

Dimensions and Implications of Eastern Partnership Policy: Introduction

Tanel Kerikmäe

An official definition for the core theme of the given book has been given by the European Union External Action:

The Eastern Partnership (EaP) is a joint initiative of the EU and its Eastern European partners: Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine. Launched in 2009 at the EU Prague Summit, it brings our Eastern European partners closer to the EU. The Eastern Partnership supports and encourages reforms in the EaP countries for the benefit of their citizens.¹

We have to admit that the posed objectives and aims of the EaP are not in compliance with the actuality. The success stories are clouded by frustration, mismanagement, failures, unexpected obstacles, blame put on each other. Although the whole European Neighbourhood Policy (ENP) is currently in repairs, the achievement of intentions requires lots of resources and political will from both sides. This volume is based on current lessons learned and, therefore not dedicated to country-specific studies of Belarus, Azerbaijan or Armenia, as, in the context of the EaP, there is not much to celebrate. This fact is presented by several scholars, e.g. by Pawel Dariusz Wiśniewski from Carnegie Centre.² Critical view is also presented by Adam Hug from the UK-based Foreign Policy Centre, who claims that “the EaP was transformed by events from a broadly technocratic exercise into a geopolitical fault line between Europe (and the wider West) and Russia”.³ Surely, the “Russian factor” cannot be ignored when delving into the analysis of EaP strategies. Fierce critical comments by Moscow are further supported by international independent and “independent” experts. For example, Dr Heinrich

¹ http://eeas.europa.eu/eastern/index_en.htm.

² Wiśniewski (2013).

³ Hug (2015).

T. Kerikmäe (✉)

Tallinn University of Technology, Tallinn Law School, Tallinn, Estonia

e-mail: tanel.kerikmae@ttu.ee

Bonnenberg from think-tank Atlantic Community states loudly that “the effort has been a Western European attempt to strip these countries of their historical ties with Russia”.⁴ In spite of different approaches, the fact is that the Vilnius summit (2013) was not a heyday for the EaP. Despite the fact that the tools constructed by the EU for the EaP civil society and business circles to communicate with European ones, the overall effectiveness of the EaP can be questioned.

The current book is a cooperation project of several outstanding professionals from various nationalities. Besides all of them being academic researchers, many have obtained empirical experience while representing some of the EaP countries or being involved in the topical EU-funded projects. The set of articles is diverse—the book discusses the Eastern Partnership from the perspectives of several subject areas, i.e. political, economic, social, and also refers to techniques of e-technology and digital communication as innovative tools to achieve the objectives of EaP. In our first chapter, Ukrainian, Spanish and Estonian authors (the lead author, Dr. Vlad Vernygora) open the discussion on substantive political dilemma of the EaP. The discussion helps to apprehend the positioning of the EaP in the context of the EU wider ambition and contributes to understanding its essence behind the EaP’s formal and visible concepts. Today, the horrors of war in Ukraine with tens of thousands of killed soldiers and civilians, with more than million displaced, are impairing the credibility of the EaP and intensifying instability in other partner countries. Frequent accusations towards the EU being irresolute have led to the core of the issue—what is the EU’s responsibility as an international actor, e.g., in terms of EaP? The authors of the aforementioned chapter claim that the EaP *per se* is built on “systemic conflict” that is revealed by increasingly apparent collision between “imperial paradigm” and “pragmatic functionalism”.

Another chapter, written together by a Latvian academic fellow, Prof. Muravska, and Dr Berlin, the honorary director of the European Commission, is seeking for an answer to the effectiveness of EaP from an economic point of view, relying on facts and figures that illustrate the microeconomic and fiscal indicators of the six EaP countries. The advantages of the EaP policies for partner states are being analysed in comparison to possible alternatives, such as the EAEU, where Russia has a leading role. The authors indicate that the EU is seen as a “soft power”. As the EU market is related to certain social values, the EaP economic dimension should not only be dependent on what has been agreed upon at inter-governmental conferences. On the contrary, the reluctance of the EaP countries’ governments towards the reforms cannot justify “closing the door” by the EU as a standard setter. Instead, the dialogues with civil society and all the stakeholders in EaP countries (business and academic circles) should be further encouraged—in the longer perspective, these debates are relevant for determining and ensuring the Europe-minded perspective of a particular state.

As digital language is becoming *lingua franca*, at least for the new generation of EaP citizenry, colleagues from Bremen/Lüneburg/Tallinn unpack the EaP from the

⁴ Bonnenberg (2014).

perspective of Information Society and ICT, which, according to the researchers, has become more concrete and defined over time. Association agreements are analysed from the digital communication dimension, and the EU is encouraged to “preserve its first position as an exporter of digital services in the future”. The author from Belarus continues the discussion, explaining convincingly that a democratisation could be more efficient by practicing e-democracy as “a new opportunity for participatory democracy” in general. The contextual appearance of ICT in the EaP dimension is developed by Prof. Katrin Nyman-Metcalf and a Slovakian researcher. Both authors have empirical experience through their activities in the e-Governance Academy based in Tallinn. E-governance issues are debated beyond the technical aspects, rather focusing on European values behind the digital communication. Estonia, often called the EU flagship country in the field of e-technology, has clear advantages in “selling” the concept of electronic government to EaP countries. The authors have selected Moldova and Ukraine to serve as sample countries where relative success is more apparent than elsewhere.

Three next chapters by colleagues from Tallinn Law School are moving the discussion to the social arena. Dr Joamets talks on harmonisation of family law and its impact on the EaP. Again, the primal question is based on values, although the author indicates that some of the EU Member States can act as conservatively as EaP countries and the struggle between emerging human rights and old traditions may have similarities. At the same time, aspirations of the EU can be followed by the EaP societies that would make the finding of common future easier. Dr Lehte Roots is focusing on migration topic and provides an overview of international agreements in the field of EaP. She introduces the framework of Mobility Partnerships and Common European Asylum System through relevant EU legal instruments. A doctoral student Hamed Alavi from Iran screens the EaP through protection of environment (greener decisions) with emphasis to DCFTA’s, mobility of citizens, sectoral cooperation (energy, transport), institutional reforms, etc. Dr Hoffman from Germany is persuasive when critically screening Ukrainian private law through its ambitions to become European like. He presents the factors that are still slowing down Ukrainian Europeanisation, e.g., business transactions, effectiveness of anti-corruption measures and digitalisation of legal space.

Further chapters are related to concrete EaP countries and reveal criticism, hopes and suggestions. Professor Roman Petrov from Ukraine is concerned with constitutional challenges of Georgia, Moldova and Ukraine, and screens intricately achieved Association Agreements through the standpoint of Prof. Van Elsuwege. The chapter, written by two Ukrainians—colleague Dr. Evhen Tsybulenko and his co-author from Mariupol—are dissecting the hybrid war in Ukraine, pointing out the expectations of Kyiv and encouraging EU to reform the ENP as taking account the tragic events during the last years.

The Europeanisation process in Georgia is argued by a colleague, Dr. Chochia, and researcher Johanna Popjanevski from Sweden-based Institute for Security and Development Policy.

A former student of Tallinn Law School, Dali Gabelaia, is critically challenging the perspectives of Georgian “European Dream”. The paper gives a detailed overview

of Tbilisi's relations with the EU and pulls out certain problematic areas as seen by Georgian side such as the EU-modelled equality/non-discrimination and personal data protection. At the same time, the author is straightforward with reflecting the main reasons for Euroscepticism (such as occupied territories in Abkhazia and South Ossetia). Another case study on Georgia is presented by Dr Andguladze, discussing Europe-like-modelled schemes of legally non-binding rules on Georgian media landscape (self-regulation, ethics charters, etc.) with the examples deriving from Sweden, the UK, Germany and Estonia, as well as the jurisprudence of the European Court of Human Rights. Similar topic concerning Moldovan Europeanisation of television and media is discussed by a Romanian scholar, Onoriu Colácel.

The book concludes with the paper of researchers from my university's business faculty (TSEBA), presenting the perception of Baltic-Russian innovation in the context of the EaP with emphasis on cross-border political-economic cooperation. As discussed before, the success of the EaP depends, or at least it is highly influenced, on "Russian factor" and unpredictability of further political climate may well be reduced with pragmatic cooperation that cannot, of course, threaten the rule of law and the agreements within the framework of the Eastern Partnership.

Has the EU so far failed to provide alternative political-economic route of being clung to Russia (to at least half of the six EaP countries)? Rethinking the past EaP strategies is unavoidable, but positive effects of EaP cannot be underestimated. New initiatives must become more pragmatic and goal oriented from both sides. The key for EaP's success is to respect each other and not to get entangled in ambiguous promises. As Elena Korosteleva alleges, the partnership elements were mostly prioritising EU-laden agenda.⁵ Hopefully, the Eastern Partnership Parliamentary Assembly will accelerate the constructive dialogue between the EU and its Eastern partners in order to create the atmosphere of parity and respect for each other.

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⁵ Korosteleva (2014).

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The Eastern Partnership Programme: Is Pragmatic Regional Functionalism Working for a Contemporary Political Empire?

Vlad Vernygora, David Ramiro Troitino, and Sigrid Västra

Abstract Focusing on the Eastern Partnership Programme (EPP), this paper ponders on discerning a principal reason because of which the European Neighbourhood Policy (ENP) was not able to help the EU in establishing and running a proper strategic framework where the entity could feel confident and secure, comfortably ‘communicating’ with its immediate neighbourhood in the European East. The article represents an interpretational type of theoretical analysis and argues that pure political driving forces of desirable cooperational or confrontational activities dramatically affect the outcome. This paper claims that the EPP’s ‘innate’ functional nature has been clashing with the EU’s status of a *de facto* contemporary political empire, and the situation has eventually resulted in the self-admitted necessity for the EU to comprehensively revise the ENP/EPP. The argument here is as follows: being a function-driven entity presumes relative freedom in making choices; being an empire leaves an entity with no other choice but to ‘behave’ like an empire in terms of expanding further into its periphery.

1 Introduction

[...] whether I am a trembling creature or whether I have the right.—Fyodor Dostoyevsky¹

At some point in history, the European Union (EU) had to realise that, as a large geo-political entity with borders, it was destined to have neighbours. This statement could have been considered exaggeratingly sarcastic, if it had not been a reflection

¹ Dostoevsky (1917), Part 5, Chapter 4.

V. Vernygora (✉) • D.R. Troitino
Department of International Relations, Tallinn School of Economics and Business
Administration, Tallinn University of Technology, Tallinn, Estonia
e-mail: vlad.vernygora@ttu.ee; perdices57@yahoo.es

S. Västra
Tallinn University of Technology, Tallinn, Estonia
e-mail: sigrid.vastra@gmail.com

of reality. The European Neighbourhood Policy (ENP), established only in 2004, was the EU's late but, nevertheless, direct functionalistic response to an obvious need. The official Brussels was aiming at creating a **framework** that would be successfully containing the complicated set of **relationships**, which the entity had been trying to enjoy with its immediate and not-so-immediate neighbourhood. In any case, it is impossible to wave aside a fact that the EU has been investing "considerable political capital and financial and bureaucratic resources in the development of relations with neighbouring states and regions".² The highly integrated part of the European continent through its declared objective—to avoid "the emergence of new dividing lines" between the EU and its neighbourhood and strengthen "the prosperity, stability and security of all"³—saw the relatively seamless development of the ENP in years to come. At least, the idea was then characterised by academia as a "model of 'deep integration' through an ambitious network of free trade agreements"⁴ and, perhaps, a debate-provoking mechanism regarding a decision to be made on the limits of Europe.

With the time, having being solidified by elements of *ad hoc* crisis management, some of the examples of the ENP-originated activities have been generally positive and mutually beneficial (the EU's interactions with Georgia and Moldova). There are also few cases where the EU has not been taking any delight out of its involvement in the process—Syria, Belarus and Libya have been staying outside most of the ENP-framed interconnections. By 2007–2008, the EU started receiving plenty of critical feedback on the ENP from academic circles. For example, Haukkala suggested that, while the EU made many efforts to exercise its skill as the continent's hegemonic "normative entrepreneur", its neighbourhood policy should be based "more on tangible cooperation with more modest rhetoric and clearer material incentives" and "less on heavy normative convergence and harmonisation".⁵ In his turn, Edwards talked about the ENP's ambiguous and uncertain results; the scholar also made a comment on the "lack of clarity, inconsistency and incoherence" between the EU bureaucracy and Member States, with messages coming from the EU being described as "mixed and confusing".⁶

Having spent the initial five laborious years on relationship building with the neighbours as different as Tunisia and Ukraine, the EU made a logical decision to start visualising its vicinity through the prism of splitting the neighbourhood into different groups. This is how the ENP's very own Eastern Partnership Programme (EPP) was 'born' in May 2009, all in order to draw a well-marked line between the post-Soviet Six (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine) and other neighbours. Arguably, this exercise of distinguishing the European lot of designated neighbours from non-European ones was clearly of geo-political nature,

² Cottey (2012), p. 375.

³ European Neighbourhood Policy (2015).

⁴ Gould (2004), p. 195.

⁵ Haukkala (2008), pp. 1604–1605, 1618.

⁶ Edwards (2008), p. 46.

sending around a hint about the EU's intentions concerning the complicated but undoubtedly 'European' East. The Romano Prodi's desire to prevent "the others"⁷—in the post-Russo–Georgian War period, 'the others' fell to mean 'Russia'—from determining the limits of the EU-bound European continent received a distinctly practical dimension. After all, in accordance with the Treaty on European Union, the normative side of the process has always been commencing with a geography lesson—the EU is open to all European countries.⁸

The dramatic failure of the EPP's Vilnius Summit in November 2013 was a 'wake-up' call for the EU's External Action Service. Not only did Ukraine's corrupt political regime (being 'helped' by no less corrupt Russia) drive the country away from signing the much anticipated Association Agreement with the EU and cobble the way for another *Maidan*, but the EU had to realise the fact of its **tactical** unpreparedness for playing a full-scale geo-political game with Russia on a big Ukraine, not to mention smaller states like Armenia. The existence of 'pro-Ukraine' and 'contra-Ukraine' groups of countries within the EU⁹ has perennially been a secret of *Polichinelle*, but both High Representative for Foreign Affairs and Security Policy/Vice-President of the European Commission Catherine Ashton and Commissioner Štefan Füle (frequent visitors to Kyiv in 2012–2013) were very determined to preserve the "unbearable lightness of permanent integration".¹⁰ Their *fiasco* in Vilnius was of an extraordinary kind, and, in March 2014, 10 turbulent years later after ENP was announced, while proudly reminding the outer world that the EU's financial framework for 2014–2020 has provided for "the level of funding secured for the neighbourhood" to be accounted for an astonishing EUR 15.4 billion, the European Commission nonetheless had to declare that the process "in implementing reform commitments [in the designated neighbourhood] has been uneven".¹¹ The 2015 public consultation process, initiated by the EU's External Action Service and the European Commission, on "the future direction of the ENP" will be eventuating with "concrete proposals"¹² regarding the difficult matter. What it has already signified is that the results of the ENP's decade-long implementation are far from what the EU ever expected.

With a focus on the EPP, this paper ponders on discerning a principal reason because of which the ENP was not able to help the EU in establishing and running a proper strategic framework where the entity could feel confident and secure, comfortably 'communicating' with its immediate neighbourhood in the European East. It is also a try to contribute to an international scholarly debate on the ENP/EPP, which, in point of fact, has brought up two 'heavyweight' enquiries—"what kind of political community the EU is becoming and what are the limits of its

⁷ Prodi (2002b), as cited in Wilson (2013), p. 77.

⁸ See Consolidated version of the Treaty on European Union (2012), p. 43, Article 49.

⁹ See Kuzio (2003, 2012).

¹⁰ Vernygora (2013).

¹¹ Neighbourhood at the crossroads—taking stock of a year of challenges (2014).

¹² Towards a new European Neighbourhood Policy (2015).

power projections in the EU's neighbourhood".¹³ The article represents an **interpretational type** of theoretical analysis that admits that cooperative vectors in Europe are still linked to the issues of political economy. At the same time, it argues that pure political driving forces of desirable cooperation or confrontation are dramatically affecting the outcome whereas immensely assisting those who are trying to identify relationships in a given region. After all, "the economy is political"¹⁴ and has always been. In our specific case, this paper claims that the EPP's 'inbred' functional character has been constantly clashing with the EU's status of a *de facto* contemporary political empire, and the situation has eventually resulted in the self-admitted necessity for the EU to comprehensively revise the ENP/EPP. The argument here is as follows: being a function-driven entity presumes having relative freedom in making choices; being an empire leaves an entity with no other choice but to 'behave' like an empire in terms of expanding further into its periphery. Depending on what the EU really would like to become in the context of strategising its long-term interactions with the designated Eastern neighbourhood, the entity could **either** continue applying pragmatic functionalism when implementing the EPP but then be not so upset at a time of its next geo-political failure **or** show less hesitation in recognising its status as a modern political empire, apply its 'weight' on the EPP's initiatives, leaving functional schemes for cooperation with other regions (for example, for solving Europe's migration crisis that really threatens the EU's existence).

This paper's objectives are, **firstly**, to outline the dualistic operational nature of the EU's activities in the EPP-connected framework and, **secondly**, to prove that the EU's complex application of pragmatic functional approach in the framework of EPP is in systemic conflict with the unstoppable inertial empire-forming process within the EU. Few lines will be written on the Ukrainian case to illustrate the point. This work offers nothing more than an interpretation—one of many—of the EPP-bound framework; it also accentuates the fact that both imperial and functionalistic paradigms have great 'value added' components to academic debates on the EU's interactions with its designated Eastern European neighbours.

2 The EU's Imperial Paradigm and Pragmatic Functionalism

From one side, the ENP appeared to be a general multidimensional policy that would be highlighting the privilege and, to some ironic extent, luck of an EU's neighbour to be designated by the entity as an EU's neighbour.¹⁵ Normatively, as noted by Dimitrova, the 2004 European Neighbourhood Strategy Paper declared

¹³ Dimitrova (2012), p. 249.

¹⁴ Keohane (1984), p. 21.

¹⁵ Vernygora (2013), p. 94.

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