint integration projects, which will come into conflict with the EAEU conditions. Involving these countries in the EU-oriented economic integration processes will narrow possibilities for other EaP countries down to the EAEU framework from the very beginning. The option envisaged in the Belarusian concept of having a CES of the EU and the EAEU is unrealistic at the moment and should be set aside. As a result, the number of alternatives is reduced to the following two:

1. Integration of the three AA signatory countries;

2. Integration of the four GUAM countries.

Feasible options under these alternatives include accession of the abovementioned EaP countries to existing economic associations or creation of new ones:

1. Accession to the EEA;

2. Accession to the CEFTA;

3. Establishment of a NEC.

Presently, Azerbaijan has limited possibilities for deepening its economic integration in both economic and political dimensions. In the former case, the cause is that the country is not a WTO member, and in the latter case, this is due to its leadership's position with respect to European integration prospects. Therefore, the further analysis will focus on the prospects of economic integration with the EU for the three AA signatory countries.

1. Of the tested practices of the EU's economic integration with non-EU countries, the EEA format is the deepest one, reaching the integration level of an economic union. In the identification of an economic integration model for the AA signatory countries, the EU's unwillingness to offer them membership prospects is a key constraint. Accession to the EEA without joining the EU will require reaching the level of EFTA member countries. This level is presently unreachable for the EaP countries in view of the critical difference in their economic and institutional development that cannot be overcome in the near future. Thus, the one-step economic integration of the AA signatory countries with the EU through their accession to the EEA is as complicated as becoming an EU member.

2. The second option is accession of Georgia and Ukraine to the CEFTA (Moldova is its member) as an already tested integration model of a common market with the EU. The CEFTA, after the first success of its members in joining the EU, is now applied for the second time to the Balkan countries that have prospects of the membership: Work is underway to form a CES with them, in which the integration level may be characterized as a common market. Since the AA signatory countries do not have the status of prospective members, the advantage for them to be under the aegis of the CEFTA comes to nothing. If Georgia and Ukraine join the CEFTA, it will mean that the AA signatory countries are under the external umbrella and have to follow its rules in expectation of changes in the EU's integration policy. Thus, the accession to the CEFTA would not provide the AA signatory countries with any opportunities for a deeper economic integration with the EU.

3. The third option is a two-step integration:

    1) establish a NEC;

    2) form a CES NEC with the EU.

This option is proactive, compared to the previous one. Unlike accession to the CEFTA, the NEC establishment has an advantage of giving the three countries the liberty of choice: how to build it and promote their position jointly within the EU. In the NEC framework, the position of Ukraine would be in sync with those of Georgia and Moldova and devoid of external influence by the EU to the extent that would be in the case of the CEFTA. The NEC establishment would serve to reinforce the economic ties of the AA signatory countries with each other and strengthen their positions in negotiations with the EU, since they would be able to speak up jointly within the EaP framework. At the fifth EaP Summit in Brussels on 24 November 2017, the EU did not support the 'EaP+' model, which had no systemic endorsement just on the part of the AA signatory countries.

At the second stage (the CES formation), there will be no need for the EU to scatter efforts on building separate integration models with each country. The recent uniting processes associated with the creation of the Western Balkans Regional Economic Area have proved that the EU still prefers group integration to individual integration. The rest of the EaP countries will be able to join

the NEC if they revise their attitude to the European integration policy. The CES NEC with the EU can be implemented in a form of either a customs union or common market, or else, eventually, as an economic union, i.e., de facto the accession to the EU.

The NEC establishment is the basic option. If its realization fails, it might be possible to resort to the CEFTA option in order to use the algorithms developed under the CEFTA for entering the EU common market.

The NEC establishment will mean orientation of the AA signatory countries to their further convergence with the EU. Therefore, bilateral FTAs as well as the CIS FTA will remain their economic relations' framework with the rest of the EaP countries, which will eventually require a revision. Preconditions for the revision in the short run are the deepened integration of Belarus and Armenia in the EAEU, and in the long run, the need for the NEC members to adopt the acquis communautaire. A separate study should be dedicated to a future Ukrainian-Belarusian economic cooperation model in view of the interlocking of the two economies.

At present, the three AA signatory countries continue declaring the full-fledged EU membership as their ultimate goal of cooperation with the EU. However, they express their current vision of economic integration development in different ways, so they need to come to a consolidated position among themselves. The main questions to agree upon include the depth of economic integration within the NEC, the NEC institutionalization, and the depth of economic integration of the NEC with the EU.

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ADVANCING THE REFORM AGENDA WITHIN THE EU ASSOCIATION AGREEMENTS: COMPARATIVE ANALYSIS OF MOLDOVA, GEORGIA, AND UKRAINE ON THE ROLE OF CIVIL SOCIETY

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Despite the vast amount of research on the Eastern Partnership, little is known on the role of civil society in promoting the Association Agendas with Moldova, Georgia, and Ukraine. The present article elucidates more comprehensively this aspect by highlighting the main challenges and puts forward recommendations for improving civil society participation in advancing reforms in these countries. The research on this topic is important in order to present a comparative perspective of the progress towards European integration among the most active pro-European states in the Eastern Partnership. The methodology of the study consists in analytical research and empirical investigations involving quantitative and qualitative tools: gathering of data, analysis of documents, normative and legislative in-depth analysis, and reports.

Introduction

The Association Agreements with Moldova, Georgia, and Ukraine seek to enable the EU's policy transfer and regulatory framework at the Eastern borders. These three countries have many similarities in their current stage of contractual relations with the EU as well as their aspirations for proximity. The reforms reflected in the Association Agendas (bilateral roadmaps on the implementation of the Association Agreements) seek to foster normative and political convergence around the fundamental principles of the European Union.

In the frame of the European integration process, civil society organisations have the opportunity to advance reforms that would enhance good governance, transparency, rule of law, non-discrimination, and general welfare. The EU support for creation of a strong and resilient civil society in these countries helps to make sure that the changes – reforms – do not come only from outside, but also are widely perceived from within. Some of the roles allocated to the civil society in Moldova, Georgia, and Ukraine relate to outreaching EU policies to a broader audience, communicating and educating people in line with the EU principles and values, promoting democratic participation, and improving transparency and accountability.

However, a number of limitations are challenging full achievement of these goals. The most important is the fact that decision

> **The EU support for creation of a strong and resilient civil society in these countries helps to make sure that the changes – reforms – do not come only from outside, but also are widely perceived from within**

makers in these countries do not fully perceive the added value of civil society contribution in conducting reforms. Other challenges relate to limited capacities for public policy analysis and advocacy, limited capacities on the side of the civil society in specific areas envisaged by the Association Agreements, and dependence of the civil society on external funding.

Current Context of EU Relations with Moldova, Georgia, and Ukraine

In 2004, the EU developed a complex initiative – the European Neighbourhood Policy (ENP) – for governing the relations with 16 of the Union's closest neighbours. It included Algeria, Morocco, Egypt, Israel, Jordan, Lebanon, Libya, Palestine, Syria, Tunisia along the South borders and Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine on the East side. For Russia, it was allocated a special status instead of the ENP participation. Its objective was to avoid normative and ideological discrepancies between the EU and its neighbours. The founding values of this policy consist of democracy, rule of law, and respect of human rights.[1]

At the same time, in 2009 the EU initiated within the ENP a more specific geographical policy that sought to govern the relations with the post-Soviet countries, notably Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine. The Eastern Partnership as part of the ENP distinguished these countries from other EU neighbours by outlining the strategic importance of enhancing the stability, development, and democratic institutions.

The Eastern Partnership laid the foundation for Association Agreements at the Eastern borders of the EU. These are treaties between the EU and non-EU states that introduce contractual relations between the sides and aim to improve cooperation in the areas of politics, trade, culture, security, and others. The legal foundation of the EU's Association Agreements is laid in Article 217 of the Treaty on the Functioning of the European Union, which says that the EU may conclude with one or more third countries or international organisations agreements establishing an association involving reciprocal rights, obligations, and common actions.[2]

The Association Agreements put forward a number of fundamental reforms that encompass various sectors. These documents encode such priorities as constitutional reform, judicial reform, election reform, combating corruption, public administration reform, deregulation in the context of small and medium enterprises, taxation, reform of the energy sector, public procurement, external auditing, etc.

In order to support the realisation of such reforms, the EU allocates funds to the third parties, and based on the principle 'more for more'[3], incentivises those partners

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1. *European Neighborhood Policy: What Is It?,* European Commission, [https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/overview_en access: 23 August 2018].

2. *Treaty on the Functioning of the European Union,* EUR-Lex, [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012E%2FTXT access 24 August 2018].

3. *European Neighbourhood Policy (ENP)*, European Union External Action, [https://eeas.europa.eu/headquarters/headquarters-homepage/330/european-neighbourhood-policy-enp_en access 21 August 2018].

that display willingness to advance their cooperation and progress on institutional reforms. This principle was unveiled as part of the revised ENP and strengthens the EU's individual approach towards each country based on the fulfilment of commitments and agreements.

The implementation of the Association Agreements is reflected in bilateral Action Plans, also called Association Agendas, which set the schedule for political and economic reforms within specific timeframes. The implementation is monitored and evaluated by the EU, designated entities of the partner countries, as well as by the national and international civil society.

Similarities among the Three Countries

Moldova, Georgia, and Ukraine signed their Association Agreements with the EU on 27 June 2014.[4] Out of the six countries of the Eastern Partnership, these ones are the most similar among themselves in terms of democratic indicators (Freedom House assessed these countries in the World Index for 2018 as 'partly free'[5]). These are the most pro-European-oriented states from the Eastern Partnership. At the symbolic level, the EU flag is often displayed alongside the national flags of these countries formally reflecting the commitment to join the EU.

In addition, their association looks somewhat similar. Georgia began the negotiations on the Association Agreement in 2010 and on the Deep and Comprehensive Free Trade Area (DCFTA) in 2012.[6] As part of this process, the EU and Georgia started the negotiations on visa liberalisation for Georgian citizens wishing to travel to the EU. Moldova started the negotiations on the Association Agreement and DCFTA a bit earlier. Ukraine started the negotiations on the Association Agreement in 2007 and DCFTA in 2008.[7]

Moldova, Georgia, and Ukraine are part of the so-called 'Visa Liberalisation Dialogues'. It comprises negotiations on visa-free travel based on fulfilment of requirements structured in four blocks: document security, including biometrics; border management, migration, and asylum; public order and security; and external relations and fundamental rights within the Eastern Partnership. Moldova got visa-free travel to the Schengen area already starting from 2014. In 2017, visa-free access was granted for Ukrainian and Georgian citizens.

In addition to the similarities that these countries have in their relation to the EU, the socio-political challenges are also somewhat similar, notably in the following way:

• The trust of citizens in representative institutions, political parties, politicians, government is low. The public is generally cynical and distrusting towards governmental entities.

• The citizens in these countries do not fully understand the specifics of contractual relations between their country and the EU. The public opinion tends to see the role of the EU as a 'regime regulator' that

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4   *Memo on the EU's Association Agreements with Georgia, the Republic of Moldova and Ukraine*, European Commission, [http://europa.eu/rapid/press-release_MEMO-14-430_en.htm access 23 August 2018].

5   *Freedom in the World 2018*, Freedom House, [https://freedomhouse.org/report/freedom-world/freedom-world-2018 access 03 September 2018].

6   *Georgia and the EU*, Delegation of the European Union to Georgia, [https://eeas.europa.eu/delegations/georgia/49070/georgia-and-eu_en access 23 August 2018].

7   *Ukraine and the EU*, Delegation of the European Union to Ukraine, [https://eeas.europa.eu/delegations/ukraine/1937/ukraine-and-eu_en access 23 August 2018].

should fight against corruption, fraud, poverty, etc.

• Disaffection is a broader phenomenon in all three countries and sometimes determines alienation. The belief that the system is capable of solving the basic problems of the country and citizens is very low. The census data (public opinion barometers) in all three countries show a degree of dissatisfaction with democracy, while some people often seek authoritarian alternatives.

• The public in all three countries is expecting 'quick fixes' and fast results from the reforms and European integration process. At the same time, the general public is less interested in specific sector reforms that the Association Agreements put forward, and respectively, the input in the consultation processes and public debates in some sectors is modest.

The Role of Civil Society in Advancing Reforms

The idea of involving civil society in promoting reforms had a central role in Western models of transitions for the post-Soviet societies. The principle of local ownership is one of the main EU approaches towards promoting changes. Despite the fact that this idea is not uniformly realised, local ownership is perceived beyond the ownership of the government and comprises the ownership displayed by the population more generally, including civil society and the intended beneficiaries of reform.

The implementation of the Association Agenda endorsed a multi-level system of dialogue and cooperation. Among the high-level political and executive cooperation, there is a channel for dialogue with the civil society called the Civil Society Platform. Besides the monitoring functions, it is entitled to provide recommendations to the Association Council, a body created at the executive level as part of the implementation of the Association Agenda empowered to take decisions in matters of association.

Previously, another quite similar mechanism called the Eastern Partnership Civil Society Forum was created as part of the Eastern Partnership. The Civil Society Forum serves as a platform for meetings, mutual information, and exchange of views between the Eastern Partnership countries with the EU.

In the frame of the project "Strengthening Non-state Actors' Capacities to Promote Reform and Increase Public Accountability" launched in January 2013 within the Eastern Neighbourhood Civil Society Facility, CSO mapping studies were prepared with the goal to provide an in-depth analysis of the civil society landscape in each country of the Eastern Partnership.[8] The analysis of these mapping studies revealed a number of common trends of the civil society in Moldova[9], Georgia[10], and Ukraine[11]:

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[8] *CS Mappings in the EaP Partner Countries*, Eastern Partnership Civil Society Facility, [http://eapcivilsociety.eu/what-we-do/cs-mappings-in-the-eap-partner-countries access 20 August 2018].

[9] *Mapping Study of Civil Society Organisations from the Republic of Moldova: Development, Sustainability and Participation in Policy Dialogue*, Civil Society Dialogue for Progress, December 2014, [https://crjm.org/wp-content/uploads/2014/12/civil_society_mapping_csdp.pdf access 20 August 2018].

[10] *Mapping Study of Civil Society Organisations' Engagement in Policy Dialogue in Georgia*, Civil Society Dialogue for Progress, [https://ids.eufornneighbourhood.eu/download/mapping-study-of-civil-society-organisations-engagement-in-policy-dialogue-in-georgia/ access 20 August 2018].

[11] *Mapping Study of the CSO Engagement in Policy Formulation and Monitoring of Policy Implementation in Ukraine*, Civil Society Dialogue for Progress, September 2017, [http://eapcivilsociety.eu/wp-content/uploads/2017/09/mapping_ukraine_1-3_0.pdf access 23 August 2018].

- The activity areas of NGOs in these countries comprise common priorities such as democratic participation, social services, human rights, healthcare, education, youth, and culture.

- The primary source of NGO funding in these countries represents international organisations and foreign donors.

- The civil society organisations of all three countries participate in the EU-funded programmes.

- The reform dialogue between the civil society and the governments of Moldova, Georgia, and Ukraine was institutionalised as part of the European integration process at the initiative of the EU.

Speaking about the role that civil society can play in order to advance the reform agenda in these countries, the following main directions are of relevance:

- Promote the local ownership of the reforms;

- Inform the general public and the EU on the issues that are taking place in the process of reform implementation;

- Monitor the implementation process and prepare alternative reports;

- Raise public awareness on the reform provisions;

- Improve the transparency of reforms and decision-making processes;

- Support the idea that democracy is the most suitable regime and that the political institutions can become more accountable, transparent, and responsive to the public will and in particular to the public good.

The EU developed a number of instruments to support further development and existence of nongovernmental organisations. The most notable is the Civil Society Facility for Eastern and Southern neighbours. The nongovernmental organisations from these countries can receive funding through the Development Cooperation Instrument for Democracy and Human Rights and more recently, through the National Endowment for Democracy.

> **Decision makers do not fully perceive the added value of civil society involvement in reforms**
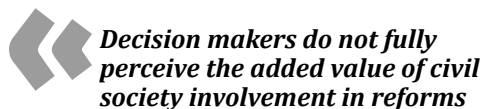
Main Challenges and Recommendations

1. Decision makers do not fully perceive the added value of civil society involvement in reforms

The specifics of institutional and political context in these countries influence negatively the perception of decision makers and civil servants of the role of civil society. Due to the fact that they are 'sensitive to criticism', the cooperation between public authorities and civil society is problematic.

In this sense:

Governments should

- Recognise civil society as a partner in the implementation of reforms and seek input on various issues;

- Make sure that the relevant legislative framework on public consultation of public policies is strictly respected by the relevant public entities;

- Publish the reports on public consultations and adjust the legislation in order to make stricter the requirements for transparency in the decision-making process;

- Provide capacity-building for civil servants dealing with information of public character and relations with civil society;

> **The sector expertise of NGOs is mostly limited to anti-corruption, human rights, and monitoring the effective use of resources allocated for national and regional initiatives.**

- Develop institutional mechanisms/platforms for cooperation between public authorities and civil society organisations;
- Use the suggestions and recommendations of civil society in the reform process;
- Create a joint monitoring mechanism on the implementation of reforms that would also serve as a platform for cross-sector dialogue between government and civil society.

The EU should

- Continue advocating for inclusiveness of civil society and public consultations in the decision-making process;
- Ask the governments of these countries to be committed to transparency in the decision-making process;
- Support with know-how the formation of mechanisms of cooperation between authorities in these countries and civil society organisations.

Civil society should

- Strengthen their capacities to monitor the activity of public entities in initiating and approving policies;
- Flag the cases when the legislation on transparency is not respected;
- Launch initiatives for monitoring wide areas of reforms with cross-sector actions and policies;
- Seek feedback on unaccepted recommendations in order to make them more suitable in the future;

- Enhance the awareness of citizens on importance of participation in the decision-making process at the local and central level;
- Facilitate the flow of information on the reforms that the governments in these states should pursue, by hosting informational events with students, various interest groups, and politicians.

2. Unpreparedness of civil society for actively advancing cross-sector reforms

A. Limited capacities of public policy analysis and advocacy

The CSO mapping studies previously mentioned that NGOs in all three countries require capacity-building for their efficient involvement in policy dialogue. In Moldova, Georgia, and Ukraine, the questionnaires with the civil society organisations outlined the need to acquire the necessary skills in problem analysis, public policy evaluation, preparation of and participation in public campaigns, and monitoring of policy implementation.

In addition, the common limitations in these countries include:

- The policy advice that comes from NGOs most often represents a set of superficial recommendations;
- They do not contain an analysis of the administrative feasibility, necessary resources, and risks that may result from the proceedings with the recommended decisions.
- The suggestions proposed quite often are presented as the 'only correct solution'.
- The civil society in these countries struggles with problems with infrastructure and technical equipment, which directly depends on the financial resources available.

B. Limited capacities of specific reforms envisaged by the Association Agreements

The sector expertise of NGOs is mostly limited to anti-corruption, human rights, and monitoring the effective use of resources allocated for national and regional initiatives. These directions were confirmed as part of the CSO mapping studies in these countries. The Association Agendas contain a much broader spectre of topics that should be reformed such as constitutional reform, judicial reform, election reform, combating corruption, public administration reform, deregulation in the context of small and medium enterprises, taxation, reform of the energy sector, public procurement, external auditing, etc.

The involvement and responsibility allocated to civil society within the Association Agreements require capacities and resources for efficient involvement. In this sense, limited capacities (expertise on some very specific matters of the Association Agreements, structural and financial aspects) within the civil society of these countries impede enhanced cooperation and involvement of these entities. Due to the fact that the Association Agreements represent complex cross-sector programmes, the degree of understanding issues related to reform priorities remains limited among the vast majority of nongovernmental organisations.

In this sense:

Governments should

- Organise trainings for civil society on public policy in areas which are less known;
- Develop institutional mechanisms for cooperation with civil society at different levels.

The EU should

- Envisage that the technical assistance for the reforms' implementation to public institutions should also address the civil society capacities in that sector;
- Provide civil society training programmes on topics such as advocacy, problem analysis, and policy implementation monitoring;
- Provide specific sector training for improving the capacities in the areas of reforms in order to enhance the knowledge of the EU standards and regulations for various sectors.

Civil society should

- Initiate platforms for cross-sector collaboration in the context of the Association Agenda's reforms;
- Improve the exchange of information and knowledge on different subjects related to reforms;
- Build capacities simultaneously for the public administration and civil society organisations on the reform agenda.

3. Financial dependence of civil society

The CSO mapping studies of these countries outlined a high dependency of the civil society on foreign financial support. The increase of the associative sector took place specifically in the areas that get donor coverage. The phenomenon of 'grant hunting' became common in these countries and led to small gatherings of people implementing activities that are streamed by the donors' organisations.

The main consequence of grant hunting is the fact that the associations are not promoting genuinely the interests of a specific society's groups, but organise their work based on an orchestrated agenda. This fact resulted in involvement of many nongovernmental organisations with limited knowledge, experience, and capacities to provide recommendations to the implementation of the reforms in the context of the Association Agreements.

In this sense:

Governments should

- Make sure to put in place financial mechanisms for NGOs, such as corporate social responsibility legislation;
- Allocate funding for nongovernmental organisations' programmes.

The EU should

- Allocate grant schemes to civil society that cover a broad range of sectors;
- Initiate small funding programmes for civil society with simplified application procedures.

Civil society should

- Strengthen fundraising capacities;
- Diversify the financial streams, notably from public administration funds, donations, negotiate partnerships with private sectors to achieve corporate social responsibility.

4. Narrow view on civil society participation in reform advancing

Although the cooperation with civil society is expressly stated in the Association Agreements of all three countries, the typology of entities that would be considered as civil society remains mostly limited to registered nongovernmental organisations. This indeed narrows the spectre of groups that can be involved in the process of advancing reforms and policy dialogue.

It is important that the participation of civil society representatives in advancing reform agenda in these countries is perceived in the broadest sense and scope (universities,

institutes, media, trade unions, business associations, professional and expert associations, etc.).

In this sense:

Governments should

- Involve in consultations on reforms civil society organisations that comprise universities, media, trade unions, business associations, professional and expert associations.

The EU should

- Expand the participation of groups that represent civil society in the Eastern Partnership Civil Society Forum and Civil Society Platform;
- Tailor the working groups' profile within these platforms according to the reform priorities in the frame of the Association Agreements.

Civil society should

- Include various civil society actors when forming the platforms for dialogue with governmental entities on reforms.

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THE EU TOWARDS RUSSIA IN THE EASTERN NEIGHBOURHOOD – MISSING THE STRATEGIC VISION

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The conflict in and around Ukraine has sparked once more countless debates regarding the EU's best course of action regarding Russia, as well as regarding Moscow's actions and behaviour. It is clear that the events that shocked the world in 2014 caught the EU completely unprepared and have undoubtedly left the EU-Russia relations under unprecedented strain. The EU has lacked strategic vision in the Eastern Partnership region and underestimated both the Kremlin's endgame as well as the reasons behind Russia's involvement and actions in Crimea.

Introduction

Over the past decade, the European discourse about its Eastern Neighbourhood states has been centred on the concepts of Europeanisation, integration, and reforms, since it remains within the EU's most important interests to have stable and prosperous countries at its borders. Despite the union's efforts to assist these countries in developing their economic and political environments, the outcome of the ENP has been rather disappointing, especially in the spheres of democracy and the rule of law. Furthermore, the events in and around Ukraine have shaped what could be considered as the most serious crisis in the EU-Russia relations and has profoundly affected not only Ukraine, but also the welfare and security of the extended Europe.

Despite several inconsistencies, which have been widely analysed in literature (lack of incentives, limited resources, EU members' divergent interests, no membership perspective for the EaP partners, etc.), the conflict and slow progress of Europeanisation in the region cannot only be blamed on Russia, but also on the EU's lack of commitment, long-term vision, and specific end-result for these countries. The 'go with the flow' approach did not yield any positive outcomes. As such, the EU's approach before 2014 determined that ruling elites of some EaP states were balancing their politics between Russia and the European Union, and were implementing a 'bridge' policy between the West and the East. However, such a strategy failed because these countries did not have the resources to balance for a long time, and big actors have been insisting on them picking a side in the end (particularly relevant for Ukraine, where the population was politically divided between a pro-Western and pro-Russian vision, a notion actively used and exaggerated by the parliamentary and presidential campaigns). Ukraine represents a tragic failure of the EU's actorness in the region, as it did not anticipate nor prepare for a crisis that could go to such a scale.

The Russian Factor in the Shared Neighbourhood

Without a doubt, the most sensitive and problematic area in the Eastern Neighbourhood regards the conflict resolution process. It is quite clear that the EU was not able to deal with conflict resolution at its Eastern borders, where there are several long-simmering and potentially destabilising conflicts, and where the union's engagement has been sporadic at best so far . This region has been a hot spot of frozen conflicts, which, as the Russian-Georgian war showed, could break out at any given time.

The EU underestimated and did not consider the importance of Ukraine for Russia – it has failed to see the emotional attachment and the importance it has for Russians' identity and collective mind-set. For Russians and for Putin, Ukraine is much more than a territory or pride; it represents an integral part of their identity, deeply rooted in 'russkiy mir' concept, stretching all the way back to Kievan Rus. As such, the EU has terribly underestimated the extent to which Russia would go to defend its interests in the region when it felt threatened with losing its grip on Ukraine.

For instance, in the televised annual show Direct Line with Putin, in 2014, the most frequently used word in the entire transcript is 'Ukraine'. Although the show was supposed to touch upon more internal affairs, from a wide spectre of spheres, Ukraine was mentioned overall 322 times throughout the three hours and 40 minutes of the TV show. However, it should be taken into account that this 'direct line' happened just after the illegal annexation of Crimea, so the level of attention to Ukraine was higher than usual. At the same time, a content analysis detected some notions of doubt. The speech is dynamic (most used words are verbs). Such discourse shows an emotional attachment to the Ukraine issue, not only from the president's side, but also from the citizens who posed the questions revolving around Ukraine.

For a comprehensive analysis, Ukraine's and the EU's interests and personal choices should be taken into account on the same level as Russian ones described above; however, this paper is solely based on a brief critical analysis of the EU's shortcomings in understanding the deeper issues and structural causes of Russia's reactions, which could have helped in making Russia more predictable and in anticipating some of the events that followed.

Although, the EU got involved and has invested in resolving the Ukraine crisis, as well as other conflicts in the area, quite often it merely reacted to events, without having a clear strategy or political determination. If the EU had paid more attention to Russia's emotional stance on Ukraine, it could have built a proper strategy towards Russia and Ukraine. Unfortunately, so far, the EU has based its actions on improvisation and reactions to Russia. Therefore, how does the EU currently cope with these challenges?

The EU's Lack of Vision and Political Imagination in the Eastern Neighbourhood

The fact that the concept of 'Common Strategies' introduced by the Treaty of Amsterdam (1997) has practically disappeared from the EU's external agenda, it generally makes the EU even less effective in defining clear strategic visions for its

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1   A. Huff, *The Role of EU Defence Policy in the Eastern Neighbourhood*, Institute for Security Studies, EU, Occasional Papers, No. 19, 2011, p. 5, [http://www.iss.europa.eu/publications/detail/article/the-role-of-eu-defence-policy-in-the-eastern-neighbourhood accessed in February 2013].

external political relations[2]. When it comes to its biggest and most important neighbour, Russia, the lack of strategic vision has been identified and emphasised long ago, ever since the Common Strategy towards Russia[3] was launched in 1999. As such, over a decade ago Haukkala and Medvedev[4] brought to light a detailed critique of the EU's lack of strategic vision in the EU's Common Strategy. Although many events and years that have passed since then, the critique still stands today. Per se, the conclusions of the strategy analysis outline three general setbacks:

- the fact that the European Union is indeed suffering from a strategic deficit vis-à-vis Russia, which the authors call "a strategy of non-strategy on Russia",

- the fact that member states are more interested in protecting their own interests vis-à-vis Russia rather than in developing an operationally strong strategy document,

- as well as that rather than having a full-fledged and coherent strategy, which would allow for a flexible response to the evolving events in Russia, the European Union has instead been forced into reaction, improvisation, and a reliance on ad hoc arrangements.[5]

Following Haukkala and Medvedev's relevant and up-to-date critique, the report "Assessment of the Cooperation between the EU and Russia"[6], published in 2006, also emphasised the dire need of a long-term vision regarding relations with Russia. Moreover, the report identified the lack of long-term vision as "the main factor that prevents Moscow and Brussels from overcoming the ambiguity and the crisis of confidence in their mutual relations."

Nearly two decades have passed since the Common Strategy was launched and the EU has still not elaborated a coherent document dedicated exclusively to shaping a long-term vision/strategy on Russia. The latest official form of the EU's 'strategy' on Russia consists of a one-page subchapter titled "European Security Order" that is incorporated into the EU's Global Strategy[7] presented in 2016. Although this 'chapter' is quite detailed in terms of 'principles', it does not add up to any specific actions or means that the EU should take to further engage or mend things with Russia. The chosen formula for dealing with Russia is built upon 'selective engagement' [...] 'if and when our interests overlap', which suggests a short-sighted vision based on improvising rather than planning. The only long-term mention of the text is the declarative statement of strengthening cooperation with civil society through "deeper societal ties through facilitated travel for students, civil society and business". However, it only mentioned the 'what' and not the 'how'.

Similar to policy towards Russia, in terms of lacking a long-term vision, is the European Neighbourhood Policy (2004), which was

2   *Assessment of the Cooperation between the EU and Russia*, Royal Institute for International Relations (IRRI-KIIB), 28 March 2006, [http://aei.pitt.edu/9092/1/Russia-EU.pdf].

3   *Common Strategy of the European Union on Russia: Conclusions of the Cologne European Council*, 04 June 1999.

4   H. Haukkala, S. Medvedev, *The EU Common Strategy on Russia: Learning the Grammar of the CFSP*, Ulkopoliittinen instituutti/The Finnish Institute of International Affairs: Helsinki 2001.

5   H. Haukkala, S. Medvedev, *The EU Common Strategy on Russia: Learning the Grammar of the CFSP*, Ulkopoliittinen instituutti/The Finnish Institute of International Affairs: Helsinki 2001, pp. 65-67.

6   *Assessment of the Cooperation between the EU and Russia, Royal Institute for International Relations (IRRI-KIIB)*, 28 March 2006, [http://aei.pitt.edu/9092/1/Russia-EU.pdf].

7   *Shared Vision, Common Action: A Stronger Europe – The European Security Order*, EU Global Strategy, 2016, [https://eeas.europa.eu/archives/docs/top_stories/pdf/ eugs_review_web.pdf].

> ❝ *The long-term dimension is missing both from strategy (having a long-term objective – to transform the region, but missing the 'how') and in assessing the consequences of Russia's actions*

basically built on the EU's enlargement policy. Initially, Russia was invited to take part in this policy and when it refused, it was harshly criticised by decision-makers and analysts alike. Its attitude was associated with pride and imperialism, rather than technical details of how to deal with such different countries through the same instruments. For instance, was it realistic to have Moldova and Russia under the same framework of cooperation? The ENP offered the same package and means to countries that had completely different structures and needs. That is why it did not work so well. Such policies should be custom-made according to the partner's needs in order to be effective. In our opinion, you cannot deal in the same way, with the same means with Russia (the EU's main gas supplier) as you do with Moldova (a country 100% dependent on energy supplies, with high-level poverty and emigration). Not only does the size of the two countries differ, but so do their agendas, capabilities, and resources.

In general, there is no common recipe for success in dealing with external partners, as none of the EU's current cooperation frameworks (EU-US, 'New Neighbourhood', 'Swiss' or 'Norwegian' model, etc.) can be fully applied to the case of Russia. Each of these frameworks is built upon a unique historical, economic, political, and cultural platform and cannot simply be transferred and applied elsewhere[8].

EU economic sanctions had less political effect against Russia than expected and have failed, so far, to influence the Kremlin's agenda. Although there is an ongoing debate regarding the efficiency of the sanctions, no matter the outcome, in our opinion, they are not a long-term solution. In assessing the real outcome of the EU's actions, long-term consequences must be taken into account. As such, in judging the sanctions, the EU should not only look at short-term goals of harming Russia's economy. There are side effects in the long run that might be opposite to the West's overall interests – Russia's isolationism and the 'fortress' concept will be a dangerous slope that will most likely not lead to Russia's transformation. An isolated Russia can become a more aggressive Russia and a more nationalistic Russia.

Conclusions

There is no clear strategy on how to deal with or engage Russia and the Shared Neighbourhood. Very often the EU's actions are merely a response to Russia's actions in the region. The long-term dimension is missing both from strategy (having a long-term objective – to transform the region, but missing the 'how') and in assessing the consequences of Russia's actions (for instance, in the case of sanctions, the EU judges their efficiency in terms of harming the Russian economy, which is an immediate effect, without considering the challenges that entail an isolated, 'fortress' Russia).

In our opinion, the EU has taken more than it could handle, both internally (considering economies that were not prepared, such as Romania, Bulgaria, Greece, etc.) and

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8 *Assessment of the Cooperation between the EU and Russia, Royal Institute for International Relations (IRRI-KIIB)*, 28 March 2006, [http://aei.pitt.edu/9092/1/Russia-EU.pdf].

externally (it misled neighbours and promised them prosperity and protection when in reality it could not deliver them). There are other means to appease Russia and hold it accountable for its actions that might work better than sanctions – for example, excluding it from several international organisations.

The EU will not be able to overcome this deadlock and bring coherence to its approach towards Russia unless it goes beyond the current state of affairs "to develop a clearer vision of the political order that it seeks to uphold on the contested fringes of its own post-modern space"[9]. Instead of focusing on changing Russia on our terms as a main objective, we should set intermediate goals of making Russia want to transform on its own, which, of course, is a very complex and long-term process. One of the ways to do it is by targeting the civil society and supporting liberals inside Russia.

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9   I. Krastev, M. Leonard, *The New European Disorder, European Council for Foreign Relations*, 2014, p. 6, [http://www.ecfr.eu/publications/summary/the_new_european_disorder322].

WHY BELARUS HAS A DISTINCTIVE POSITION IN THE ENP

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Belarus's participation in the ENP is limited compared to other Eastern neighbours of the EU. The main reason for this is Belarus's multi-vector policy toward the EU and Russia. The EU factor affects Belarus's distance from the EU's democratic norms and values, which leads to Belarus's isolation from the ENP. The Russian factor shapes Belarus-Russia relations and also Belarus's standing in the ENP, which has positive implications for the EU-Belarus relations.

Introduction

The European Neighbourhood Policy (ENP) was launched after the European Union's (EU) 'big bang' enlargement. Its main aims are to stabilize the new neighbourhood of the enlarged EU and construct closer and cooperative relations with its neighbours in order to sustain its security and to prevent the emergence of new dividing lines in Europe. Even though this policy was received positively by most countries in the Eastern neighbourhood, such as Georgia, Moldova, and Ukraine, Belarus is the only country in the Eastern neighbourhood whose participation has become limited since its 1995 referendum.[1]

At this referendum, Belarus agreed to give the Russian language equal status to the Belarusian language and also aimed at economic integration with Russia. There is a strong causality between the referendum and Belarus's participation in the ENP because it validates Belarus's distinctiveness among other Eastern neighbours of the EU, as it voluntarily did not choose the EU integration in the mid-1990s.[2] Beyond the referendum, the primary reason of Belarus's limitation is President Lukashenka's violation of democratic norms, values, and human rights as well as unfair elections in Belarus.

The EU's regionalism is based on European integration even if the ENP does not promise any membership to target countries. This regionalism has a strict conditionality in which European democratic norms and values are indispensable for the EU. In this context Belarus holds a distinctive position in the ENP. With a president viewed as 'the last dictator in Europe', Belarus has a reputation for being undemocratic and failing to apply human rights standards and, therefore, capable of only having partial participation in the ENP.

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[1] For details and results of the May 1995 Referendum (by percentage), see A. Wilson, Belarus: The Last Dictatorship in Europe, Yale University Press: New Haven 2011, pp. 168-193.

[2] Ibid, p. 174.

Furthermore, Belarus is also seen as Russia's only ally in the region even though its relations with Russia do not remain consistently at a high level. This adds another layer to the uniqueness of Belarus's position within the ENP. The EU is mostly viewed as a 'magnet', whereas Belarus's aforementioned status in the ENP makes it important to understand why Belarus maintains finite relations with the EU.

This paper will discuss the determinant factors of Belarus's distinctive status in the ENP, which are the EU and Russia. The EU isolates Belarus from the ENP due to its failure to fulfil the EU's norms and values but provides conditionality. Meanwhile, inconsistent Russia-Belarus relations are also critical for understanding Belarus's participation in the ENP. The EU and Russia factors are important because Belarus is fluctuating between the two influential actors by establishing a multi-vector policy.

The EU Factor

The EU's conditionality to its neighbours determines the ENP's effectiveness. Belarus emerges as a unique case by not aligning itself to the EU. Contradictions with the EU's norms and values made Belarus be involved in the ENP partially since the EU's priority is democracy and protection of human rights in its neighbourhood.

The Union's approach to partnership under the ENP therefore appears to be not of negotiation based on recognition mutual interests and values ... but strictly of conditionality and neighbour's compliance with the EU predetermined set of norms and values ... stipulated that 'our partners

should fulfil their commitments ... before we offer deeper political and economic integration with the EU.[3]

For the EU, excluding Belarus from the bilateral contractual interaction within the ENP is primarily the result of Belarus's inability to comply with the EU's norms and values. It is significant because the EU's integration process and enlargement policy follow the same conditions. The ENP is an element of European integration without enlargement. In this context, with lack of democracy and human rights violations, Belarus's different standing in the ENP seems to be unchanged.

> **For the EU, excluding Belarus from the bilateral contractual interaction within the ENP is primarily the result of Belarus's inability to comply with the EU's norms and values**

The EU's influence is also a decisive factor for understanding Belarus's current status in the ENP. The European External Action Service (EEAS) is seen as the EU's ministry of foreign affairs, which has a role in the EU's external relations and in the ENP. However, Kostanyan and Orbie state that the EEAS's function can be explained with the 'grand theories' of European integration.[4] Neo-functionalism suggests:

Political integration is the process whereby political actors in several distinct national settings are persuaded

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[3]   E. Korosteleva, *The Limits of EU Governance: Belarus's Response to the European Neighbourhood Policy,* "Contemporary Politics", May 2009, p. 233.

[4]   H. Kostanyan, J. Orbie, *The EEAS' Discretionary Power within the Eastern Partnership: In Search of the Highest Possible Denominator*, "Southeast European and Black Sea Studies", January 2013, p. 48.

to shift their loyalties, expectations and political activities to a new [centre], whose institutions possess or demand jurisdiction over pre-existing national states. The end result is a new political community superimposed over the pre-existing ones.[5]

Neo-functionalism highlights supranational institutions where sovereign entities transferred their rights to a non-state organisation. According to neo-functionalism, the EEAS is the EU's external governance institution and it operates autonomously within the EU. Nevertheless, as Kostanyan and Orbie further argue, the EU's influence in the ENP is also relevant to intergovernmentalism, according to which member states can pursue their national interests centrally within the EU and its external governance such as in the ENP. "The sui generis EEAS however operates both in the community and intergovernmental body, thus holding a double loyalty towards the intergovernmental Council, on the one hand, and the supranational Commission and EP, on the other hand."[6] In this context, the EU's impact on the ENP is limited and the ENP also carries member states' interest, so Belarus's participation in the ENP could also be relevant to the EU member states' reflection.

In 2009, the EU launched the Eastern Partnership (EaP). As a result, the ENP in the East became twofold. On the one hand, before the EaP, the ENP in the East was only managed bilaterally with countries that were eligible based on the EU's conditionality. On the other hand, the EaP has been pursuing multilateral regional contacts without any legal contract. The EEAS is only responsible for the EaP in which this institution solely follows multilateral track of the ENP. Belarus

was invited only to this programme. Most of the platforms of the ENP are organised and set by the Commission. It could be argued that member states contribute to bilateral relations with the neighbours. It clarifies that interests of the EU member states can be visible in the ENP. Therefore, Belarus's distinctive position can also be related to member states' lack of interest to construct positive relations with Belarus because of its undemocratic regime.

There are four thematic platforms in the ENP:

1. Democracy, good governance, and stability

2. Economic integration and convergence with the EU policies

3. Energy security

4. Contacts between people

The EEAS is only responsible for the first platform with its concern of democracy and state strength with a multilateral approach. For rest of the platforms, the European Commission sets the agenda and provides the substance with a bilateral track. In those platforms member states contribute policies, so national interests of the EU member states could be laid out in the ENP.[7] In Belarus's case, the EEAS has limited ability regarding this country since Belarus's distance to democratic norms and values and the EU's supranational actorness are in favour of Belarus's partial participation in the ENP. In this context, member states have a significant impact on the EU-Belarus relations and this fact gives necessity to focusing on the rest of the thematic

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5   E. B. Haas, *The Uniting Europe: Political, Social and Economic Forces, 1950-1957*, Stanford University Press: Stanford 1958, p. 16.

6   H. Kostanyan, J. Orbie, *The EEAS' Discretionary Power within the Eastern Partnership: In Search of the Highest Possible Denominator*, "Southeast European and Black Sea Studies", January 2013, p. 48.

7   Ibid, p. 51.

platforms in the ENP. It is important because it also gives implications about member states' view on Belarus as a neighbour state.

Belarus is an energy transit country in the Eastern neighbourhood between Russia and the EU. The EU's energy vulnerability to Russia is clear and it also makes Belarus a significant actor for the EU and its member states despite its criticized political regime of Lukashenko.

The Union uses both hard and soft governance to push and/or persuade Belarus to adjust to its values (democracy, human rights). Yet, very few legal, political and institutional links exist between the EU and Belarus and interaction is increasingly taking place through semi-official networks on issues of mutual interest (energy security, border control) rather than 'shared values'.[8]

Giselle Bosse argues there could be a nexus between security and values in the EU-Belarus relations and the link between security and values may have a reflection on the ENP in terms of EU governance in Eastern Europe. "The Commission had already identified … strategic importance for the EU's security of energy supply … for an energy policy for … its neighbours and partner countries, with a particular focus on integrating them into the internal energy market".[9] It is important because energy security is one of the core interests for the EU member states; nonetheless, energy security has never been a critical component in the EU-Belarus agenda. The EU's conditionality over Belarus has always been dominated by the issue of Belarus's democratic convergence based on the EU's norms and values, which outweigh the EU's security.

On the other hand, social contact with Belarusian people bypassing Belarusian administration is the EU's other strategy. The EU does not exclude Belarus entirely because it is in the EU's interest to win the 'hearts and minds' of Belarusians so that this thematic platform may bring Belarus closer to the EU. It is important because even though there is insufficient application of democracy and human rights in Belarus, contacting with Belarusian society might be the only positive policy of the EU towards Minsk. "The EU itself appears to hamper the effect of its 'soft' governance approach towards Belarus through its lack of direct financial commitment to the Belarusian population and by having erected serious administrative boundaries to financing civil societies through ENPI."[10]

It is clear that the EU's transformative power has not worked in Belarusian case since Lukashenko's policies do not fit with the EU's idealism. Belarus's restricted participation has become the case. However, the EU does not neglect people in Belarus, which might also be seen as a strategy to transform Belarus according to the EU idealism. "… The Union continuously underlines the 'twin-track' nature of its approach towards Belarus, based on strict conditionality vis-à-vis the regime, and, at the same time, on the promise to support and 'win the hearts and minds' of the Belarusian population."[11] It is important to note that winning the 'hearts and minds' could be a long-term process, so an outcome of Belarus's positive change would not be seen under Lukashenko's presidency.

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[8]   G. Bosse, *Challenges for EU Governance through Neighbourhood Policy and Eastern Partnership: The Values/Security Nexus in EU-Belarus Relations*, "Contemporary Politics", May 2009, p. 224.

[9]   G. Bosse, A. Schmidt-Felzman, *The Geopolitics of Energy Supply in the 'Wider Europe'*, "Geopolitics", August 2011, p. 480.

[10] G. Bosse, E. Korosteleva-Polglase, *Changing Belarus? The Limits of EU Governance in Eastern Europe and the Promise of Partnership*, "Cooperation and Conflict: Journal of the Nordic International Studies Association", May 2009, p. 150.

[11] Ibid, pp. 145-146.

Russian Factor in Belarus's Distinctive Position in the ENP

Belarus's distinctive status in the ENP is not only related with the EU's policies but also with Russian policy in the region. Russia's 'near abroad' approach is deeply involved in Belarus's multi-vector policy. From the Belarusian point of view, the environment in the region makes the country maximize its gains from Russia instead of the EU.

Belarus has crucial importance for Russia in terms of NATO expansion since its geographical position blocks the creation of a 'hostile belt' from the Baltic to the Black Sea. Nevertheless, Belarus is not a satellite country of Russia, but it is a country that seeks to maximize its gains from Russia in an environment of Russia-West confrontation. In this regard, Belarus's primary distinction in the Eastern neighbourhood is one of being the only state that seeks advantages from Russia.[12] Belarus has geostrategic importance for Russia in terms of preventing further Western institutional expansions to its 'privileged zone of interests'. Unlike in the ENP, Belarus's position in Russian foreign policy is highly positive, and Russia's foreign policy concept confirms this fact: "Russia is committing to expanding cooperation with the Republic of Belarus within the Union State with a view to promoting integration in all areas."[13] Moreover, Russia sees Belarus as one of the crucial states in the Eurasian Economic Union (EAEU) in which Russia and Belarus integrate socially and economically.[14]

However, Belarus's positive relations with Russia do not remain consistent. Belarus's energy debts to Russia and, more importantly, Lukashenka's policies to reduce Russian impact on Belarusian domestic politics are the key reasons. Due to lack of democratic values and violation of human rights, Belarus had no significant gain from the West, so its dependency on Russia is high. It is the reason why Belarus's multi-vector policy became important to restrict Russian influence on Belarus.

Yet, Belarus has a different status in the ENP as a result of Russia's policies. This can be seen in Lukashenko's discourses when he defined Belarus's foreign policy strategy with three fundamental principles, which are political sovereignty, economic openness, and equal partner relations with other countries, and added: "The golden rule of the Belarussian foreign policy is multi-vector and interest in mutually beneficial contacts."[15] A gas crisis between Russia and Belarus has led the latter to start leaning towards the West and this fact also clarifies why Belarus is viewed with a

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12   N. Silayev, A. Sushentsov, *Russia's Allies and the Geopolitical Frontline in Eurasia*, "Russia in Global Affairs", 18 May 2017, [http://eng.globalaffairs.ru/valday/Russias-Allies-and-the-Geopolitical-Frontier-in-Eurasia-18718 access: 06 September 2018].

13   *Foreign Policy Concept of the Russian Federation (Approved by President of the Russian Federation Vladimir Putin on November 30, 2016)*, MFA Russia, 01 December 2016, Article 50, [http://www.mid.ru/en/foreign_policy/official_documents/-/asset_publisher/CptICkB6BZ29/content/id/2542248 access: 06 September 2018].

14   Ibid, Article 51.

15   A. Lukashenko, *Глава государства посетил факультет журналистики БГУ (Head of State Visits BSU Journalism Faculty)*, President of the Republic of Belarus, 12 February 2008, [http://www.president.gov.by/ru/news_ru/view/glava-gosudarstva-posetil-fakultet-zhurnalistiki-bgu-2750/ access: 06 September 2018].

distinctive status in its relations with the EU. Sporadically deteriorated Russia-Belarus relations have an outcome for Belarusian foreign policy, which is its multi-vector policy towards the EU and Russia.

Belarus is the only country in the region to pursue its security objectives with a high level of cooperative relations with Russia. Belarus's significance increased after the Russian-Georgian war and especially peaked after the annexation of Crimea in March 2014. "For Russia, Belarus is of strategic importance, not only as a transit (and cheap) territory for passing its goods to Europe, but also as a military ally and a link to Kaliningrad, a strategic enclave."[16]

Russian policy in the EU's Eastern neighbourhood has deteriorated Russia's bilateral relations primarily with Georgia and Ukraine, so those countries aligned their policies with the EU and NATO to reduce their vulnerabilities to Russia. Under the impact of the Transnistrian conflict, Moldova has also committed itself to the EU to escape from the Russian influence. In addition, Ukraine was the most important country for Russia since Russia's Black Sea Fleet's presence was dependent on Ukraine's permission until the annexation of Crimea. As a result of the aforementioned developments with those countries, Belarus has become the single country to mostly align itself with Russia. Yet, Belarus's position towards Russia is ambiguous, even though Belarus is considered as Russia's most loyal ally. Arbatov describes Russia's

European 'near abroad' environment: "In the European part, Russia is bordered by not very friendly countries such as Azerbaijan, Georgia, Ukraine, the Baltic States and not very predictable partners such as Belarus."[17] This fact signals that Belarus-Russia relations do not consistently remain at an advanced level, which has an impact on Belarus's position in the ENP.

Lukashenko's reaction to the Russian policies towards Belarus has not always remained positive due to the fact that he intends to protect his strength within Belarus and maintain Belarus's sovereignty as much as possible. Lukashenka's block against Russian propaganda in his country, in the early 2018, before the Russian presidential election might be a valid indicator that Lukashenko is trying to keep his sovereignty against Russia as Russia's other neighbours do.[18] In this context, worsening of Russia-Belarus relations unsurprisingly brought Belarus closer to the EU. With the Russia-Belarus gas crisis, Belarus had a reason to lean towards the West because of aggressive Russian foreign policy in the region.

Nor is it the result of changes in Belarus's domestic policies, as there have been no major alterations there. Rather, attempts to normalize relations with the West and Belarus are direct consequence of events that happened not in Belarus, but in neighbouring Ukraine. As early as March, Belarusian President Alexander Lukashenko started to position Belarus as a neutral country.[19]

16   E. Korosteleva, *The Limits of EU Governance: Belarus's Response to the European Neighbourhood Policy*, "Contemporary Politics", May 2009, p. 236.

17   A. Arbatov, *Collapse of the World Order?*, "Russia in Global Affairs", 20 March 2018, [http://eng.globalaffairs.ru/number/Collapse-of-the-World-Order-19442 access: 07 September 2018].

18   P. Goble, *Like Its Neighbours, Belarus Seeks to Block Russian Propaganda,* "Jamestown Foundation: Eurasia Daily Monitor", 16 January 2018, [https://jamestown.org/program/like-neighbors-belarus-seeks-block-russian-propaganda/ access: 07 September 2018].

19   A. Iskandaryan, *Playing Its Own Game: Belarus as a Peacemaker between Russia and the West*, "Russia in Global Affairs", 30 October 2014, [http://eng.globalaffairs.ru/book/Playing-its-own-game-Belarus-as-a-peacemaker-between-Russia-and-the-West-17069 access: 07 September 2018].

It could be argued that Belarus has been trying to construct positive relations with the EU incoherently in specific times. In addition, negative Russia-Belarus relations were the dependent variable of Belarus's distinctive standing in the ENP. To elaborate on this point in terms of Russia-Belarus relations before the annexation of Crimea, Belarus sought to maximize its gains from Russia, which were mainly cheap gas and energy subsidies. In contrast, Belarus preferred to establish its position as a neutral state in the Russia-Georgia war and in the Ukrainian crisis, although its return could be in favour of Belarus significantly if Lukashenko preferred to support Russia in those cases.

The economy of Belarus is asymmetrically dependent on Russia. Russia could use this asymmetry to pressure Belarus when it is necessary for Russian interests. Lukashenko's reaction to the Russia-Georgia war did not please Russia since Belarus did not recognise Abkhazia and South Ossetia as independent states. In addition, Lukashenko freed political prisoners, including his former political rival, Alexander Kazulin. These developments resulted in a positive response from the EU. It softened the attitude towards Belarus by abolishing visa sanctions against Lukashenko and formally invited Minsk to join the Eastern Partnership programme.[20] On the other hand, the Russian factor was also a significant determinant for Belarus's relations with the West. In the aftermath of the Russia-Georgia war, Belarus's position led Russia to set policies to pressure Belarus using coercive means. In other words, it could be seen that

Russia punished Belarus for its clashing policies against Russia. For instance, Russia banned dairy imports, which are seen as the backbone of Belarusian economy, from Belarus in 2009, and this pressure followed with a gas cut-off in 2010 because of energy debts of Belarus.

Nevertheless, the 2010 elections in Belarus were assessed negatively by the EU, since democratic values are the primary element for the ENP. After applying economic sanctions to Belarus, Russia had the opportunity to pull Belarus back into its sphere of influence because Belarus faced a severe economic crisis. Belarus had to desperately accept deeper integration with Russia. Examples such as the Common Economic Space Agreement, Union State, and Gazprom's acquisition of 100% of Belarusian gas pipeline operator – Beltransgaz – are valid indicators to explain this fact. "Belarus's status as a transit country has always been Lukashenko's key political asset. This is not only about pipelines, although in both Russia and Belarus they are far from view; his is a policy of constant geopolitical manoeuvring between stronger neighbours."[21] Lukyanov's view is mostly valid, however, as the 2011 economic crisis and the post-2010 election sanctions from the EU created desperate conditions for Belarus, so Belarus reluctantly had to yield to Russia in order to overcome this economic crisis.

After the annexation of Crimea, geopolitical and economic settings have decreased the Russian impact on Belarus. Like in the Russia-Georgia case, Belarus aligned itself with a relatively neutral position.[22] Furthermore,

20 Y. Drakokhrust, *The Spiral of Independence*, "Russia in Global Affairs", 25 March 2012, [http://eng.globalaffairs.ru/number/The-Spiral-of-Independence-15504 access: 07 September 2018].

21 F. Lukyanov, *Master of Intrigue*, "Russia in Global Affairs", 13 January 2011, [http://eng.globalaffairs.ru/redcol/Master-of-intrigue-15092 access: 07 September 2018].

22 Belarus's position in the case of Ukraine is not completely neutral when also considering Belarus's vote against UN Resolution 68/262 on territorial integrity of Ukraine. *See United Nations General Assembly Sixty-Eighth Session 80th Plenary Meeting (Official Records)*, United Nations, 27 March 2014, p. 17, [https://www.un.org/en/ga/search/view_doc.asp?symbol=A/68/PV.80 access: 27 September 2018].

> *Worsening Russia-Belarus relations and a negative impact of the EU's economic sanctions push Belarus to build better relations with the EU towards what could be the peak point of their bilateral relations*

Belarus positively used its neutral status in the Ukrainian conflict to host several peace talks, including the meetings in February 2015 that led to a cease-fire. Thus, Belarus could elude the Western isolation.[23] In response to emphasizing its neutrality and to tackling fighters or militias flow from Belarus to the conflict in Ukraine, when " the Belarus parliament passed a number of amendments to the country's Criminal Code … providing for the criminal prosecution of Belarusian citizens who fight in Ukraine on either side of the front",[24] Lukashenko's standing in the crisis in and around Ukraine was welcome as unprecedentedly positive in the EU-Belarus relations history. The EU's approach could also be argued to be a reflection of the EU member states' interest. Russia's annexation of Crimea has changed the European security order, resulting in positive relations with Belarus. This could make Russia lonelier in the Eastern European periphery, but peaked Belarus's position in the ENP positively.

It is also important to underline that after the annexation of Crimea, the EU applied economic sanctions against Russia, which decreased Russia's economic strength. Even though Russia is relatively weak in terms of economy compared to the EU, it has a more stable economy than Belarus. However, after the annexation of Crimea, Russia's economic superiority did not attract Belarus because of devaluation of the Russian rouble and recession of the Russian economy as a result of economic sanctions against Russia. "Now it appears to them that Belarusian leader … is also turning toward Europe because he needs money, and 'everyone understands that Putin [does not] have any. [Lukashenko] has refused to agree to the opening of a Russian base there, and that has left Putin in a cold fury."[25] It is important because these circumstances created the opportunity for the EU to be able to keep Belarus in a neutral position, and it may even hopefully bring Belarus to the EU's norms and values.

> *…the EU needs to understand the multiple geostrategic threats to Belarus's resilience and think how it can help the country minimize these fragilities. This means tackling the country's vulnerability to Russian geostrategic aims in a regional context that has been fraught since Moscow's March 204 annexation of Crimea. The EU … will need to offer more meaningful bilateral confidence-building measures in the security sphere and help Belarus develop its desired role as a regional neutral ground for peace and security negotiations.*[26]

23 A. Kudrytski, R. Chilcote, *Belarus Leader Urges US Involvement in Ukraine Peace Process*, "Johnson's Russia List", 01 April 2015,
[http://russialist.org/belarus-leader-urges-u-s-involvement-in-ukraine-peace-process/ access: 07 September 2018].

24 Y. Drakokhrust, *Whose Side Is Belarus on Anyway? Belarusians Generally Feel Closer to Russia than Ukraine but Refuse to Get Involved in the Conflict between Them. It Is, They Insist, "Not Our War"*, "Johnson's Russia List", 12 May 2016, [http://russialist.org/whose-side-is-belarus-on-anyway-belarusians-generally-feel-closer-to-russia-than-ukraine-but-refuse-to-get-involved-in-the-conflict-between-them-it-is-they-insist-not-our-war/ access: 07 September 2018].

25 P. Goble, *Putin Needs a Victory and Annexing Belarus on the Cheap Could Give Him One, Oreshkin Says*, "Johnson's Russia List", 12 November 2015, [http://russialist.org/putin-needs-a-victory-and-annexing-belarus-on-the-cheap-could-give-him-one-oreshkin-says/ access: 07 September 2018].

26 Y. Preiherman, R. Youngs, *Belarus's Election Tests the EU's Global Strategy*, "Carnegie Europe", 09 September 2016, [http://carnegieeurope.eu/strategiceurope/64519 access: 08 September 2018].

Worsening Russia-Belarus relations and a negative impact of the EU's economic sanctions push Belarus to build better relations with the EU towards what could be the peak point of their bilateral relations. Lukashenko also signals that the EU-Belarus relations can be restarted in a more stable environment.

Now that the situation in the world is far from calm, these approaches are especially valuable. It was consistent and pragmatic policy that helped us normalize and strengthen relations with Western countries. We were able to overcome differences and now we are building a new platform for cooperation based on mutual respect and a balance of interests.[27]

Nevertheless, the Russian factor in the ENP should not be underestimated since the Georgia, Moldova, and Ukraine cases are great references that Russia's assertive policy in the region might have destructive consequences for Belarus, if its relations with the EU will become more intense in the future.

Conclusion

This paper focused on reasons behind Belarus's inconsistent participation in the ENP. Focusing on Belarus is important because the EU is viewed as a 'soft and civilian power' and it is an attractive entity. Whereas most of the neighbours seek closer relations with the EU, Belarus is the only country satisfied with distant relations with the EU. In terms of the ENP, Belarus is considered to be in a distinctive position because of its negatively different standing compared to other neighbours in the East.

Overall, this paper deduced that there are two factors for explaining Belarus's distinctive status in the ENP: the EU and Russia. Due to lack of democratic values and human rights violations, Belarus faced isolation from the EU in bilateral relations and the ENP. This part examined the actorness of the EU to explain the EU-Belarus relations. It figured out that member states' contribution also had an impact on Belarus's distinctive status in the ENP.

Russia is another determinant actor of Belarus's incoherent relations with the EU. Belarus has been following a multi-vector foreign policy towards the EU and Russia. Lukashenko leans his country towards the West each time he has low-level relations with Russia. This paper reasons that Belarus is reluctant to accept Russia's conditions since Belarus could not have sufficient benefits from the West due to its failure in the democracy conditionality. Additionally, the annexation of Crimea has changed Belarus's position significantly so that its neutral policies and mediator role in peace talks received an unprecedented positive reaction. In this context, the EU-Belarus relations are at the highest level and the Russian factor has an ultimate impact on it.

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EU-NATO COOPERATION: IS PESCO THE ANSWER TO THE BALANCE OF EU'S REGIONAL PRIORITIES?

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The current situation in Ukraine, on the one hand, and the issue of migration from different regions of the Middle East and North Africa, on the other, bring into light an unstable state of affairs with respect to the EU's Neighbourhood security. This comes at a time when the EU is rethinking its greater purpose in the region and around the world. This paper aims to identify the cooperation gaps between the EU and NATO, concluding with a set of policy proposals aimed at dissolving the current limitations of the EU-NATO relationship.

Introduction

The 2015 refugee crisis, added to the perennial illegal immigration from several North African countries into EU member states, as well as President Trump's election in 2016, brought into discussion new elements related to the EU's security. Besides Russian threats to Eastern Europe, the intricate relationship between Russia and the Baltic States and the 2014 annexation of Crimea, new vectors within the EU security policy emerged, such as rampant terrorism, as a consequence of the almost incontrollable wave of immigrants from different Middle East and North Africa (MENA) states, and especially from Syria. Also, the Brexit process plays an important role, as the prospects of a non-deal Brexit are becoming more and more realistic. In the

context shaped by uncertain transatlantic relations, as well as the positions of non-EU NATO members such as Turkey and the UK, starting with the spring 2019, the Permanent Structured Cooperation (PESCO) seems to be able to provide an answer to the 'local pains' engendered by the aforementioned security problems in Southern and Eastern Europe.

However, as NATO has a long tradition in ensuring security for most of the EU countries, debates regarding the necessity of PESCO have arisen. The main question to be asked is, therefore, whether PESCO must be seen as a political instrument in the post-Brexit balance of power among the NATO members, as after this moment "80% of NATO defence spending will come from non-EU Allies"[1]. In connection to this question,

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[1] J. Stoltenberg, *Doorstep*, NATO, 2017,
    [https://www.nato.int/cps/en/natohq/opinions_148840.htm accessed 27 August 2018].

the paper builds its argumentation on the idea that the establishing of PESCO (as other initiatives before it, such as the European Defence Community – EDC, the European Political Cooperation – EPC, the European Security and Defence Policy – ESDP, and the Common Foreign and Security Policy – CFSP) must be seen as a part of the EU process of redefining its post-Westphalian, post-World War II, and post-Cold War political identity.

Both occurrence of new threats (the migration crisis, hybrid attacks, etc.) and recurrence on a higher scale of older issues address the EU's defence capacity: 765 failed, foiled, or completed attacks in the European Union from 2014-2017[2] require an updated approach. Therefore, while damaging in their very nature, these threats might be seen as a necessary evil in pushing aside the obsolete traits of the EU-NATO cooperation and leading to a refreshed relationship. While one may say that PESCO can be seen as an alternative to NATO, the paper will argue for the complementary relationship of the two.

Historical Context and PESCO

In order to understand the real contribution that PESCO brings, one should take a look at both the historical and political contexts. In a period right after the World War II, Europe found itself in a sensitive position from political, economic, and social points of view. As Dean Acheson said at that moment, "No such step as a United States of Europe is feasible…at this stage, but rather a series of concrete steps to solidify the remarkable progress already made".[3] During that period and the Cold War, as Henry Kissinger described the situation in a more specific manner, "the objective of European policy was primarily psychological: to oblige the United States to treat Europe as an extension of itself in case of an emergency".[4]

Through the Marshall Plan and the creation of NATO, Western European countries managed to find a coagulant for the transatlantic relations and a more coherent foreign policy. The political context at that time was synonymous to the zeitgeist. The Western European countries had to deal with the Eastern proximity, as it was the case of the Soviet Union and the Warsaw Pact countries. The threats were different, as well as the economic situation. The refugees during the World War II, who were Europeans, were perceived in the same manner in which the immigrants to Europe from the MENA regions would be perceived today. Moreover, the cohesion among the NATO members was stronger as the efforts to contain the Soviet Union were representing a vital objective.

Current Political Context

The current political context is much more different and involves different threats that require new instruments of cooperation. This strongly challenges the traditional approach towards the EU-NATO cooperation, as NATO resilience needs time, and some of the threats are directed strictly at the EU security, as not all the EU members are NATO members and vice-versa. This does not suggest any incapacity of NATO to adapt to different external threats for its EU members, but it can rather manifest disagreements in regard to threats between the EU members that are in and outside NATO. This relation, as we will see further, represents the main gap in the EU-

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2   *Number of Failed, Foiled or Completed Attacks in the European Union from 2014 to 2017*, "Statista", 2018, [https://www.statista.com/statistics/746562/number-of-arrested-terror-suspects-in-the-european-union-eu/].

3   *Secretary General's Eisenhower Lecture: The Relevance of Atlanticism*, NATO Defence College, September 2000, [https://www.nato.int/docu/speech/2000/s000915a.htm accessed 27 August 2018].

4   H. Kissinger, *World Order,* Penguin Random House: UK 2014, p. 89.

NATO cooperation that not only justifies the existence of PESCO, but also brings into discussion a more diversified approach to the current political situation. Moreover, "military capacities developed within PESCO remain in the hands of Member States that can also make them available in other contexts such as NATO or the UN".[5]

The issue of migration with its 2015 peak is a multifaceted one, and it created many debates and dissensions among the EU member states. In relation to the European security, there is one major consequence of these dissensions represented by the fact that "some member states are intent on continuing to rely on NATO for all defensive capabilities while others are looking to wield their sovereignty and expand defensive capabilities bilaterally and through the EU".[6] In the bigger picture, it is obvious that the European Union has to deal with a more complex situation than the one right after the World War II. Besides the fact that the number of the EU members is bigger than the one that the Coal and Steel Community had in 1951, the threats are more diverse and multiplied. In this context, one can talk about a Europe that is closer to the post-Westphalian spirit of division than to the one of the European Recovery Program.

Without a doubt, the 2015 migration crisis found an already divided Europe with strong right-wing and far-right parties in countries such as Hungary, France, Austria, Slovenia, Poland, and Sweden. However, the migration had also a major contribution to such events as Brexit or the recent election of the Freedom Party of Austria. Are these divisions signs of weakness of the EU structure or should they rather be interpreted as the manifestation of a political maturity of the EU member states? It is obvious that the member states expect a more proactive bureaucracy in Brussels, as also the involvement of the EU abroad is growing. As the EU wants to be a more important actor on the global political scene, each member state wants its share of participation.

In the context of the 2015 refugee crisis, an important role was played also by the relations between the EU and Turkey. The role played by Turkey as a gatekeeper for Syrian refugees has to be seen as revelatory, if not for a full membership prospect, then for a seriously improved relationship between the two sides. On the night of 15 July "we (EU) stood on the side of Turkey's democracy and of the democratic institutions […] There is much the European Union and Turkey can do together starting with Cyprus or against terrorism, for our economies and our business, on refugees for the future of Syria and for the stability of the Caucasus" (EEAS, 2016). Mogherini's words represent, alongside its solidarity core, a clear declaration of the EU's security priorities not only in its relations with Turkey, but in general. The EU's desire to cultivate its mercurial relationship with Turkey is obvious and it was reiterated through the EU's response to the US decision to relocate its embassy from Tel Aviv to Jerusalem. However, regardless the silent consensus between the two in regard to this kind of issues, "Turkey is expecting much more from EU when its border security is concerned".[7] Not less can be said about the EU's expectations when it comes, for instance, to the issue of human rights in Turkey.[8]

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[6] H. DeMint, *EU-NATO Relations: A Future of Cooperation or Conflict?*, 2018, p. 5.

[7] A. C. Ertürk, *EU's PESCO: A New Foreign Policy Instrument or the Same Old Story?*, "Global Political Trends Centre Istanbul Kultur University Policy Brief", No. 51, January 2018, p. 7.

[8] *Speech by High Representative/Vice-President Federica Mogherini at the European Parliament Plenary Session on the human rights situation in Turkey and the situation in Afrin, Syria*, EEAS, 2018, [https://eeas.europa.eu/headquarters/headquarters-homepage/39509/speech-high-representativevice-president-federica-mogherini-european-parliament-plenary_en accessed 29 August 2018].

While of obvious importance for the EU, the relations with Turkey are a clear indicator of Brussels' desire to minimize the US influence in certain affairs and a sign of the EU's desire to strengthen its position as a global contributor. Additional to other technical benefits that PESCO may provide, such as "opportunities for those member states willing to deploy the military for migration efforts, similar to the Italian mission in Niger"[9], the mediation role played by PESCO is undeniable as, for instance, "before PESCO, it was unimaginable for the EU to reason with members like Cyprus and Austria for defence cooperation"[10] as the two are not NATO members.

The 2016 election of Donald Trump brought forward a quite unorthodox view on the US role played within NATO, as he is "the first US President to openly question the existence of NATO, while the global security situation is increasingly characterised by hybrid threats and transnational terrorist operations".[11] Additionally, the old arguments between the US and Turkey surrounding Fethullah Gülen, as well as the recent developments around the detainment of the American pastor Andrew Brunson including the subsequent sanctions reiterate the need of the EU for a political instrument for mediation in matters of defence.

While some deny the complementarity of PESCO with NATO, the relationship within the US-EU-Turkey triangle is just one of the many situations in which the EU has to hold with the hare and hunt with the hounds. Contrary to arguments about any surreptitious use of PESCO by the EU in its relations with the US, the role of PESCO is the one of an instrument to bring together opposed or apparently incompatible state actors on matters of security. The issue of migration in general, in many of its aspects depending on non-NATO or non-EU members such as Turkey, is one of the two major reasons – in conjunction with the Russian threat – for the existence of PESCO as an instrument of mediation and cooperation between the EU and other actors, especially NATO.

The Future Prospects of PESCO

We identified three ways in which PESCO influences both the EU's security and the relationship between the EU and NATO.

Firstly, PESCO should be regarded as something more than a political move made by the EU in response to Brexit and the actions of the Trump Administration with regards to NATO[12]. On Brexit, the main issue here is that even if the UK, traditionally opposing many EU projects, has decided to withdraw, "several historical and political constellations will remain"[13], meaning that some member states have their own plans for the development of the EU: a reformed/reimagined EU and a lesser integrated EU. Overall, PESCO is seen as a security guarantee in case of a hard Brexit and the unlikely withdrawal of US support for NATO[14] – events

9   J. Himmrich, A *"Hybrid Threat"? European Militaries and Migration*, "Dahrendorf Forum-Debating Europe", 2018, p. 20.

10 A. C. Ertürk, *op. cit.* p. 7.

11 R. Beckmann, R. Kempin, *EU Defence Policy Needs Strategy: Time for Political Examination of the CSDP's Reform Objectives*, "Dutch Institute for International Politics", Berlin: SSOAR, Vol. 1-3, 2017, p. 1.

12 J. Gotkowska, *The Trouble with PESCO: The Mirages of European Defence*, "Point of View", No. 69/2018, Centre for Eastern Studies: Warsaw, p. 17.

13 Ø. Svendsen, *European Defence and Third Countries after Brexit*, "Policy Brief", 3/2018, Norwegian Institute of International Affairs, pp. 2-3

14 N. Nováky, *The EU's Permanent Structured Cooperation in Defence: Keeping Sleeping Beauty from Snoozing*, "European View", Vol. 17, No. 1, 2018, p. 99.

that will negatively impact the EU and will also have other effects such as disrupting the delicate balance of power in the East (Ukraine in particular), which will undoubtedly empower the Russian Federation to act in a more threatening manner towards Eastern Europe[15] and the Baltic region. If the worst case scenarios come to pass, PESCO could be seen as a 'contingency plan', so as to ensure not only security on the inside of the EU, but also that of the neighbouring states in an effort to prevent much more complicated situations from occurring.

Secondly, PESCO must be seen as a way to reinforce the EU projections of power and defend the EU's interests in regions directly affecting European security. The EU has launched several high-impact projects and actions, such as the Eastern Partnership and the EU Neighbourhood Policy[16], which are specifically targeted to ensure a two-fold objective: (1) to ensure that the borders and security remain safe in relation to the increase in Russian threats, terrorist threats resulting from the migratory flux from the MENA, and other hybrid and cyber menaces; (2) to establish the EU as a regional power.

From a political perspective, the adoption of PESCO came as a move that sought to ease the burden of the many shocks that the EU suffered throughout the last decade. In the optics of EU affairs, the PESCO move triggered by Brussels can also signify that after years of failing to successfully expand and integrate cooperation on defence and security among its members, the EU is finally trying to up its game and propose not an alternative to NATO, but rather an efficient framework of cooperation on security and military affairs within the EU. Still, PESCO cannot be seen, keeping in mind previous unsuccessful attempts on the matter[17], as having the capacity to become the 'military arm' of the EU, or as an 'EU Army'. Nonetheless, in the current circumstances, the potential that PESCO brings is specifically oriented towards improving and adapting the system of cooperation among the various militaries of the EU.

> *It is crucial that member states understand that competing national interests should not negatively affect the overall image of the EU, particularly in the context of trade wars and economic confusion. frictions arising from the competing interests of member states.*

It is crucial that member states understand that competing national interests should not negatively affect the overall image of the EU, particularly in the context of trade wars and economic confusion. Therefore, the interests of the EU as a regional/global actor should be understood as a whole. PESCO, thus, has the capacity to assemble EU member states in providing a united position on relevant topics, which would imply a strengthening of the EU's overall position on the international scene in defence, economic, and industrial sectors.[18]

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[15] M. Przywała, *Cyber Security,* [in:] D. Szőke (ed.), *New Security Challenges from a Visegrad 4 Perspective*, Institute for Foreign Affairs and Trade: Budapest 2018, pp. 24-26.

[16] E. Korosteleva, *Eastern Partnership: Bringing "the Political" Back in*, "East European Politics", Vol. 33, No. 3, 2017, pp. 321-322.

[17] A. C. Ertürk, *op. cit.*, pp. 1-2.

[18] S. Seitz, *PESCO's Prospects: Tracing the Path of EU Defense Reform and Considering the Future of Permanent Structured Cooperation*, "Politics in Theory and Practice", 05 February 2018, [https://politicstheorypractice.com/2018/02/05/pescos-prospects-tracing-the-path-of-eu-defense-reform-and-considering-the-future-of-permanent-structured-cooperation/ accessed 27 August 2018].

> **It is crucial that policymakers take into consideration previous attempts of EU defence cooperation and impose clear regulations to mitigate any frictions arising from the competing interests of member states.**

Thirdly, PESCO can also be seen as trying to compete with NATO on issues such as cyberdefence, cybersecurity, and on combating hybrid menaces. Yet when discussing European security today, especially after the initiation of PESCO, it seems that NATO neither holds complete authority on security matters, nor does it benefit from the full commitment of its member states, as it was the case in the early 2000s. This might be considered by some as being the main area of contention[19] between the supporters of PESCO and those of NATO, given the fact that in relation to the general view on the security of the EU, there is no clear indication where NATO attributes would end and PESCO jurisdiction would start. For example, "Germany could introduce PESCO projects that are more closely aligned with NATO's strategic goals. NATO is interested in projects that improve interconnectivity, digitization and joint training of troops"[20] – meaning that at least for the foreseeable future, PESCO will be considered as being part of national efforts which member states will exert in support of NATO defence projects.

Nevertheless, at the moment, PESCO is aiming towards integrating the national security elements in a functional framework with defence purposes (such as the European Air Transport Command) as well as projecting capabilities in a more coherent fashion so as to reduce duplication.[21] Still, cooperation between PESCO and NATO on these issues of great importance will be the likely outcome[22]. The role of NATO in relation to the EU's security can be neither denied nor diminished: "NATO is named as the primary framework for collective defence"[23] for the EU, for a very simple reason – it represents the general understanding that without NATO, Europe's security could be threatened on a level never seen before since 1945.

Conclusions

An expansion in cooperation between the EU (via PESCO) and NATO is a crucial step forward towards ensuring the security of Europe. The increase in the complexity of security threats and the apparition of new categories of menaces, coupled with already-present threats (terrorism, hybrid and cyber threats, etc.) require a novel approach, needed to effectively combat and contain them. It is crucial that policymakers take into consideration previous attempts of EU defence cooperation and impose clear regulations to mitigate any frictions arising from the competing interests of member states.

The main principle of PESCO should be the development of a framework that would strike a balance between the interests of

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[19] S. Biscop, *L'Europe de la défense : donnons une chance à «PESCO»*, "Défense", No. 191, March - April 2018, pp. 24-25.

[20] N. Helwig, *New Tasks for EU-NATO Cooperation: An Inclusive EU Defence Policy Requires Close Collaboration with NATO*, Stiftung Wissenschaft und Politik – SWP – Deutsches Institut für Internationale Politik und Sicherheit: Berlin 2018, p. 3.

[21] S. Biscop, *European Defence: Give PESCO a Chance*, "Survival", Vol. 60, No. 3, 2018, pp. 166-168.

[22] N. Helwig, *op. cit.*, pp. 1-2.

[23] J. Gotkowska, *op. cit.*, p. 16.

both the EU and its member states, which, coupled with the increase in the EU's strategic autonomy on security matters, can positively contribute to the overall strength of not only the EU, but also NATO. In the end, cooperation between PESCO and NATO would be substantially beneficial to the adaptiveness and resoluteness of the EU's presence at both the regional and the international levels.

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