



Kent Academic Repository

Casier, Tom (2019) *The Unintended Consequences of a European Neighbourhood Policy without Russia*. The International Spectator, 54 (1). pp. 78-88. ISSN 0393-2729.

Downloaded from

<https://kar.kent.ac.uk/72049/> The University of Kent's Academic Repository KAR

The version of record is available from

<https://doi.org/10.1080/03932729.2019.1555224>

This document version

Author's Accepted Manuscript

DOI for this version

Licence for this version

UNSPECIFIED

Additional information

Versions of research works

Versions of Record

If this version is the version of record, it is the same as the published version available on the publisher's web site. Cite as the published version.

Author Accepted Manuscripts

If this document is identified as the Author Accepted Manuscript it is the version after peer review but before type setting, copy editing or publisher branding. Cite as Surname, Initial. (Year) 'Title of article'. To be published in *Title of Journal*, Volume and issue numbers [peer-reviewed accepted version]. Available at: DOI or URL (Accessed: date).

Enquiries

If you have questions about this document contact ResearchSupport@kent.ac.uk. Please include the URL of the record in KAR. If you believe that your, or a third party's rights have been compromised through this document please see our [Take Down policy](https://www.kent.ac.uk/guides/kar-the-kent-academic-repository#policies) (available from <https://www.kent.ac.uk/guides/kar-the-kent-academic-repository#policies>).

This is a pre-copyedited version of an article accepted for publication in 'The International Spectator' following peer review. The Version of Record of this manuscript is published in 'The International Spectator', 2019/1, <https://www.tandfonline.com/toc/rspe20/current>

The Unintended Consequences of a European Neighbourhood Policy without Russia

Tom Casier
University of Kent

Abstract

After Russia's retreat from the European Neighbourhood Policy, the EU's policy towards its eastern neighbours was split up. The internal unintended consequence of the EU's choice to leave its policy unaltered was a tension between the objective of privileged relations with ENP countries and a promise to recognise the interests of Russia as an equal partner. Externally the unintended outcome was that this fostered two opposing strategic environments: a cooperative one for the EaP and a competitive one with Russia. In terms of the management of unintended consequences, the EU has actively sought to reinforce its normative hegemony towards EaP countries, while at the same time mitigating certain negative unintended effects.

Keywords: EU-Russia relations, European Neighbourhood Policy, Eastern Partnership, unintended consequences

A substantial part of foreign policy deals with the unintended consequences of an actor's domestic and foreign policies. It is reactive rather than the outcome of well-designed proactive strategies. Yet it is an under-researched topic. Drawing on Olga Burlyuk's conceptualisation of unintended consequences (2017), this article explores how the

decoupling of Russia from the European Union's policies versus former Soviet states contributed to the emergence of significant unplanned internal and external outcomes.

In terms of theory, this article seeks to add two elements to Burlyuk's concept of unintended consequences. First, the article reflects on the way actors deal with the unintended consequences of their policies in order to reach certain objectives. Different modes of managing these unintended consequences are distinguished. Second, they are seen as part of a process: a chain of external action, unintended consequences and the management of the latter. As a result, while dealing with the threefold question what, why and how of this Special Issue (see Introduction), the emphasis of this contribution is on the latter: how unintended consequences are managed by the EU. In doing so, the article sheds new light on the EU's role as an international actor, arguing that it is characterised by an unusual balance between its intended and unintended impact of its policies. Furthermore, it opens a new perspective on the Union's policies *vis-à-vis* its eastern neighbours.

The case presented is the decoupling of the EU's foreign policy towards Russia from that towards other former Soviet states¹ in 2003-04. Throughout the 1990s, the European Union's policy towards the countries in the area was fairly monolithic, characterised by similar policy objectives, instruments, funds, etc. It also tended to respect a certain hierarchy whereby Russia would come first, Ukraine second, followed by other former Soviet states. The decoupling² of Russia from the EU's policy towards East European states (in the framework of the European Neighbourhood Policy and Russia's decision not to join) had profound unintended consequences for both the EU's policy and its relations with Russia. The article

¹ Excluding the three Baltic states.

² The term is taken from Wolczuk 2009.

concludes with some reflections on the agency of the Eastern Partnership countries experiencing these consequences.

Conceptualising unintended consequences

Building on Olga Burlyuk's framework for studying unintended consequences of EU external action (2017), this article uses the following conceptual distinctions.³ First, intended versus unintended consequences, whereby the latter are defined as "outcomes of purposive action(s) which are not directly intended by an actor" (Burlyuk 2017, 1012). Second, internal consequences are distinguished from external ones, with internal unintended consequences referring to consequences of foreign policy or external action for the actor itself, in this case the EU. External unintended consequences are those that affect the target of the action, third actors or the broader system or environment (1015). The third concept is the management of unintended consequences. This refers to the intentional action an actor takes in response to the unintended consequences it has generated. Two assumptions underpin this idea: one, an actor may or may not take action to steer the unintended consequences in a certain direction; two, an actor may take a variety of actions, from mitigating the unintended consequences to reinforcing them.

On the basis of this set of concepts, the article engages in the exploration of a broader process which could be presented ideal-typically as a chain: *external action – unintended consequences – management of unintended consequences*. Self-evidently, this representation is an analytical simplification of a complex process of multi-level transnational interactions. As Olga Burlyuk has noted, unintended consequences may be both "single" or "cumulative"

³ Part of this article draws on earlier work, in particular Casier 2015 and Casier 2016b.

(Burlyuk 2017, 1014). In the latter case, they may have a more systematic and durable effect. For example, asymmetrical economic relations may generate a more stable form of economic dependence. Most of the analysis in this article focuses on this type of cumulative consequences.

The very idea of (cumulative) unintended consequences is certainly not absent from the discipline of International Relations. In structural realism, for example, it is present in Waltz's concept of security dilemma (Waltz 1979), where the increase in capabilities of one state with the purpose of increasing its own security and chances of survival, has unintended consequences for the security of other states, who see their relative security diminished. In liberalism, it appears, for example, in Keohane and Nye's theory of complex interdependence (1989), where asymmetrical interdependence between two countries generates higher costs for the dependent country and gives the other country effective control over outcomes. Also, the concept of unintended consequences has long been present in research on EU external action, without being theorised as such. In his theory of normative power Europe, for example, Ian Manners refers to "contagion" as an unintentional form of norm diffusion by the EU (Manners 2002, 244-245). Sandra Lavenex distinguishes between intentional and non-intentional mechanisms of EU functional rule extension (Lavenex 2014, 889), with the latter resulting from indirect socio-economic forces.

Unintended consequences cannot be understood by looking only at the actor 'causing' them, but are also a function of the processes in the external environment (the context, the willingness of the 'receiving' countries to undergo or resist the impact, learning, etc.). Equally, the effect of unintended consequences will be determined by the way they interact with the objectives, activities and perceptions of third actors. As a result, unintended consequences are by definition complex and diffuse, in terms of both their origin and their impact on receivers.

The EU and unintended consequences

It may be hypothesised that the balance between the intended and unintended *external* consequences of its foreign policy is quite peculiar in the case of the EU. As an economic giant it generates strong economic dependence for most of its neighbours, in comparison to the fairly limited intended impact that is created because of a weakly developed foreign policy. This may explain the particular importance of structural foreign policy for the EU, i.e. “a foreign policy which, conducted over the long-term, seeks to influence or shape sustainable political, legal, socio-economic, security and mental structures” (Keukeleire and MacNaughtan 2008, 25). The ultimate aim is not one of control, as in conventional foreign policy, but to promote “a more favourable international environment by pursuing and supporting long-term structural changes” (Keukeleire 2003, 47). As stated by Arnold Wolfers, the EU’s foreign policy is tilting towards “milieu goals” rather than “possession goals” (Wolfers 1962, 73).

Three (interrelated) forms of external, cumulative unintended consequences are of key importance for the EU in its relations with neighbouring countries: effects of (economic) dependence, externalisation, and attraction.

The first form of unintended consequences refers to the *costs generated by asymmetrical interdependence*. This holds in particular in the economic field. The EU is ‘an economic giant’, on which most of its neighbours are dependent for trade and investments. This generates tremendous unintended consequences for neighbouring economies. Drawing on Keohane and Nye, this can be seen in a transnational perspective, disconnected from interstate relations. According to them, interdependence produces “reciprocal (although not necessarily symmetrical) costly effects of transactions” (Keohane and Nye 1989, 9) When this

interdependence is asymmetrical, that is when potential costs are higher for one party than for the other, this creates a potential source of influence (10-11).

Second, there are the *externalisation effects* of the EU's policies. Lavenex and Uçarer define externalities as "the positive or negative external effects of an activity on other actors or activities than the one originally intended" (Lavenex and Uçarer 2004, 438). Domestic policies will produce certain effects across the border.⁴ The income support granted under the Common Agricultural Policy, for example, may lead to the dumping of EU agricultural products in third countries and eventually disrupt local markets. Obviously these externalisation effects are interwoven with interdependence. Generalising, we can assume the impact of externalities to grow with stronger dependence. This is particularly clear in the field of trade (Dodini and Fantini 2006). The alignment of new EU member states with the Common External Tariff had consequences for trade with its neighbours, thus changing opportunity structures. Strong export dependence on the EU will push companies and states to accept the standards and rules of the EU, eventually affecting preferences, legislation and opportunity structures.

A third form of unintended consequences results from *attraction*. "The EU exercises influence and shapes its environment through what it is, rather than through what it does" (Maull 2005, 778). The EU may be attractive for certain states as a model of integration, for the wealth it generates or for its soft security guarantees. Through the possible prospect of membership, the EU exerts a magnetic force or "gravitational pull" (782) on some eastern neighbours. Even just the subjective perception of a prospect within the neighbouring state to accede to the EU

⁴ See also the contribution of Reslow to this Special Issue.

over the mid- or longer term will strongly determine its willingness to adopt the rules and norms of the latter.

Managing unintended consequences

To understand the process of unintended consequences and the EU's reaction to it, reflection is required about different modes of post factum management of unintended consequences.⁵ EU external policies, such as enlargement and the ENP/EaP (European Neighbourhood Policy / Eastern Partnership), may be regarded as structural policies which seek to 'manage' the unintended externalisation effects of EU policies and make their impact more purposive, intentional, in particular with the objective of producing domestic reform in order to prepare countries for membership (in the case of enlargement policy) or for privileged relations (in the case of the ENP).

One can distinguish between different modes of managing unintended consequences, depending on whether and how an actor reinforces or mitigates them.⁶ The EU does this in a particular way. It is predominantly a regulatory actor (Majone 1994) and its policy towards its neighbours is heavily oriented towards the transfer of rules. Because of this, it has a strong institutionalist reflex. In the case of the ENP/EaP, it seeks to extend part of the *acquis communautaire* beyond its borders. As mentioned above, this is typically a long-term

⁵ Post-factum management is referred to in the introduction of the Special Issue as "reaction" rather than "anticipation".

⁶ As this article focuses on post-factum management of unintended consequences, the term "avoidance", suggested in the Introduction of this Special Issue, will not be used. Reinforcing and mitigating are considered the end points of a spectrum of options and not a dichotomous choice.

structural policy, aimed at transforming legal, administrative and political systems in neighbouring countries in its own image. The strategy is one of weak or partial integration, where countries get partially included in the EU's regulatory and economic sphere, but without receiving the prospect of full membership. In other words, the EU aims at exporting its model rather than extending it to new countries, which would open the doors for membership.

The management of unintended consequences is itself a function of the capacity of an actor, in relation to other relevant actors and within a certain context. This means that the capacity to manage unintended consequences is ultimately also a form of power.⁷

Case: the decoupling of the EU's Russia and Eastern Europe policies

Against this conceptual background, this article explores the unintended consequences of the decoupling, in 2003-04, of the EU's policy vis-à-vis Russia from its policies towards the other East European former Soviet states. The latter remained part of the EU's European Neighbourhood Policy (ENP), while a separate Strategic Partnership was established with Russia. For simplicity sake, I will refer to both the ENP and the Eastern Partnership (EaP) states, even though the EaP dimension was only added in 2009.⁸ The case will be presented as

⁷ Barnett and Duvall define power as “the production in and through social relations, of effects that shape the capacities of actors to determine their circumstances and fate” (Barnett and Duvall 2005, 42).

⁸ The EU formulated two core objectives for its neighbourhood policy (ENP): avoiding new dividing lines in wider Europe and creating stability in the neighbourhood (European Commission 2004). It sought to do so by establishing “privileged relations” with its Eastern and Southern neighbours. The Eastern Partnership (EaP) did not change these objectives in a fundamental way. It was launched in 2009 as one of the two ENP dimensions “to create the

part of the ideal-typical process chain mentioned: external action – unintended consequences – management of unintended consequences. The EU’s policy towards Russia and Eastern European countries was split as the result of Moscow’s withdrawal from the ENP project. Despite this split, the EU did not alter its policy, something that will be explained below as a non-decision.

A simplified summary of the case and the main argument is presented in Figure 1.

In terms of Olga Burlyuk’s classification, the unintended consequences were unanticipated and diachronic. Plausibly, they resulted in the first place from path dependence (and thus ignorance) and the “imperious immediacy of interests” (Burlyuk 2017). No doubt the institutional complexity of the EU, which makes a radical strategic overhaul difficult, played a crucial role.

The unintended consequences of decoupling EU policies vis-à-vis Eastern Europe and Russia

A non-decision

In 2003, the EU was preparing a new policy of privileged relations with the neighbours of the soon-to-be-enlarged Union, aiming at stability and avoiding new dividing lines in Europe. The Russian Federation was originally included in the ENP blueprint and was generally expected to join. However, despite the fact that negotiations with Russia had progressed substantially, at the last moment Moscow decided not to join the ENP. The country was

necessary conditions to accelerate political association and further economic integration between the European Union and interested partner countries” (Council of the European Union 2009).

increasingly lukewarm to an EU-centric policy, in which it was considered just one of the EU's many neighbours and put in the same basket with small countries, such as Moldova and Tunisia. As a result, the EU's Russia policy was *de facto* decoupled from its policy towards its Eastern former Soviet neighbours (Wolczuk 2009). However, the EU continued with the ENP without Russia, developing a separate policy for Russia, in which Brussels and Moscow recognised each other as Strategic Partners.

The EU's decision not to alter its neighbourhood policy can be regarded as a non-decision. The latter has been defined as “the exclusion of some alternatives from the agenda of collective choice because dominant values make them politically impossible for the moment” (Rose and Davies quoted in McCalla-Chen 2000, 34).

In the original concept of Bachrach and Baratz (1963), non-decision was linked to the idea of “mobilisation of bias”. It suggests that certain issues are systematically kept out of decision-making through certain dominant values or procedures to benefit a small elite of decision-makers. Yet several authors have argued that it may also occur for unconscious reasons, such as incompetence or attachment to something highly valued (for example maintaining good relations with both Russia and other eastern neighbours). In our case, non-decision was probably mainly a form of “‘accommodation’, where pursuants fail to pursue issues of interest or concern and instead accept or adjust to the existing situation” (McCalla-Chen 2000, 35).

Little or no trace was found of a profound discussion or new initiatives within the EU to revise policies towards the eastern neighbours because of Russia's decision to withdraw from the ENP. The EU simply seems to have acquiesced in the new situation and, confronted with the implications of Russia's decision, opted for inaction rather than redesigning its policies vis-à-vis post-Soviet states.

It is beyond the scope of this article, but it could be argued that the complexity of EU decision-making and the risk of disrupting balances among multiple decision-makers by changing delicate long-negotiated compromises made the EU more prone to accommodation. Radically changing a policy that is the result of years of difficult negotiations between all member states and EU institutions, was not an evident option. It required a sense of urgency. In the case of Moscow's decision not to join the ENP, this sense of urgency was lacking. Relations with Russia were good at this point. Enthusiasm over the idea of a Strategic Partnership abounded. There was a lack of anticipation of the possible consequences in the longer term.

Internal and external unintended consequences

The unintended consequences of the decoupling and the decision to pursue the Strategic Partnership with Russia as well as an unchanged European Neighbourhood Policy with the other eastern neighbours were twofold. *Internally*, a tension developed between the two policies. With the eastern ENP countries, the EU developed a structural foreign policy (Keukeleire and MacNaughtan 2008) aimed at long-term structural reforms. The neighbours were to converge their laws, norms and institutional practices to those of the EU. Policies were predominantly EU-driven. With Russia, on the other hand, the EU engaged in a Strategic Partnership covering four Common Spaces of cooperation. This partnership was based on equality and frank recognition of each other's interests. It was a form of strategic diplomacy (Smith, Keukeleire and Vanhoonacker 2016), driven by interests rather than norms, and based on 'constructive engagement'.

The tension between the two policies resided in their incompatibility. The ENP, as a form of structural diplomacy, sought to reshape its eastern neighbours in the EU's image, extending

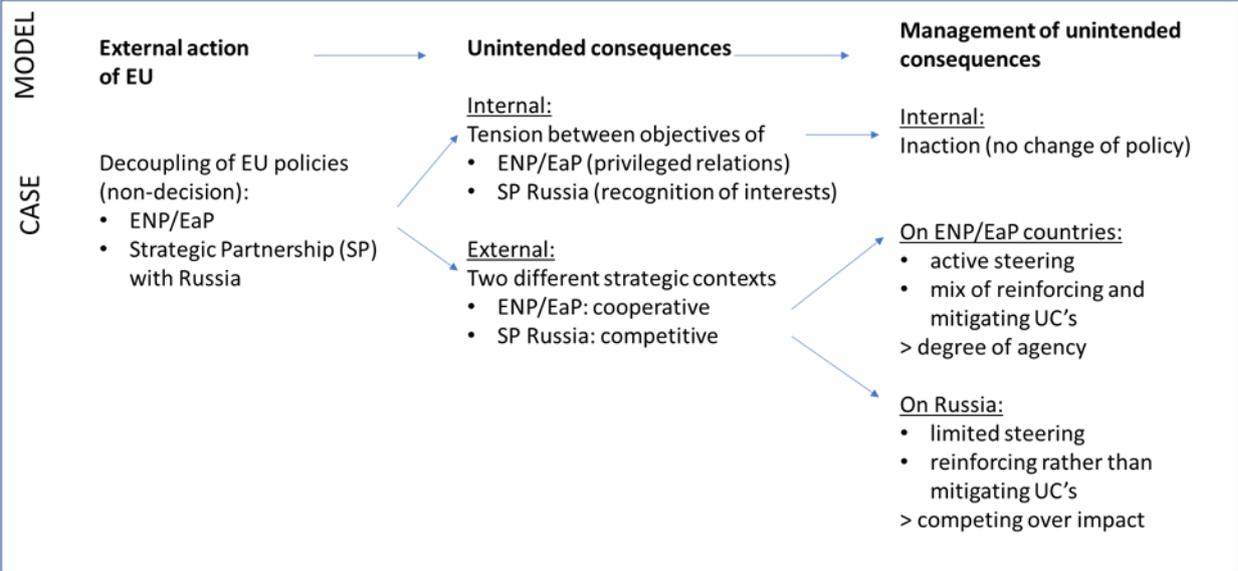
the EU's legal and economic system. However, these neighbours were equally a part of the neighbourhood of Russia, with which the EU had a Strategic Partnership. Establishing a form of far-reaching association with exactly those countries where Russia claimed to have legitimate 'privileged interests' - in the words of President Medvedev (2008) - inevitably undermined the EU's credibility as Russia's strategic partner and the other way around. Before the Ukraine crisis of 2014, this inherent tension in the EU's eastern policy fuelled divisions among member states. Some, like Germany and the Netherlands, prioritised relations with Russia; others, such as Poland and Lithuania, put EaP countries like Ukraine first.

The major *external* unintended consequence was that the decoupling of policies fundamentally reshaped relations with Russia. Because of the combination of the Strategic Partnership and the ENP, the EU operated in two different strategic contexts in its relations with East European neighbours. The tension between the EaP and the Strategic Partnership fed negative opinions in Moscow about the EU's intentions (Casier 2016a). Arguably it fed the geopolitical suspicion that was clearly gaining ground in Russia and gave it a degree of legitimacy. When the Eastern Partnership was launched, Foreign Minister Lavrov accused the EU of 'building a sphere of influence'. Later on he claimed that the EU was forcing Kyiv to sign agreement (Haukkala, 2015, 34). In this context, it became easier for the Russian government to exploit "the situation if not of conflict then of controversy between Russia and the West" and "the idea of Russia as some sort of besieged castle" (Volkov quoted in House of Lords 2015, 21).

As a result, a dynamic developed whereby both countries increasingly regarded each other's policies in the neighbourhood with mistrust. Any form of enhanced regional cooperation (whether the EaP or the Eurasian Economic Union) came to be regarded in a zero-sum context, as a potentially inimical act, weakening the interests of the other (Casier, 2016a).

This resulted in ‘a culmination of tensions (Haukkala, 2015, 25) and ‘recurrent rounds of escalation – a costly spiral of action and reaction’ (Charap and Troitskiy, 2013, 51).

Figure 1: Summary of model and its application to the case of the EU’s decoupling of its East European policies



It goes without saying that this evolution cannot be attributed solely to the EU’s decoupling of policies and its non-decision to adapt the ENP to the changed situation. This alone cannot explain the confrontation with Russia a decade later. As argued above, unintended consequences cannot be ascribed to only one actor; they are the result of complex, diffuse processes in the external environment and the choices and policies of various actors. The causes of the conflict over Ukraine are multiple and changing Russian policies have played a substantial role in creating a competitive strategic environment. As argued elsewhere (Casier 2016a), we cannot understand the confrontation in EU-Russia relations without understanding the complex dynamic which developed over the years giving rise to a “logic of competition”. Thus, the point here is that the decoupling of the EU’s policies towards its eastern neighbours

did not cause the competition, but that it has been a facilitating factor for the development of competitive dynamics.⁹

In this respect, Joan DeBardeleben (2018) refers to a fundamental paradigm shift in relations between the EU and Russia. Initially, the EU-Russia Strategic Partnership developed within a paradigm of a “common/greater Europe”: “the relationship revolved around contested visions of a common integrated [greater European] space, but with agreement on some fundamental principles” (115). Because of a lack of a “shared vision of how the relationship should unfold within the larger European space”, this paradigm gave way to a new paradigm of “competing regionalisms” (115). The latter was characterised by mutually exclusive integration projects, competing regulatory norms and a securitisation of the relationship (129).

DeBardeleben situates the beginning of the shift in the years before the Ukraine crisis, but describes it as crystallising with the confrontation over Ukraine (115). She argues that Putin’s proposal (Putin 2011) to establish a Eurasian Union was an attempt to restore the balance between the EU and Russia within the (dysfunctional) common Europe paradigm. Formally, the Strategic Partnership was based on equality, but in terms of economic strength the imbalance was considerable: size-wise the Russian economy was roughly equal to the Italian economy. Moreover, the EU was a highly integrated organisation of 28 member states, while Russia was basically on its own. By establishing a Eurasian Union, Russia’s capabilities would be increased and the EU-Russia Strategic Partnership more balanced. This, in turn, would allow Russia to restore some of its lost influence in the post-Soviet space. Yet, when the ECU was established in 2010, this was not received very well by the EU. The Union

⁹ Moreover, understanding the crisis in relations between Russia and the Euro-Atlantic community also requires that other actors be taken into account, such as the US, NATO and Ukraine. This is however beyond the scope of this article.

refused to negotiate trade matters with the ECU and many in the West perceived the Russian integration initiative as a crypto geopolitical project. Rivalry over the neighbourhood thus became a determining factor in EU-Russia relations.

Managing unintended consequences

As mentioned in the conceptual section, the EU's management of its unintended consequences can ideal-typically be analysed along two different continuums. First, the degree to which the EU actively seeks to steer the unintended consequences of its action or presence. Here the options vary from inaction to active steering. Second, the proactive steering of unintended consequences may take two different forms: the EU seeks either to reinforce the outcomes which are seen as positive or beneficial (for example, reinforcing democratisation tendencies in neighbouring countries or promoting investment opportunities for EU-based companies) or to mitigate the consequences seen as negative (for example, compensating for the negative economic effects of EU enlargement by giving neighbours facilitated access to the Single European Market).

How did the EU seek to manage the unintended consequences of the decoupling of its East European policy? A distinction should be made between the management of the internal unintended consequences of the decoupling and the management of the external effects on its neighbours. As to the former, and as argued above, the EU basically chose inaction. It did not fundamentally alter its policies, but just accepted the new unintended situation. Little was done inside the EU to coordinate or reconcile its contradictory ENP/EaP policies with its Russia policy. This was not helped by the "diffusion of competencies" (David Gower, Haukkala 2013, 3) within the EU vis-à-vis Russia, but equally vis-à-vis the EaP states.

There is a classic “legal and procedural duality” between Common Foreign and Security Policy (CFSP) and other external policies (Wouters and Ramopoulos 2013, 2). In the case of Russia policies, this duality is particularly strong with an imbalance in favour of certain Directorate-Generals (DGs) like Energy and Trade, at the expense of the European External Action Service (EEAS), expected to set out the broader, strategic line. Furthermore, coordination mechanisms between EaP and Russia policies are weak. As a result, no mechanisms were set up to consult Russia on the development of ENP/EaP policies, despite Russia’s regular demands for consultation. For example, no triangular negotiations were held during the negotiation stage of the Association Agreements with Ukraine, Georgia and Moldova.¹⁰

As for the external effects, an interesting discrepancy emerged in the management of the unintended consequences of the EU’s policies towards its EaP neighbours and Russia. With the ENP/EaP countries (at least the willing partners Georgia, Moldova and Ukraine), the EU generally has a high degree of unintended impact through externalities and attraction (see above). Ab initio, there were many unintended domestic, in particular economic, effects of the EU’s economic size and eastern enlargement. With high shares of their exports going to the EU, the neighbouring states have little choice but adapting to the economic policies of Brussels. For example, the products they export have to adapt to the regulatory environmental, hygienic or technical standards. As a result of this sort of processes domestic

¹⁰ The EU’s reason for not consulting with Russia during the negotiations on the Association Agreements, notwithstanding their potential impact on its trade, was mainly framed in terms of not giving Russia a veto right in the negotiations. Yet, it can be doubted whether consultation by definition implies granting a veto right. Interestingly, triangular negotiations were held between the EU, Ukraine and Russia about the implementation of the EU-Ukraine Association Agreement, after it was signed.

opportunities and choices in EaP countries are determined by economic dependence on the EU.

With the asymmetrical ENP/EaP policy, the EU is simultaneously steering, mitigating *and* reinforcing the unintended consequences generated. It steers because it actively seeks to transform the political and economic systems of its neighbours through conditionality, rule transfer and a normative agenda (promoting democracy, the rule of law, etc.). It mitigates by creating opportunities for (selective) free trade and better market access, allowing neighbours to join certain EU programmes or offering visa liberalisation. Finally, it also reinforces the unintended consequences when they are beneficial for the EU, thus promoting its own interests.

This is done, first of all, by exporting a considerable part of its *acquis communautaire*, aiming at the approximation of laws in the target country. Thus, the EU anchors associated neighbours in its own economic and regulatory sphere and extends that sphere without enlarging the Union. Secondly, EU interests are fostered by negotiating a Deep and Comprehensive Free Trade Area (DCFTA) that arguably reflects predominantly EU economic interests. It is clear that both elements have a strong asymmetry in favour of the EU. Also certain EaP flagship initiatives (energy, border management) are predominantly policies reflecting EU interests. The simultaneous mitigation and reinforcement of the unintended consequences of EU policies creates a certain ambiguity in the EU's policy, as it tries to reconcile diverging goals.

With Russia, the management of unintended consequences is rather different, but then, the consequences are substantially different and much more complicated. The situation is one of a strong economic asymmetry between the EU and Russia, favouring the EU, combined with energy dependence favouring Russia. With the Strategic Partnership, the EU dropped the normative agenda in its relations with Russia. Equally, instruments of rule transfer and

conditionality became marginalised. This can be seen as the result both of Russia's opposition and of less asymmetrical relations. It implies that there has been only a limited (attempt at) steering the domestic consequences in Russia. Nor has there been much mitigation of the negative unintended consequences of the EU's dominant economic presence. Rather those seen as beneficial for the EU (and the other way around for Russia) have been reinforced and this has further strengthened an agenda framed in terms of interests.

The agency of the EaP countries

Both unintended consequences and the way they are managed are a function of the actor's capacity in relation to other relevant actors. This holds not only for the actor producing the unintended effects (in this case, the EU), but also for the target of its action and third parties (the EaP countries and Russia). All three categories have the capacity for action. While this article has focused mainly on the capacity of the EU to steer, reinforce or mitigate its unintended consequences, the EaP states and Russia also have a degree of agency. In the case of Russia, it has already been described how the clashing objectives in the EU's policies versus its eastern neighbours created fertile ground for Russia to exploit an image of the West pursuing an anti-Russian policy and seeking to create a sphere of influence in the former Soviet space.

But the EaP countries also have a degree of agency that allows them to use unintended consequences to their advantage. This holds for both the external and internal unintended consequences of the EU's decoupling of policies. Externally, the development of two different strategic contexts – competitive zero-sum with Russia and cooperative with EaP countries – allowed some of the latter to exploit threat images of Russia to seek closer integration with the EU or obtain certain advantages.

Ukraine, for example, actively tried to obtain a prospect for EU accession during the Association negotiations. While it did not achieve this (the Association Agreement only “welcomes” Ukraine’s European choice), it did manage to use the new strategic context to get clear and more explicit recognition of its European identity from the EU. The two-pronged strategic context formed a conducive environment for Ukraine to stress its distinct identity vis-à-vis Russia.

As for the unintended consequences inside the EU, EaP countries were put in a position where they could make use of the internal divisions that the decoupling of policies had generated within the EU. This split allowed them to pursue their interests or influence agendas by collaborating with those member states that promoted an ‘EaP first’ policy, such as Lithuania and Poland.

But the agency of the EaP countries also lies in their capacity to adopt EU policies selectively. Undeniably, several EaP states have been subject to strong “adaptational pressure” (Börzel and Risse 2012) resulting from the economic asymmetrical interdependence and “normative hegemony” (Haukkala 2008) of the EU. But, while this could be expected to lead to considerable guaranteed leverage on the part of the EU, in practice this has often been eroded by a selective or superficial adoption of EU-imposed conditions. The lip service paid by some elites has led, for example, to limited success in combating corruption in some countries or to the creation of “procedural” ballot box democracies rather than sustainable “substantive” democracies (Pridham, 2000).

Finally, the EaP countries have a considerable degree of agency precisely because of the competition that arose between the EU and Russia over their common neighbourhood. The EU’s impact could only be effective if it was not undermined by Russia’s influence or deliberate policies. Its conditionality could only be effective if it was not neutralised by

Moscow's promises for similar or greater benefits – so-called “cross-conditionality” (Schimmelfennig and Sedelmeier 2004). Russia deliberately tried to undermine the effectiveness of the EU's normative hegemony in the region, challenging it on different fronts: through control (destabilising Ukraine), alternative institutional arrangements (the Eurasian Economic Union), and claims of genuine Europeanness, pursued by means of a “paleoconservative” ideology (Morozov 2018), which in many ways represents an alternative to the EU's normative agenda.

As many constraints as this may have implied, it also provided EaP countries with the possibility of balancing and a degree of choice (Makarychev 2018) – and different choices they have made. Three willing partners (Georgia, Moldova and Ukraine) signed Association Agreements with the EU in 2014. Armenia has opted for membership of the Eurasian Economic Union, but has chosen to combine this with continued collaboration with the EU, signing a Comprehensive and Enhanced Partnership Agreement (CEPA) with Brussels. Belarus, in turn, has opened up to the EU, in particular since the Ukraine crisis, seeking some kind of counterbalance to its close links to Russia. Azerbaijan, finally, has shown only selective interest in collaboration with either the EU or Russia. The extremely varying ‘success’ of the EU vis-à-vis the different EaP countries can only be understood in the light of the countries’ capacity of agency.

Conclusion

This article has built on Olga Burlyuk's conceptualisation of unintended consequences, extending her model to a larger process linking external action, unintended consequences and the (intended) management thereof.

The case presented has dealt with the unintended consequences of the EU's non-decision to change the ENP after Russia was decoupled from it with the creation of a separate Strategic Partnership in 2003-04. It has been argued that *internally* this created an inherent tension in the EU's East European policy: the ENP's objective of creating privileged relations and association with the eastern neighbours was incompatible with the Strategic Partnership's promise of equal partnership and respect for Russian interests, as Moscow saw privileged interests in the former Soviet space as a key priority. *Externally* this contributed to the development of two different dynamics: cooperative but asymmetrical relations with certain EaP countries versus a competitive context for the development of relations with Russia. The development of a logic of competition between Brussels and Moscow had multiple and complex causes and cannot therefore be attributed exclusively to the decoupling of the two policies, but it was one of the facilitating factors.

The article argues that there are different modes of management of unintended consequences. First, an actor can decide to steer its unintended effects actively or not to act. Second, the modes of management of unintended consequences may vary on a spectrum that ranges from mitigating to reinforcing.

The EU has actively sought to reinforce its normative hegemony towards EaP countries, while at the same time mitigating certain negative unintended effects of its dominant economic position. Yet, those countries have the capacity to erode or reinforce the EU's policies. Moreover, in the competitive strategic context that has come into existence, Russian foreign policy actively seeks to challenge the EU's hegemony and to undermine its effectiveness. Apart from imposing considerable constraints, it also leaves the EaP countries with a considerable capacity of choice, which is reflected in highly differentiated degrees of cooperation with the EU.

References

Bachrach, P. and Baratz, M. 1963. Decisions and Nondecisions: An Analytical Framework. *American Political Science Review* 57 (3): pp. 641–51.

Barnett, M. and Duvall, R. 2005. Power in International Politics. *International Organization* 59 (Winter): pp. 39-75.

Börzel, T. and Risse T. 2012. From Europeanisation to Diffusion: Introduction. *West-European Politics* 35 (1): pp. 1-19.

Burlyuk, O. 2017. The ‘Oops!’ of EU Engagement Abroad: Analyzing Unintended Consequences of EU External Action. *Journal of Common Market Studies* 55 (5): pp. 1009–1025.

Casier, T. 2015. National Level: How the EU and Russia Manage their Unintended Impact on their Common Neighbours. In A. Obydenkova and A. Libman, eds. *Autocratic and Democratic External Influences in Post-Soviet Eurasia*. Farnham: Ashgate: pp. 89-108

Casier, T. 2016a. From Logic of Competition to Conflict: Understanding the Dynamics of EU-Russia Relations. *Contemporary Politics* 22 (3): pp. 376-394.

Casier, T. 2016b. The EU and Russia. From a Marriage of Convenience to Confrontation. In M. Smith, S. Keukeleire and S. Vanhoonacker, eds. *The Diplomatic System of the European Union: Evolution, Change and Challenge*. Abingdon: Routledge: pp. 129-145.

Charap, S. and Troitskiy, M. 2013. Russia, the West and the Integration Dilemma. *Survival*, 55 (6): pp. 49-62.

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

http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/107589.pdf

David, M., Gower, J. and Haukkala, H. 2013. Introduction. In: M. David, J. Gower and H. Haukkala, eds. *National Perspectives on Russia*, Oxon: Routledge: pp. 1-12.

DeBardeleben, J. 2018. Alternative Paradigms for EU-Russian Neighbourhood Relations. In T. Casier and J. DeBardeleben, eds. *EU-Russia Relations in Crisis. Understanding Diverging Perceptions*. London: Routledge: pp. 115-136.

Dodini, M. and Fantini, M. 2006. The EU Neighbourhood Policy: Implications for Economic Growth and Stability. *Journal of Common Market Studies* 44 (3): pp. 507-532.

European Commission. 2004. *Communication from the Commission. European Neighbourhood Policy. Strategy paper*. COM(2004) 373final, 12 May.

Haukkala, H. 2008. The European Union as a Regional Normative Hegemon: The Case of European Neighbourhood Policy. *Europe-Asia Studies* 60 (9): pp. 1601-1622.

Haukkala, H. 2015. From cooperative to contested Europe? The conflict in Ukraine as a culmination of a long-term crisis in EU-Russia relations. *Journal of Contemporary European Studies*, 23 (1), pp. 25-40.

House of Lords. 2015. European Union Committee, 6th Report of Session 2014-15, *The EU and Russia: before and beyond the crisis in Ukraine*, HL Paper 115, 2015.

<https://publications.parliament.uk/pa/ld201415/ldselect/lducom/115/115.pdf>

Keohane, R. and Nye, J. 1989. *Power and Interdependence*. New York: Harper Collins.

Keukeleire, S. 2003. The European Union as a Diplomatic Actor: Internal, Traditional, and Structural Diplomacy. *Diplomacy and Statecraft* 14 (3): pp. 31-56.

Keukeleire, S. and MacNaughtan, J. 2008. *The Foreign Policy of the European Union*. Basingstoke: Palgrave Macmillan.

Lavenex, S. and Uçarer, E. 2004. The External Dimension of Europeanization: The Case of Immigration Policies. *Cooperation and Conflict* 39 (4): pp. 417–34.

Lavenex, S. 2014. The power of functionalist extension: how EU rules travel. *Journal of European Public Policy* 21 (6): pp. 885-903.

Majone, G. 1994. The Rise of the Regulatory State in Europe. *West European Politics* 17 (3): pp. 77-101.

Makarychev, A. 2018. *Incomplete Hegemonies, Hybrid Neighbours: Identity games and policy tools in Eastern Partnership countries*, CEPS Working Document no. 2018/02.

Brussels: CEPS. <https://www.ceps.eu/publications/incomplete-hegemonies-hybrid-neighbours-identity-games-and-policy-tools-eastern>

Manners, I. 2002. Normative Power Europe: A Contradiction in Terms? *Journal of Common Market Studies* 40 (2): pp. 235-258.

Mauil, H. 2005. Europe and the New Balance of Global Order. *International Affairs* 81 (4): pp. 775-799.

McCalla-Chen, D. 2000. Towards an Understanding of the Concept of Non-Decision Making and its Manifestation in the School Sector. *Educational Management & Administration* 28 (1): pp. 33–46.

Medvedev, D. 2008. Interview given by Dmitry Medvedev to Television Channels Channel One, Russia, NTV [Transcript], 31 August 2008.

<http://en.kremlin.ru/events/president/transcripts/48301>

Morozov, V. 2018. Identity and Hegemony in EU-Russia Relations: Making Sense of the Asymmetrical Entanglement. In T. Casier and J. DeBardeleben, eds. *EU-Russia Relations in Crisis. Understanding Diverging Perceptions*. London: Routledge: pp. 30-49.

Pridham, G. 2000. *The Dynamics of Democratization. A Comparative Approach*. London: Continuum.

Putin, V. 2011. Novyi integratsionnyi proekt dlia Evrazii – budushchee, kotoroe rozhdaetsia. *Izvestiia*, [A new integration project for Eurasia. The future that is born today] 3 October. <http://www.izvestia.ru/news/502761>.

Schimmelfennig, F. and Sedelmeier, U. 2004. Governance by Conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe. *Journal of European Public Policy* 11 (4): pp. 661-679.

Smith, M., Keukeleire, S. and Vanhoonacker, S. eds. 2016. *The Diplomatic System of the European Union: Evolution, Change and Challenges*. Abingdon: Routledge.

Waltz, K. 1979. *Theory of International Politics*. New York: Addison Wesley.

Wolczuk, K. 2009. Implementation without Coordination: The Impact of EU Conditionality on Ukraine under the European Neighbourhood Policy. *Europe-Asia Studies* 61 (2): pp. 187-211.

Wolfers, A. 1962. *Discord and Collaboration. Essays on International Politics*. Baltimore: John Hopkins Press.

Wouters, J. and Ramopoulos, T. 2013. *Revisiting the Lisbon Treaty's Constitutional Design of EU External Relations*. Working Paper no. 119. Leuven: Centre for Global Governance Studies.