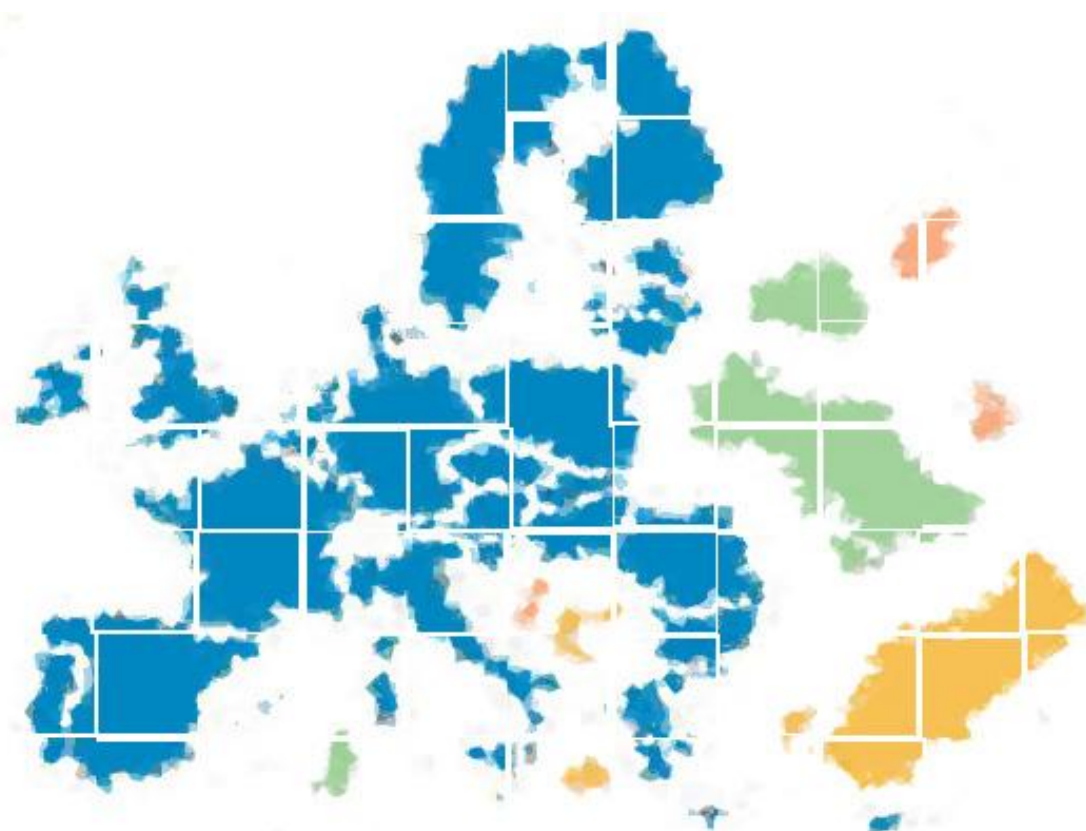


EU Frontiers

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Eastern Partnership beyond the Riga Summit *Rethinking Cooperation*



Center for EU Enlargement Studies

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Rethinking Cooperation: Eastern Partnership beyond the Riga Summit

Background

Launched six years ago in Prague, the Eastern Partnership (EaP) set out to strengthen ties among the European Union (EU) and the six partner countries in Eastern Europe and the South Caucasus (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine). Its main goals are to promote European values and increase trade and economic relations as well as cross-border cooperation among the countries. The Association Agreements (AA) and the Deep and Comprehensive Free Trade Agreements (DCFTA) signed already with Georgia, Moldova and Ukraine, as well as Moldova's visa-free regime show strong progress in strengthening ties. However, lacking the necessary political will, as well as financial and human resources, the EaP initiative so far is falling short of bringing about sustainable reforms in the region.

The developments of the past two years, such as Armenian President Serzh Sargsyan's and then Ukrainian President Victor Yanukovich's decision to back out from signing their respective AAs and DCFTAs, the Maidan Revolution in Kyiv, Russia's annexation of Crimea and the war in Donbas between Kyiv and separatists backed by Russia, have caught the European Union off guard. Russian aggression put increasing pressure on Georgia and Moldova, which seek to deepen their relations with the EU while both having Russian-supported separatist entities on their territories. Belarus and Armenia are by now both members of the Eurasian Economic Union (EEU) launched by Russian President Vladimir Putin in January 2015, but more recently try to balance their positions between Russia and the EU. Armenia is re-opening negotiations with the EU about a new cooperation agreement, while ahead of the November presidential elections Belarusian President Aleksander Lukashenko is trying to capitalize on his new role in the Minsk peace negotiations. In the meantime, Azerbaijan, where authorities have been harshly cracking down on civil society recently, shows no interest in deepening relations with the EU beyond those related to energy.

All in all, the EU could not effectively adjust its policy tools and instruments to the different paths the partners have embarked on. To remain a relevant actor in the post-Soviet space able to promote its values while fostering political and economic relations with its neighbors, Brussels and the member states need to review and reform their approach to the eastern neighborhood. Recognizing this necessity, the European Commission (EC) and the European External Action Service (EEAS) recently initiated a review process of the EU's neighborhood policy as a whole. The present position paper seeks to contribute to this process and add to the discussion on how the

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EU and its member states should shape their approach to the region in the future.

Strategic vision beyond Riga

On May 21-22, 2015, the summit of heads of states and governments of the EU and EaP countries takes place in Riga under the EU Council Presidency of the Republic of Latvia. While the Latvian Presidency worked hard to develop a meaningful declaration to be adopted at the summit, the final document is expected to fall short of hopes and expectations of several EU and EaP states. A prospectively weak document reflects the internal division of the EU that has further deepened in the aftermath of Russia's aggression in Ukraine. The past year revealed that even the EaP's strong promoters, the Central European countries are not united in their approach in addressing the situation on the ground. Given their vested interest, Central European states should have been leading on the matter, especially against the backdrop of the declining leadership potential of the Western European member states in Eastern Europe, but the inherent division undermined this opportunity for united action. For this reason, there was no strong, united lobby ahead of the summit coming from the Central European member states to increase EU commitment in the region.

Given the visible reluctance, EU member states and partners looked to the summit with modest expectations in the last weeks. By then it was already clear that the EU is not in a position to grant explicit membership perspective, not even to the most committed countries of the EaP: Georgia, Moldova and Ukraine. Even though Georgia and Ukraine hoped for a political declaration on visa-free travel, the issue was gradually removed from the agenda as Riga approached. The fact that due to the war there are over 1 million internally displaced persons in Ukraine who do and are feared to seek asylum in the European Union, e.g. in Germany.

For the other three partners, Armenia, Azerbaijan and Belarus, the summit was not going to hold much new, except maybe some progress on visa facilitation for Minsk. Nonetheless, the bilateral agreement on visa facilitation and on the Mobility Partnership will not be initialed. They are postponed, contrary to expectations of many. Sadly, the subject of mobility is further burdened by the worsening migration crisis in the southern neighborhood of the EU, which currently dominates the discourse in the member states concerning any form of movement of people.

The EaP does not end in Riga however. It is thus necessary to think beyond the summit in terms of security, political and economic cooperation and clear communication. The neighborhood is fundamentally different from what it was eleven years ago at the start of the European neighborhood policy or even six years ago at the launch of the EaP. The EaP was established as a non-confrontational policy and even offered cooperation with third countries on a case-by-case basis. While the EU's perception remained the same, Russia certainly does not see it that way. Moscow's early suspicion about the EU's engagement with the partner countries has turned into outright

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opposition once it became clear that several of them consider the EU's association offer attractive. To counterbalance the EU's initial pole of attraction, Russia set out to establish its own Eurasian Economic Union. Its responses however went even further: the annexation of Crimea and Russian involvement in the Donbas undermined the post-Cold War order and threaten the security and stability of Europe. For this reason the current discussions on the eastern neighborhood are unavoidably dominated by the security situation in Ukraine, the need for stabilizing the country and reaching a political settlement to end the war.

Russia's responses and the regional developments make the EaP not just one of many policies of the European Union; they grant it unprecedented significance and make it part of grand strategy. To be able to move forward with the policy and to remain a credible and relevant actor in these relations, the EU needs to understand and reflect on this strategic shift, and the new political and security environment on the ground. In turn its policy review and response must also be led by long-term strategic thinking, not by shortsighted political interests. The EU needs to be ambitious and provide a clear and understandable vision to its partners based on European values and the communitarian perspective on international politics it has developed over the decades. Moreover, this vision has to be available for all partners in the region.

How to change the approach?

The renewed approach needs to entail that the highly technical nature of the Eastern Partnership is complemented with a set of concrete goals defining where the cooperation is headed, depending on the various levels of the partner countries' engagement. Considering the serious approximation requirements the more engaged partners need to adhere to throughout the association process, this should mean explicitly offering a membership perspective at the end of the road.

For various, among them political, reasons the EU member states are not ready to make this offer, and at this point not even the most engaged EaP countries are ready to join. The partner countries know both of this all too well. Yet, the membership perspective is not about immediately welcoming the partner countries to the EU, much rather about giving additional weight and credibility to the policy. The clear goal at the end of the road would push the currently often reluctant political elites to implement the necessary reforms. The experience of Moldova's visa liberalization process showed that the conscious use of conditionality based on clearly defined deliverables and benefits facilitates the alignment and implementation process. With clear benefits in sight, the Moldovan government was able to implement sensitive and difficult reforms connected to its Visa Liberalization Action Plan (VLAP). Additionally, the concept and benefits of membership is relatively easy to grasp for citizens, making it available would give them an incentive to keep their governments accountable and to push for domestic reforms.

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Considering their interest in the rapprochement to EU norms and standards, two or maybe even three tiers have taken shape among the six partner countries. To address the various ambitions effectively and to take the most out of the cooperation a differentiated practical approach has become necessary. As part of the differentiated approach, Brussels should intensify bilateral cooperation with the partner countries who have already signed the AA/DCFTA. All three of these countries face internal difficulties both in terms of political commitment and administrative capacities to implement these agreements. Thus the EU should increase political, financial and technical support for them, while maintaining a strong monitoring along the ways. Turning a blind eye on pro-European political elites acting against European principles cannot be an acceptable policy. Brussels must be strict in its monitoring and criticism to ensure its own credibility and the credibility of the values it stands for. The counterexample and the consequences of that have already been seen in Moldova, where the pro-European elite lost much of the societies support due to the fact that its reformist rhetoric was not matched with real actions and commitment. The EU never really spoke up against this, and consequently societal support has shrunk also for the integration. The more-for-more principle should remain in place to motivate these countries and also to send a positive message to the states which are currently less interested in cooperating with the EU.

The Eastern Partnership should remain inclusive. The membership perspective – in line with Article 49 – should apply to all EaP partners as a potential *finalité* conditional upon meeting the criteria established by the EU. Therefore the EU should not abandon the potential of engagement with the less ambitious and less interested partners either. At the same time the EU needs to invest more into soft power: it should clearly define what European ideals are, what are not, and should to represent them in all its relations. Keeping in mind these values, whenever possible the EU should maintain cooperation with Armenia, Azerbaijan and Belarus and should reward those segments of the political elites in who are open to reforms.

The above mentioned guiding principles are neither fundamentally new nor revolutionary. They have been laid out in various strategic and policy documents of the EU over the years, but more often than not they remained on paper. Considering the current situation, this halfhearted approach is no longer viable. The EU needs to put these principles into practice committing to them for the long-term. The reforms the EU promotes do not happen fast, thus showing strategic patience will be a key asset for the Union.

While reviewing its relations with the EaP partners, the EU needs to develop a policy toward the neighbors of its neighbors. This approach should take into account that they also have ties with and influence on the EU's immediate neighborhood. To ensure potential cooperation on issues reaching across regions, the foundations for that should be developed sooner than later. Beyond Russia this outlook should focus especially on Turkey, a key regional actor that plays a significant role especially in the South Caucasus, and should also take into account Central Asia where Russia still has

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significant influence and where countries seek alternative ties to balance that.

The values the European Union stands for should guide its behavior in all its relations in the region, including toward Russia. Among these values is respect for international law and international agreements. Following from this, the sanction policy against the Russian Federation should remain in place until it implements the Minsk-2 agreement and until its complete withdrawal from Eastern Ukraine. A potential next round of sanctions has to be discussed within the EU already in order to make sure a response is ready if necessary. The sanctions are of course not going to do miracles, but they function as tools for constraining and signaling, to use Francesco Giunelli's terms. To maintain their credibility, the unity of member states is crucial.

What to focus on?

The initial scope of the Eastern Partnership was highly ambitious while the available financial and human resources are deeply limited, for this reason results were not as far-reaching as expected before. The policy can only bring better results in the future if it becomes more focused. Furthermore, to achieve a good impact, this narrower emphasis has to be on strategically important areas, which can have an impact both on governments and citizens at the same time. The (still broad) areas most attention should be focused on after the review period are good governance, trade and investment, mobility and security broadly understood. Streamlining of course does not make up for the necessity of additional funding. Both will be necessary already in the relatively short term.

As a horizontal approach, the EU and also the partner countries' authorities need to reach out to the citizens. Based on the first six years, a crucial lesson learnt is that whatever precise strategy the EU adopts toward its eastern neighbors, it needs to make sure that the purpose, the practice and the goals of the policy are well-communicated and understood also beyond the expert community. To build support and a strong constituency for the cooperation, the EaP's main target audience, the citizens of the partner countries should have a clear understanding of the benefits and also of the unavoidable costs of the cooperation, both those that appear in the short and in the long term. The communication strategy of the EU should be as inclusive as possible reaching beyond the capital and the majority population to the regions and minorities. It should seek to engage the church, which is often the most trusted institution in the partner countries and is often anti-European. To tackle disinformation and untruthful propaganda, honest communication and constant visibility are the best tools the EU can develop.

Good governance

Supporting good governance in the partner countries has currently more relevance in the case of the first tier. Signing the AA/DCFTA was a historical

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achievement, but the institutional and sectoral reforms necessary for the implementation of those put unprecedented burden on the governments and the public administrations of Georgia, Moldova and Ukraine. Considering the complexity but the obvious similarity of the procedures in the three countries, the EU should encourage and (financially) support constant exchanges of experience among the public administrations of the countries. These would contribute to institutional learning and hence to the strengthening of public administration. However, investing into (administrative) capacity building will also be fundamental.

The challenge though is not only to establish new institutions and fill them with competent staff, but to implant new institutional cultures based on the values promoted by the EU, such as good governance, transparency and the rule of law, just to mention the most important ones. Implementing such principles can be costly for the governing elites since in many cases the reforms have the potential to weaken their positions. To fill the new frames with real content and enforce new legislation, the incumbent governments' goodwill cannot be taken for granted. Their accountability should be increased through close monitoring as mentioned before. As EU conditionality applies in these reform processes, the significance of the Commission's reviews should be emphasized. Since the associated countries need to adopt about 80% of the EU *acquis*, it would be reasonable to introduce a more thorough legal monitoring process similar to the one used in the case of the accession countries. While it requires more resources from the EU, it would be taken more seriously by the partner countries' authorities. It should nonetheless not be solely the EU's responsibility to monitor progress. As the implementation of the AA/DCFTA should first and foremost benefit the society, domestic oversight is crucial. The EU should engage and empower civil society organizations, especially watchdogs, which can provide civic control over the implementation of the agreements by the authorities.

Trade and investment

Strengthening economic ties has been in the heart of the EaP that is well illustrated by the central role of the DCFTA in the association process. It is indeed the area against which Moscow voiced the most complaints, as well. The challenges the individual partner countries face in this field are quite diverse, but a division between the mentioned two tiers apply here to some extent too. In the first tier, all three countries face the challenges of the implementation of the DCFTA which requires the adoption of a significant part of the *acquis* along with EU standards. These are generally costly in the short term, and burden not only the state but also the companies and entrepreneurs. This is exactly what weakens the EU's offer as opposed to Russia's EEU offer, which does not require immediate costly reforms but brings gains already in the short term. On the longer term nonetheless the EU's offer is more beneficial supporting the modernization of the economy, granting access to new markets, improving the competitiveness and more sustainable economic models in the countries involved. These benefits should

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be clearly communicated, while the immediate transitions should be financially supported by the EU and other international donors and lenders.

The individual challenges of the three pioneers should be addressed too: after years of deregulation Georgia is now faced with the need to re-regulate, which is an extra burden on the public administration and is not perceived positively by the business community either; Moldova has practically no tools to implement the DCFTA in the separatist Transnistria region; and in the very short term Ukraine needs significant macroeconomic support just to stabilize its economy that the EU was not yet eager to provide. Finally, in Ukraine's case Russia's demands on further postponing the implementation of the DCFTA are also contested. While providing information about the DCFTA to Russia can be acceptable, Brussels should not allow a precedent where a third country that is not party to an agreement can dictate and extort concessions from the EU and the partner country. For this reason, the implementation of any of the DCFTAs should not be postponed based on Moscow's pressure.

Financial and technical support for SMEs should be at the core of the EU's approach in its efforts to help the competitive revitalization of the partner countries' economies. Ultimately, the economic benefits of the DCFTA are realized if investments increase in the region. Therefore, the EU should actively promote and facilitate investment in the associated countries since these countries might not yet be obvious choices for international business. Georgia for example has a very favorable investment climate, but the inflow of investments is still very modest. Ukraine presently is not perceived as an attractive destination due to the war in Donbas, nevertheless to revive its economy, investment is preeminent. In this regard therefore, also as a show of solidarity, EU- and member-state-supported efforts (political security insurances, state guarantees for investments etc.) are needed. Apart from donor conferences, investment conferences should also be organized.

Cooperation with the Eurasian Economic Union

The second tier of the EaP countries is divided between Belarus and Armenia on the one hand and Azerbaijan on the other. The first two are by now both members of the EEU which thus begs the question whether the European Union should now engage with this new creation of Russia, and if so how and in what sectors. The EEU has been set up as a response to the EU's association offers, but follows somewhat of a different logic. While the EU's model is based on the promotion of the rule of law and encourages the partners to implement both democratic and economic reforms, Russia's model limits itself to a narrow set of economic and legal reforms (e.g. liberalized competition legislation, deregulation in a number of economic areas) and does not pursue a political reform agenda. Showing reluctance toward political cooperation, Russia's Eurasian partners made sure that even the slightest suggestions of political integration were eliminated from the treaty establishing the EEU, making it a regional project with purely economic objectives.

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Cooperation between the EU and the EEU as such would be an opportunity that should not be outright ruled out, if it was not hampered by the fact that the two organizations are based on fundamentally different value sets. More importantly, economic cooperation cannot be considered separately from the regional context. Consequently, as long as there is military aggression in Ukraine supported by Russia, the EU should not engage with the Russia-led organization on terms of business as usual. Russia's aggression sadly postponed even the possibility of a discussion between the two blocks, which under different circumstances might have had legitimacy.

Mobility

Due to the migration crisis in the Mediterranean, the issue of mobility has recently become particularly sensitive all across the EU. Yet, it is one of the areas with the biggest direct impact on citizens' life in the partner countries. Benefits of visa facilitation and visa-free travel are easy to communicate as they are tangible and direct. Visa facilitation is in place with all but one partner (Belarus), and Moldova has already received visa-free regime which already resulted in 400,000 travels without visa. Georgia and Ukraine are working on the second phase of their Visa Liberalization Action Plans and hope to receive visa-free travel in the very short term. Even though the southern migration crisis would be a pretext at hand to push the issue off the agenda, it is imperative that once the conditions defined in the VLAP are met, no further obstacles are set for the partners.

Currently visa dialogue is the only tangible incentive the European Union can offer to Belarus, although the actual visa liberalization is believed to be still seven-ten years down the road according to experts' opinion gathered by the Belarusian Institute for Strategic Studies. Few believe that it could be achieved in four-six years. Interest in Schengen visas is very high in the country: in 2014, 881,000 applications have been submitted by Belarusian citizens and only 0.3% of those have been rejected which is the lowest refusal rate not only among the EaP countries, but also among all third countries having a visa regime with the EU. Additionally, an argument in favor of pursuing visa facilitation and liberalization with Belarus, and all EaP countries for that matter, is that the conditions set by the EU contribute to the reform of the countries' civilian security sector, as well.

Mobility is not only about visas though. To facilitate people-to-people contacts, Brussels should fully open its thematic community programs in front of EaP countries and citizens. These should include Digital Agenda for Europe, Erasmus+, Creative Europe, Horizon 2020, Europe for Citizens, just to name a few.

Breaking down administrative barriers should be accompanied by breaking down physical barriers as well. Investment into the transport and transportation infrastructure of the partners should be increased; associated countries should be included in the TEN-T networks and should become parties to the Connecting Europe Facility.

Security

Security is the broad area that has been almost completely neglected by the Eastern Partnership program over the years. This is true not only of the EU's role in the frozen and not-so-frozen conflicts in the region, but also of strengthening energy security. Despite the EU's earlier intentions, e.g. as voiced already in its 2003 security strategy or even in the founding EaP declaration, that it wants to increase its role in conflict resolution in Eastern Europe and the South Caucasus, no sustainable engagement has been established and certainly no results have been achieved. Due to its direct influence on all separatist conflicts in the region, Russia uses these as platforms to project its power over the sovereign choices of the countries affected. The OSCE, which is currently most present in the region, has only limited capabilities to address the resolution of the conflicts, as well. Therefore it is inevitable for the EU to establish a strong and visible presence in the region. EU missions, which do not necessarily have to be military mission, should be set up to support conflict resolution and enhance security in the region. The EU Advisory Mission for civilian security sector reform in Ukraine is a step in the right direction, but in itself far from enough to address all challenges.

Achievements in strengthening energy security are also scarce. The EU member states are not united on how they should ensure uninterrupted access to energy and the discourse here is often dominated by Ukraine being a problematic transit country. However, Ukraine does not necessarily have to be the problem; it should and could be part of the solution. Considering that Ukraine, as well as Moldova, are members of the Energy Community and committed to implement the Third Energy Package, the European Union should allocate resources to improve their connections with the Union and thus the overall interconnectedness of the region. With the same regulatory framework implemented under the Third Energy Package, the EU could also count on Ukraine's formidable gas storage facilities, which would indeed be an important asset for the common European infrastructure. As the EU is starting to elaborate the Energy Union, it would be a good time to invite Moldova and Ukraine to be part of it, and expand the borders of the Energy Union to those of the Energy Community. With regards to external energy policy, the EU member states should formulate common approaches, e.g. in cases like the already announced Turkish Stream pipeline. Their cooperation and solidarity will be essential in this field.

Key recommendations

Learning from the previous years and responding to the new environment on the ground, the European Union should take into account the following main recommendations in the review process of the European neighborhood policy and of the Eastern Partnership:

- + The EaP gained **strategic significance**. Think about it in long-term strategic terms instead of shortsighted political ones.
- + Base the policy on the **values** of the European Union. Pursue a **differentiated but inclusive** approach. Intensify bilateral cooperation with the associated countries with **strict monitoring, credible conditionality** under the **more-for-more principle**.
- + Grant the partners **membership perspective** as *finalité* to the policy conditional upon them meeting the Copenhagen criteria.
- + Develop a new policy approach to the **neighbors of neighbors**, especially to Russia, Turkey and the countries of Central Asia.
- + **Limit the priority areas** to a manageable number. Focus on good governance, trade and investment, mobility and security.
- + In the field of **good governance**: closely monitor implementation using the legal screening of the EU accession process; support capacity building in public administration; encourage exchanges among the partners on their reform practices; empower watchdogs to monitor their governments in all EaP countries.
- + In **trade and investment**: communicate clearly the benefits the DCFTA has despite its initial costs; identify and address the individual challenges of the EaP countries, support and facilitate investment in the region.
- + In **mobility**: pursue visa dialogue with all partners; do not create additional obstacles when conditions are met; use the opportunity to engage Belarus – both the authorities and the citizens; grant full access for EaP countries and citizens to EU community programs; include at least the associated countries in the TEN-T network and the Connecting Europe Facility.
- + In **security**: establish an EU presence in the region in conflict resolution and management; set up (not necessarily military) missions on the ground; get involved in the resolution of protracted conflicts; engage Ukraine and Moldova in addressing the challenges of energy security – invite them to the Energy Union, support interconnectedness.
- + Reach out to **citizens** directly. **Communication** is central to build constituency for the policy. Honest, inclusive dialogue is necessary beyond the capitals, with the minorities and with the church.

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