

IMPLICATIONS OF THE RUSSIAN-UKRAINIAN CONFLICT FOR THE EU AS A „EUROPEAN PROJECT“

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The aim of this article is to expose a *European nature* of the Russian-Ukrainian conflict, which does have direct consequences for the future of the EU as an arch of the European integration project. In this article we argue that what is still called within the EU discourse a ‘Ukrainian crisis’ is not an ad hoc episode somewhere far away in Eastern Europe, which will cease rather sooner than later and the EU will again re-establish pragmatic and ‘business as usual’ deal with Putin’s Russia. We argue that, first, ‘Ukrainian crisis’ has turned into ‘Russian-Ukrainian one’ when Russia started to occupy Crimea at the end of February 2014, and second, it has an epochal meaning, which challenges capacities of the European communities/EU to act as a *transformative and integrative actor* in Europe, capacities that the EC/EU has been developing starting from the late 1970s. The current Russian-Ukrainian crisis marks three decades of the European integration project based on the EC/EU and brings fundamental question about its future. The latter will depend on the way the EU copes and will be coping with an *external* Russian-Ukrainian crisis as it will have profound impacts on its both own *internal* structure and a future role in European affairs.

The European communities (and the EU since 1993) played a crucial role in transforming, first, fascist regimes in Southern Europe in the 1980s, and second, communist regimes in Central Europe in the 1990s. It was the EU who brought the Western Balkan countries to peace and stability by providing them with European integration perspective after the 8-year war in 1990s. The fundament of the EU transformative capacity and the core element of its external action towards authoritarian regimes in its European neighbourhood over the last three decades has been the two-dimensional contractual deal which facilitated, first, democratic transformation of their institutions, and second, access to the EC/EU single market.

The last three decades proved that the EU’s best foreign policy has been its enlargement. The former EU enlargement commissioner Olli Rehn grasped this role of the EU in European affairs as follows: „Enlargement has proven to be one of the most important instruments for European security. It reflects the essence of the EU as a civilian power, extending the area of peace and prosperity, liberty and democracy. The EU has achieved far more through its gravitational pull than it could ever have done with a stick or a sword.“¹

The Association Agreements with Deep and Comprehensive Free Trade Area (AA/DCFTA) component the EU offered in 2008 to its six East European neighbours, including Ukraine, are of the same *European integration* nature even if they do not include a formal provision on political membership. They do embrace economic integration of Eastern partner countries and their full access to common integrated space of the four European freedoms. AA/DCFTAs fully correspond with the logic and nature of the EU enlargement policy developed within the last three decades. However, in Ukraine in 2014 it happened for the first time since the late 1970s that the EU and its transformative policy via expansion of its institutions and market opening to non-EU European countries has been confronted by the use of military force from side of the third country. Therefore, the Russian-Ukrainian crisis, which started by Russian occupation of Ukrainian Crimea at the end of February 2014, does have an epochal

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¹O. Rehn, „Enlargement as an instrument of the EU’s soft power“, *European Commission: SPEECH/07/642*, 19 October 2007. Available online: http://europa.eu/rapid/press-release_SPEECH-07-642_en.pdf?locale=en%3E.

meaning not only for the direct actors of the conflict, i.e. Russia and Ukraine, but also for the EU as an actor in Europe and its capacity to deliver to European integration in the future. Should Russia be successful in stopping the EU to achieve in Ukraine what it did in Greece or Portugal in the 1980s, Slovakia and Poland in the 1990s, Bulgaria or Croatia in the 2010s, it might undermine not only external capacity of the EU to act in Europe but also the EU as European integration project as such.

However, a number of EU leaders, politicians and experts, including three V4 Prime Ministers, deeply underestimate the nature of the Russian-Ukrainian conflict. They prefer just to save jobs for their citizens and see the EU economic sanctions against Russia as baseless and crazy.² In other words, they do believe that what happened in Crimea in 2014 and what is still happening in Donbas is a local or domestic Ukrainian crisis, which does not matter so much for the EU and there is no need to pay price for it. If such thinking becomes a shaper of the EU policy towards Eastern Partnership countries and Russia in months to come it will cost the EU taxpayers much more than consequences of economic sanctions against Russia. Starting from Russia's annexation of Crimea at the end of February 2014, Ukrainian crisis turned into full-fledged European crisis. The EU cannot escape the crisis as it affects core principles of its functioning and capacity to act as an actor in Europe. It has to face it.

The aim of this article is to outline consequences of the recent crisis in Eastern Europe for the EU as an international actor in Europe, including for further development of the Eastern Partnership as a policy framework of the EU for its relations with six East European neighbours.³ In a narrow sense, this article focuses on the consequences this crisis has on the EU policy towards Georgia,

²For respective statement of the Slovak Prime Minister Robert Fico see: „Slovakia nurtures special ties to Russia, despite EU sanctions“. *Reuters*, 22 May 2014. Available online: <http://uk.reuters.com/article/2014/05/22/ukraine-crisis-slovakia-idUKL6N0O847Y20140522>.

³The arguments presented by author in this article concerning the interpretation of a nature of the recent Russian-Ukrainian crisis and its implications for the EU, including the Eastern Partnership as the EU framework policy towards the six East European countries, have been discussed at the conference *East European crisis: scenarios and EU response* organized by the Research Center of the Slovak Foreign Policy Association in Bratislava on October 27, 2014, <http://www.sfpa.sk/en/podujatia/odborne-podujatia/1145>. This article also draws from the author's essay: Russian-Ukrainian crisis: what next for the Eastern Partnership. In: *International Issues & Slovak Foreign Policy Affairs*, Vol. XXIII, No.3-4, 2014, pp. 57-70.

Moldova and Ukraine, the only Eastern partner countries that are in capacity to engage with the EU in implementation of AA/DCFTAs. The AA/DCFTA does represent the core of the Eastern Partnership offer as its implementation means economic integration of a given partner country into the single market of the EU.⁴

Together with the first cease-fire agreement between Ukraine and Donbass separatists under the supervision of Russia and the OSCE in Minsk on September 5, 2014,⁵ the EU and Ukraine agreed with Russia's demand that, first, they will postpone implementation of the DCFTA part of Ukrainian AA in one year (till December 31, 2015); and second, they agreed to create tri-lateral EU – Ukraine – Russia format for talks on Ukrainian AA.⁶ This has created a precedent that might have direct implications also for the EU relations with Georgia and Moldova. In other words, the following are key questions for the Eastern Partnership raised by the recent crisis:

1. Can Russia stop the implementation of association agreements within Eastern Partnership by the use of military force (?); and
2. What are options for the EU response (?).

So far the EU responded on Russia's military aggression against Ukraine by introduction of sanctions on selected individuals and organizations responsible for undermining territorial integrity of Ukraine as well as by the adoption of sectorial economic sanctions (restrictions in the field of foreign trade in oil and natural gas production and double-use technologies, limitation of access for the Russian banks and major companies co-owned by Russian government to the European financial and capital market).⁷ The open question remains if and what else might

⁴The European Commission has outlined the nature of a Deep and Comprehensive Free Trade Agreement in its Communications on „Strengthening the ENP“ of 4 December 2006 – COM (2006) 726, „A Strong ENP“ of 5 December 2007 – COM (2007) 774, and, in particular, in its non-paper on the „ENP – a path towards further economic integration“. Available online: http://ec.europa.eu/world/enp/pdf/non-paper_economic-integration_en.pdf.

⁵„Protocol on the results of consultations of the Tri-lateral Contact Group, signed in Minsk, 5 September 2014“, OSCE. Available online: <http://www.osce.org/home/123257>.

⁶U. Speck, „Postponing the Trade Agreement with Ukraine: Bad Move, EU“, *Carnegie Europe*, September 30, 2014. Available online: <http://carnegieeurope.eu/publications/?fa=56795>.

⁷For a detail info about the respective EU sanctions, see – „EU sanctions against Russia over Ukraine crisis“, *European Union Newsroom*. Available online: http://europa.eu/newsroom/highlights/special-coverage/eu-sanctions/index_en.htm.

be changed in the present EU's policy towards Russia and how that might affect existing shape of the Eastern Partnership.

In order to identify possible moves in the EU policy towards Eastern Europe in the context of the current Russian – Ukrainian crisis, there is a need, first, to identify nature of this crisis from the EU perspective; and second, to explore why and how this crisis matters to the EU. Of course, there are differences between political elites of the EU member states when it comes to their perception and understanding of the current Russo – Ukrainian crisis.⁸ As always when the EU is being confronted with external challenges it takes some time for it to form a critical mass of the member states that come to common understanding of what is at the stake and how to face the problem. But that's exactly about what the EU is and how it works.

1. Russian-Ukrainian conflict from the European integration perspective

We argue in this article that the recent Russian – Ukrainian conflict of 2014 and the Russian – Georgian conflict of 2008 are not accidental and short term episodes. They are necessary and objective outcomes displaying long term development trends in and/or of Europe after the end of bipolar conflict. The contexts of the both above conflicts should be learned and taken into account when thinking about possible further moves in the EU Eastern policy, including future of the Eastern Partnership. If one looks back what happened over the last two decades in Europe one can see completely different integration dynamics in its Western and Eastern parts.

The collapse of the communist block helped to deepen the integration process in the Western part of Europe and it also pushed the EU to be more engaged in its neighbourhood. The former Yugoslav republics do look up to the EU as a source of stability, modernization know-how and, of course, a trade partner. Although we have seen several setbacks in their reform processes, including problems in following their EU course, they are clearly not trying to become a part of the Russian Federation. Compared to 15 in 2003, today the EU has 28 members. The successful model of integration of Greece, Spain and Portugal in the 1980s – that helped them to overcome their fascist heritage – has pressed the EU to open the perspective of enlargement also to the former communist countries (Copenhagen summit, 1993). The preparations for the „grand

⁸P. Shakarian, „Sanctions against Russia are dividing Europe more than you think“, *Russia Direct*, September 22, 2014. Available online: <http://www.russia-direct.org/opinion/sanctions-against-russia-are-dividing-europe-more-you-think>.

enlargement“ to the East (2004–2007) spilled over into the EC/EU internal agenda and pushed it for further institutional reform process since the beginning of the 1990s. The acceptance of poor and institutionally underdeveloped countries of Southern Europe in the 1980s pushed the EC/EU to develop internal cohesion policy. Coping with the war in the Western Balkans in the 1990s pressed the EU to develop its capacities in the field of external action. Grand enlargement, which included former communist countries of Central Europe, Cyprus and Malta led to further deepening of the EU integration. The *Lisbon Treaty* (2009) and/or the institutional design of the present EU with a qualified majority as a rule for decision-making in its crucial internal policies would hardly become a reality without still continuing fragmentation of the Eastern part of Europe after the collapse of the communist bloc.⁹

In the end, looking back from the 30 years perspective, the EU is the guarantor of peace and stability in the Western Balkans preparing former Yugoslav republics for their accession. It deepened its integration through the amendments of its basic treaties. The European Communities turned into the European Union after the adoption of the Maastricht Treaty in 1993. The Schengen acquis became part of the EU basic treaty in 1999. The Euro as a common currency started to be operational in 2002. And finally, the Lisbon Treaty with significant institutional changes entered into force in 2009. The EU managed successfully the „grand enlargement“ in 2004 by including eight former Eastern bloc countries together with Cyprus and Malta, which was followed by the accession of Bulgaria and Romania in 2007, and Croatia in 2013. The fact is that the number of member states almost doubled over last decade.¹⁰ And finally, in 2009 the EU made an offer to six former post-Soviet countries to deepen and to expand cooperation within the Eastern Partnership initiative, including their economic integration through the implementation of AA/DCFTAs.¹¹

Let us summarize the integration dynamics in the Western part of Europe during the last three decades. European communities launched its cohesion policy in the second half of 1980s. European communities changed into the European

⁹For further reading, see R. Bideleux, R. Taylor (ed.), *European Integration and Disintegration: East and West*. Routledge, 1996.

¹⁰For further reading, see E. Bomberg, J. Peterson and R. Corbett, *The European Union. How does it work?* Oxford University Press, 2012.

¹¹„Joint Declaration of the Prague Eastern Partnership Summit. Prague, 7 May 2009“, 8435/09 (Presse 78), Council of the European Union, Brussels, 7 May 2009. Available online: http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/107589.pdf.

Union as we know it today in 1993. EU, in fact, is 22, not 63 years old! Schengen functions since 1999 (16 years!), Euro as a common currency is in the cash flow since 2002 (13 years!). Before 2004, EU had 15 members, but in last 10 years the number of the member countries almost doubled to the current 28 (!). EU was not an actor of the crisis of Yugoslavia in the 1990s, because it has not existed in the current shape yet. The Yugoslav war began in 1991 while the Maastricht Treaty which transformed European Communities with no common foreign policy into the European Union with Common Foreign and Security Policy entered into force in 1993. However, without a modernization offer of the EU and the European perspective, the Western Balkans would continue to be a „barrel of the gun-powder.“ We can criticize the EU rightly for many things; however, the EU stays to be a unique project in all known history of the international relations. The fact that Malta with its 400,000 citizens has the equal voting rights as the 80 million Germany in decision-making about the legislation and the policies of the EU is absolutely unique fact, which cannot be found anywhere in the world and it has never before existed in the history. EU 2015 is qualitatively different project than – internally and externally – then the European Communities were before 1993. The integration dynamics of the EU over more than last two decades should be considered seriously in order to understand, first, why the EU offered Eastern partners political association and economic integration in 2009, and second, what might be the EU response on the current Russo-Ukrainian crisis.

In the Eastern part of Europe we got a completely different picture. None of the integration initiatives aimed at bringing things in order within the former Soviet Union and/or a group of former Soviet countries over the last two decades might be labelled a successful project.¹² Disintegrated Soviet Union was supposed to be replaced by the Community of the Independent States, emergence of which was initiated by the then leaders of Russia, Ukraine and Belarus in December 1991. Today hardly someone recognizes the shortcut CIS. Russia and Belarus have tried to renew a common federal state since 1994. Today only the Russian and Belorussian experts remember that project. Yeltsin's Russia was not able to bring into existence any successful integration project in the post-Soviet area. Putin's Russia in 2004 managed to come to conflict with the largest ally of Russia – Lukashenka's Belarus, the same country with which Yeltsin wanted to create a federation.

¹²O. Sushko, „The dark side of integration: Ambitions of domination in Russia's backyard“, *The Washington Quarterly*, Vol. 27, Issue 2, 2004, pp. 119–131.

When we speak about the gas crisis today, let's not forget that it was Belarus who was a first country, which faced closing down supplies of natural gas from Russia in 2004 and repeatedly in 2007 and 2010.¹³ First gas war between Russia and Ukraine happened in 2006 and repeatedly in 2009. On the territory of former Soviet republics, Russia used military force during civil war in Georgia in 1991 and in Moldova in 1992.¹⁴ Russia used her military power also later in August 2008 in Georgia and in 2014 and currently against Ukraine, but this time also with annexation of part of Ukrainian territory. We don't even mention trade wars of Russia with Belarus, Georgia, Moldova and Ukraine as well as with other post-Soviet countries as they would take too much space to count them all.¹⁵

Despite of the fact that Presidents of Belarus and Kazakhstan signed agreement on foundation of the Eurasian Union in May 2014¹⁶ – both of them from their own reasons – nothing changes the fact that in the last more than 20 years Russia was not able to offer to post-Soviet neighbours constructive agenda, normal and long-term cooperation based on the principle of equality in bilateral relations. To search for the Maltese – German example of equal status cooperation in the post-Soviet space over last 20 years would be useless activity. And this is the substantial difference between where the Western Europe is today, and where the post-Soviet space is. Deepening and widening of integration in the Western part of Europe versus continuing fragmentation in its Eastern part are main trends that are shaping pan-European agenda, including EU – Russia relations since the end of the cold war.

Comparison of the dynamics of the European integration based on the EU project and the integration attempts of the „Russian world“ in the post-Soviet area in last 20 years speaks for itself. Two different European worlds had to meet one day. Exactly this building of two different European worlds clashed in Ukraine in years 2013 and 2014.

¹³G. Caldioli, „Belarus – Russia Energy Disputes – Political and Economic Comparative Analysis“, *PECOB's Energy Policy Studies*, University of Bologna, 2011.

¹⁴For more see A. Murike, „The military as a political actor in Russia: The cases of Moldova and Georgia“, *The International Spectator: Italian Journal of International Affairs*, Vol. 33, Issue 3, 1998, pp. 119–131.

¹⁵For further reading see B. Nygren, *The Rebuilding of Greater Russia. Putin's foreign policy towards CIS countries*. Routledge, 2008; A. Wilson and N. Popescu, „Russian and European Neighbourhood Policies Compared“, *Southeast European and Black Sea Studies*, Vol. 9, No 3, September 2009, 317–331, etc.

¹⁶N. Gvosdev, „Russia's Eurasian Union: Part of a Master Plan“, *The National Interest*, June 7, 2014. Available online: <http://nationalinterest.org/feature/russia-eurasian-union-part-master-plan-10619>.

We are wrong if we speak about the „Ukrainian crisis,” which presents barely accidental episode. This crisis has systemic whole-European character and it represents a confrontation of the two European worlds as they have been developing and formed in the last two decades. As the effort to reach their co-living was not successful and there is only one Europe in physical terms, confrontation had to happen sooner or later.

There are many myths about the EU approach to post-Soviet Russia. What is – from today’s perception of the recent Russian-Ukrainian crisis as from 2014 – rarely known is that a decade ago there was a serious effort to establish a systemic dialogue and intense cooperation between the EU and Russia. This effort was called ‘Common Spaces’ and ran in the years of 2003–2006.¹⁷ The idea of the Common Economic Space was that the EU and Russia will achieve the creation of a free trade zone within 15 years. But Russia decided to depart from the free trade deal with the EU by the end of 2006. This happened due to several reasons. Russia did not like colour revolutions in Eastern Europe whereas the most of the EU member states leaders met them with sympathy. The EU did not accept Russian request for a privileged status of Gazprom on the EU’s gas markets. And of course – the then European friends of President Putin French President Chirac and German Chancellor Schröder lost their political positions in their home countries.¹⁸ Again, it has to be stressed that the EU’s offer to post-Soviet countries under the Eastern Partnership included AA/DCFTA in 2008 also because of Russia’s decision to depart de facto from the free trade deal with the EU by the end of 2006. Russia has been given an offer to join the European integration process (2003) before the EU approached with similar offer Ukraine and Eastern partner countries (2008). However, in his speech at the Munich security forum in February 2007 President Putin communicated his main message to European leaders as follows: we’ll challenge the European system if it does not accept a privileged position of Russia (what in Russian understanding means an „equal“ position).¹⁹

¹⁷See A. Duleba (ed) *Searching for New Momentum in EU-Russia Relations. Agenda, Tools and Institutions*. Bratislava: Research Center of the Slovak Foreign Policy Association, 2009.

¹⁸For analysis see D. Trenin, „Russia Leaves the West“, *Foreign Affairs*, Vol. 87, No 4, July–August 2006, pp. 87–92.

¹⁹„Speech and the Following Discussion at the Munich Conference on Security Policy, February 10, 2007, Munich“, *President of Russia*. Available online: http://archive.kremlin.ru/eng/speeches/2007/02/10/0138_type82912type82914type82917type84779_118123.shtml.

Soon after Russia has showed it in Georgia in August 2008 how she will be challenging the European system. Let us emphasize again that the EU offered free-trade deal to Russia already in 2003, far before it offered the similar deal to other post-Soviet states.

EU didn’t respond by sanctions against Russia in case of Georgian crisis in 2008. However, it responded by a decision to offer to the countries of the Eastern Partnership opportunity to sign the Association Agreements with DCFTA, which included provisions for their economic, however, not political integration.²⁰ European Union didn’t have other choice, it had to respond somehow. In other words it responded to Russian tanks in Georgia in 2008 by a policy, which facilitates exporting of its legislation to the post-Soviet space. Conflict started in Georgia in 2008, and it continued in Ukraine in 2013 and afterwards. Long before mass protests in Ukraine started (November 2013) because of the then Yanukovich Government’s refusal to sign association agreement with the EU, Russia imposed the commercial sanctions on Ukraine (summer 2013) in order to force that time President of Ukraine to step away from the signature of the agreement with the EU.²¹ It happened after diplomatic messages from the EU capitals started to signal (in June 2013) that imprisonment of former Prime Minister of Ukraine Yulia Tymoshenko might not prevent signing of the association agreement with Ukraine at the summit of the Eastern Partnership in Vilnius in November 2013.²²

A conflict „Russian tanks“ vs. „European legislation“ has started in Eastern Europe after Russian – Georgian war in August 2008, long before the Ukrainian events started in 2013. This conflict does have an objective and unavoidable nature as it mirrors more than 20 years long development integration versus disintegration trends in two parts of post-cold war Europe.

²⁰„Extraordinary European Council, Brussels, 1 September 2008. Conclusions“, Council of the European Union, Brussels, 6 October 2008. Available online: http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/102545.pdf.

²¹R. Olearchyk, „Russia accused of triggering trade war with Ukraine“, *Financial Times*, August 15, 2013. Available online: <http://www.ft.com/intl/cms/s/0/99068c0e-0595-11e3-8ed5-00144feab7de.html#axzz3Re0Z6Oym>.

²²Y. Mostovaya, T. Silina, „Russkiy plan, osmyslenny i besposhadnyy“, *Zerkalo nedeli*, August 16, 2013. Available online: <http://gazeta.zn.ua/internal/russkiy-plan-osmyslenny-i-besposhadnyy-.html>; „O komplekse mer po vovlecheniyu Ukrainy v yevraziyskiy integratsionnyy process“, Ibid. Available online: <http://gazeta.zn.ua/internal/o-komplekse-mer-po-vovlecheniyu-ukrainy-v-evraziyskiy-integratsionnyy-process-.html>.

2. Understanding the way the EU deals with the conflict

In the end, regardless of all difficulties, including lack of flexibility when it comes to decision-making in the field of external relations, which is based on the consensus of 28 member states, the EU became the agenda-setter in Europe, including in its Eastern part. What the EU did for the Western Balkans within the last two decades made it the key international actor in/for Europe. The Western Balkans case illustrates the very nature of the EU as international actor as such. It is not number of tanks and military aircrafts what measures the strength of the EU in European affairs. It is a modernization offer to neighbouring countries and access to the EU market what makes the EU the strongest foreign policy actor in Europe.²³

Before the Russian – Georgian crisis in 2008 the string of countries between EU and Russia could hardly hope for anything distantly similar to what the Western Balkans had achieved. Russia's military intervention in Georgia in 2008 came as a shock for the EU leaders. The military operation lasted only few days and the result was Russia's recognition of South Ossetia and Abkhazia. The EU did not apply sanctions on Russia. Instead it revamped its Eastern policy. In September 2008 the EU member states authorized the European Commission to elaborate new ambitious offer for Georgia but also for Armenia, Azerbaijan, Belarus, Moldova and Ukraine.²⁴

In December 2008 the European Commission proposed launch of the Eastern Partnership, which among many other new programs and tools aimed at expanding the EU cooperation with Eastern Europe included a possibility for them to conclude AA/DCFTA (further as agreement).²⁵ Let us recall that an essence of this proposal was on table already in March 2008 when it was presented to the rest of EU members by foreign ministers of Sweden Carl Bildt

²³For an overview of the existing theoretical conceptualizations of the EU as international actor, including the EU capacity to project its power in external relations (as a civilian power, normative power, and/or market power) see Ch. Hill and M. Smith (ed.), *International Relations and the European Union*. Oxford University Press, 2008, 2011.

²⁴„Extraordinary European Council, Brussels, 1 September 2008. Conclusions“, op. cit.

²⁵„Communication from the Commission to the European Parliament and the Council. Eastern Partnership“, COM (2008) 823 final, Commission of the European Communities, Brussels, December 3, 2008. Available online: http://eeas.europa.eu/eastern/docs/com08_823_en.pdf.

and Poland Radek Sikorski.²⁶ At that time before the Georgia crisis their aim was to balance an initiative of the then French President Nicolas Sarkozy to launch the Union for Mediterranean during the French Presidency in the EU Council in 2008. In other words: they tried to make sure that Eastern Europe is not lost from the EU policymaking. It is questionable whether Eastern Partnership with its offer for deeper integration with the EU would have ever seen the world had it not been for Russia's intervention in Georgia in August 2008.

The association agreements offered to Eastern partners mean that they will adopt about 95 per cent of the EU economic and trade related legislation and commit to respecting democratic rules and political freedoms.²⁷ Successful legal harmonization under AA/DCFTA will in fact make them a part of the EU single market. Association Agreement with Eastern partner countries has been designed following the model of the European Economic Agreement (EEA) the EU has concluded with Norway, Island and Lichtenstein, e.g. the signatory countries are not member states, nevertheless they are part of the EU single market.

In June 2013 strong signals from the EU capitals came that association agreement with Ukraine could be signed at the Vilnius summit in November 2013 despite of continuing misunderstandings with Yanukovych government concerning imprisonment of former Prime Minister Yulia Tymoshenko.²⁸ Russia was shocked as it thought neither Ukraine nor Georgia or Moldova would be ever ready to conclude the agreement with the EU. Moscow responded by imposing trade sanctions against Ukraine in August 2013 with the aim to persuade the then President Yanukovych that signing the agreement with the EU is not a good idea.²⁹ In November 2013 President Putin agreed to provide 15 billion USD loan and

²⁶„Polish-Swedish Proposal, Eastern Partnership, 23 May 2008“. Available online: <http://www.msz.gov.pl/Polish-Swedish,Proposal,19911.html>.

²⁷Author's interview with the representatives of the DG Trade of the European Commission who were part of the EU negotiating team for the talks on AA/DCFTA with Ukraine. Interview has been done in Brussels on December 5, 2012. For analysis see A. Duleba, V. Benč, V. Bilčnik, *Policy Impact of the Eastern Partnership on Ukraine. Trade,energy,and visa dialogue*. Bratislava: Research Center of the Slovak Foreign Policy Association, 2012. Available online: <http://www.sfpa.sk/dokumenty/publikacie/372>.

²⁸See Y. Mostovaya, T. Silina, „Russkiy plan, osmyslennyy i besposhchadnyy“, op. cit.

²⁹„Ukraine and Russia. Trading Insults“, *Financial Times*, August 24, 2013. Available online: <http://www.economist.com/news/europe/21583998-trade-war-sputters-tussle-over-ukraines-future-intensifies-trading-insults>.

to lower gas prices to Yanukovich government if he decides not to sign the agreement.³⁰ Finally, Russia started military invasion to Crimea at the end of February 2014 a couple of days after Yanukovich was overthrown by the Maydan revolution. Let's remember that protests in Ukraine started in November 2013 because then Ukrainian leaders decided not to sign the agreement with the EU.³¹ Russia has shown she is ready to apply any means she has in order to stop the economic integration of Ukraine with the EU.

EU Prime Ministers, including those who are against EU sanctions on Russia adopted in the context of the recent conflict, repeat that they want just one main thing: more jobs for their voters. More jobs are possible if we have more trade and investment. It might happen that Prime Minister of Portugal could fully disagree with Prime Minister of Poland when it comes to evaluation of various political aspects of the EU relations with Russia or Ukraine and vice versa when it comes evaluation of the EU interest in Northern Africa. However, Prime Minister of Portugal and Prime Minister of Poland agree that if there is any possibility in the EU external relations with third countries for a contractual deal which facilitates expansion of single market of the EU, e.g. brings more trade, investments and jobs, it is a good deal. In other words, the offer to Eastern Europe was made with a perspective that the deal is a win-win and would benefit everyone.

Prime ministers of all member states agreed that Eastern Europe should be offered association agreements with DCFTA. There are always groups of member states, which securitize that or other issue in international relations trying to get it on the common EU agenda. However, the practice of the EU decision-making in the field of external relations shows that more successful are those members who manage to connect a given securitized issue with economic benefits for all member states. Therefore it often happens that expansion of single market becomes the key common ground for finding consensus among the member states in the field of the EU external relations. One can like or dislike the way the member states make decisions in the field of the EU foreign policy; nevertheless that's the reality of the EU internal decision-making process.

³⁰ „Ukraine suspends talks on EU trade pact as Putin wins tug of war“, *The Guardian*, November 21, 2013. Available online: <http://www.theguardian.com/world/2013/nov/21/ukraine-suspends-preparations-eu-trade-pact>.

³¹ „Ukraine's revolution and Russia's occupation of Crimea: how we got here“, *The Guardian*, March 5, 2014. Available online: <http://www.theguardian.com/world/2014/mar/05/ukraine-russia-explainer>.

The EU looks like a heavy-footed elephant on international scene that might be characterized as follows: it takes too much time for him to start to move, however if it starts to move it is very difficult to stop him.³² The EU responded on Russian tanks in Georgia in 2008 by a consensual decision to expand single market to the post-Soviet area. In other words, the EU elephant decided to move to post-Soviet area after war in Georgia. And that's why the EU is a direct part of the Russian-Ukrainian conflict and should adjust both its institutions and policies to approach the problem. Definitely, it will take some time for it, but no doubt there is a high probability it will happen the same way as it has been happening over the last three decades.

3. Thinking about the upgrade of the Eastern Partnership after Riga

The main outcome of the fourth Eastern Partnership summit held in Riga on 21–22 May 2015 is that it reconfirmed the EU commitments to the basic goals of the Eastern Partnership and highlighted a priority to the EU relations with Georgia, Moldova, and Ukraine, e.g. the partner countries that are both willing and ready to continue in their European integration tracks through the implementation of AA/DCFTAs. After Riga, there is a clear differentiation between the associated partner countries (Georgia, Moldova, and Ukraine) and the non-associated ones (Armenia, Azerbaijan, and Belarus).³³ However, there is a need in further upgrade of the Eastern Partnership that should be approached as the core component of the wider EU strategy on Eastern Europe.

The only track along which one can seek for an effective EU policy, including possible upgrade of the Eastern Partnership as the consequence of the Russo – Ukrainian crisis, is the expansion of the single market and in the end the enlargement of the common area of four fundamental European freedoms. The EU cannot resign on what it is and the way it has been dealing with European crises in the past as well as delivering to European integration process for more than last three decades. Definitely the EU cannot stop its enlargement policy towards those East European nations

³² Author's inspiration by a metaphor of „the EU as elephant on international scene“ comes from the writing by M. Emerson with N. Tocci, M. Vahl and N. Whyte, *The Elephant and the Bear. The European Union, Russia and Their Near Abroads*. Brussels: Centre for European Policy, 2001. Available online: http://aei.pitt.edu/32565/1/4_The_Elephant_and_the_Bear.pdf.

³³ „Joint Declaration of the Eastern Partnership Summit (Riga, 21–22 May 2015)“, *European Union External Action*, 22 May 2015. Available online: http://eeas.europa.eu/eastern/docs/index_en.htm.

which are willing to join the project. The only force which can stop the enlargement of the EU in Eastern Europe might be incapacity of societies of partner countries to accept necessary and painful reforms and/or in other words the failure of their political elites. Absolutely, it is not Russian tanks. Prospects for the upgrade of the Eastern Partnership should be identified in the same way as it has been done in the past via resetting contractual arrangement or set of arrangements with Eastern neighbours that will facilitate the expansion of the EU single market in Eastern Europe.

When it comes to tactics the key issue that should be discussed in the EU capitals is member states' standing on trilateral talks with Russia and Ukraine over Ukrainian AA/DCFTA. First, the EU and Ukraine should not resign on the substance of the association agreement or accept any change of any agreed provision of the AA/DCFTA. The EU cannot afford any deal with Russia at the expense of the state sovereignty of partner countries. This should be the clear redline for the EU diplomacy. The political part of AA should not become a subject to any trilateral talks. What might be discussed and eventually adjusted is a prolongation of transitional periods in case of selected trade commodities included into DCFTA should Russia have reasonable trade, social and/or economy based arguments. Sanctions on Russia should continue unless the solutions for Donbass and Crimea acceptable for Ukraine are found. The EU could recognize Crimea as part of Russia only on the proviso that Ukraine does it first. Nevertheless the EU should consider an option for promoting talks between Russia and Ukraine on resolving technical infrastructural problems of people living in Crimea having in mind that electricity, natural gas and water supply of peninsula completely depends on Ukraine and its resources, and second, that Russia should compensate both moral and material loss of Ukrainian state, nationals and companies in Crimea. Return to relations with Russia a la business as usual shall not be possible unless Russia stops her military aggression and/or threatening by military means to Eastern partner countries.

Second, the challenging task for the EU diplomacy is to use trilateral talks with the aim to bring more realistic perspective for a launch of free trade area (FTA) talks with Russia/Eurasian Union. The task should be two-tiered, e.g. the EU has to be able not only to sustain association agreement with Ukraine, but also to motivate Russia to engage with the EU on FTA deal. The EU can do everything, but to behave against its nature, in other words, it should come up with a positive agenda offer to Russia, however, exclusively within prospects of moving Russia closer

to the contract with the EU that might facilitate expansion of the EU single market.

The test case for eventual contractual FTA deal with Russia/Eurasian Union might be a new EU agreement with Armenia, which failed to resist on Russia's pressure and has decided to depart from the AA/DCFTA deal with the EU. Trade part of a new EU-Armenia agreement should be drafted considering Armenia's membership in the Eurasian Union; however, it should facilitate as much of the free trade between Armenia and the EU as possible. In addition, the EU should invite non-associated partner countries, e.g. Armenia, Azerbaijan and Belarus, to engage in sectorial cooperation following a model of ENP Plus tools as proposed by Germany on the eve of its Council's Presidency in 2007, including prospects for conclusion of sectorial agreements that would facilitate integration of the non-associated partner countries into given sectorial parts of the single area of four basic freedoms of the EU.³⁴

When it comes to associated Eastern partners (Ukraine, Moldova and Georgia) the main task concerning the AA/DCFTA should be twofold: first, to upgrade the agreement with an offer of European perspective for Ukraine, Moldova and Georgia that is the partner countries implementing their association agreements, and second, to focus on the implementation of the agreements, including more robust assistance funding following at least model of the PHARE program offered to Visegrad countries in the 1990s. There is still a room for institutional upgrade of the association agreements with associated partners following the EFTA and EEA type of agreement the EU concluded with Island, Norway, Lichtenstein, and Swiss.

The type of the association agreement the EU has offered to partner countries under the Eastern Partnership (EaP) is the third most ambitious type of a contractual relation between the EU and third countries in terms of the degree of their economic integration via accession to the EU single market following the European Free Trade Area (EFTA) and European Economic Area (EEA) agreements. However, there is one important difference between the EFTA and EEA agreements on the one hand and the EaP association agreements on the other hand, a difference which has to do with the access to EU institutions. Even though the EFTA and EEA countries (Iceland, Lichtenstein, Norway, and Swiss) are not the EU members they have a

³⁴For analysis of the ENP Plus proposal see A. Duleba, L. Najšlová, V. Benč, V. Bilčuk, *The Reform of the European Neighbourhood Policy. Tools, Institutions and Regional Dimension*. Bratislava: Research Center of the Slovak Foreign Policy Association, 2008. Available online: <http://www.sfpa.sk/dokumenty/publikacie/217>.

right to participate in the process of formation of the new EU trade related acquis in the status of observers at the level of expert working groups of the Council. Similar institutional mechanism might be included also into EaP agreements once the partner countries achieve sufficient levels of implementation of the AA/DCFTA. Offering an observer status to Ukraine, Moldova, and Georgia in the working groups of the Council of the EU would be an important upgrade of the existing institutional setting of their relations with the EU.

Furthermore, the EU should consider a combination of AA/DCFTA with an option for concluding sectorial agreements should Ukraine or any other willing associated partner country be ready to go faster with harmonization with EU acquis in a given sectorial policy. The full implementation of AA/DCFTA will take rather a longer time period for EaP countries than it did in case of the Visegrad countries, e.g. seven to eight years. If realistically it will take around ten years what is too long period of time. It would be a strategic mistake of the EU not to strengthen its contractual relations with partners in the meantime via sectorial contracts aiming at achieving the main goal, e.g. the implementation of comprehensive AA/DCFTA. Should Ukraine be ready to go faster in harmonization with the EU acquis in a given sectorial area it should be offered a sectorial agreement before the completion of the AA/DCFTA. In the end all such sectorial agreements will become a part of the AA/DCFTA.

And finally, the EU should upgrade the Eastern Partnership by adding a missing security component even if not in military terms. First, it should expand the Energy Union it started to develop in 2015 with the aim to strengthen its energy security vis-a-vis by involving Ukraine and Moldova that joined the European Energy Community. Second element of a security component of the Eastern Partnership might include protection of state borders of the association partner countries as a part of promotion of their territorial integrity and state sovereignty. Anyway the EU has to come into terms of understanding that Eastern Partnership should be much more policy driven process than just purely technocratic exercising in the field of harmonization with the acquis communautaire.

The capacity of the EU to sustain its nature as the European integration project is being tested by the Russian-Ukrainian conflict. The current crisis definitely poses the question about how Europe will look like in 20 years to come but also the question about a sense of what the EU has achieved within the last three decades. There is too much at the stake.

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