

### **Conceptual Bases of the European Union's Eastern Partnership policy**

*У статті досліджуються концептуальні засади "Східного партнерства" як відгалуження Європейської політики сусідства, яке стартувало 2009 року і є одним з пріоритетних напрямів співробітництва України з ЄС на сучасному етапі.*

*Ключові слова: Європейський Союз, Європейська політика сусідства, Східне партнерство, східний вимір, угода про асоціацію.*

*В статье исследуются концептуальные основы "Восточного партнёрства" как ответвления Европейской политики соседства, которое стартовало в 2009 году и является одним из приоритетных направлений сотрудничества Украины с ЕС на современном этапе.*

*Ключевые слова: Европейский Союз, Европейская политика соседства, Восточное партнёрство, восточное измерение, договор об ассоциации.*

*The article analyzes conceptual bases of Eastern Partnership as a branch of the European Neighbourhood Policy, which started in 2009 and is one of the priorities of cooperation between Ukraine and the EU today.*

*Key words: European Union, European Neighbourhood Policy, the Eastern Partnership, the Eastern dimension, Association Agreement.*

In modern conditions analysis of problems of the formation and implementation of the *Eastern Partnership* as a new branch of the European Neighbourhood Policy seems to be extremely urgent. This is very important area of the European Union foreign policy for our country, because it is connected with the active political dialogue between Ukraine and the EU in the last few years in the context of European integration course of Ukraine.

In recent years a number of publications has appeared, and numerous discussions, scientific and theoretical seminars, conferences, round tables have been organized at national and community levels. Among the literature, which highlights the issue of *Eastern Partnership* of the EU, the publication of the Ukrainian Independent Center for Political Research, edited by V. Martynyuk [10] should be emphasized.

It was published with the support of *Renaissance* International Fund and analyzes views on the possibility of using *Eastern Partnership* for further European integration of Ukraine in bilateral and multilateral dimension. A. Veselovskiy [1], S. Hutsal [3], Yeliseyev [4], S. Pavlenko [5], V. Samohvalov [6], T. Sydoruk [7; 8], A. Sushko [9], A. Chumachenko [11; 12], O. Shapovalov [13] and other scholars and experts also study those problems.

The purpose of this article is to determine the causes of launching and conceptual foundations of *Eastern Partnership*, to define the characteristics of its application to Ukraine and prospects of its use for approaching EU membership.

*Eastern Partnership* (EP) as a new EU strategy was launched at the founding summit in Prague on May 7, 2009. It is a response to a request for regional differentiation of partners within the framework of the European Neighbourhood Policy (ENP) and strengthening bilateral and multilateral cooperation of the EU with Eastern Europe and South Caucasus. *Eastern Partnership* does not imply membership prospects for the states-members and is aimed only at the development of their special relationship built on mutual recognition of common values, achieving the rule of law, effective governance, human rights, principles of market economy and sustainable development.

To achieve the *Eastern Partnership* the following goals were set:

- To promote political and economic approximation of partner countries to the EU;
- To maintain security, stability and effective governance;
- To promote partnership between civil society and governments;
- To support the establishment of contacts between people using long-term strategy for visa liberalization on an individual basis and under specified conditions;
- To increase energy security;
- To support reforms in various sectors and to protect the environment.

Thus, the characteristics of the *Eastern Partnership* are the following:

- flexibility, as EP considers the needs, possibilities and achievements of each partner country;
- application to partner countries which have similar political, economic and social interests;
- differentiation – a principled approach to each of the participating countries, depending on the success of internal reforms and the development of relations with the EU;

- Association Agreements, including Free Trade Agreements;
- bilateral and multilateral cooperation;
- assistance to partner countries in approaching the EU standards through the process of partner integration into the EU in specific areas;
  - increased funding compared with that given within the ENP (however, sources of funding are not clearly defined);
  - Creation of organizational structure – meetings at different levels and EP Civil Society Forum;
  - Development of security dimension in cooperation, including energy security area [11].

*Eastern Partnership* was a step forward in the EU's relations with its eastern neighbors, compared with the format of the ENP, however incomplete conceptual and institutional amorphousness of the EP caused criticism of the EU Central European member states and Ukraine. Meanwhile, despite criticism and negative forecasts, the *Eastern Partnership* has existed for more than five years and has some results.

*Eastern Partnership* is a strategy for the development of EU relations with six countries of Eastern Europe and South Caucasus aimed at building a common space based on shared values. Its appearance was caused by the following factors:

- ENP, covering 16 neighbors (Israel, Jordan, Palestine, states of North Africa, Eastern Europe and South Caucasus), does not appreciate the specifics of the EU's relations with some neighboring countries and requires revision towards regionalization. This was a reason to initiate the establishment of the Mediterranean Union, and later *Eastern Partnership*;
- previous attempts to develop a single format of EU relations with all countries of Eastern Europe and the Black Sea region (including Turkey and Russia) have failed. As an example it could be mentioned ineffective *Black Sea Synergy*.

Introducing the *Eastern Partnership* as a part of the European Neighbourhood Policy, the EU has reacted to the external request (from the Eastern European countries) to strengthen integration component as well as to the internal demand to strengthen the Eastern dimension of its own foreign policy.

As a response to the search for an effective EU Eastern strategy and discussions on ENP reformatting two basic approaches – German and Polish – have been defined. The German approach is based on a broader understanding of EU Eastern policy, which would include policy towards Russia as the central component and should be aimed at the

formation of the cooperative order in Greater Europe. Polish approach was focused on Eastern European countries, being aimed at bringing them closer to the European Union to that extent which would allow them to avoid a return to the Russian sphere of influence [13, p. 6].

Compromise draft of the EU Eastern policy project was implemented in the *Eastern Partnership* initiative. At the time of founding summit in Prague in 2009, the EU decided to transfer relations with all six countries of Eastern Europe and South Caucasus into a single format of the Association Agreement including a deep and comprehensive Free Trade Association (AA and FTA) while multilateral dimension of regional cooperation should be implemented as a series of cooperation mechanisms at the sectoral level. However, the recognition of the prospects of Eastern European countries membership in the EU as the most important part was excluded from the project, and the level of cooperation in practical areas was not clearly defined. This significant conceptual limitation was determined by the need to find a common approach among all EU member states, considering appreciable differences in their foreign policy priorities.

There are many common positions as well as many differences between the EU member states in understanding the purpose and further development of the *Eastern Partnership*. First of all, the European countries reached a consensus that the EP serves as a functional platform for programmable cooperation between the EU and Eastern Europe, the stability of which for the European Community is no less important task than solving internal problems. In particular, the armed conflict between Russia and Georgia in August 2008 has contributed to that understanding. Present open intervention of Russia in the events in Eastern Ukraine encourages that approach. All Europeans are aware of the need to ensure at least minimum standards of management in the territories of bordering countries, in particular those which are eligible to apply for the EU membership on the basis of Article 49 of the Lisbon Treaty. In addition, the thesis on the priority of Russia's development for Europe, which dominated during the 1990s – early 2000s, is substantially corrected. Now it emphasizes the need of the EU to balance the increasing geopolitical influence of Russia, on the one hand, and the EU desire to support the EP countries' strategy for European integration, on the other hand.

Reached agreement involves using instruments of "soft" influence on Eastern European countries to encourage their Europeanisation in public administration, ensuring favorable conditions for trade and investment, i.e. the gradual integration into the European common

market that ultimately meets the demands of European business. However, the EP model does not include security issues that could provoke a sharp political reaction of Russia.

That philosophy of Eastern policy has led to the formation of "synthetic approach" toward the institutional framework of the *Eastern Partnership*. Particularly, it means the implementation of the following principles:

- combined funding;
- combining bilateral and multilateral cooperation;
- comprehensive thematic format of interaction;
- using various contractual and legal forms.

Due to EP member countries' different integration intentions and models of their interaction with the EU, willingness and ability to implement reforms, the format of the initiative also includes the implementation of the following principles:

- individual approach to each country;
- each member's choice of the depth and pace of integration.

The compromise among European countries has defined a list of "bonuses" that the EU can offer its partners in the East:

- Association Agreement and deep and comprehensive Free Trade Agreement;
- sectoral integration into the European market;
- visa liberalization;
- expansion of the regional integration and cooperation at the level of civil society.

European countries, despite their participation in Russian energy projects, are interested in diversification of energy sources and therefore it is the *Eastern Partnership*, which includes the participation of Azerbaijan, Ukraine's accession to the Energy Community, the signing of the Joint Declaration on the modernization of Ukraine's gas transit system, the development of the Euro-Asian Oil Transportation Corridor, that could play the role of a platform for the creation of alternative sources and transportation routes of oil and gas. Due to the economic problems of the "old" Europe, the bordering societies are also considered as a promising source of many resources such as people, agriculture, raw materials. However, there are substantial differences among the EU member states in understanding long-term goals of the *Eastern Partnership*, in particular those that can be implemented after reaching the current tasks of the initiative.

Interest in implementing the idea of the *Eastern Partnership* is obviously mutual, but each of the partner countries of eastern dimension

has its priorities. Azerbaijan, which has large reserves of oil and gas and therefore has great geopolitical importance for the EU, defines cooperation in the energy sector as a priority. Armenia relies on help in solving the problem of Nagorno-Karabakh. Georgia intends to integrate into the EU in all areas. Belarus considers *Eastern Partnership* as an opportunity to strengthen its independence from Russia and attract European investors. Moldova officially declares integration in the EU, despite the problems of internal political instability [11].

The initial reason of Ukraine's critical reaction on *Eastern Partnership* was the fact that Ukraine's expectations from the new EU eastern policy far exceeded European offers. EP did not contain fundamentally new approaches toward the development of relations between the EU and Ukraine. In the adopted format the *Eastern Partnership* indicated that the EU has chosen the role of an observer for the development of political processes in the region and refused, at least at this stage, to play an active role as a counterweight to Russian regional presence. The EU, not presenting completed Eastern strategy, has applied "successful precedent" strategy to partner countries at the bilateral relations level. Ukraine should play the role of "flagship": the European Union based on Ukrainian experience would produce its approaches toward cooperation with other partner countries in the *Eastern Partnership* [17, p. 6].

It is Ukraine's strategic course toward integration into the EU that was a crucial factor, which allowed Brussels to assume the role of a center of regional attraction for all of the *Eastern Partnership* countries and thus to form the EP in its present format. The current political and economic situation in the EU is not favorable for the further enlargement of the European Union. However, the EU needs to expand its political and economic presence in the Eastern European region. That would not only strengthen the political and economic influence of the EU, but could also provide a greater level of stability and security in Europe. That problem could be solved through political association and economic integration of the partner countries with the EU. Political association in this case would mean unilateral association of partner countries with the legal framework of the European Union. Economic integration should be implemented through the introduction of a deep and comprehensive free trade association of the *Eastern Partnership* and the EU.

The inability of the EU to expand at current stage does not preclude such an opportunity in the future. According to the political statements of the EU officials, the European Neighbourhood Policy "does not close the door for European countries, which may wish to join the EU in the

future" [14]. An indirect evidence of the probability of the EU enlargement (under favorable conditions) by means of *Eastern Partnership* countries could be a reference to Article 49 of the EU Treaty in *A New Response to Changing Neighborhood* Joint Communiqué of the European Commission and the EU High Representative in Foreign Affairs and Security Policy [15]. That thesis reflects the EU approach toward the perspective of membership for EP countries, including Ukraine.

As it's known, Ukrainian diplomacy has tried to agree with the EU in principle on declaring the possibility of future EU membership for Ukraine in the Association Agreement (AA). In this context it should be borne in mind that there is no direct legal connection between the associated relations and the opening of membership prospects. In the EU legal practice there is no such type of association like preparation for EU membership. In all cases, signing of Association Agreement had limited impact on the procedure of joining the EU. Formal recognition by the EU the "candidate" status of the country and its submitting an official request for membership seems to be much more important. Thus, in the legal plane inclusion of thesis about the membership perspective in the AA does not bear any consequences for neither Ukraine nor the EU. In fact, the recent Association Agreement between Ukraine and the EU does not guarantee accession and does not provide the perspective of membership, but also does not deny such a possibility.

An issue of introducing the paragraph on the European perspective of Ukraine into the Association Agreement has rather political importance for both the EU and Ukraine. First of all, it has to change the perception of Ukraine in the EU not only among political elites, but also among the wider social strata. Similarly, it will have a powerful impact on the content of political life in Ukraine and practice of its foreign policy.

Officially, today the EU justifies impossibility to provide Ukraine membership perspective by the "enlargement fatigue", the problems of convergence of the EU member states, political and economic problems within the EU. However, the strategy of sectoral integration of *Eastern Partnership* is aimed at building a common political and economic space that will contribute to the complete integration of Eastern European countries into the EU in the future if they have such a desire. This position, which contains both affirmation of an opportunity of integration to the EU and unwillingness to provide Ukraine a membership perspective, has, in experts' opinion, the following reasons:

- First, the EU is interested in the integration of East Europe, but currently is not ready to invest necessary resources into that process. Due to the unconditional commitment to European integration that

Ukraine demonstrates, the European Union considers it appropriate to take waiting attitude using minimal incentives (including financial ones) to a necessary series of reforms in EP countries that would facilitate their convergence with the EU;

- Second, providing Eastern European countries a membership perspective seems to be a great geopolitical burden since should mean the EU willingness to assume greater allied commitments to those countries. Considering the full range of challenges for EU foreign policy at the Post-Soviet space and, above all, in its relations with Russia, providing Ukraine a membership perspective" could break shaky international balance, which the European Union reached at present.

As a result, lack of political component in the *Eastern Partnership* currently fully satisfies Brussels but makes it conceptually incomplete as well as functionally unattractive in terms of Central and Eastern Europe.

2011 was a milestone in the development of the EU's Eastern policy. However, if Ukraine and other supporters of strengthening the political component of the *Eastern Partnership* realized the need for its conceptual renewal, Brussels and countries of Old Europe insisted on evaluating primary results of EA activities and making necessary adjustments in order to improve it.

The "improvement" of the *Eastern Partnership* is as important for Ukraine as for the EU. The first step is to realize that the *Eastern Partnership* is not a complementary format to the bilateral relations between Ukraine and the EU. Today *Eastern Partnership* is the EU policy towards countries of Eastern Europe and the Southern Caucasus, which includes all areas of relations between those countries and the EU. Obviously, Ukraine can play only indirect role in the reforming the EP since that deals with the formation of foreign policy strategy of the European Union. However, a significant sensitivity of the process of EU foreign policy design to external influences provides Ukraine with additional opportunities.

Evaluating the processes of developing Eastern dimension of the EU foreign policy, we should consider the challenges facing the European Union and causing permanent transformation of the EU approaches:

- the need to combine positions of all Member States of the European Union;
- specifics of Eastern European and South Caucasus directions that require balancing of strategy for EU relations with the countries of those regions on the one hand and Russia on the other hand;



- dynamics of political processes in the Eastern European region and the South Caucasus.

Ukraine shares both challenges and strategic objectives of the European Union toward the *Eastern Partnership* implementation, namely:

- Europeanization of the region;
- linking the countries of Eastern Europe to the EU;
- strengthening security in the Black Sea region.

At every step Brussels emphasizes that the *Eastern Partnership* is in no way directed against Russia. Nevertheless, Moscow initially considers the *Eastern Partnership* as a threat to its interests in the countries covered by that program. Russian Foreign Minister Sergei Lavrov described the EP as "an attempt to create the Union's sphere of influence in the East". The Russian Prime Minister Dmitry Medvedev said that "some countries make attempts to use that structure as a partnership against Russia".

Besides unfavorable claims Russia does nothing specific to join the *Eastern Partnership*. For its part, the EU also does not plan to accept it to that program. Russia consistently emphasizes that it does not wish to be on a par with Armenia or Moldova and lays claim to privileged attitude to it.

In this context, now the key challenge for the EU is the balancing of two directions in its eastern policy – *Eastern Partnership* and relations with Russia [13, p. 14]. The success of Ukraine's foreign policy depends on solving the similar problem – a combination of European and Russian directions. The key toward solving that problem could be the EU's decision to fill *Eastern Partnership* with the political component and strengthen its political and security presence in the Black Sea region. This would affect the balance of power and would enable the EU to achieve the essential balance in its Eastern policy. And for Ukraine this would facilitate the search of ways to combine European integration vector with relations with Russia.

Since strengthening security and stability in the Black Sea region is a strategic goal of the *Eastern Partnership*, lack of the security dimension in the initiative looks rather surprising, although reasons of avoiding that sensitive subject are quite clear. Realizing the EP's inadequacy without this dimension of cooperation, the EU declares the need to supplement the *Eastern Partnership* with cooperation within the framework of another EU's initiative – *Black Sea Synergy*. However, the combination of the two initiatives is now improbable, although adding dimension of political and security cooperation to the *Eastern*

*Partnership* format would be very useful for all its participants. This can be done through the launch of a new platform called "Cooperation in Politics and Security" or through reformatting the platform 1 by means of changing its name from the "Democracy, Effective Governance and Stability" to the "Cooperation in Politics and Security" [16]. Incidentally, such a platform was offered in the Swedish-Polish initiative on introduction of *Eastern Partnership*.

Increasing of the European Union's political presence in the Black Sea region is an important step toward the strategic filling the EU's Eastern policy. However, the European Union must also be ready to a gradual increasing political and functional opportunities of the *Eastern Partnership* and the granting limited integration formats. In particular, the EU could offer membership perspective through the mechanism of performance evaluation, i.e. the achievement of relevant criteria and stages as a conceptual complement to the *Eastern Partnership* [1]. The criteria remain the Copenhagen criteria; steps could be defined (for example) as the functioning of the Association Agreement and Free Trade Association, visa-free regime, effective integration into the European educational and humanitarian space etc.

Due to the complexity of modern political processes in the EU and in the Mediterranean region, it is rather difficult to talk about possible time of making qualitative changes in EU policy in the Eastern direction. The way to speed up this process could be only uniting efforts of the interested parties. Therefore, Ukraine should consider the possibility of bilateral diplomacy both to develop a common vision of the *Eastern Partnership* and to promote the necessary changes at the EU level.

Thus, the Eastern dimension of the EU's European policy, being launched in spring 2009, is developing very quickly. Despite several weaknesses, which both Ukrainian and foreign experts emphasize, in particular, the fact that the format of the *Eastern Partnership* has postponed discussions about the possibility of Ukraine's EU membership for a while, the *Eastern Partnership* has been evaluated positively and means additional opportunities for Ukraine to ensure its interest in cooperation with the EU. Obviously, there are certain limits of the *Eastern Partnership*. This program is a supplementary tool that complements existing international instruments and is an additional lever of influence to the reform process in Ukraine and Ukraine's positioning in this part of the world. The basis are bilateral relations between Ukraine and the EU, which have achieved a lot and are progressing in recent years, although not at a pace that we would like.

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