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GLOBAL EUROPE CENTRE **POLICY** **PAPER**

*Building a Stronger Eastern Partnership:
Towards an EaP 2.0*

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BUILDING A STRONGER EASTERN PARTNERSHIP: TOWARDS AN EAP 2.0

Executive summary

The 28-29 November 2013 Eastern Partnership summit provides an opportunity to reflect on how to refresh the EU's policy towards its Eastern neighbours.

This Policy paper sets out a reform agenda for the EaP by offering a roadmap to the building of a stronger policy. The paper briefly outlines the background and development of the EaP, its current state-of-play and then discusses how the partnership might be enhanced and legitimated.

- The paper argues that the EU needs to define a 'next generation' objective for the EaP as it enters the implementation phase of the current set of Association Agreements (AAs).
- Our proposal is that the EU should set a European Partnership Community (EPC) status as a bilateral and multilateral goal for the EaP.
- The EU should define a clearer, and measureable, set of objectives for its role in the resolution of the 'frozen' conflicts of the Eastern Partnership.
- Policy towards Belarus needs refreshing with the EU giving consideration to alternatives to the current perceivable stalemate.
- Speeding up visa liberalisation in a differentiated way may generate additional influence for the EU and would enhance its legitimacy among citizens of the EaP countries considerably.
- Deepen and broaden civil society engagement. The EU needs to invest even more in deep democracy, linkage and people-to-people contacts to avoid any conception that democracy promotion is one-sidedly dependent on the willingness of political elites to give in to pressure and to warrant that the policy enjoys legitimacy among the citizens of the EaP countries.
- Create a place for Russia. This requires a vision for cooperation with Russia that would allow for the approximation of emergent legal economic regimes (DCFTA and ECU) and would sustain the effort of modernisation and reform in the region. The effort is needed to connect Russia more strongly and positively to the EaP and to counter a logic of competition and alternative regionalism, which creates an unwelcome and divisive situation for the EaP countries. This requires, deeper discussion on the compatibility between the DCFTA and the ECU.

OVERVIEW

The Eastern Partnership summit in autumn 2013 provides an opportunity to reflect and refresh the EU's policy towards its Eastern neighbours. With the fifth anniversary of the Eastern Partnership (EaP) falling on May 2014 the policy has been in operation for almost half a decade. It has developed a sophisticated framework, within which the EU's bilateral and multilateral relations with its Eastern neighbours are conducted. However, its achievements – especially in terms of policy implementation and public legitimisation – have been more modest than ground-breaking.¹ It is now time to critically assess the performance of the EaP, and to evaluate whether it provides a suitable framework, especially in terms of its strategic vision and implementation practices, for the conduct of an effective and credible policy in the eastern region.

This Policy paper sets out a reform agenda for the EaP by offering a roadmap to the building of a stronger policy. The paper briefly outlines the background and development of the EaP, its current state-of-play and then discusses how the partnership might be enhanced and legitimated.

Eastern Partnership – origins and development

The EaP's origins are in a joint Polish-Swedish initiative of May 2008² to see the reinvigoration of the EU's relationship with its neighbours in Eastern Europe and the Southern Caucasus then covered by the EU's European Neighbourhood Policy (ENP). The proposition was to develop a more nuanced regional policy which would be better tailored to the particular needs of the Eastern neighbours, thus firmly placing them into the orbit of EU interests and influence. Formally launched at a dedicated Eastern Partnership summit in March 2009,³ the EaP was embedded within the wider ENP, with initially no new institutions, or secretariat, or dedicated funding streams set up to handle the new policy. It envisaged a two-track approach, of bi- and multi-lateral engagements, targeting various policy areas at different levels and with different stakeholders.

Bilaterally each of the participants is offered the prospect of an Association Agreement (AA) with the EU but with no formal commitment that these agreements hold out any prospect of future full membership of the Union. The AAs would provide for closer political association with the EU, as well as economic integration through the creation of individual Deep and Comprehensive Free Trade Agreements (DCFTA) with each partner country and which, in turn, as was initially conceived, might be joined together to form a Neighbourhood Economic Community (NEC).⁴ 'Mobility and Security Pacts' are also envisioned to ease cross-border movement and as part of a 'phased approach' via visa facilitation negotiations with partners and 'in the longer-term' opening dialogues on visa-free travel with all the partners. This is further complemented by specific sector cooperation cutting across thematic multilateral platforms and flagship initiatives to provide the main arrangement for the multilateral strand. Notably, work continues in the areas of energy, transport, regional development, environment, economic governance and trade,

social protection and partners' participation in EU programmes and agencies.⁵ These activities are covered under the existing European Neighbourhood Policy Instrument (ENPI) and the Neighbourhood Investment Facility (NIF), which in their totality amount to €1.6 billion for 2011-13 for the eastern neighbours. This is further supplemented by new funding streams of Comprehensive Institution Building (CIB) and Pilot Regional Development programmes (PRD), totalling to 234 mio Euros for 2011-13.⁶

The EaP's multilateral framework was initially institutionally light, with the bulk of implementation pursued bilaterally with the participating states. It was built around four 'thematic policy platforms' on democracy, good governance and stability; economic integration and convergence with EU policies; energy security; and contacts between people. Five flagship initiatives – of border management, SME, energy, Prevention, Preparedness and Response to Man-made and Natural Disasters in the ENPI East Region (PPRD), and environmental governance – further complemented the policy platforms, to enhance issue-specific cooperation and further sector integration.⁷

Five years on, the multilateral track has developed its own momentum, to include purpose-built infrastructure, new instruments (Civil Society facility, European Endowment for Democracy etc.), and multi-level agency targeting virtually all levels of society.⁸ In particular, in all six EaP countries, Civil Society Forum (CSF), national platforms, Business Forum, CORLEAP, and EURONEST have been set up to provide civil society organisations and other stakeholders with a chance to engage in the implementation of the EaP at the country level. Moreover, the CSF is now a regular and active participant in most EaP meetings. The multilateral track is now often regarded as a more incentivising way forward in terms of the policy impact and ownership,⁹ and is intended to provide a forum for the exchange of best practice between the six partner countries.

Initially, the arrangements proposed for the EaP by the Commission have faint echoes of the Stabilisation and Association Process (SAP) for the Western Balkans and with the same intended benefit

for the EU of creating a road-map for development and deepening of relations. However, the significant differences are that the EaP is not officially intended to hold out the prospect of EU accession as the final destination,¹⁰ and that the EaP's path-dependency is significantly shaped by the parallel developments in the Eurasian Customs Union (ECU), and the neighbouring regions (Iran, and Turkey in particular). In addition, contextual cultural differences, including normative underpinnings, have had their imprint on policy developments and dialogue.¹¹

The countries of the EaP are disparate in terms of the size of the stages of their economic and political transition.¹² Each represents a different challenge for the EU in realising the objectives of the policy to the rule of law, good governance, respect for human rights, respect for and protection of minorities, and the principles of the market economy and sustainable development. Further, four of the six countries covered by the EaP (Moldova, Armenia, Azerbaijan and Georgia) are parties to 'frozen' conflicts which have remained immune to diplomatic resolution to-date and retain the latent potential to develop into armed conflicts on the EU's borders. The EU's Eastern neighbourhood is also an area in which the Russian Federation has sought to preserve and advance its interests and with which the EU is engaged in a competition for political and economic influence

¹ Whitman, R and Wolf, S eds (2010) *The European Neighbourhood Policy in Perspective: Context, Implementation and Impact*, Palgrave: Macmillan; Korosteleva, E (2012) *The European Union and its Eastern Neighbours: towards a more ambitious partnership?* Routledge; Casier T (2012), *The European Neighbourhood Policy: Living up to Regional Ambitions?* In: F Bindi (ed), *The Foreign Policy of the European Union. Assessing Europe's Role in the World*. Washington, Brookings Press, 99-117.

² *Eastern Partnership* (2008), Polish-Swedish Proposal, Brussels, 23 May

³ Council of the European Union (2009), *Joint Declaration of the Prague Eastern Partnership Summit*, 8435/09 (Presse 78), Brussels, 7 May

⁴ Steven Blockmans and Bart Van Vooren. Revitalizing the European 'Neighbourhood Economic Community': The case for legally binding sectoral multilateralism *European Foreign Affairs Review* (2012), Vol. 17, pp 577-604.

⁵ See Annex 1 for the full summary of EU initiatives

⁶ European Commission, 'EU Cooperation for Successful Eastern Partnership', DEVCO 2012, pp 3-4

⁷ Commission of the European Communities (2008), *Eastern Partnership*, COM (2008) 823 final, 3 December; Commission of the European Communities (2008), *Eastern Partnership*, SEC (2008) 2974/3, 3 December

⁸ European Commission, 'EU cooperation for a successful Eastern Partnership', DEVCO 2012

⁹ Delcour, L (2011) 'The Institutional Functioning of the Eastern Partnership: an Early Assessment'. *Eastern Partnership Review*, No1. Tallinn: Estonian Centre of Eastern Partnership; Korosteleva, E et al (2013), eds 'The European Neighbourhood Policy in the Eastern Region: the practices perspective', *East European Politics*, 29(3), Special Issue

¹⁰ Although some EU politicians insist on differentiating between European neighbours (in the east) and neighbours of Europe in the South (Sikorski speech, 26 May 2008; <http://euobserver.com/foreign/26211>), with a default prospect of EU membership if all requirements of EU acquis (including DCFTA) are met in due course.

STATE OF PLAY

While the EaP's institutional arrangements and policy instruments are becoming increasingly complex and outreaching, the actual practices of policy implementation and embedment into new social structures remain circumscribed.¹³ Furthermore, there seems to be a growing disconnect between 'the more for more approach' currently propagated by the Commission, and the neighbours' less than a lukewarm response to this complex matrix of opportunities.

In contrast to the recent instability in the EU's Southern neighbourhood, the East is largely in a condition of on-going political atrophy. There has been a changeable progress of convergence with the EU's policies throughout the region. While Belarus remained the unwavering constant in the neighbourhood impervious to EU attempts to encourage reform, the progress with the other partners too has been far from linear. While Armenia, Georgia and Moldova exhibit more positive than negative political change, Ukraine in contrast has been further backtracking from political reform continuing to present considerable challenges for the EU.¹⁴ Relations with countries in the South Caucasus remained hostage to political instability and the unresolved frozen conflicts of South Ossetia/Abkhazia and Nagorno-Karabakh. Recent developments in Azerbaijan were particularly worrying regarding continuing violations of freedom of expression and assembly, with NGOs reporting increasing levels of harassment of political opponents, activists and journalist in the country. The most dramatic recent political developments in the Eastern Neighbourhood refer to the defeat in Parliamentary elections in October 2012 of President Mikheil Saakashvili's ruling United National Movement by the billionaire businessman Bidzina Ivanishvili's Georgian Dream Movement; the collapse of the pro-European coalition in Moldova in March 2013 and the threat of the Communist return; Ukraine's signing the memorandum to deepen cooperation with the Eurasian Customs' Union on 31 May 2013; and the declaration by the Armenian president on 3 September 2013 that his country intends to join the Eurasian Customs Union.

EU policies

The EaP unarguably has come a long way in its development to offer a complex framework of institutionalised agency, instruments and opportunities to enable partners' voluntary co-option into the EU *modus operandi*. The year 2011 in particular served as a watershed for revisiting EU strategies in the neighbourhood. The new approach is now translated into roadmaps for individual partner-countries to offer tailored objectives and a complex matrix of opportunities aiming to lock participants into a 'more for more' modality of

cooperation and self-censorship. It envisages more decentring and local ownership, as well as targets virtually all levels of society – from civil society agents, to business interest, local authorities and national parliaments. The multilateral track is being prioritised enabling partners to develop and share best practices and to lobby their interests collectively.

More specifically, the EU's ambitions for the upcoming EaP summit in Vilnius were set out clearly by the EU in May 2012.¹⁵ The broad objective is to see the advance of the established policy framework rather than to use the summit to set a substantive new agenda and so will build on the objectives set out in the previous Prague and Warsaw EaP summit Declarations. As a backdrop to the preparations for the summit there have been two substantive policy developments: the Eastern Partnership Integration and Cooperation (EaPIC) programme and the European Endowment for Democracy (EED).

The EaPIC programme was launched in June 2012 to make additional resources available to countries that show progress in building deep and sustainable democracy and in implementing related reform objectives under the 'more for more' principle.¹⁶ The EaPIC programme provides additional funding of €130 million for the period 2012–13 on top of the €1.9 billion already committed to the EaP countries for the period 2010–13. A first round of country allocations was announced to benefit Moldova (€28 million), Georgia (€22 million), and Armenia (€15 million). EaPIC contributes to new or existing projects targeting democratic transformation and institution building, sustainable and inclusive growth, and economic development.

The EED became fully operational in 2013 on the basis of €15 million of funding (of which €6 million is contributed by the European Commission and the remaining from the Member States) and intended to function as an independent European non-profit foundation, with the participation of representatives of Member States, the European Parliament, the European Commission, the High Representative and civil society organisations.

As indicated above, the substantive component of the EaP is the bilateral strand of policy for which there is a different state-of-play for each country. Further it is possible to order the countries on the basis of the degree to which they have deepened their bilateral relationship with the EU:

Ukraine

Negotiations on the EU-Ukraine Association Agreement were finalised and it was initialled in March 2012. However the AA was stymied by the requirement of Ukraine to comply with the conditions set out in the Foreign Affairs Council Conclusions of 10 December 2012.¹⁷ The EU was seeking changes in Ukraine's in three areas: the compliance of the 2012 parliamentary elections' with international standards and follow-up actions; Ukraine's progress in addressing the issue of selective justice and preventing its recurrence; and in implementing the reforms defined in the jointly agreed Association Agenda.

The EU's position on the 28th October parliamentary elections was that they were flawed and that standards had deteriorated from those of previous elections. It was subsequently made clear that shortcomings identified in the final report by the OSCE-ODIHR needed to be fully addressed by implementing its recommendations and dealing with the observed shortcomings.¹⁸

The EU's concern with selective justice and politically motivated convictions of members of the former Government concerned most especially the treatment of Yulia Tymoshenko after trials which the EU viewed as not respecting international standards regarding fair, transparent and independent legal process and preventing opposition leaders from standing in the parliamentary elections. Concerns about Tymoshenko's health resulted in the European Parliament sending medical experts to assess her health and treatment in May 2012.

EU-Ukraine relations continued to be complicated by the Ukraine's relationship with Russia, and President Putin's return to the Russian Presidency in March 2012, on the back of flawed elections to the Duma in December 2011. Arguably, Russia's diplomatic pressure upon Ukraine to join the ECU can be viewed as an attempt to frustrate the EU's effort to deepen its relationship with Ukraine.¹⁹

On implementing reforms defined in the jointly agreed Association Agenda, the EU has added a further set of conditions for Ukraine on electoral, judicial and constitutional reforms in line with international standards. Further, Ukraine needs to prepare for establishing a DCFTA by making sustained efforts in the fight against corruption and

public finance management reform, to improve the deteriorating business and investment climate, and stressing the importance of inclusive reforms through constructive engagement between Government, parliamentary opposition and civil society. The Council made the signing of the already initialled AA dependent on the determined action and tangible progress in the three areas mentioned above by the time of the Eastern Partnership Summit in Vilnius in November 2013. Over the last months Ukraine has stepped up efforts to pass new legislation to meet several of the EU's conditions. There is a rather broad domestic consensus to sign the AA, but at this point no firm commitments have been made to release Yulia Tymoshenko.

Moldova

Moldova has been the EU's best performing partner in recent years. The indirect election of Nicolae Timofti as President in March 2012 ended a political crisis which had persisted since April 2009. The August 2012 visit by Angela Merkel, the German chancellor and the first visit by José Manuel Barroso to Chisinau in November 2012 highlighted the EU's desire to mark Moldova's progress. This was on the back of a speech by Commissioner Füle in October 2012 seeing EU accession as a proposition for Moldova. The country rated top of the indices of The Eastern Partnership Index for the most EU integrated states of the EaP produced by the International Renaissance Foundation.²⁰ Recent political changes in the configuration of pro-European forces in parliament and the increasing pressure by Russia however may have some implications for the country's pace of reform. Moldova continues to make progress in the AA negotiations on chapters covering economic and sectoral cooperation and five chapters on the people-to-people contacts closed. Negotiations on other chapters are either provisionally closed or are very well advanced. The ambition is to initial the AA at the Vilnius summit. Negotiations on a DCFTA were anticipated to start in early 2013. Moldova made substantial progress on the implementation of the Visa Liberalisation Action Plan (VLAP) and the first phase benchmarks were met, in line with the Roadmap. This required Moldova to adopt several important legislative acts reforming the judiciary and fighting discrimination. In December, Moldova also signed a framework participation agreement enabling its participation in CSDP missions and operations.

Georgia

The EU's negotiations with Georgia for an AA proceed and negotiations are on track to meet the EU-Georgia Roadmap objective on the DCFTA by the autumn of 2013 at the Vilnius summit, at which it is hoped the AA will be initialled. In November 2012,

Georgia was invited to enter into negotiations on a framework participation agreement to govern its participation in CSDP missions and operations. At a more general political level, relations with Georgia are complicated by the war with Russia in 2008 and the unsettled issue of Abkhazia and South-Ossetia. The elections of 2012 resulted in a new government, under Prime Minister Ivanishvili. He is regarded as following a pragmatic line, seeking the normalisation of relations with Moscow.

Armenia

By the end of 2012, three rounds of negotiations with Armenia on a DCFTA had been held and good progress was made. This progress means the EU was on track to meet the Roadmap objective of DCFTA negotiations with Armenia, alongside Georgia and Moldova, with possible finalisation by the Vilnius summit. The EU and Armenia also signed a Visa Facilitation Agreement at the Cooperation Council meeting on 17 December. In October, the Armenian Government signed a decree abolishing visa requirements for EU citizens by January 2013. Despite these achievements, prospects for an AA, DCFTA and closer relations with the EU in general seem to be shattered by the announcement by President Sargsyan on 3 September 2013 that Armenia intends to join the Eurasian Customs Union. This step is widely seen as the result of pressure by Russia, which is the main security guarantor of Armenia.

Azerbaijan

The country made considerable progress in the implementation of the Action Plan in 2012. Positive developments included the release of the 2011 political prisoners, major economic reforms introducing clearer rules on competition, budget transparency, and sustained action against corruption, and signing joint agreements under the Strategic Partnership on energy between the EU and Azerbaijan. The AA negotiations gained new momentum preparing grounds for talks on DCFTA and the WTO accession. Negotiations on Visa Facilitation and Readmission Agreements were successfully launched too. At the same time, issues related to electoral legislation and democratic reforms – especially in terms of their implementation – remain of priority. Furthermore, there has been no progress over settling the Nagorno-Karabakh conflict, since the Sochi summit in 2012, and confidence-building measure and judicial reform, although having formally entered the second phase, saw limited advancement beyond declarations.

¹¹ Korosteleva 2012

¹² The countries covered by the EaP are Ukraine, Moldova, Armenia, Azerbaijan, Georgia and Belarus.

¹³ Korosteleva et al (2013) 'The ENP in the eastern region: the practices perspective', *East European Politics*, special issue, 29(3), September

¹⁴ Casier, T (2011) 'The EU's two-track approach to democracy promotion: the case of Ukraine', *Democratization*, 18(4): 956-77.

¹⁵ European Commission & HRVP (2012a), Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Eastern Partnership: A Roadmap to the autumn 2013 Summit, (SWD(2012) 108 final)(SWD(2012) 109 final) Brussels, 15.5.2012 JOIN(2012) 13 final http://ec.europa.eu/world/enp/docs/2012_enp_pack/e_pship_roadmap_en.pdf [last accessed 14 May 2013]. European Commission & HRVP (2012b), Joint Staff Working Document, Eastern Partnership Roadmap 2012-13: the bilateral dimension Brussels, 15.5.2012 SWD(2012) 109 final http://ec.europa.eu/world/enp/docs/2012_enp_pack/e_pship_bilateral_en.pdf [last accessed 14 May 2013]. European Commission & HRVP (2012c), Joint Staff Working Document, Eastern Partnership Roadmap 2012-13: the multilateral dimension Brussels, 15.5.2012 SWD(2012) 108 final http://ec.europa.eu/world/enp/docs/2012_enp_pack/e_pship_multilateral_en.pdf [last accessed 14 May 2013]

¹⁶ European Commission (2012) Commission Implementing Decision of 26.6.2012 on the Eastern Partnership Integration and Cooperation programme 2012-2013 in favour of the Eastern Neighbourhood to be financed under Article 19 08 01 03 of the general budget of the European Union http://ec.europa.eu/europeaid/documents/aap/2012/aap-spe_2012_enpi-e_en.pdf [last accessed 14 May 2013].

¹⁷ (Council of the European Union, 2012a) and raised in the 2012 ENP Progress Report (European Commission 2013)

¹⁸ Office for Democratic Institutions and Human Rights (2012), *Ukraine Parliamentary Elections 28 October 2012: OSCE/ODIHR Election Observation Mission Final Report*. <http://www.osce.org/odihr/98578> [last accessed 14 May 2013].

¹⁹ Dragneva, R and Wolczuk, K (2012), *Russia, the Eurasian Customs Union and the EU: Cooperation, Stagnation or Rivalry*, Russia and Eurasia Programme, Chatham House, REP BP 2012/01 August.

²⁰ International Renaissance Foundation (2012), *European Integration Index* http://www.eap-index.eu/sites/default/files/EaP%20Index%202012_0.pdf [last accessed 14 May 2013].

STATE OF PLAY CONT

Belarus

The EU's relationship with Belarus remained difficult in the absence of substantive political change in the country. Belarus sits outside the bilateral track of the EaP, although some engagement continues along the sector cooperation and visa/readmission issues.

The relationship with Belarus has most recently been marked by the 'teddy bear affair' and EU's response to parliamentary elections. In early August there was the expulsion of Swedish diplomats, including the ambassador, and the subsequent expulsion of Belarusian counterparts from Stockholm. The dispute came after a Swedish advertising agency, Studio Total, air-dropped teddy bears in Belarus in July with parachutes and placards calling for free speech. The EU Member States kept their ambassadors in Minsk as they were keen to retain diplomatic representation on the ground to monitor the September parliamentary elections. The ambassador expulsion was a rerun of events in February 2012 when the EU and the Polish ambassadors to Minsk were expelled because the EU imposed sanctions on an oligarch friend of Lukashenko.

The 2012 Parliamentary elections in Belarus, which resulted in no opposition members entering parliament, drew EU condemnation. Catherine Ashton and Štefan Füle's joint statement pointed that the election was 'another missed opportunity'.²¹ Martin Schulz, the president of the European Parliament, described the vote as 'a mockery of a democratic ballot', and urged the EU to 'finally devise an effective strategy [of] how to deal with Belarus' that would support civil society while sanctioning the country's leaders.²² Sanctions against members of the Lukashenko regime were renewed by EU foreign ministers in October banning Belarusian officials from the EU and their assets frozen, although their nature and scope had become more focused and specific.²³ In particular, 29 companies belonging to three businessmen linked to the regime are subject to sanctions. At the time of writing (September 2013), diplomats in Brussels say that there is no doubt that sanctions will be renewed before they expire on 31 October.

Following the launch of the 'European dialogue on modernisation' with Belarus on 29 March 13, the EU continues to make an effort to improve relations with the country. The European Parliament recently developed further draft recommendations (PR_INI_art97) on EU policy towards Belarus, where it was suggested (i) to use the Vilnius Summit as a unique opportunity to restart the dialogue with the country; (ii) to consider suspension of key officials from the EU visa ban; and (iii) to develop strategic 'roadmap' for the country that could lead to a re-launch of negotiations on a new comprehensive agreement.²⁴ Recent comparative opinion polls observe some positive changes in public perceptions of the EU and more critical attitudes towards Belarus-Russia relations, which no longer appear to be a default preference in the post-Soviet space.²⁵

As can be indicated by these brief reviews of the state-of-play in the EU's relationships with its Eastern neighbours these are largely shaped by the lack of political commitment and reform within the partner countries. Despite the introduction of more sophisticated machinery of instruments/agents the EaP is making modest gains in advancing relationships with the bulk of the EU's Eastern neighbours, and relationships remain vulnerable to the vicissitudes of political events on the ground as demonstrated in relations with Ukraine, and subject to normative and contextual differences between the EU and the partners.

²¹ European Union (2012a). Statement by the High Representative Catherine Ashton and Commissioner Štefan Füle on the parliamentary elections in Belarus Brussels. 24 September 2012 http://europa.eu/rapid/press-release_MEMO-12-706_en.htm [last accessed 14 May 2013].

²² Schulz, M (2012) 'Schulz on Belarus elections: mockery of democratic ballot', Press Release, Brussels – 24-09-2012 http://www.europarl.europa.eu/the-president/en/press/press_release_speeches/press_release/2012/2012-september/press_release-2012-september-13.html [last accessed 14 May 2013].

²³ Korosteleva, J. (2012) *Impact of targeted sanctions on Belarus*, Brussels. DG EU External Service, European Parliament, available at <http://www.europarl.europa.eu/committees/fr/studies/download.html?languageDocument=EN&file=73753>

²⁴ <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2F%2FEP%2F%2FNONSGML%2BCOMPARL%2BPE-506.234%2B01%2BDOC%2BPDF%2BV0%2F%2FEN>

²⁵ Korosteleva, E (August 2013) *Belarus and Eastern Partnership*. EPAC report

BUILDING A STRONGER EASTERN PARTNERSHIP

Is there more that can be done beyond the existing policy framework to further advance the EU's interests, make the EaP more effective, and to set the agenda for the second half of the EaP's first decade?

There are a set of structural constraints that currently hinder the full optimisation of the opportunities offered by the EaP. These can be divided between internal and external challenges.

Internal challenges

The internal challenges faced by the EaP can be divided into three main types: bilateral, political and institutional.

Bilateral

The main challenge is to solve the catch-22 situation with Ukraine. Both Brussels and Kyiv seem very keen on signing the AA, to avoid any further politicisation of the issue, and to provide continuum to the policy dialogue in the region. Notably, the EU needs the agreement, because it would be the first major achievement of a decade of ENP and would be a major step to legally tying Ukraine closely to the EU. Ukraine, under pressure of its oligarchs, needs the agreement for the economic and commercial opportunities it creates to ensure Ukraine's growth and stability. The stalemate over the Tymoshenko case forms a major obstacle to the much desired Association Agreement. It has obtained a central symbolic significance with both Brussels and Kyiv risking to lose face when making serious concessions. Tymoshenko's call on the EU to go ahead with the AA may have created some room for manoeuvring, but the credibility of the EU's normative agenda is at stake. Presently, the EU discourse on the matter is ambiguous and non-committal leaving responsibility and initiative for 'signing in' with partners. More advocacy and proactive legitimisation are thus necessary to ensure the legal commitment on both sides.

Although signing/initialling the AAs/DCFTAs is a commendable objective to ensure a legal framework for cooperation, multitudinous uncertainties are still in place. They reflect both the lack of strategy for the post-Vilnius agenda (from ensuring implementation to extending agreements to the frozen conflicts, from VLAP resistance to the questionable fungibility of the DCFTAs), and more essentially, the lack of future vision – what comes after the DCFTA to justify compliance? – being further obscured by evolving and ever-expanding policy processes and procedures.

The key challenge for implementing the agreements is that the necessary mechanisms to control and guarantee implementation of the AAs are insufficiently developed. The major obstacles to effective implementation on the ground (such as corruption and the lack of an independent judiciary) need to gain more attention. Further the EU needs to do more to win the hearts and minds of people and to get active support from citizens and local NGOs (which is essential to give the policy the necessary legitimacy, but will also reinforce implementation).

Political

Another set of challenges is related to internal political dividedness within the EU, which is both visible on the EaP matters and in dividing lines between those favouring a Russia-first policy in certain areas versus those preferring an EaP-first policy. Though the disagreement among member states is often overrated, the EaP would definitely benefit from a stronger internal coherence.

Indicative of an internal political divide between the member states and other institutional actors is the current division of labour between the EEAS and the Commission in this policy domain.²⁶ Whether the appropriate settlement was reached in the respective roles for policy definition and implementation in the implementation of the provisions of the Lisbon Treaty remains an active topic of debate. The current HR/VP and Commissioner Füle have worked effectively in tandem on the ENP and EaP. This is no guarantee that their successors appointed in 2014 will develop such a good working relationship and a turf war for control over the neighbourhood policy is one possibility.

Institutional

Supporting specific civil society groups is laudable and offers the enormous advantage for the EU that it can circumvent the elites and support democracy building from below. The EED complements the EU's conventional emphasis on leverage to promote democracy, putting pressure on the political elites rather than stimulating grassroots initiatives. The challenge, however, is how to select the organisations which deserve support without running the risk of being seen as selective and interfering into domestic affairs.

The newly launched EaPIC is yet to offer substantive benefits in the pursuit of its objectives. Its focus should be on enhancing the legal dimension of integration, through approximation of shared practices and norms in sector cooperation in particular. The post-Vilnius agenda is becoming a pressing issue having to consider specific roadmaps' objectives and partners' motivation and capacity to offer tangible deliverables. Furthermore, the ultimate purpose of the DCFTA is increasingly questioned by the partner countries, especially by business communities. The future model of economic integration (such as an EFTA; or EEA model) remains ambiguous potentially undermining the effort and commitment to reform.

The Euronest Parliamentary Assembly renewed its functioning in 2011. The 28-29 May 2013 meeting issued resolutions concerning measures to enhance regional and energy security policies, combating poverty and approximation with the EU economic acquis. The challenge of renewing dialogue with members of the Belarusian parliamentary assembly impends, following recent recommendations by the European Parliament (PR_INI_art97).

National Platforms have now established to offer a forum for exchange of ideas and best practices across the region and increased dialogue with the EU. At the same time, they often remain fragmented and poorly coordinated, and require further internal institutionalisation with extended roles of agenda-setting and monitoring; development of respective infrastructure and closer integration into EU decision-making structures.

²⁶ House of Lords (2013) The EU's External Action Service. Westminster, HL paper 147, available at <http://www.publications.parliament.uk/pa/ld201213/ldselect/lddeucom/147/14702.htm>

BUILDING A STRONGER EASTERN PARTNERSHIP CONT

External challenges

The main external challenge is Russia. From the onset, Russia perceived the EaP as an anti-Russian move. Foreign Affairs Minister Lavrov called it a clear attempt to establish 'a sphere of influence' in an area where Russia claims – in the words of Medvedev – 'privileged interests'. Over the recent years Russia has changed its policy of regional integration, away from a collective approach under the umbrella of the Commonwealth of Independent States (CIS) towards 'coalitions of the willing'. It established the ECU with Belarus and Kazakhstan in July 2010, arguably the first major post-Soviet integration initiative with real potential. Putin, moreover, was dreaming aloud of a Eurasian Union. The significance of these initiatives is that they aim to form an alternative for European integration. It places some post-Soviet states into a difficult position of having to 'choose' between the EU or Russia – a choice they usually do not want to make as trade with both is crucial to their economies. The issue has become most pressing in the case of the ECU versus the DCFTA, which in their current form are incompatible. Therefore Armenia's choice for the former is a serious blow to the EaP. Furthermore, Russia is set to pursue the course of further regional economic integration, with the creation of the

Eurasian Economic Union (EEU) by 2015 and the Eurasian political union in the future. The challenges are manifold. Not only do they currently reflect the lack of consensus on the EU-Russia relations amongst the EU Member States and EU key institutions. They also lack strategy as to how the existing incompatibility between the DCFTAs and the ECU code of practice could be reconciled to ensure benefits for all parties concerned. It is therefore important to rethink how the EaP can be further developed and in the longer term even be integrated into the parallel developments in the region, without further alienating Russia. This is crucial, for Russia remains a major player in the region, also economically. Moreover, it is inevitable if the EaP is to contribute to the creation of stability on the EU's eastern borders. In other words, the EaP stands a better chance of yielding fruits if it does not go against but seeks cooperation with Russia.

RECOMMENDATIONS

In considering these challenges facing the EaP how might some of these challenges be addressed?

Policy priorities beyond Vilnius: EaP 2.0

Next generation objective

The EU needs to define a 'next generation' objective for the EaP as it enters the implementation phase of the current set of AAs. This needs to be both eye-catching but also to set a clear strategy ambition for policy. It is also important to highlight that bilateral relations are not enough to ensure all level engagement. The question of any future membership perspective for EaP states does not need to be directly addressed but the direction of EU policy must not be to exclude this as an issue of future consideration. Our proposal is that the EU should set European Partnership Community (EPC) status as a bilateral and multilateral goal for the EaP. With some EaP countries feeling pressured to choose between Russia-centred and EU-centred initiatives, the EU's capacity to offer a more ambitious form of integration to its Eastern neighbours presents itself with increasing urgency on the EU's agenda. Not only the new 'roadmaps' should be better 'channelled' (Füle, July 2013); but also a dialogue for legal approximation and compatibility should be considered to service the newly emerging economic regimes – DCFTA and ECU/EEU.

Multilateral cooperation should be taken to a new level, reaching out to all levels of civil society, with local and centralised coordination of actions and stakes. Incentives for cooperation and partnership should be clearly defined; and more publicity for policy legitimisation should be ensured.

Frozen conflicts roadmap

The EU should define a clearer, and measurable, set of objectives for its role in the resolution of the 'frozen' conflicts of the Eastern Partnership. The Serbia-Kosovo dialogue has demonstrated that EU diplomacy has a capacity for tackling the most intractable of bilateral disputes. The same level of focus and attention should be given to conflicts within the Eastern neighbourhood. More clarity in terms of instruments and incentives is needed to ensure extension of the AA/DCFTA and VLAP to these troubled zones.

Belarus rethink

Policy towards Belarus needs refreshing with the EU giving consideration to alternatives to the current stalemate. As indicative Belarus must be included in the Euronext, if a policy of norms approximation remains an objective. Cooperation through CORLEAP, business forums, cross-border initiatives, and especially the work with HEIs (and their integration into EACEA area) should offer constructive opportunities for developing dialogue at the political level.

Visa liberalisation

Visa liberalisation is a very sensitive issue to many member states and little progress has been made to date. Yet, concessions in this area would logically go hand in hand with closer political and economic integration. Speeding up visa liberalisation in a differentiated way may generate additional influence for the EU and would enhance its legitimacy among citizens of the EaP countries considerably.

Civil society engagement: deepening and broadening

The EU needs to invest even more in deep democracy, linkage and people-to-people contacts to avoid any conception that democracy promotion is one-sidedly dependent on the willingness of political elites to give in to pressure. Tackling corruption and selective justice are crucial to avoid a democratisation policy that remains limited to formal, institutional aspects of democracy, without being deeply rooted. Civil Society is the key instrument here. CSF is a powerful, yet underutilised instrument of the EU engagement in the eastern region. A more structured approach, and better operationalization of its targets are needed to increase its effectiveness:

- A centralised and functional representation of national platforms is needed both in Brussels and in the region, to improve lobbying opportunities, consolidate available resources and their outreach/availability, and to ensure continuing exchange of best practices between the participating sides in the region.

- These centralised forums should be transparently structured and better integrated into EU policy- and decision-making process. They should also be in position to operate their budgets; support local initiatives without excessive bureaucracy; run their own campaign of information and interest recruitment; and offer facilities for education and regional and national levels through the establishment of the network of excellence amongst the leading HEIs across the region. Their remit should include (i) agenda-setting; (ii) coordinating; (iii) monitoring; (iv) sharing best practice; and (v) networking roles.
- Their interactions with EU delegations and Member States' missions should acquire more regular and structured nature, in the form of planning, organising joint activities and disseminating knowledge to local communities. An Accessible visa regime should facilitate exchange of knowledge and best practices within the EaP region, as well as between the EU and local stakeholders.

Education initiatives:

- Invest in the creation of 'European faculty' models' successfully utilised in the Baltic states during the pre-accession period, to facilitate reform of education system at all levels across the leading HEIs, and especially at the tertiary level
- Facilitate HEIs integration into the EACEA and the creation of linkages and networks of excellence, utilising the Jean Monnet route, between the national, regional and European HEIs
- Introduce new curricular and extra-curricular activities for students and wider public; to increase awareness and attractiveness of the EU as a partner

Russia: From decoupling to recoupling differently

With the establishment of the ENP/EaP and Moscow's decision to stay out, the EU has de facto decoupled its Russia's policy from its Eastern Europe policy. Though competition over the neighbourhood is partly a matter of perception, the EU should think creatively how to move from decoupling to recoupling, and how to ensure political compromise. A maximum compatibility of the DCFTA and ECU codex should be ensured to warrant the interest and commitment of all sides. The longer term objective should be to make both integration initiatives (the EU-centred EaP and the Russia-centred Eurasian project) maximally compatible. This would liberate the EaP countries from unwelcome choices between the EU and Russia, but it would also ease tensions between EU member states on prioritising either Russia or the EaP neighbours:

RECOMMENDATIONS CONT

Extending the EaP

Where possible EaP initiatives need to be extended to Russia. This happens to certain, but too limited a degree today. Where possible Russia should be involved in negotiations and consultations, possibly through pilot projects. This may help to reduce Russia's perception of exclusion and relative isolation, and increase its interest and stake in the EU market.

Vision beyond Putin

The most daunting challenge is to overcome the strong perception of competition in the neighbourhood and of mistrust between Moscow and Brussels. The political obstacles are tremendous and substantial progress may seem unlikely, given recent developments in Russia. Yet, the EU needs to develop a long term vision, thinking beyond the Putin regime, and needs to invest in trust-building. Involving Russia in areas where policies are largely compatible or complementary may counter a negative spiral of perceived competition. This is already done to a degree through the Group of Friends of the Eastern Partnership and by extending certain initiatives to third countries. It should get much stronger priority and focus predominantly on aspects of people-to-people contacts, education and regional cooperation. A stronger inclusive policy sends the

message that the EaP is not targeting Russia's interests in the area and may help to disclose common rather than divisive interests.

Making the DCFTA compatible with the ECU

This long term vision is particularly important where policies do clash. Presently, the DCFTA is incompatible with the ECU, and the forthcoming EEU, but it does not need to be so in the longer term, if for example a free trade agreement can be concluded between Russia and the EU pursuing the harmonisation of policies, which would be in the interest of all parties, or partnership by mutual recognition. No doubt the road to this objective will be long and winding, for example requiring the renegotiation of WTO tariffs. But rather than the ECU being simply perceived as a rivalling alternative for the EU, it potentially offers certain opportunities for cooperation: like the EU it is a rule-based organisation, complying with WTO regulations and mirroring EU institutions. Despite huge political obstacles and economic concerns, this may potentially form a fertile ground for developing free trade initiatives over time in the form of inter-regional cooperation. Both partners should work actively in this direction, to avoid that the dividing line which the ENP/EaP seeks to avoid – between the EU and its neighbours – would be replaced by a different dividing line between EaP countries and Russia.

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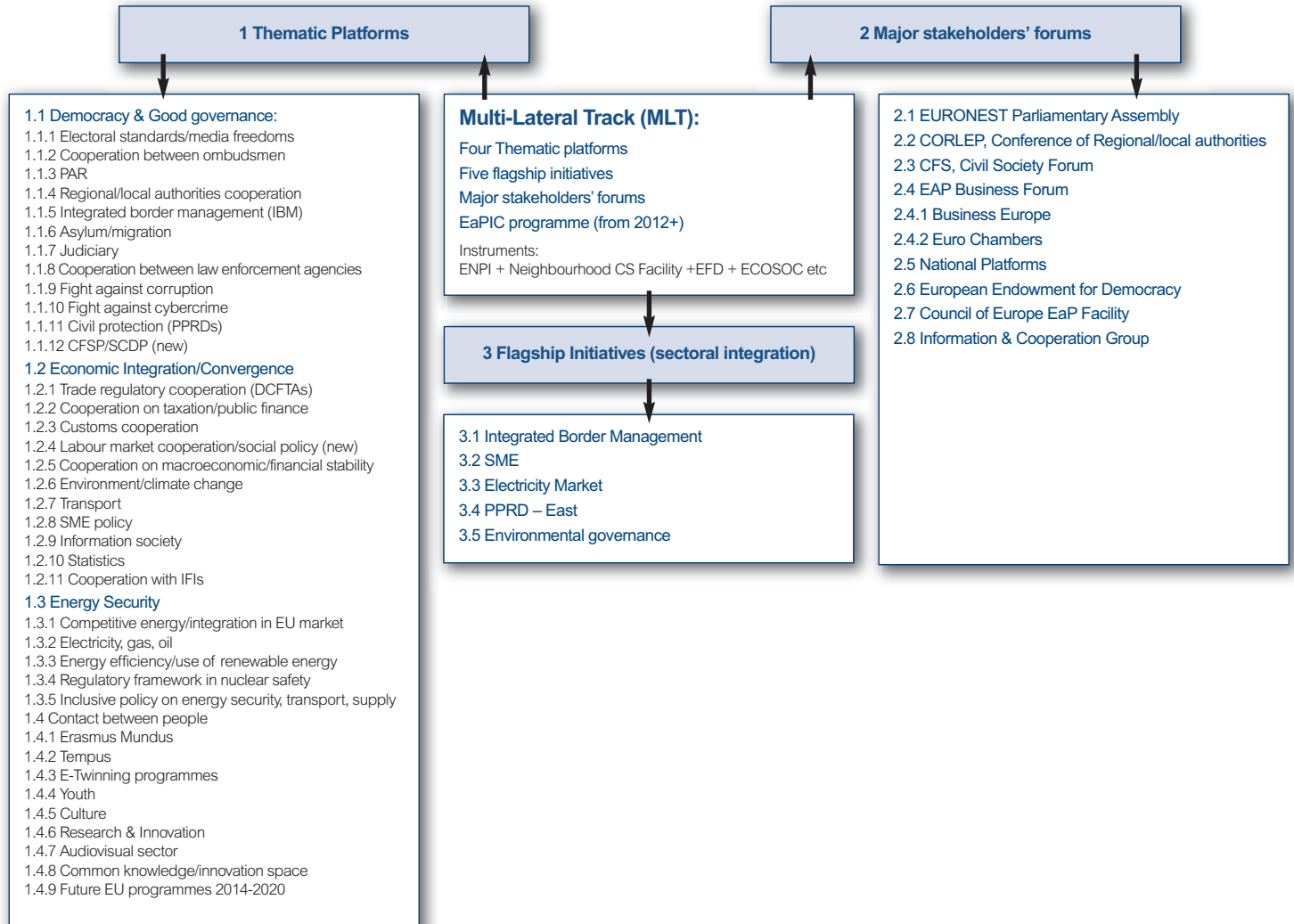
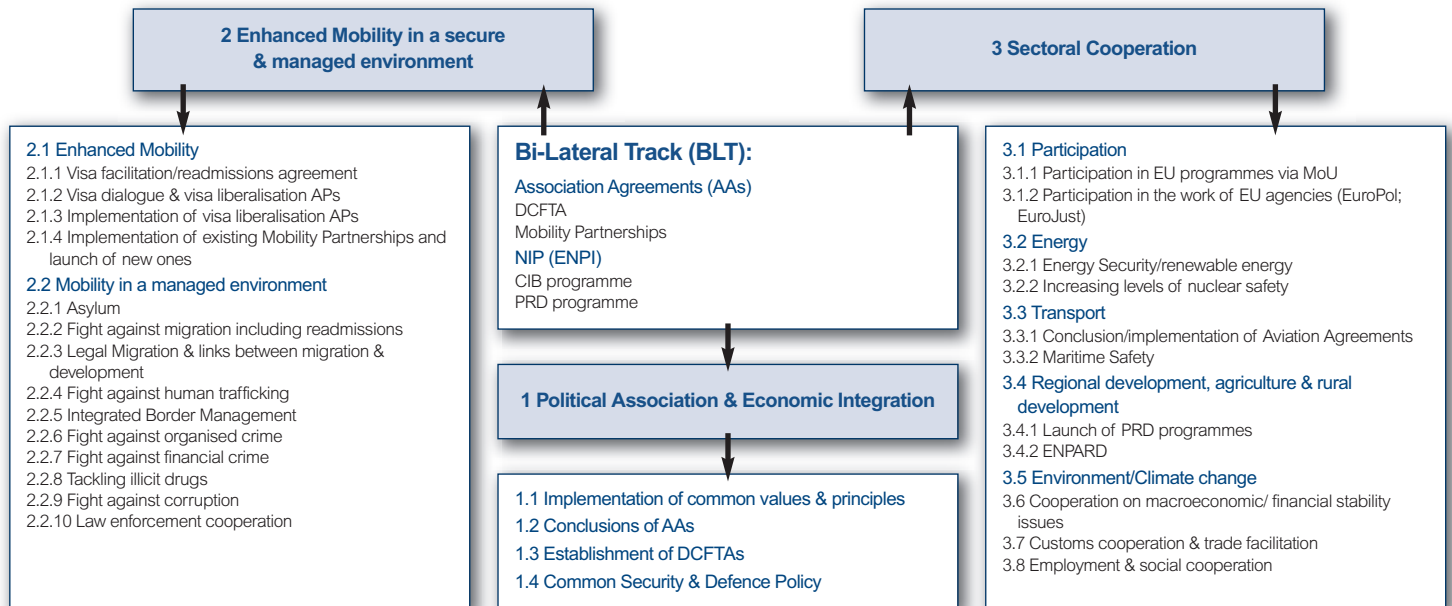
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APPENDIX: MAPPING THE EAP OPPORTUNITIES FROM 2011+



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