



## Eastern Partnership Roadmap 2012-2013 and the European Enlargement Strategy: Main Challenges to the Conditionality and Differentiated Integration Principles

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### Abstract

This paper aims to look at the challenges faced by the EU in rendering the Eastern Partnership Roadmap 2012-2013 and the European Enlargement Strategy, both adopted last year, into efficient instruments to ensure deeper Europeanisation of its neighbourhood, as the continent is faced with numerous challenges, both internal and external. The two documents put the rule of law principle at the top of their assessment of individual country performance, underlining the need to ensure the irreversibility of democratic practices. Moreover, the indicators and values followed are very similar, in many cases even identical. This points out to a common vision as regards the consolidation of European integration on one hand and of the enlargement policy on the other hand. Similarly as in the case of the Western Balkans, the EU needs to give those Eastern Partnership countries with clear European aspirations and which have so far achieved major democratic progress concrete perspectives for integration. The challenges faced by countries in the Eastern neighbourhood towards continued Europeanisation are multiple, both internal and external. It is high time for the EU to better structure its strategy towards these countries, by adjusting its approach on visa liberalisation and mobility, on a merit-based principle.

**Keywords:** *European Neighbourhood Policy (ENP) / Eastern Partnership (EaP) / EU integration / EU enlargement / Moldova / Russia*

## Eastern Partnership Roadmap 2012-2013 and the European Enlargement Strategy: Main Challenges to the Conditionality and Differentiated Integration Principles

by Agnes Nicolescu\*

### Introduction

This paper aims to look from a comparative perspective at the indicators, measures and targets set by two important European documents: the Eastern Partnership Roadmap 2012-2013<sup>1</sup> and the European Enlargement Strategy<sup>2</sup>, both adopted in May and October 2012 respectively. When comparing the two documents, one remarks an important *similarity* between the objectives and indicators used to assess the performance of different countries.

The Eastern Partnership Roadmap 2012-2013 focused mostly on the *political and economic association and integration*, through a varied range of measures, principles and instruments, such as: implementation of rule of law and fundamental rights (freedom of expression, freedom of press and association) as the essential step stone; independent judiciary, fight against corruption, reform of the public administration and of the security and law enforcement sectors and Deep Comprehensive Free Trade Area agreements. Enhanced mobility, through visa facilitation, integrated border management and support for legal migration as well as the fight against human beings trafficking and organised crimes also represent important elements in the negotiation of the Association Agreements. Difficulties thus persist as regards their implementation in most Eastern Partnership countries.

As for the European Enlargement Strategy, it primarily takes note of the current turbulent global context and financial difficulties facing the Euro zone, stating *fair and rigorous conditionality*<sup>3</sup> as the driving element for internal transformation and further on, accession. The preparation of enlargement countries so as to be able to face the crisis

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<sup>1</sup> European Commission and HR, *Eastern Partnership: A Roadmap to the autumn 2013 Summit* (JOIN(2012) 13 final), 15 May 2012, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=celex:52012jc0013:en:not>.

<sup>2</sup> European Commission, *Enlargement Strategy and Main Challenges 2012-2013* (COM(2012) 600 final), 10 October 2012, p. 2-3, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=celex:52012dc0600:en:not>.

<sup>3</sup> *Ibid.*, p. 2-3.

appears as a fundamental prerequisite, of common interest. Apart from the unfavourable financial context, a series of structural challenges remain in the enlargement countries; for instance, in the Western Balkans, still plagued by the historical divisions, the need to address the risks of instability is obvious. The document also notes that the consolidation of democracy and stability in the region is an investment in ensuring sustainable democracy in the EU's wider neighbourhood.

### 1. Eastern Partnership Roadmap 2012-2013 and the European Enlargement Strategy: common performance indicators and objectives

An equally difficult task related to the enlargement process is to maintain its credibility and in line with the principle of own merits. This can only be achieved through the rigorous pursuit of reforms, and the respect especially of the Copenhagen criteria. Especially as regards the respect for the rule of law, the negotiations process is conducted with the declared aim to ensure irreversibility in the pursuit and implementation of reforms. Croatia's recent accession, and the launching of accession talks with Montenegro and for candidate status with Serbia are indicators of the EU's will to live up to its promises, provided that conditions are fulfilled. These positive developments serve as stimuli for neighbouring countries experiencing difficult transitions. The internal conditions in the region, the poor human rights record, the fight against corruption and organised crime, the low administrative capacity and occasionally insufficient political will, and the need to alleviate the economic and social hardships are yet difficulties to be addressed. At the same time, it is important to consolidate the independence of the media and the freedom of expression.<sup>4</sup> A particular issue which needs further attention is to ensure that the accession process is not affected negatively by bilateral issues.

The main focus of the document is the respect for the *rule of law*, which is also a key aspect highlighted in the Eastern Partnership Roadmap as a guiding element for rapprochement to the EU. It is important to note that the European Enlargement Strategy proclaims a "renewed consensus over the enlargement process"<sup>5</sup> as basis for further EU enlargement. A particular dimension of the rule of law principle regards the proper functioning of the judicial system, so that it remains an independent and accountable instrument; considerable challenges remain as regards addressing properly the issue of judicial immunity, corruption and the enforcement of court decisions. At the same time it is worth highlighting that the commitment to continue with the enlargement process constitutes a major stimulus for supporting the *pace of reforms* in the targeted countries.

The current enlargement agenda, according to the document, covers the countries of the Western Balkans, Turkey and Iceland. At the same time, the European Enlargement Strategy takes note of *structural deficiencies* in some of the candidate (FYROM and Serbia) or potential candidate countries (Albania) in terms of respect of human rights and the rule of law, manifested on many dimensions. These aspects

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<sup>4</sup> Ibid., p. 4.

<sup>5</sup> Ibid., p. 3.

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regard the financing of political parties and election campaigns, management of conflicts of interest, transparency in public procurement and of public institutions.

Ensuring the respect of civic, political and minorities' rights remain major issues in most enlargement countries. Although these rights are foreseen by legal regulations, their actual implementation can be improved in many cases; one way to do that would be to correct gaps in anti-discrimination legislation.<sup>6</sup>

The strategy supports also an enhanced regional cooperation and good neighbourly relations in the Western Balkans and improvement of economic governance.<sup>7</sup> A positive aspect is that voices encouraging reconciliation among the different peoples in the region are gaining ground, helping to smoothen the dialogue including on sensitive issues such as war crimes and inter-ethnic tensions. It is nonetheless urgent that government in the region assume a stronger role and address remaining bilateral issues.

In Albania's case, for instance, the document notes serious corruption problems, while Bosnia Herzegovina seems to face even a greater challenge: that of ensuring *domestic cohesion* around the further European integration and Europeanisation objectives at the level of the society. At the same time, this cohesion-building objective should also be pursued more effectively in the case of Eastern Partnership countries, through stronger involvement of civil society.

These structural deficiencies, left untackled, pose increasingly serious challenges to the credibility of the EU enlargement process. It is imperative to keep the enlargement process and agenda credible, considering that the experiences of the recent EU enlargements and the difficulties encountered by Central and Eastern countries point to the need of placing the rule of law at the center of the enlargement policy. One particular issue, which is very challenging, is how the EU can respond to cases in which conditionality seems not to be working.

A similar approach, based on the own merits' principle, should be sought by the EU in relation to its Eastern neighbours that have pursued constant reforms and are making efforts to live up to the European values. More than ever, it is important to assess candidate countries depending on their *individual merits*, and increase the efficiency of the *differentiated integration principle*. The European Commission has committed to give more support for those EaP which reform more. The EU should be as ambitious as possible with those EaP countries which have clear European ambitions and meet the required criteria, just as in the case of Western Balkans states. Complementarily, the implementation of the "less for those who reform less" principle would reinforce the efficiency of the differentiated integration approach. Other important dimensions to be pursued in the negotiations' agenda is progress on mobility through visa facilitation and liberalisation with a visa free regime as final objective.

Numerous challenges to the further progress and implementation of the EaP Roadmap remain: insufficiently developed or even sour cooperation between EaP countries

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<sup>6</sup> Ibid., p. 5.

<sup>7</sup> Ibid., p. 10.

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themselves; structural deficiencies in these countries, predominantly manifested in underdeveloped economies, high levels of corruption, high reliance on foreign assistance, poor infrastructure and insufficient involvement of civil society in public policy elaboration or shaping; EaP countries are very heterogeneous; the EU right now faces an unfavourable context for further integration given the difficulties of newcomers to the Union in fully implementing all requirements in terms of rule of law. Last but not least, Russia's recent posture towards its neighbourhood has come to represent an element of preoccupation for these countries.

In the case of Moldova, considered as the frontrunner in terms of democratisation and general compliance with the European core principles, major progress has been made in the political sphere but important problems are still to be addressed. As the Bertelsmann Stiftung *Transformation Index 2012* highlights, "civic and ethnic-based definitions of the Moldovan nation-state are in competition with each other, although many Moldovans are unaware of the implicit contradictions this involves."<sup>8</sup> Apart from this identity-related issue, a set of governance aspects adjustments need to be made, such as continuing to fight vested interests in politics and the abuse of political offices.

Another aspect that further needs consolidation is the necessity to strengthen and diversify the instruments of the civil society, so that it is better prepared to compensate for the shortages of the public system, in fields like social assistance, education or fighting poverty measures. As regards the functioning of the democratic and administrative institutions, their performance has been limited not so much by past political instability but rather by a lack or improper use of resources, and insufficient political will to address these issues.<sup>9</sup>

On a more general note, it is vital for EaP countries to *clarify and better define their proposed objectives at the domestic level*, also in the relation to the EU, in order not to affect or decrease their position during the forthcoming negotiations. At the same time, the EU should be ready to accept that EaP countries which have made substantial progress so far deserve concrete chances, similar to those in the Western Balkans.

Significant challenges remain, both at the level of EaP countries as well as amongst Europeans as regards advancement with the future aspirations for their Eastern neighbours. To mention only some of the most significant internal problems faced by these states, particularly harmful for the future consolidation of democratisation: state failure, corruption and organised crime.

## 2. Challenges to the Eastern Partnership Roadmap 2012-2013 and the European Enlargement Strategy

In spite of the fact that the neighbourhood policy's effectiveness remains incomplete, from the perspective of the targets it has set for EaP countries, the 2012 assessment is

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<sup>8</sup> Bertelsmann Stiftung, "Moldova Country Report", in *Transformation Index BTI 2012*, p. 7, <http://www.bti-project.org/country-reports/pse/mda>.

<sup>9</sup> Ibid.

surprisingly positive.<sup>10</sup> The EU should focus its Neighbourhood Policy on outputs rather than on inputs and ensure increased horizontal coordination between the external action instruments. An important issue which the EU should take into account seriously is the increasing *lack of credibility* surrounding the neighbourhood policy. Fabry and Rosselli argue that, rather than pushing for better implementation, a change of paradigm is needed.<sup>11</sup> This shift should be made possible only by setting pragmatic objectives for the EaP countries.

A series of difficulties arise from the fact that the EU focuses on inputs rather than on outputs when dealing with its neighbours. For some authors, this is “an indication of the EU’s poor analytical understanding of its involvement in the region”.<sup>12</sup> Equally, the EU should rethink and consolidate its relationship with the Eastern neighbourhood in line with a “Trade not Aid” approach.<sup>13</sup>

In relation to this particular point, the EU needs to identify achievable short term results. The lack of credible solutions to short-term problems leads to a mismatch between the EU’s long term policies and institutional slowness and the rapidly changing developments in the Eastern neighbourhood. One major *drawback* is the fact that EU’s Neighbourhood Policy at no point offers prospects for EU membership. On the other hand, the deep reforms required by the tailored Action Plans for the region are seen by their beneficiaries as quite disproportionate as compared to the benefits deriving from the implementation of the action plans, especially in light of the fact that their structural problems such as energy and economic deficiencies render cooperation with Russia very desirable.

Unless the EU finds more practical venues of stimulating economic partnerships with Eastern neighbours like Moldova and Ukraine, these might be inclined to return to stronger ties with Russia, and recent signs have already indicated such tendencies. After Kyiv signed an agreement allowing Russian fleet to stay in the Black Sea until 2042, economic and military relations with Moscow are likely to become increasingly strong over the coming years, as opposed to those with the European Union. As Ukraine’s EU affairs minister put it,<sup>14</sup> this is likely to happen unless the EU opens up more to its Eastern partners. The Ukrainian official mentioned as primary sources of frustration for his country the EU’s inability to provide Kyiv with a roadmap for future visa-free travel. On the other hand, the recently amended visa facilitation agreement between the EU and Ukraine, backed by the Civil Liberties Committee in February this year, makes it easier for Ukrainian journalists, civil society representatives, NGO’s and youth to travel to the EU.<sup>15</sup>

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<sup>10</sup> Elvire Fabry and Chiara Rosselli, *EU’s Neighbourhood as an Opportunity?*, Paris, Notre Europe Jacques Delors Institute, 26 November 2012, <http://www.eng.notre-europe.eu/011-14587-EU-s-neighbourhood-as-an-opportunity.html>.

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

<sup>14</sup> Andrew Rettman, “EU risks losing Ukraine, minister warns”, in *EUobserver*, 28 October 2010, <http://euobserver.com/9/29960>.

<sup>15</sup> European Parliament, *Revised visa agreement makes it easier for Ukrainians to travel to the EU*, 21 February 2013, <http://www.europarl.europa.eu/news/en/pressroom/content/20130218IPR05923>.

The amendment simplifies requirements for documents demonstrating the purpose of the journey for a wider category of applicants; also it abolished a € 70 visa fee for certain categories of individuals and clarified provisions on the duration of multiple-entry visas, exempting from the visa requirement Ukrainians travelling for short stays who own biometric service passports. According to the European Commission, the number of visas issued to Ukrainians travelling to the EU increased by 33,8% between 2009 and 2011, a high proportion of these being multiple-entry visas.

The Action Plan tailored for Moldova, as part of the European Neighbourhood Policy, includes a series of requirements which go well beyond Kishinev's possibilities of action, especially in the case of the Transnistrian conflict, where deeper cooperation of all parties involved is needed, especially at the political level. The document puts an emphasis on Moldova's obligations, without exploring in detail complex factors which affect or postpone an effective solution to the Transnistrian issue, and repeatedly calling for "[e]ffective co-operation between the EU and Moldova towards a settlement of the Transnistria conflict within agreed formats, including consultation on post-settlement arrangements and guarantees as appropriate."<sup>16</sup>

In the case of Moldova, though progress has continued in the field of democratisation, it still faces significant challenges related to Transdnistria's status. The Transnistrian conflict has long represented the main threat to Moldova's national security and the main challenge to the country's sustainable development.

The adoption of EU membership objective in 2005 by Moldova brought along a heated national debate on the security strategy and ways to move forward with the country's strategic objectives.<sup>17</sup> One way which was deemed as opportune was to unilaterally declare neutrality, but in practice Kishinev has never been perceived as neutral by other international actors.<sup>18</sup> Furthermore, Moldova's declared neutrality has not received any external guarantees, be they formal or informal.<sup>19</sup> In light of these elements, Kishinev's declared security serves merely as general guidelines for the country's security policy at best, and not as a genuine security strategy. As Kirvelytė points out, the neutrality status restricts Moldova's external cooperation in the field of security.<sup>20</sup>

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<sup>16</sup> Para 17 of *EU-Moldova Action Plan*, annex to European Commission, *Proposal for a Council Decision ... on the implementation of the EU-Moldova Action Plan* (COM(2004) 787), 9 December 2004, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=celex:52004pc0787:en:not>.

<sup>17</sup> Laura Kirvelytė, "Moldova's Security Strategy: the Problem of Permanent Neutrality", in *Lithuanian Annual Strategic Review 2009-2010*, p. 158, [http://www.lka.lt/en/research/lithuanian-annual-strategic-review\\_590.html](http://www.lka.lt/en/research/lithuanian-annual-strategic-review_590.html).

<sup>18</sup> Ghenadie Mocanu (ed.), *100 of the most pressing issues in the Republic of Moldova in 2008*, Chişinău, Institute for Development and Social Initiatives (IDIS) Viitorul, 2009, p. 239-241, <http://www.viitorul.org/doc.php?l=en&idc=356&id=1730>.

<sup>19</sup> Igor Munteanu et al, *Moldova on the Way to Democracy and Stability. From the Post-Soviet Space towards the World of Democratic Values*, Chişinău, Cartier, 2005, p. 253-254, <http://www.viitorul.org/doc.php?l=en&idc=295&id=398>.

<sup>20</sup> Laura Kirvelytė, "Moldova's Security Strategy...", cit.

### 3. The Russia factor: a perspective on Russian-EU economic relations in the Eastern neighbourhood

More than half of Russia's trade is conducted with the EU and 75% of foreign direct investments in Russia originate in EU member states.<sup>21</sup> The real divergence between the EU and Russia is the fact the former is interested in more than economic cooperation, a fact which Moscow seems to refuse so far. The protectionist economic tendencies displayed by the Russian administration are unlikely to help facilitate an economic cooperation with Brussels. Russia is interested in developing pragmatic cooperation with individual EU states in strict areas such as economy, especially in the energy sector, limiting this cooperation to fields where Moscow feels it can gain more and use its primary energy resources as political leverage. However, as pointed out in its *2013 Foreign Policy Concept*,

Russia will contribute to successful implementation of the Russia-EU joint initiative 'Partnership for Modernization' and promotion of mutually beneficial energy cooperation aimed at creating an integrated European energy system on the basis of strict adherence to existing bilateral and multilateral treaty obligations. A long-term objective in that area is to establish a common Russia-EU market.<sup>22</sup>

Certain analysts have brought into discussion a series of signs pointing out to the fact that the Russian leadership is increasingly aware of the necessity to find alternative ways to develop the country, others than related to the exploitation of energy resources. Former President Medvedev's approach to modernization was a holistic one, as Krawatzek puts it,<sup>23</sup> stressing the need for bottom-up efforts rather than initiatives launched by the government. However, the limitations of this perspective are highlighted by Moscow's unwillingness to accept and pursue a genuine modernization platform, in cooperation with the EU, in sectors others than economy. Social and political issues are still far away from being properly tackled in relation to the European partners, and these represent fundamental areas in order to bring about a real modernization of the Russian society.

At the same time, the West seems reluctant or plainly unable to use its soft power on Russia. As regards the configuration of relations in the energy sector, Russia has so far displayed considerable ability in mixing trade and political objectives in the use of energy resources. Such is the case of the Nord Stream.<sup>24</sup>

<sup>21</sup> Jarosław Cwiek-Karpowicz, "Russia's Vision of Relations with the European Union", in *Bulletin PISM*, No. 80 (158), 31 May 2010, p. 193-194, <http://www.pism.pl/index?id=5f11b27f131494a1c014fced2f13165>.

<sup>22</sup> Russia Govt., *Concept of the Foreign Policy of the Russian Federation*, approved by President of the Russian Federation V. Putin on 12 February 2013, <http://www.mid.ru/ns-sndoc.nsf/1e5f0de28fe77fdcc32575d900298676/869c9d2b87ad8014c32575d9002b1c38?OpenDocument>.

<sup>23</sup> Félix Krawatzek, "Modernisation and a new political game in Russia?", in *CEPS Commentaries*, 5 August 2010, <http://www.ceps.eu/node/3646>.

<sup>24</sup> Chatham House, *Soft Power? The Means and Ends of Russian Influence*, Chatham House Seminar Summary, 31 March 2011, p. 4-5, <http://www.chathamhouse.org/publications/papers/view/109675>.



The EU needs to continue efforts aiming to develop stronger economic relations with Russia, while pursuing also a deepened political dimension. Moscow seems to have made significant progress in its economic relations with Europe: it has established the first oil pipe connecting Siberia with central Asia, which means that Russia is no longer dependent on the European market. European countries, on the other hand, despite increased efforts, have not yet succeeded in finding alternatives to the energy resources provided by Moscow. It is very likely that the Asian market will quickly become significantly more important than the traditional European market, in Russia's eyes, prompting a change of the strategic focus in terms of energy delivery and routes.

Russia's main priority over the last years has become the economic and social modernisation, as a means to reach a global power status and increased political bargaining power in relations with more competitive international actors. In order to achieve modernisation, Russian leaders seem to gradually come to terms with the fact that the country's large energy resources are not enough to ensure a sustainable economic growth. The EU's economic relationship with Moscow is mutually beneficial: Russia has the resources needed by the European states while Russia needs Europe's support to modernise its economy and decaying infrastructure.

Russia's current development and export model has created a dynamic which has triggered counterproductive consequences for both Moscow and its European counterparts. Russia may see itself forced to manage its energy sector more efficiently, allow greater foreign investment, closer relations with foreign partners and increased mutual market access. If this happens, Russia might develop a qualitatively different energy-based influence across a much wider area. Starting with 2004, Russia has benefited from a constant increase in the global oil price that triggered unprecedented income influxes.<sup>25</sup> However, the start of the global economic crisis in 2008 was just the beginning which signaled the need for increased efficiency in the management of the Russian energy resources.

According to the *Russian Energy Strategy to 2030*, Russia will dedicate more effort to increase market share for its hydrocarbons (including pipeline gas and LNG) in Asia than in Europe, because Europe is considered already a mature market for gas.<sup>26</sup> In order to preserve its market position in Europe, Gazprom will have to compete with a range of other source. At the same time, it will pursue asset swaps with European companies to strengthen its downstream position to secure demand and extract additional rent.<sup>27</sup>

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<sup>25</sup> John Lough, "Russia's Energy Diplomacy", in *Chatham House Briefing Papers*, May 2011, <http://www.chathamhouse.org/publications/papers/view/171229>.

<sup>26</sup> Russia Govt., *Energy Strategy of Russia for the period up to 2030*, approved by Decree N° 1715-r dated 13 November 2009, p. 22-23, [http://www.energystrategy.ru/projects/docs/ES-2030\\_\(Eng\).pdf](http://www.energystrategy.ru/projects/docs/ES-2030_(Eng).pdf).

<sup>27</sup> Tatiana Mitrova, *The Russian Energy Strategy and Europe: A Russian View*, paper presented at the conference on 'Russia, Europe and Energy: Rule of Power or Power of Rules?', Oslo, 14-15 October 2010, <http://english.nupi.no/Events/Upcoming-Events/Russia-Europe-and-Energy>.

## Conclusions

The EU is increasingly in a situation where it has to rationalize and coordinate all its potential tools that may contribute to ensuring stabilisation of its neighbourhood. Yet, a more serious debate is needed to understand what stability means for the EU, on the one hand, and for its neighbours, on the other hand. However, with the exception of Moldova, which has so far proven the most capable to maximize the “more for more” principle, the reverse policy, “less for less” has so far not been really implemented, which only highlights the failure of the conditionality principle.

The mobility objective, associated with tailored visa liberalisation programmes, if used wisely, could be important instruments towards ensuring a more successful ENP and further on facilitate a smoother integration for the countries in the region. In spite of the current unfavourable economic context, the mobility and visa dimensions are the most likely to continue to exert a strong attraction in the EU’s relationship with both its enlargement and neighbour countries. Also, if used wisely by the EU, they may also bring important human capital resources to those EU countries with increasingly ageing populations and shortages on the work labour markets.

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