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EU Policies Towards Russia, Ukraine, Moldova and Belarus

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Introduction

The relations between the European Union and the Soviet successor states, including the four mentioned in the title of this paper, were taking shape from early 1990s parallel to the development of the Common Foreign and Security Policy (CFSP) in the aftermath of the break up of the USSR. They evolved on the basis of the Partnership and Cooperation agreements concluded with the countries concerned in the mid 1990s, as well as, in some cases, on the basis of CFSP Common Strategies towards individual countries, and/or decisions by the Council of Ministers. In most cases, it was and still largely remains the domain of the European Commission policies, and only recently the CFSP institutions of the European Union have started getting more actively involved into pursuing cooperation with some nations in the region. This is particularly true with regard to the evolving ‘strategic partnership’ of the EU with Russia.

The EU policy towards the countries concerned, as the CFSP in general, is yet far from being a single policy of a single actor. It is not only an evolving product of mutual adjustment of different national policies on the basis of a common denominator; it is also rather gradually emerging through the development of “binding orientations” and “increased coherence of EU and Member States action”¹.

The management of the emergence of Newly Independent States (NIS), the support of the economic and political transformation of the NIS towards markets, democracy and the rule of law, has confronted the EU with a series of challenges. This is no less true with regard to the management of the prospective direct neighbourhood exactly with the countries under consideration – Belarus, Moldova, Russia and Ukraine – in the course of the EU enlargement to East Central Europe (ECE). However, this part of the Union’s policy has never enjoyed the highest priority. The internal reform and the gradual development of the European Union, as well as the management of the forthcoming enlargement, for all sorts of reasons, have been and remain the immediate preoccupation of the EU and its member states. Later in the 1990s, the stabilization and peace-building in the western Balkans have shifted the focus of the EU policy further away from the NIS which is, *inter alia*, reflected in the significant redirection of the assistance funds. Within the CARDS assistance program for the western Balkans, the EU has allocated €4.65 billion for the period from 2000 until 2006. For the same period of time, it has allocated €3.14 billion for the TACIS assistance programme addressing the problems of the Soviet successor states and of Mongolia².

This, as a number of other factors as well, largely explains why the EU policy towards the four countries under consideration was, and remains, a work in progress, for the European Union itself, and the CFSP in particular.

The underlying assumption of the EU policy towards the NIS in the early 1990s was determined by the expectation that the Soviet successor states would form a relatively coherent group of countries around Russia within the framework of the Commonwealth of Independent States (CIS). This is why, later in 1991, defining the criteria for the recognition of the NIS, the EU urged the latter to maintain close economic links with Russia and why it has never considered to offer any of the NIS either membership, or any sort of association.

¹ Country Strategy Paper 2002-2006 and National Indicative Programme 2002-2003, Russian Federation, 27 December 2001, p. 3. Available at: http://www.europa.eu.int/comm/external_relations/russia/csp/index.htm.

² See: “The EU’s relationship with the countries of Eastern Europe & Central Asia”, available at http://www.europa.eu.int/comm/external_relations/ceeca/ind_ex.htm; “The EU’s relations with South Eastern Europe” at: http://www.europa.eu.int/comm/external_relations/cee/news/ip01_1464.htm.

This approach still remains the foundation of the EU policy towards the NIS. The developments over the last decade reveal, however, that the initial expectation of the CIS states to remain a cohesive group has proven wrong. Not only did the CIS fail to develop as a viable framework of regional cooperation. There also was an increasing differentiation among the NIS which started to develop distinct perspectives as for the future of their relations with the European Union. Especially the European NIS, such as Moldova and Ukraine, sought to keep the option of an eventual membership open.

Though gradually differentiating its policies towards individual NIS, the member states and, therefore, the EU itself, were not at all responsive to their membership aspirations. Although representatives of the European Union underline that it does not wish to see neither “an exclusion syndrome” to develop on its eastern borders, nor new dividing lines to occur across the continent,³ it is mainly concerned with the little progress the NIS demonstrate in the economic and political transformation, and with the ‘soft’ security threats emanating from the future direct neighbours, such as: nuclear safety, organized crime, including drug trafficking and illegal immigration, the spread of diseases and environmental pollution.⁴

The gap in mutual expectations of the developing cooperation between the EU and the NIS, which clearly articulate their desire for membership, becomes the source of mutual frustration and controversy. This is especially true with regard to Ukraine.⁵

This paper examines the evolution of the EU’s common policy towards four Newly Independent States. It starts with the review of the major instruments of such a policy, mainly focusing on the PCAs concluded by the European Union with the respective individual countries. This review is followed by the examination of the four cases of

the EU’s policy towards Russia, Ukraine, Moldova and Belarus. The concluding part of the paper focuses on the lessons learned with regard to the EU common policy from those specific cases.

General frameworks

After the collapse of the Soviet Union, the EU offered the NIS a new instrument of *Partnership and Cooperation Agreements*. The PCAs were to replace the 1989 agreement regulating trade with the Soviet Union. The first NIS to sign the PCAs with the EU in 1994 were Ukraine (in force from 1998), Russia (in force from 1997), and Moldova (in force from 1998), followed by Belarus in 1995 (not yet in force) and other countries from 1996 on.

All PCAs were negotiated individually, so their terms vary in details. However, the basic objectives of all PCAs were:

- to establish a new trade regime with the NIS partially extending to them most favoured nations provisions (trade in several sectors were treated, however, by separate agreements);
- to institutionalise political relations, including political dialogue, in order to address relevant issues as well as to provide for the opportunity to further improve and expand cooperation. This dialogue develops within the Cooperation Councils, the Cooperation Committees, the Parliamentary Cooperation Committees established with each individual country, as well as at the working level; and
- to ensure conditionality of cooperation with and assistance from the EU upon the progress in political and economic transformation of the countries concerned.

PCAs offered neither a prospective membership, nor any sort of association with the European Union. The ultimate option to consider, pending substantial progress in transition, was to develop free trade with the European Union. These

³ “What the 21st Century holds for the EU–Russia Relationship”. Speech by Romano Prodi, President of the European Commission, at the European Business Club (EBC) dinner – Moscow, 28 May 2002. Available at http://www.europa.eu.int/comm/external_relations/russia/su_mmit_05_02/sp02_237.htm.

⁴ Judy Dempsey, “Enlarged EU agrees new ties with neighbours – Moldova, Ukraine, Belarus”, <http://www.europa.yam.ro/articles/2002/aprilie/17/1.html>.

⁵ See, i.e. Oleksandr Pavliuk, *The European Union and Ukraine* (Kiev, 1999).

provisions clearly distinguished the PCAs from the European agreements with the current aspirant countries. And they differ in that respect from the Stabilization and Association agreements currently considered for the western Balkan.

The EU technical assistance to the NIS (TACIS), being implemented since 1991 and administered by the European Commission, was supposed to be instrumental in supporting the goals of the PCAs and in helping the transformation of the societies and the economies of the countries concerned. Indeed, the EU became the largest provider of external assistance to those countries over the last decade, and has also hoped that this would largely support the conditionality it sought to establish within the PCAs framework.

The EU is also either the largest (Russia), or the second largest (Ukraine, Belarus) trade partner of those countries. Therefore, questions of trade do play an important role in its relationship with them, and are expected to provide the EU with specific leverage.

Given the increasing differentiation among the NIS, and different objectives the EU was pursuing with regard to them, the European Union gradually sought to differentiate its policies with regard to individual NIS, particularly by adopting *CFSP common strategies* towards some of them. The Common Strategy on Russia was adopted on 4 June 1999 in Cologne and was complemented in December 2001 by the EU Country Strategy Paper on Russia specifying the objectives and priorities of the EU policy in 2002-06. The Common Strategy on Ukraine was adopted on 11 December 1999 in Helsinki. Meanwhile, the EU is considering another common strategy to be developed with regard to three countries – Belarus, Moldova and Ukraine. Based on the provisions of the PCAs, such strategies sought to specify the goals of the European Union with regard to individual countries, identify particular areas of cooperation of mutual interest, and to focus the instruments available to the Union on those goals and areas. While being more specific and targeted, as well as while seeking to acknowledge the perspectives and the interests of the partners, the country specific strategies of the EU may prove a more efficient instrument based on a partially negotiated mutual understanding with the partners. They also shall increase the

cohesiveness of the policies of individual EU members with regard to the NIS concerned.

Regular meetings held at the level of presidencies, and at the senior government level within the Cooperation Councils, which are part of the *mechanism for dialogue* provided by PCAs, apparently function as the most important forums for ongoing adjustment of mutual policies of the EU and its partner countries for the definition of common objectives and the identification of the main avenues for cooperation. The dialogue conducted between the EU and Russia and Ukraine since 1999, after the respective CFSP common strategies had been adopted has shown much progress in the last years and is close to identifying the mode of their relationship for the near future. This may result, in the end, not only in a more specific but also in a more realistic approach on both sides, abandoning excessive ambitions and laying the ground for a more solid, productive and efficient collaboration.

The 1990s, however, have also revealed the limits and deficiencies of the EU common policy towards the NIS. Different from the ECE countries which have directed much of their effort over the last decade in order to meet the Copenhagen criteria and to prepare for taking over the *aquis communautaire*, the transformation policies in the NIS were predominantly driven by domestic considerations and by the consensus of relevant interest groups. The PCAs have obviously failed to provide any stronger incentive or rationale for those countries to accelerate reforms, and they have not provided the instruments to prevent or stop setbacks or even reversal of reforms in some countries concerned.

Similarly, the EU technical assistance to the NIS, while being initially guided by rather broadly defined goals of PCAs and not focused on achieving particular measurable progress, could only have marginal effect on the domestic developments. Though many projects have been implemented successfully, the TACIS program has failed to help to produce any serious systemic effect on the reforms in the countries concerned.

The NIS also had to learn that the EU is a rather complicated bureaucratic counterpart. The problem for Moscow, Kiev or Chisinau was not only to learn the complex, lengthy and often intransparent way decisions are taken in Brussels,

but also to understand the complex interplay of national and common authorities. The EU has proven to be a partner in the implementation of agreed terms of reference. However, should those terms be changed, or a political decision be taken, in most cases lobbying in Brussels has proven to be much less helpful than pushing in the capital cities of influential member states.

For those and other reasons, the instruments of conditionality developed and applied by the EU have not proven to be efficient. In many cases, the EU was unable to use its leverage to make a difference in the region when developments in the NIS went wrong. Most particularly, the linkage between democratisation and improved cooperation with, and technical assistance by, the European Union built into the concept of the PCAs has not worked as well as it may have been supposed to initially.

The case of Russia

The declared objectives of the EU policy towards Russia include: fostering political and economic stability; contributing to the strengthening of the rule of law through the development of efficient institutions as well as effective legislative, executive and judicial systems; supporting measures for a better investment climate in Russia; enhancing legislative harmonization with the EU; and cooperating in combating 'soft' security threats in the above fields.⁶

The political dialogue between the EU and Russia provides now for the most institutionalised framework for cooperation if compared to any other NIS. It includes regular meetings at the level of the presidencies, between the Russian prime-minister and the president of the European Commission. The work of the Cooperation Council, the Cooperation Committee and of the Parliamentary Cooperation Committee is complemented by a dense network of consultations at the level of Ambassadors and experts, and is supported by a number of high level task forces. The infrastructure of the EU – Russia dialogue goes much beyond the initial provisions of the PCA and extends to the

⁶ The EU's relations with Russia. See: http://www.europa.eu.int/comm/external_relations/russia/intro/index.htm.

discussion of CFSP and ESDP issues with the High Representative and other relevant bodies of the European Union.

The EU's policy towards Russia has also undergone some important evolution over the last decade. Initially guided by the vague idea of providing support for the systemic transformation, it did not have any specific focus. It picked up on the "Washington consensus" philosophy in the expectation that liberalization and privatisation would be at the core of the transformations to the market, and sought to support this development. Later on, the EU went on to recognize the limits of both, the concept as such, and of the instruments applied. In 1999, the evaluation of the country program for Russia has clearly highlighted the limited impact the EU assistance has had on the regulatory and policy framework in Russia. So, the normative approach of the EU policy was gradually shifting from a vague idea of a market transformation towards emphasizing the idea of a *partnership*, or of a *strategic partnership* with Russia in a number of areas including energy, development of a Common European Economic Area, and European security issues.⁷

Both the EU and Russia proceed on the basis of understanding that their relations over the years to come will evolve on a contractual basis provided by the 1994 PCA.⁸ Eventual membership of Russia in the EU is not an issue on the agenda. Moscow clearly pursues a policy of non-integration into the EU in order to maintain freedom of action, or, to put it in the language of the Russian documents, in order to "retain its freedom to determine and implement its domestic and foreign policies, its status and advantages of an Euro-Asian state and the largest

⁷ See, i.e. Iris Kempe, "Die Europäische Union und Russland nach dem 11. September", *Europäische Rundschau*, Vol. 30, No 2, 2002, p. 113-114.

⁸ This corresponds not only to the EU-vision but also to the Russian strategy approved in 1999 and reconfirmed by President Putin in 2000. See: "Medium-term Strategy for Development of Relations between the Russian Federation and the European Union (2000-2010)", in: Igor Ivanov, *Novaya Rossiyskaya Diplomatiya*. Desyat' let vneshney politiki strany (A New Russian Diplomacy. Ten Years of the Country's Foreign Policy). – (Moscow: OLMA-Press, 2002), p. 279. For the English text see: http://europa.eu.int/external_relations/russia/russian_medium_term_strat.../index.ht.

country of the CIS, independence of its positions and activities in international organizations”.⁹

Instead of membership, Russia and the EU both seek to develop a strategic partnership which, at least as far as European security is concerned, is based on the concept of shared responsibilities:

Russia and the Union have strategic interests and exercise particular responsibilities in the maintenance of stability and security in Europe, and in other parts of the world. The Union considers Russia an essential partner in achieving that objective and is determined to cooperate with her.¹⁰

Both the Russian and the EU strategies envisage, as a mid-term goal, progress towards the establishment of a *free trade area* which, in the understanding of the EU, shall be preceded by the Russian accession to the WTO.¹¹ Furthermore, the EU-Russian Summit held in Brussels in October 2001 agreed that their medium- and long-term economic strategy shall be aimed at the creation of a *Common European Economic Area* (CEEA)¹². The CEEA concept applied in the documents of the summit largely embraces the one encompassed in the EU strategy on Russia and focuses on the progressive approximation of legislation and standards between Russia and the European Union. This is largely the mandate of the EU-Russia High-Level Group established by the summit and charged with elaborating the concept of a CEEA:

The task of the High-Level Group is to elaborate a concept for a closer economic relationship between Russia and the EU, based on the wider goal of bringing the EU and Russia closer together. The High-Level Group will consider the opportunities offered by greater economic integration and legislative approximation and assess options for further work. It will also identify means and mechanisms to achieve common

objectives and consider the time-scale for implementation.¹³

The agenda of approximation of legislation and standards is to be complemented by the exploration of concrete scope for cooperation in “areas of established Russian expertise”, such as science, aircraft, space and energy.¹⁴

Should the High-Level Group succeed in elaborating a jointly accepted road map for harmonization of legislation and of standards, it could become an important new beginning largely overcoming the deficits of the less focused initial approach of the PCA. In the case of the aspirant countries, the task was clear though not easy: they were supposed to take over the entire *aquis communautaire*. The mandate of the High-Level group is more difficult: it has to identify to what extent the *aquis* needs to be taken over by a country which does not seek membership but is interested in benefiting from the participation in a common economic space. Should the group successfully complete its task and come up with the list of particular areas which require harmonization, as well as with a respective work plan, this could help very much to set clear priorities for the TACIS program, and to allocate its resources in a much better targeted way as it used to be before.

Apart from other areas of cooperation, two other issues have been in the focus of developing the ‘strategic partnership’ between the EU and Russia in the last years: developing an ‘*energy dialogue*’ and partnership; and exploring possibilities for closer cooperation in the field of the *security and defence policy*. Both projects have been launched by the EU-Russian summit meeting in Paris in October 2000¹⁵ and remain subject of discussions. Both areas, however, remain vague. The ability of Russia to contribute to the ‘energy security’ of the EU to the extent under consideration largely depends on the capacity of Russia and the availability of investment in order to drastically increase energy supplies to Europe. And the partnership in European security largely depends on the process

⁹ Ibid.

¹⁰ Common Strategy of the European Union of 4 June 1999 on Russia (1999/414/CFSP), L 157/2.

¹¹ Medium-term Strategy for Development of Relations between the Russian Federation and the European Union (2000-2010), p. 279; Common Strategy of the European Union of 4 June 1999 on Russia, L 157/2.

¹² http://europa.eu.int/comm/external_relations/russia/summit_10_01/dc_en.htm.

¹³ Ibid.

¹⁴ Common Strategy of the European Union of 4 June 1999 on Russia, L 157/5.

¹⁵ See:

http://europa.eu.int/comm/external_relations/russia/summit_30_10_00/statement_en.htm, and

http://europa.eu.int/comm/external_relations/russia/summit_30_10_00/stat_secu_en.htm.

of maturing ESDP on the side of the EU. It also remains an open question to what extent Russia will be able to share responsibilities with the EU in terms of maintaining European security.

It is to acknowledge that both the EU and Russia have demonstrated a pragmatic approach to developing cooperation. The ‘strategic partnership’ approach corresponds to the Russian self-perception as a regional power which does not want to be fully integrated into the multilateral framework of the EU but, at the same time, needs to develop closer cooperation with it. The European Union, in its turn, seems to have learned the limits of the impact it can have on Russian developments, and is basically fine with the idea of a cooperative partnership which helps to make cooperation in specific areas more operational and more focused.

Russia and the EU have made use of the tools provided by the PCA to engage in an intensive dialogue for the last few years in order to identify common goals for such a partnership. They are supposed to be close to coming up with several particular concepts as far as the CEEA and, probably, an energy partnership are concerned. The challenges ahead are likely to reside less in the lack of agreement concerning the goals but rather in the willingness and the ability of either side to implement joint decisions.

The EU has also learned the limits of the initial concept of conditionality implied in the PCA. It largely did not work in the relations with Russia, mainly for the reason that incentives, like the prospect to join the European Union, were not given on the Russian side.¹⁶ Thus the attempt of the EU to persuade Moscow, in the late 1990s, to stop the second war in Chechnya by freezing the implementation of many TACIS programs has had only limited effect.

The case of Ukraine

The 1999 EU common strategy on Ukraine spells out a number of widely defined ‘strategic goals’:

- to contribute to the emergence of a stable, open and pluralistic democracy in

¹⁶ See also: Iris Kempe, “Die Europäische Union und Russland nach dem 11. September”, p. 114.

Ukraine, governed by the rule of law and underpinning a stable functioning market economy which will benefit all the people of Ukraine;

- to cooperate with Ukraine in the maintenance of stability and security in Europe and the wider world. And in finding effective responses to common challenges facing the continent; and
- to increase economic, political and cultural cooperation with Ukraine as well as cooperation in the field of justice and home affairs.¹⁷

Similarly to the Russian case, the EU common strategy speaks of a ‘strategic partnership’ with Ukraine.¹⁸ Apparently seeking to please the partner in Kiev by spelling out far reaching goals, the institutions of the EU largely concentrate on the task of “bringing Ukraine in line with the legal frameworks of the single European market and the GATT/WTO system” with a prospective option of establishing a free trade regime.¹⁹ The particular objectives spelled out in the presidency’s work plans focus on:

- helping Ukraine to consolidate a full, stable and pluralist democracy governed by the rule of law and respect for human rights;
- supporting the process of economic and social reform in Ukraine and helping in the creation of the conditions for an efficient market economy that will enable the country to be integrated into the world economy;
- promoting co-operation in the field of justice and home affairs;
- promoting rapprochement between the Union and Ukraine, including continuing efforts to secure gradual approximation of EU and Ukrainian legislation;
- continuing co-operation and dialogue in the field of the Union’s common foreign and security policy; and

¹⁷ European Council Common Strategy of 11 December 1999 on Ukraine (1999/877/CFSP), L 331/1.

¹⁸ Ibid.

¹⁹ EU–Ukraine partnership: http://europa.eu.int/comm/external_relations/ukraine/intro/index.htm.

- strengthening co-operation on non-proliferation and disarmament and in the fields of environment, energy and nuclear safety.²⁰

Despite the fact that the EU is the largest international donor to Ukraine, like in the case of Russia, it has yet been unable, through the instruments of the PCA, to persuade the Ukrainian government to introduce deep systemic changes. The European Commission has to acknowledge that “Ukraine still needs to continue reform of the energy sector, privatisation, and improve tax collection. It is also necessary to press ahead with reform of the judiciary and financial institutions in order to improve the business environment and attract foreign investment, much needed for the modernization of the Ukrainian economy’s obsolescent infrastructure and technological standards”.²¹ This remains the strong argument on the side of the EU that the priority in its relationship shall be given to the full implementation of the PCA, particularly in the fields of trade and investment, and of the approximation of legislation. Developing cooperation in the field of justice and home affairs (combating illegal migration and transnational organized crime, including trafficking in drugs and human beings) reflects the concerns of the EU and member states with regard to the ‘soft security’ threats envisioned in the course of the forthcoming enlargement of the European Union.

The EU-Ukrainian cooperation can hardly be seen as a success story – not only due to the little progress and systemic effect of this cooperation. The EU – Ukraine “strategic partnership” is an explicit example of a misfortune relationship between the two sides which pursue different agendas since the Ukrainian aspirations with regard to the EU are much more ambitious than the EU is prepared to accept.

The “Strategy of Ukraine’s Integration to the European Union” approved by President Leonid Kuchma on 11 June 1998 has launched Kiev’s political-diplomatic offensive with the declared goal of a full-fledged EU membership: “The Strategy of Ukraine’s integration to the European

²⁰ General Affairs Council. 28 January 2002: Relations with Ukraine.

http://europa.eu.int/comm/external_relations/ukraine/intro/gac.htm.

²¹ EU-Ukraine partnership.

Union shall ensure involvement of Ukraine into the European political (including spheres of foreign and security policy), economic and legal space. The main foreign policy priority of Ukraine in the middle-term perspective is to acquire on this basis a status of the EU associated member which should correlate with the time of acquiring of the EU full-fledged membership status by the countries-candidates which have common borders with Ukraine”.²²

Kiev has further specified this goal in a roadmap included into the conception of the socio-economic development of the country for the period 2002-2011. The latter envisages that, by 2004, Ukraine shall finalize the negotiation of an association agreement with the EU to replace the PCA of 1994, and shall complete negotiations on the introduction of free trade. By the year 2007, the domestic legislation of Ukraine in the key areas shall be harmonized with the EU requirements and a customs union shall be established. In the years 2007-2011, the association agreement should be fully implemented, and Ukraine should meet the Copenhagen criteria thus becoming ripe for full EU membership.²³

Kiev admits that Ukraine’s transition record is not yet impressive enough to negotiate admission. However, it wants Brussels to send an explicit message that Ukraine will be considered eligible for membership once it meets the Copenhagen criteria. Foreign minister Anatoly Zlenko pledges, as many others do, that a clear commitment of Ukraine to prospective membership would be an important motivation to boost domestic reforms: “we speak about a clear landmark to which Ukraine could direct its efforts now”.²⁴

²² Strategy of Ukraine’s Integration to the European Union (unofficial translation), available at:

<http://www.mfa.gov.ua/eng/diplomacy/?ua-eu>.

²³ Poslannya Prezidenta Ukraini do Verkhovnoy Radi Ukraini. Evropeiskii Vibir. Kontseptualni zasady strategii ekonomichnogo ta sotsialnogo rozvitku Ukraini na 2002 – 2011 roki (The Address of the President of Ukraine to the Supreme Rada of Ukraine. The European Vocation. The conceptual basis of the strategy of the social-economic development of Ukraine in 2002–2011).

<http://www.kuchma.gov.ua/main/?sp/index>.

²⁴ Statement of Anatoly Zlenko, Minister for Foreign Affairs of Ukraine, at the conference of East-West Institute “European Home is a Home for Ukraine”, Kyiv, April 27, 2002, available at:

While realizing that a hypothetical membership of Ukraine in the EU is not an issue to be resolved by the current presidency, and probably not during the lifetime of the next political generation, Kiev looks for a sort of an association agreement that has been concluded by Turkey in 1961. And having launched the ‘membership offensive’, Ukraine has not only largely distorted the agenda of its relations with the European Union but also seems to have partially reversed the logic of the conditionality initially applied by the EU. Implicitly, it makes progress in Ukrainian transition conditional on the readiness of the EU to grant Ukraine an ‘upgraded’ status by promising future membership. This strategy at least has helped Kiev to partially escape the eventual pressure of the conditionality which the EU sought to impose by the PCA.

For all sorts of reasons, Brussels is reluctant even to discuss, not to speak of committing itself to an eventual membership of Ukraine. The public debate over the issue, however, has to a great extent distorted the agenda of the relationship between Brussels and Kiev, and, to a great extent, has substituted for the serious consideration of what needs to be done to achieve real progress. The politicised summit meetings have partially degenerated into a diplomatic language exercise with Kiev seeking to score points on the accession issue and Brussels seeking to avoid any clear language by providing some sort of ‘positive ambiguity’.

So, for instance, the EU strategy on Ukraine “acknowledges Ukraine’s European aspirations and welcomes Ukraine’s pro-European choice”.²⁵ The Joint Statement of the Yalta EU-Ukrainian summit meeting of 11 September 2001 reinforces their “strategic partnership, aimed at further *rapprochement of Ukraine to the EU*”²⁶ (emphasis added. – AZ). For the time being, the EU-Ukrainian partnership seems to be handicapped by the diverging interpretations of those ‘positive ambiguities’ on either side.

The attempt of the EU to find a way out of this debate and to further diversify its relations with the European NIS by considering to offer

Belarus, Moldova and Ukraine a status of ‘special neighbours’, as proposed by the UK at the EU summit meeting in Luxemburg on 15 April 2002, has only emphasized the concentration of Brussels on its ‘soft security’ concerns, and is unlikely to put an end to the continuing debate over membership. Ukraine wants the EU to adopt a new strategy but definitely not the one which would put Kiev into one basket with Minsk and Chisinau. “The ‘neighbour’ status, as proposed in Luxembourg, is not a step forward in the EU eastern policy. It is rather a groundless attempt to simplify the nature of relations with the new neighbours by reducing common interests only to problems of migration, trade, international crime”, so far the commentaries from Kiev.²⁷

The case of Moldova

The EU policy towards Moldova may be a good example of both confusion and salient progress over the last decade. The small country has never been the focus of Brussels and has often been confusingly neglected.

In 1994, Moldova was among the first NIS to sign a PCA with the European Union which applied the standard framework for cooperation offered to all Soviet successor states. Later on, however, Moldova was admitted to the framework of the Stability Pact for South Eastern Europe which might have raised the expectations of a different future relationship with the EU since the membership in the Stability Pact, at least theoretically, could imply the eligibility of Moldova for signing a Stabilization and Association agreement with the European Union and thus making Moldova eligible for membership in a distant future. This could be only welcome to Moldova, the government of which considers the integration into the European Union “a strategic objective of the foreign policy of the Republic of Moldova”.²⁸

At least the proposal of developing an EU CFSP common strategy with regard to three countries –

<http://www.mfa.gov.ua/eng/information/card.shtml?speech/2002/04/2701.html>.

²⁵ European Council Common Strategy of 11 December 1999 on Ukraine, L 331/2.

²⁶ Ukraine–European Union Summit. Yalta, 11 September 2001. Joint Statement, p. 1.

²⁷ *Ukrainian Monitor*, Policy Paper # 8, May 2002, p. 3.

²⁸ Ministry of Foreign Affairs. The Foreign Policy Guidelines for the period 1998–2000.

http://www.moldova.md/ro/government/oll/FOREIGN/en/DIREC_POL_en.htm.

Belarus, Moldova and Ukraine – and to offer them a ‘special neighbours’ status after the enlargement of the EU, put forward in Spring 2002, may help to clarify into which category of countries the European Union puts Moldova. Against the background of such fluctuations of the Brussels mood with regard to Chisinau it does not appear surprising that, as of this writing, the official web site of the European Union, by explaining the purposes of the PCA concluded in 1994, uses nothing else but the text pasted from site dealing with the EU-Ukrainian relations and goes on to explain that the PCA concluded with Moldova is supposed to be instrumental “in bringing Ukraine in line with the legal framework of the single European market”.²⁹

Relations with Moldova so far have not been the subject of any CFSP common policy. Although the frozen domestic conflict with regard to the status of the Transdnestr region within the Moldovan ‘common state’ is an issue for the Common security policy, the EU has never sought any direct involvement into the conflict resolution, especially since the OSCE has been involved in the area since the early 1990s. Brussels, therefore, has reduced itself to including the issue of the conflict in Moldova on the agenda of political consultations with Moscow, and to supporting the OSCE engagement. Thus the development and the implementation of the EU’s policy towards Moldova has been predominantly the domain of the European Commission.

However, despite the continued overwhelming social-economic problems and the frozen conflict in the second poorest country of the Former Soviet Union, and despite the need to continue reform efforts, the record of the progress in relations of the European Union with Moldova is surprisingly good – in any case it seems to be much better than with any other country of the Former Soviet Union.

Despite its declared membership aspirations, the Moldovan government never made it a strong case with Brussels. At the same time, Moldova came to benefit from the EU assistance provided through different channels, and from the EC General Preference System. According to the EU assessments, the EU-Moldovan relations are not

²⁹ See: The EU’s relations with Moldova at: http://europa.eu.int/comm/external_relations/moldova/intro/index.htm.

only “good in both political and economic areas”, but also Chisinau “has demonstrated steady progress” in the implementation of the PCA. Furthermore, after having joined the WTO in 2001, Moldova became the first country of the Former Soviet Union to initiate joint studies with the EU on the feasibility of a free trade area resulting in the acknowledgement of the need to further improve the Moldovan legal and administrative framework for business before a free trade area is created.³⁰

Thus, Moldova can be regarded as a relatively good example of the PCA implementation, and, as such, as a partial success of the EU’s policy. However, it does not yet guarantee the successful completion of the transition of Moldova facing incremental socio-economic and political problems.

The case of Belarus

The evolution of the relations between the EU and Belarus over the last few years was the most important test of the viability of the European Union’s policy towards non-aspirant countries, and the most explicit proof for the limits of the common policy projection by the Union.

Belarus is certainly a special case. The domestic developments in the country, accompanied by setbacks in reforms and increasingly authoritarian rule by President Alexander Lukashenka, have brought about a significant distortion in relations with the European Union. In the aftermath of a 1996 flawed referendum resulting in a revision of the 1994 Constitution and extending the office time of the President, in 1997, the EU Council of Ministers decided upon a number of sanctions against Belarus. The ratification process of the PCA signed in 1995 was frozen, and the interim agreement not enacted. Bilateral relations at the ministerial level were suspended. The EU technical assistance programs were frozen, with the exception of humanitarian aid, regional programs and programs aimed at supporting the civil society in Belarus. In 1999, the EU adopted a step-by-step approach to Belarus whereby sanctions were to be gradually lifted pending fulfilment of the four benchmarks set by the

³⁰ Ibid.

OSCE: substantial powers returned to the Parliament; opposition representation in electoral commissions; fair access to the state media for the opposition; and electoral legislation conforming to international standards.³¹

Encouraging moderate changes in the Belarusian regime,³² the EU continued to put pressure on it approaching parliamentary (2000) and presidential (2001) elections in the country. “The EU has a clear position – as long as the present intolerable situation remains, we cannot consider closer economic or political relations, – so EU Commissioner Christopher Patten in Summer 2001. – Unless and until there are significant improvements, our financial assistance will remain limited to direct help to those involved in promoting civil society and humanitarian assistance where needed.”³³ Finding itself in wide isolation in the European community of states, the Lukashenka regime was forced to manoeuvre.

However, without giving in on principal issues, it has managed to survive both elections. In this particular case, the linkage between the progress in domestic reforms and progress in cooperation with the EU (including the provision of technical assistance), has failed to yield fruits. The stakes were too high for the Belarusian regime. President Lukashenka went his way despite the crucial importance of the Belarusian trade with the European Union: the EU (and Germany within the EU) is not only the second biggest trade partner for the country but the main source of hard currency income and of the modernization of Belarusian industrial enterprises.³⁴

³¹ The EU's relations with Belarus:

http://europa.eu.int/comm/external_relations/belarus/intro/index.htm.

³² The EU has lifted travel restrictions for the senior government representatives of Belarus, and has extended until 2004 the agreement on trade with textile products while raising the import quotas from Belarus – an issue considered crucial by the Minsk authorities.

³³ http://europa.eu.int/comm/external_relations/news/patten/sp01_331.htm.

³⁴ Tatyana Alekseyeva, Alexandr Gordeychik, Elena Dostanko, Vzaimodeystviye Respubliki Belarus s vedushchimi evropeyskimi organizatsiyami v kontse 1990kh godov (The Interaction of the Republic of Belarus with the Leading European Organizations in the late 1990s), in: Belorusskiy Zhurnal mezhdunarodnogo prava i mezhdunarodnykh otnosheniy (Belarusian Journal of International Law and International Relations), Minsk, 2000, N 2. See: <http://www.cenunst.unibel.by/journal/2000.2/algordos.shtml>

The outcome of both elections has produced an ambiguous situation in the EU-Belarusian relations. Although both elections are not recognized as meeting the democratic standards of the OSCE, the European Union (as well as other international institutions) has to live with the Lukashenka regime at least until 2005. The available policy options are limited to either continue the isolation (unless it collapses economically), or to change the strategy and to more actively engage the regime. Especially since so far there is no credible political alternative to Lukashenka.

Belarus, which is increasingly dependent on bilateral cooperation with Russia (with the latter largely keeping it afloat), does not have a wider policy choice either. Its agenda is currently reduced to preserving a ‘neighbourhood belt’³⁵ (with Ukraine, Poland and Lithuania as well as with Russia favouring a more positive engagement of the Minsk regime), and to seeking normalization of relations with the EU, Council of Europe and the OSCE Parliamentary Assembly. Especially taking into consideration the forthcoming extension of the EU, the authorities of Minsk emphasize the need of a rapprochement with the European Union. They emphasize they are prepared to go as far in a rapprochement as the European Union is prepared to do so.³⁶

The peculiarity of the situation in the EU-Belarusian relations implies, however, that the distortion of this relationship since 1996 has liberated both sides from the need to take any decision concerning the long-term policy options of Belarus in Europe. The authoritarian regime of Lukashenka is a good excuse for the EU not to be exposed to the question whether or not an eventual European (EU) vocation of Belarus, which would be logical in the context of its geographic location, should be given serious consideration. Belarusian authorities and experts also realize that such a question is premature in a medium-term perspective.³⁷ This issue appears to have been only postponed through the rule of Lukashenka. It is by no means, however, off the

³⁵ See, inter alia, the interview with the head of the European Department of the Belarusian Foreign Ministry Victor Shikha: Respublika (Minsk), 16 April 2002.

³⁶ See:

<http://www.mfa.gov.by/cgi-bin/policy.pl?file=005.txt>.

³⁷ Tatyana Alekseyeva, Alexandr Gordeychik, Elena Dostanko, Op. cit.

agenda. At least once Lukashenka is gone, it is going to reappear as an issue in the EU-Belarusian interface.

Our people and our country belong to the European civilization, and we should not stay aside the process of European integration. Therefore, today, I responsibly declare the readiness of Belarus not only to normalize relations with the European countries, with the Council of Europe, but to take decisive steps towards participation in pan-European integration. ... I believe nobody doubts that, due to its intellectual and cultural potential, Belarus is capable to be a full-fledged member of the family of European peoples, a member of the European Union.³⁸

This statement of President Lukashenka of 1999 may be taken as one of the many intimidation attempts addressed to the Russian leadership, or as another unpredictable escapade of his. It is more difficult to ignore, however, that “associated membership in, and a prospective accession to the European Union” remains a proclaimed “long-term strategic goal of Belarus”.³⁹

It is hard to believe the current leadership of Minsk seriously believes in this. It is definitely true with regard to the Belarusian opposition. The objective situation would push any ‘third force’ most likely to succeed Lukashenka to come back to a European vocation of Belarus similar to that of the current Ukrainian government. The contemporary deviation of Belarus from that path would then appear only as a moment in modern Belarusian history. The EU, however, appears no better prepared to such a development than to dealing with the European vocation of Ukraine.

Conclusions

The review of the EU policies towards the four Soviet successor states reveals four different cases. While the slowly evolving ‘strategic partnership’ with Russia may stand for an increasingly pragmatic framework based on a contractual relationship and on cooperation in

areas of common interest, the case of the Ukrainian pledge for the recognition of a prospective membership in the European Union most explicitly demonstrates the ambiguous nature of the evolving CFSP which avoids setting clear end goals. The case of Belarus most explicitly reveals the weakness of the instruments so far available to the CFSP while the case of Moldova may be regarded as a sort of relative success. Having in mind the differences of all those cases, indeed, one could suggest that developing one single common strategy covering the EU’s policy towards the three European NIS situated to the West of Russia may miss the distinct problems which should be addressed in each specific case.

At the same time, all those cases demonstrate a gradual, though slow evolution of the EU’s eastern European policy which increasingly differentiates between individual countries. And, especially in its relations with Russia and Ukraine, the European Union increasingly resorts to the means of the CFSP for developing political and security dialogue.

Indeed, the critique often expressed in many NIS with regard to the European Union shall not necessarily prove a weakness of the CFSP, or a lack of a EU policy. Brussels should not be blamed for having started its relations with the NIS from a wrong proposition that they would stay together as a cohesive group of countries; most western states made the same mistake. Brussels should not be blamed for the lack of a clear vision as to where its relations with individual post Soviet countries shall lead to; the EU member states have no such a vision either. And, for no reason, shall Brussels be blamed for being unable to live up to the expectations extended to the European Union by its forthcoming direct neighbours. It is politically legitimate that the EU concentrates, in the first instance, on its own immediate concerns. It is only natural and is also true with regard to any individual country’s policy.

It is true that Brussels could do a better job and develop a better interface with the partner countries if it streamlined decision-making within existing institutions and made the process less bureaucratic. Thus there is much room for improvement even within the limits of a policy which is intergovernmental in nature.

³⁸ Belorusskiy rynek (The Belorussian Market), Minsk, 1999, No 26. <http://www.br.minsk.by/archive/1999-26/bk6929.stm>.

³⁹ <http://www.mfa.gov.by/cgi-bin/policy.pl?file=005.txt>.

The lesson the European Union may learn from a decade long testing of its common policies *vis-à-vis* the Newly Independent States is twofold:

First, the economic and financial strength of the European Union is not easily translated into political leverage. The instruments of the EU, including the method of conditionality, have not yet yielded tangible results. They have not been sufficient to stop the war in Chechnya, to ease Lukashenka's authoritarian rule, or to persuade the Ukrainian government to engage in really deep political, economic and social reform. Thus, the European Union has yet to identify ways and instruments to increase the efficiency of its common Policies.

Second, the ability of the European Union to translate its economic strength into significant political leverage evidently depends on the stakes involved, and on the ability to identify common interest with the respective partners. The high stake is the EU membership for those countries which aspire it, and to which the Union is ready to grant it. This probably explains why the accession process of the East-central European countries has been the most successful project of the EU policy in the 1990s.

The 'common interest' approach may work when membership is not at stake, but the EU and the respective partner state do share common interests, even if the latter are asymmetric. The gradual improvement of the dialogue between Russia and the EU may prove whether this proposition is right or wrong. However, it would not be the conditionality but rather the common interest primarily in the energy dialogue, and in the engagement of Russia in the European security concert, which would increase the viability of the relationship.

If those two propositions are true, conditionality would hardly be the most efficient tool for dealing with Ukraine unless the European Union decides to grant Kiev a prospective membership option. Otherwise the EU should be encouraged to engage in a sincere dialogue with Ukraine in order to identify common interest beyond the verbal commitment to shared values, and to cooperation in addressing the soft security challenges. These propositions would also imply that the EU's objectives *vis-à-vis* Belarus could hardly be obtainable until the regime changes, or unless the EU is ready to pursue a policy of regime change. The latter is, however, a highly unlikely option.