

Consultation:

"Towards a new European Neighbourhood Policy".

Policy proposal for the review of the Eastern Partnership

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Abstract

*Taking into consideration the political relevance of the Eastern neighbourhood (referring to Russia and former Soviet republics) and the Eastern dimension of European security, the European Neighborhood Policy should focus more on the Eastern Partnership regarding the specific security challenges in the extended Black Sea Area such as frozen conflicts. We recommend the EaP should develop a better targeted approach for three states – Georgia, Republic of Moldova and Ukraine and within these cases a more strengthened EaP to focus on **the political and security aspects**, which include: promoting democracy, common values, rule of law, co-operation in the field of foreign and security policy, civil service and local administration.*

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The European Union's (EU) "neighbourhood" hosts some of the world's main unresolved conflicts. Eastwards, in the former Soviet space conflicts have become "frozen" after *de facto* secession, as in the cases of Abkhazia and South Ossetia, Transnistria and Nagorno-Karabakh, while the current events in Ukraine show that the potential for violent conflict in the region has not been exhausted. Southwards, in the Middle East the dominant conflict with recurring violent episodes remains the one between Israel and the Palestinians, despite the international community's constant mediation attempts. As the EU is currently revising the European Neighbourhood Policy it should emphasize the ways in which this policy can address crises and conflicts in the Union's geographical proximity.

In order to develop a more targeted proposal, we will mainly focus on the following questions:

How should the ENP address conflicts and crises in the neighbourhood?

More specifically, we will analyse *how the EU could manage through the EaP the security issues at its Eastern border.*

Presently the EaP represents a middle way framework in which the EU is trying to implement an incremental method in order to develop an economic and political relationship with six Eastern European states without giving clear perspectives. We consider that the EaP should correlate the perceived needs of the partners with the activities and the purpose of the program since presently they do not converge.

Recent analyses show that EaP countries remain ambivalent and divided between the pro-Western and pro-Russian communities¹. In this context, we believe that the EU and its Member States need to do more together to address the security threats that arise from conflict situations, from organised crime to terrorism, and to develop their ability to jointly manage crises and human losses. **Business as usual is no longer an option**, taking into consideration that in the area we can identify a very diverse set of political realities:

- states that wanted to become EU member states like Moldova, Georgia and to a certain extent Ukraine;
- states that did not want to develop a closer approach towards the EU like Belarus and Armenia;
- states that wanted to balance both the EU and Russia like Azerbaijan;
- states that presented domestic vulnerabilities like frozen conflicts: Moldova-Transnistria, Georgia-South Ossetia and Abkhazia, Armenia and Azerbaijan-Nagorno Karabakh;

1 Vanda Amaro Dias, "The EU and Russia: Competing Discourses, Practices and Interests in the Shared Neighbourhood", *Perspectives on European Politics and Society*, 2013, 14:2, 256-271.

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- states that present themselves with a large number of Russian speaking minorities which create domestic fragmentation and are connected with separatist movement - Moldova, Ukraine, Georgia;
- states that have foreign military presence on their territories - Moldova;
- states that are energy exporters - Azerbaijan;
- states that are transit countries - Ukraine;
- states that are approximately 100% dependent on Russian natural gas like Moldova.

The 6 years of EaP implementation showed that that EU's political agenda, together with its economic integration agenda and the security agenda created centrifugal forces instead of synergies, as it was initially intended. However, despite several misunderstandings and resistance to change, we believe that the EaP is not a failure when looking at the development of the relations with Moldova, Georgia and Ukraine (especially the fact that the three countries signed the AAs, DCFTAs).

Frozen conflicts represent a serious challenge to the security, stability, and prosperity of the two Eastern Partnership countries (Georgia and Moldova). Also, the possibility of the development of a frozen conflict in the Eastern part of Ukraine is very high, which will affect the regional security. In this sense, the last 2 years proved that conflict resolution in the area cannot be achieved by using military force, but neither by soft power tools only. Their future settlement needs a complex approach that would involve not only political negotiation, but also civil society dialogues, confidence and partnership building and reconciliation.

Recommendations:

- In the particular case of Ukraine, Moldova and Georgia, the EU should stop allowing the potential membership perspectives to dominate the debate on the future of its relations with the three countries. Rather than that, **the EU should involve itself in social policies that will increase the quality of life for the citizens from those countries in order to decrease the fragmentation levels that are present in Ukraine or Moldova** since this is one of the main vulnerabilities that generate antagonistic views which are exacerbated by the political will. In this sense, **the EU should focus more on making the necessary reforms in order to advance with the implementation of Association Agreements and beyond.**

- The EU should provide **enhanced partnerships** but not necessarily *de jure* ones, within new institutional frameworks; working/efficient *de facto* arrangements would also suffice, as long as they interest the respective third country.

- Even if Moldova was known as the “success story” of the EaP between 2009 and 2014, the situation has changed since last year. The frozen conflict in Transnistria continues to represent a serious security challenge to the whole region. The conflict in Ukraine made Moldova even more vulnerable to Moscow’s meddling. The EU's involvement beyond the current “5+2 format” in Moldova will create the premise of a multilateral and mutual beneficial solution for all involved parties. More concretely, we would propose a “**6+1 formula**”, where the EU is integrated as a negotiating party, not just an observer. The

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current situation in Transnistria is considered to be a direct security threat by the Eastern border countries that automatically affects the security of the entire European Union.

- In this context we recommend a **more active role for the EEAS** in order to send a unitary message to the partner countries about what the EU can do and what it does not.

- In order to avoid the one-size-fits-all approach that has not yet delivered the expected results, the EaP should apply a more tailored approach vis-à-vis every partner and adapt the program to their specificities. There has to be a truly shared vision of the relations between the EU and its neighbours, not just a unilateral one which feeds its in-built asymmetry. Given the characteristics of the region, through the EaP the EU should have post-conflict reconstruction and confidence building competences especially in the case of Ukraine. This is necessary because the crisis is partly due the domestic vulnerabilities and to the very low level of security of the Ukrainian citizens that are caught in the middle between the rebels and the Ukrainian forces.

- The area raises political dilemmas to the member states – it is viewed both as a buffer zone or a corridor for further communication between the EU and Russia. EaP generated an antagonistic response from Russia, fact that destabilized the area. **Regarding the EaP and the EU's relations with Russia, we recommend that the EU** should not be driven by the desire to stop Russia or to balance it. Rather than that, Moscow should be viewed as a regional power that has a competing interest over the region, but with which it has to cooperate, as a positive and productive relationship is in their mutual interest. In order to generate regional trust, civil servants and independent experts from both the Eurasian Union and the European Union should participate to bi-annual consultations within dialogue platform meant to explore ways of future economic cooperation between the two organizations and their regional partners. This idea builds on the Romanian Ministry of Foreign Affairs' proposal of setting up security trusts for dialogue on security issues (April 2015).

Should CFSP and CSDP activities be better integrated in the ENP framework?

Although conflict management *per se* was not among the initial objectives of ENP, its underlying logic serves it well. By providing political association and deeper economic integration with the EU, together with increased mobility, the partner states are incentivised to contribute to ensuring stability, to commit to sharing EU values and to support regional cooperation. Crisis management and stabilisation through CSDP thus represent an essential EU tool in addressing crises and conflicts in the (extended) neighbourhood, but the Union does not always employ its entire “toolbox”. The ENP already has policy linkages with CSDP missions by including them in Platform 1 – Democracy and rule of law. The EU can thus help foster sustainable peace in third countries by supporting capacity building for local authorities through CSDP missions, alongside financial assistance and political dialogue undertaken through the ENP. Some of the lessons learned from the EU's involvement in conflict management in Georgia, for example, can help shape the discussion about a greater integration of CFSP/CSDP and ENP.

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In the Georgia/Abkhazia and South Ossetia case, despite being co-chairman of the Geneva International Talks and the only actor providing an international presence on the ground, the EU has not proven capable of outdoing Moscow's influence or of transforming the political options of the separatist parties. The EU's undertaking of the so-called "apolitical peace-building"², meaning the funding of peace-building projects aimed at reforming the socio-economic, institutional and cognitive conditions of the frozen conflicts, but with no political conditionality. Although this approach favoured by the Commission helps with gradual bottom-up conflict transformation, it cannot substitute for tackling the conflict with the highest political involvement.

Recommendations:

- We believe that the **security sector reform** should be given greater importance in the ENP/EaP. **Beyond the existing missions on the ground (EUBAM, EUMM) we propose the deployment of a robust capacity building CSDP mission that would send a much stronger message than technical cooperation and access to EU funds and expertise, as desirable as they may be.**
- We propose a mandate of at least 5 years for the CSDP missions in the area. If maintained in theatre for a longer period of time, these missions can establish linkages with other EU policies, thus making the comprehensive approach work. Also, **the EU Special Representatives and EU delegations in EaP countries** should be given a **stronger political mandate** that enhances the possibility of political dialogue which could ultimately alter the parties' behaviour.

Should it have a greater role in developing confidence-building measures and post-conflict actions as well as related state- and institution-building activities?

The EU needs to continue to oppose border changes brought about through use of military force. Nevertheless, the EU should enhance its support for confidence-building strategies and outreach to breakaway territories, for international efforts and structures related to the conflicts, and, once that stage is reached, for the implementation of conflict settlements. Many of the instruments used in the neighbourhood to promote economic integration and sectoral co-operation could also be mobilised to support confidence-building and conflict-resolution objectives.

Recommendation:

- We recommend that the EU must concentrate on those areas of cooperation where it can have the most constructive impact. Specific measures will have to be taken to

2 M. Merlingen and R. Ostraukaité, 'EU peacebuilding in Georgia: Limits and achievements', in Blockmans, S., J. Wouters and T. Ruys (ed.), *The European Union and Peacebuilding. Policy and Legal Aspects*, the Hague, T.M.C Asser Press, 2010, p. 291.

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prevent irregular migration, help these states manage their borders effectively, ensure document security and fight against organised crime, corruption, trafficking in human beings and smuggling of migrants. The justice reform and efficient border management are two areas that can have a huge impact for all EaP countries and Moldova in particular. In states that have frozen conflicts on their territories and contested statehood, the ability to control customs and to enforce the law is very important for their functioning. For example, currently Moldova's Justice Sector is undergoing a huge transformation, owing to the EU's technical and financial assistance. Moreover, the EU was instrumental in reforming Moldova's Interior Ministry and Customs.

- The EU Eastern border member states like Romania should provide direct assistance and trainings for border management and lead the process of creating a regional cluster for expertise transfer in good practices in border management.

In conclusion, we believe that the EU needs to stay engaged in its Eastern neighbourhood because it must set a clear signal to Moldova, Ukraine, and Georgia. Taking into consideration all of the above, we believe that the Eastern Partnership project is more relevant than ever and that the revision of the ENP should focus on making it work.