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# **THE EUROPEAN UNION AND THE EASTERN PARTNERSHIP: SECURITY CHALLENGES**



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## THE EUROPEAN UNION AND THE EASTERN PARTNERSHIP: SECURITY CHALLENGES

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**PART I**

**KEYNOTE SPEECH**



## CHALLENGES FOR THE EASTERN PARTNERSHIP IN THE CONTEXT OF SOVEREIGN TENDENCIES OF EU MEMBER STATES FROM CENTRAL AND EASTERN EUROPE

*Ioan HORGA*

*Eduard Ionuț FEIER*

**Abstract.** In the last two years, the trend to recover the competences of sovereignty, totally or partially assigned towards Brussels, has become obvious in the EU Member States from Central and Eastern Europe. If in the case of Hungary this happened in the context of EU sanctions against Russia and against the wave of migrants from 2015, in the case of Poland it happened in the context of establishing the percentage of migrants which would be received by every EU Member States, and moreover of a permanent ping pong on the justice topic with Brussels. Romania, the second country as size from the area, seems to have remained in pleased neutrality, but there are signs that even in its case the sovereign tendencies might emerge. Starting from these data, in this paper we propose to answer to the following questions: Does the agenda of the Eastern Partnership and EU Member States from Central and Eastern Europe correspond with Brussels' agenda? How do the EU Member States from Central and Eastern Europe relate to the Eastern Partnership?

**Keywords:** Central and Eastern European countries, Eastern Partnership, sovereignism, Visegrad Group, Intermarium.

The launching of the Eastern Partnership, in 2009, took place in the context of the success of the European Union enlargement towards East, of the establishment of a new EU frontier on the former Soviet border, except for the Baltic States, which joined the EU in 2004. The ambition of this project, oriented towards the former Soviet republics from western ex-USSR (Belarus, Moldova and Ukraine) and Southwest (Armenia, Azerbaijan and Georgia) was, on the one hand, to secure the eastern border and the wider Black Sea area by creating a "common market" for goods, services and human resources, and, on the other hand, to create a buffer zone between the EU and Russia, an area where economic, social and political alternatives might find their place in relation to the model experienced by these spaces until the disintegration of the Soviet Union.

Of course, the move that the EU has done through the Eastern Partnership might have had in Moscow another resonance than the diffuse and incoherent European Neighbourhood Policy, launched in 2003, which extended from the Finnish-Russian frontier to the Spanish-Moroccan frontier. EU-Russia Summits, until the emergence of the Eastern Partnership, did not explicitly address the issue of future Eastern Partnership countries in Moscow, except for crisis situations, such as Transnistria in the case of Moldova or South Ossetia and Abkhazia in the case of Georgia, and the Orange Revolution in Ukraine, because Russia believed that the EU respected its strategic option "Neighbouring Neighbourhoods", formulated in the context of concluding the enlargement of the EU towards the east.

By launching the Eastern Partnership, Moscow believed that the EU wanted to hone and even impose by force its point of view with regard to the former Soviet republics, for which the project was intended.<sup>1</sup> That statement referred to the fact that the EU had exceeded the tolerance level of Russia,<sup>2</sup> therefore Russia's position was not a new one, but a constant one, though obviously more careful. That fact was confirmed especially in the context of the crisis in Ukraine, as emphasized by the American Professor John Mearsheimer, who believes that "great powers are always sensitive to potential threats near their home territory."<sup>3</sup>

The EaP prompted Russian officials to launch a tough attack on the European Union. For the first time since the collapse of the USSR, Moscow accused officially the EU of intrusion into its spheres of influence, anti-Russian politics and the promotion of US and NATO interests in Europe. Neither the launch of the European Neighbourhood Policy (ENP) nor the accession of the three Baltic States (former Soviet republics) and former Warsaw Treaty members to the EU disturbed Russia to such an extent.<sup>4</sup> The situation referred to above led Russia to reconsider its relationship with the European Union in terms of changing its perception of the EU, from strategic ally to competitor for influence.<sup>5</sup>

The EU's EaP policy had to cope with three main challenges: a) Russia's influence on the overall political architecture of the EaP, whereby Russia seeks to turn the bilateral EU and a partner country into a tripartite format, thus washing out the fundamental principles of this policy; b) The traditional inclusion-segregation dilemma, whereby in exchange for political and economic reforms and adoption of costly EU rules, partner countries are offered only integration into the EU internal market instead of full-fledged membership in the Community; this raises doubts as to whether the cost of adapting to EU standards is higher than the incentives offered by the EU; c) The debate within the EU on the future of the EaP policy, caused by the emerging number of those claiming that the EaP policy, should not violate the balance of power in Eastern Europe.<sup>6</sup>

Looking retrospectively at the Eastern Partnership decade (a decade in which, on the one hand, the EU sought, until the beginning of 2014, to be very active in pursuing its strategy,

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<sup>1</sup> Olexij Semenij, "EU-Russia strategy and Eastern Partnership: Less Confrontation, More Cooperation?," Heinrich BollStiftung, 16 September 2010, <https://www.boell.de/en/navigation/europa-transatlantik-eu-russia-strategy-eas-tern-partnership-10113.html> (accessed 5 February 2018).

<sup>2</sup> Tamas Novak, "The future of the Eastern Partnership. Strategic changes or continued drifting," Osterreichische Gesellschaft fur Europapolitik, Policy Brief, 2015, <http://oegfe.at/2015/05/the-future-of-the-eastern-partnership> (accessed 29 January 2018).

<sup>3</sup> John Mearsheimer, "Why the Ukraine Crisis Is the West's Fault," *Foreign Affairs*, September/October 2014, <http://www.foreignaffairs.com/articles/141769/john-jmearsheimer/why-the-ukraine-crisis-is-the-west-s-fault> (accessed 29 January 2018).

<sup>4</sup> Vasile Rotaru, "Parteneriatul Estic – o nouă etapă în relațiile UE-Rusia?," (PhD diss., SNSPA, 2013), 3.

<sup>5</sup> *Ibid.*, 5.

<sup>6</sup> Laurynas Kasčiūnas, Vilius Ivanauskas, Vytautas Keršanskas and Linas Kojala, "Eastern Partnership in a Changed Security Environment: New Incentives for Reform," Eastern European Studies Center, Vilnius, November 2014, 11. See also Laure Delcour and Kataryna Wolczuk, "Spoiler of Facilitator of Democratization?: Russia's Role in Georgia and Ukraine," in *Democracy Promotion and the Challenge of Illiberal Regional Power*, eds. Nelli Babayan and Thomas Risse, 459-478 (London: Routledge, 2016).

even forcing things, as it happened in the case of the Vilnius Summit in 2013, and, on the other hand, it entered a blockage in the context of the crisis and the war in the East of Ukraine 2014-2015, we find that Brussels position towards the countries in this bloc was initially very optimistic, confident in attracting these countries in its sphere of influence, but with the Ukrainian crisis these countries are beginning to be perceived as a buffer needed to secure the eastern border of the Union.

With the 2015 Riga Summit, the EU seems to be back to the new pragmatic strategy with the launch of the 20 deliverables of Eastern Partnership cooperation for 2020, adopted by the Eastern Partnership Summit in Brussels in November 2017 as the agenda to be followed.<sup>7</sup> Present at this summit, the President of Romania Klaus Iohannis underlined the need for the European Union to continue to support, in a consistent manner, the modernization and reform efforts of the six Eastern Partnership countries, underlining that it is not enough for the EU to ask its partners to implement reforms, without the Union, in turn, to provide all necessary support for this purpose.<sup>8</sup>

Looking at the content of the 20 deliverables<sup>9</sup> and the overall strategy, based on differentiation in which the EU would emphasize the responsibility of individual EaP countries and would offer some vaguely defined support for the countries that decide in favor of the European perspective, on the one hand, we find that the Eastern Partnership, as a joint bloc of action, is put in the archive, and, on the other hand, that "it is a cheap and convenient way for the EU to avoid any major confrontation with Russia."<sup>10</sup>

The question that raises is whether this new development of the Eastern Partnership is only the result of the EU blockage of action, in the context of the crisis in Ukraine and the possibility of a major confrontation with Russia, or whether it could also be the consequence of regional developments in the countries that joined the EU in 2004 and 2007, respectively. In the last two years, in the EU Member States from Central and Eastern Europe, the trend to recover the competencies of sovereignty, totally or partially assigned to Brussels, emerges more and more

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<sup>7</sup> European Commission, "2017 Eastern Partnership Summit: Stronger together," Press Release, 24 November 2017, [http://europa.eu/rapid/press-release\\_IP-17-4845\\_en.htm](http://europa.eu/rapid/press-release_IP-17-4845_en.htm) (accessed 5 February 2018).

<sup>8</sup> Klaus Iohannis, "At the Summit of the Eastern Partnership: 'EU must continue to support the modernization efforts of the Eastern Partnership states,'" *Bursa*, 26 November 2017, [http://www.bursa.ro/klaus-iohannis-la-summitul-parteneriatului-estic-ue-trebuie-sa-continue-sa-sprrijine-eforturile-de...&s=banci\\_asigurari&articol=336033.html](http://www.bursa.ro/klaus-iohannis-la-summitul-parteneriatului-estic-ue-trebuie-sa-continue-sa-sprrijine-eforturile-de...&s=banci_asigurari&articol=336033.html) (accessed 5 February 2018).

<sup>9</sup> Broadened outreach and targeted support in particular to grassroots civil society organisations; supporting businesses and providing loans in local currencies, in partnership with key international financial institutions; improving the capacity of partner countries to take advantage of the trade opportunities with the EU and with each other; reform commitments and specific investments in the area of energy efficiency; developing better and safer transport links by 2030 with a long-term investment contributing to connecting the partner countries with the EU and amongst themselves; a digital package, including concrete steps towards harmonised roaming pricing and reduced roaming tariffs among the partner countries, easier and cheaper access to internet through the roll out of national broadband strategies, and support for job creation in digital industries; a substantial new support package to youth and education; a comprehensive new communication approach on assistance for the Eastern Partnership, and a stepping-up of strategic communication.

<sup>10</sup> Novak, "The future of the Eastern Partnership. Strategic changes or continued drifting."

obviously. If we cannot yet give the answer to a natural question, i.e. whether these countries managed to support a change of the Eastern Partnership paradigm, we are able, however, to perceive some future implications that developments in the EU Member States from Central and Eastern Europe will have on the EU's relations with the Eastern Partnership countries.

Therefore, in the first part of the paper we shall try to look at the evolutions of the EU Member States from Central and Eastern Europe between illiberalism and sovereignty. Then we shall try to answer the following questions: Does the agenda of EU Member States from Central and Eastern Europe correspond to Brussels agenda in the case of the Eastern Partnership? How do EU Member States from Central and Eastern Europe relate to the Eastern Partnership?

## 1. Central and Eastern European Countries between illiberalism and sovereignty

Over the past few years, Western Europe has looked on with mounting bewilderment and exasperation at the political trajectory of Hungary, Poland and several other former communist states, which started to demonstrate more and more obvious tendencies to avoid the model they adopted in the first two decades after 1989, when they were committed to common European values, including liberal democracy, respect for human rights and the rule of law; currently they seem to be implementing an altogether different political model.<sup>11</sup>

This development is due, on the one hand, to a shift of the EU towards itself, in the context of the economic crisis, of cooling relations with Russia, in the context of launching the partnership with Eastern states and with Turkey, though the accession negotiations with the latter started to slow down. On the other hand, these developments are due to the strengthening of the leaders' positions in the two neighbouring powers, i.e. Vladimir Putin in Russia and RecepTayyip Erdoğan in Turkey.

### 1.1. EU Members States from Central and Eastern Europe and *Illiberalism*

According to Cas Mudde<sup>12</sup> on the European continent there are (at least) three powerful illiberal democrats. The most powerful is the President Vladimir Putin, who has dominated Russian politics for the past decades. Putin used this EU support to establish an iron grip on Russian politics and society and, when he finally lost most of his friends and protection within the EU, he started supporting anti-EU parties such as the National Front (FN) in France and the Jobbik in Hungary.<sup>13</sup>

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<sup>11</sup> Stephan Pogany, "Europe's illiberal states: why Hungary and Poland are turning away from constitutional democracy," *The Conversation*, 4 January 2018, <http://theconversation.com/europes-illiberal-states-why-hungary-and-poland-are-turning-away-from-constitutional-democracy-89622> (accessed 28 January 2018).

<sup>12</sup> Cas Mudde, "It Is High Time for EU to Stand Up to Creeping Illiberal Democracy in Europe," *Huffpost*, 3 April 2016, [https://www.huffingtonpost.com/cas-mudde/it-is-high-time-for-eu-to\\_b\\_9384564.html](https://www.huffingtonpost.com/cas-mudde/it-is-high-time-for-eu-to_b_9384564.html) (accessed 28 January 2018).

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



The Second center is Turkey, where RecepTayyip Erdoğan came to power more than a decade ago, and quickly became a darling of EU politicians because of his claimed support for neoliberal economics and moderate Islamic politics. However, it didn't take long to see that Erdoğan might not be an Islamist, but he isn't a liberal democrat either.<sup>14</sup>

The third major illiberal democrat in Europe is Viktor Orbán, the prime minister of Hungary, who has been turning his country into an illiberal democracy since regaining power in 2010. In the first years Orbán focused almost exclusively on transforming his own country: rewriting the constitution, weakening institutional checks and balances, harassing opposition, and using economic and legal pressure to domesticate the media. While there was some push-back from the EU with regard to banking and media reform, crafty politicking and political protection by the powerful European People's Party (EPP) ensured that Hungary's transformation into an illiberal democracy was hardly affected.<sup>15</sup>

But as the EU was too occupied with fighting the economic crisis and saving the big banks, Orbán was not just transforming Hungary, he was inspiring illiberal democrats in other countries – including governments in Croatia, Poland, and Slovakia – and plotting a challenge to “multicultural” Europe. The refugee crisis and terrorist attacks of 2015 gave him the opportunity to mount that challenge, which has been very successful so far and is still growing.<sup>16</sup> For Orbán, the refugee crisis is simply the latest and most visible symptom of what he sees as the failure of Europe's liberal politics and the weakness or naivety of some of the continent's most prominent politicians, including the German Chancellor, Angela Merkel. Beginning with a speech in July 2014, Orbán extolled the virtues of ‘illiberal democracy,’ singling out Putin's Russia and Erdogan's Turkey as allegedly successful states that avoided the liberalism.<sup>17</sup> For Orbán all these data were favourable in order to unify the Visegrad countries (Hungary, Poland, Slovakia, and the Czech Republic) so as to oppose the EU redistribution of the refugees.

In Poland, the ruling Law and Justice Party has assumed political control over state-funded radio and television. By July 2016, 164 journalists and news anchors had either resigned or been dismissed. In December 2017, the government's continuing efforts to curb the independence of the judiciary prompted the EU Commission to formally declare that there is “a clear risk of a serious breach of the rule of law in Poland.”<sup>18</sup> In our opinion, there are more sovereign tendencies in Poland, which we shall present in the following sub-chapter.

In the same month, the EU launched infringement proceedings against the Czech Republic, Poland and Hungary for failing to take appropriate steps to resettle limited numbers of asylum seekers, in accordance with decisions previously taken by the Member States.<sup>19</sup> Some months

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<sup>14</sup> Ibid.

<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Stephan Pogany, “Viktor Orbán, Refugees and the Threat to Europe,” Social Europe, 2 November 2015, <https://www.socialeurope.eu/viktor-orban-refugees-and-the-threat-to-europe> (accessed 28 January 2018).

<sup>18</sup> Pogany, “Europe's illiberal states: why Hungary and Poland are turning away from constitutional democracy.”

<sup>19</sup> Ibid.

earlier, the European Court of Justice dismissed cases brought by Slovakia and Hungary in which the latter had sought to argue that the EU's scheme for the mandatory relocation of asylum seekers was unlawful.<sup>20</sup>

This model of authoritarian political culture, particularly in Hungary and Poland, has rejected an ideology founded on individualism, human rights, economic transparency and multiculturalism. They are turning instead towards an alternative social, political and economic model in which the cultivation of "traditional values" and distinct national identities is of paramount ideological importance.

Even though we cannot argue that the illiberal model is present *ingenue* in other ex-communist countries in the region (Bulgaria, Croatia, Romania), following the political life of these countries, especially after the economic crisis, we see tendencies bordering on illiberalism<sup>21</sup> even if, at least, at the declarative level and not very substantially the political system and the society are open to liberalism. In relation to this ambiguous evolution in all the states in the region, immediately after the joining of these countries to the European Union, Professor Andrei Marga drew attention that Central and Eastern Europe broadly adopted procedural democracy (i.e. liberalism), but democracy *as a style of life*<sup>22</sup> is still a desideratum.

## 1.2. EU Member States from Central and Eastern Europe, and Sovereignty

If, at least prior to the 2015 refugee crisis, the old founding states in particular and the EU space in general perceived the group of Visegrad states, formed by Hungary, Poland, the Czech Republic and Slovakia, with admiration and consideration for their desire to better promote their interests at the European level, with their firm decision not to accept the groups of refugees Brussels began to wonder what are the real objectives of these states. Some deviations could be seen as early as 2014, when the EU introduced the economic retaliation against Russia in the context of events in Ukraine, but they were tolerated because different opinions came only from the two states, Hungary and Slovakia. If Victor Orbán's sympathy and closeness to Russia were tacitly accepted, the voice of Slovakia emerged as somewhat surprising, as it is the only country in the Eurozone group and therefore strongly linked, from an economic point of view, to the European core.

Starting in 2016, the voice of the Visegrad group in the EU, as an inconvenient group, has emerged more prominently, receiving on the one hand unity in political vision with the accession of all governments with anti-European stance, and a common stance with reference

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<sup>20</sup> Ibid.

<sup>21</sup> Protectionist laws (percentage of Romanian products on the shelves of shops and limitations imposed on the possibility to buy agricultural land), a discourse against the large multinational companies: supporting the referendum initiated by the Coalition for the Family, attacks against the independence of the legal system, the description of the European Union as an enemy of Romania. See Ovidiu Nanhoi, "EU și UE. Liberali și Iliberali – o comparație," *Dilema Veche*, 668 (December 2016): 6-13, <http://dilemaveche.ro/sectiune/pe-ce-lume-traim/articol/liberali-si-iliberali-o-comparatie> (accessed 28 January 2018).

<sup>22</sup> Andrei Marga, "Democracy as Form of Life," *Eurolimes* 8 (Autumn 2009): 141-154.

to the freedom of justice, freedom of expression, and the beginning of a campaign against multinational companies, especially those in the sphere of commerce, selling, in their view, low-quality products to citizens living in these countries compared to the products sold in Western Europe. More and more obvious sovereign attitudes can be observed, along with a more and more open reconsideration of relations with Russia, in the case of Slovakia and the Czech Republic, and in the case of Hungary, where Victor Orbán declared himself not only a sympathizer but also a friend of Vladimir Putin. Poland followed in 2016 all the evolutions of other Visegrad countries, except the aspects regarding the relationship with Russia, which remained unchanged, as Poland continued to mistrust Moscow and consider it as the most sensitive point of preoccupation for its sovereignty.

For the Visegrad Group countries the vote for Brexit came as a confirmation that the sovereign line they followed within the EU was a correct one, being adopted by a major Member State in the EU bloc, the United Kingdom. In particular, the Brexit has had a major impact on Poland and the Czech Republic as regards the strengthening of their position as sovereign states within the Visegrad Group and their relationship with Brussels.

Ever since they joined the EU, the two countries mentioned above followed the model of the United Kingdom. Poland supported the UK in gaining a special status in some decision-making issues adopted by the Treaty of Lisbon in 2009.<sup>23</sup> The Czech Republic and the UK were the only EU Member States that did not join the European financial stabilization mechanism in December 2010. In December 2015, the countries of the Visegrad group rejected, along with the United Kingdom, the refugees' allowances allocated by the European Council.

Poland's special relationship with the post-Brexit UK had, besides these connotations, linked to the European agenda, bilateral connotations as well, some of them related to the historical tradition of relations between the two states, but especially to recent common interests. The massive Polish economic downturn in the last 25 years has been heavily weighing in the relationship between the two countries, in the UK's exit of the EU and the closing of the British labour market for the millions of Poles working in the UK. From the point of view of the security of the two states, threatened by Moscow, there are many interferences in both directions. Therefore, we can say that sovereign Poland – supported by the UK – is making an increasingly vocal tandem with the illiberal Hungary, supported by Russia.

The election of Donald Trump as the president of the US was explicitly supported by Victor Orbán and by the Czech President Miloš Zeman, two of the leaders of the Visegrad group countries, who became the group's critical voices in relation to Brussels. The policy change in Washington has strengthened notably the sovereign positions not only of the Visegrad group towards Brussels but also of other Central and Eastern European countries where political changes took place in the autumn 2016 and the spring of 2017, materialized in the coming to power of conservative forces, with illiberal sympathies (Romania, December 2016; Bulgaria, the spring of 2017).

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<sup>23</sup> Iordan Gh. Bărbulescu, *Noua Europă. Identitate și Model European* (Iași: Polirom, 2015), 421.

As a consequence of these political developments, especially in 2017 and at the beginning of 2018, looking closely at the meetings of the Visegrad group, one can notice a tendency towards association among several observers, and even among some representatives of Bulgaria, Croatia, Romania and Slovenia. Thus at the meeting of the heads of state and government of the Visegrad group in Budapest, on 24-25 January 2018, the Secretary of State for Agriculture Affairs of the Government of Romania was among the participants.

The question that emerges is whether one can expect that, in 2018, Visegrad is going to extend at a V5 ... V8? The evolutions of the past two years seem to indicate an increasing evolution towards sovereignty.

## **2. Does the agenda of EU Member States from Central and Eastern Europe correspond to Brussels agenda in the Eastern Partnership?**

For Brussels, the Eastern Partnership is a new source of opportunity. Even if they see the same thing, the EaP and some EU Member States from Central and Eastern Europe find that the price is too high so as to counterbalance with Russia's reaction and the energy-related dependence on it, in the case of the Visegrad countries group or in the case of Bulgaria.

For Brussels, promoting a free society is an essential condition for the success of the Eastern Partnership and the adoption by these countries of the European values. Even if their views converge with those of Brussels, EU Member States from Central and Eastern Europe consider that the liberal society will not be able to bring stability to the countries that belong to the EaP, since there was peace in this space in the close past.

For Brussels, the presence of problems in relation to the EaP can be explained by the action of diverse factors, though it always believes strongly in the existence of a solution. For some EU Member States from Central and Eastern Europe, EU issues in its relation to the EaP are explained only by the fault of Brussels, without any prejudice to Russia's involvement.

For Brussels, the diversity represented by the EaP countries is not a problem, it is a challenge. For the EU Member States from Central and Eastern Europe, this diversity is transformed into uniqueness, each being interested in a specific country on national and historical grounds, and not about the whole bloc of the EaP (Poland and Hungary in Ukraine, Romania in Moldova especially, and to a certain degree in Ukraine).

Brussels, in the relationship with the EaP countries, seeks to speak not in relation to states but uses instead as levers various regions, cross-border cooperation, civil society, business environment, while for the EU Member States from Central and Eastern, the state is the main actor in the relationship with the states and other actors in the EaP.

Brussels considers that minorities should be listened to and protected. For EU Member States from Central and Eastern Europe, the majority dictates while the minority is used as an instrument just outside their borders, and in our case when talking about some EaP countries (the Hungarian, Romanian and Polish minority in Ukraine and the Bulgarian minority in Moldova).

Brussels considers the force of the institutions as an essential factor; if the institutions do not exist, they must be created, while for many EU Member States from Central and Eastern Europe, the force of the leader is enough for the dialogue with the EaP countries, where a similar mentality is largely present.

For Brussels, corruption is the result of dysfunctional institutions, of legal limitations, trespassing of the state-of-the-law norms, while for the countries from EU Member States from Central and Eastern Europe these norms have been included only in the check-list of the joining process and after joining they have been left aside while institutions have become instruments for corruption. This reality is largely accepted in the EaP space and encouraged by Moscow.

For Brussels, patriotism means the promotion of national values in a successful country, together with partners and allies. For the EU Member States from Central and Eastern Europe patriotism is a means of historical reversal, both towards a West that treated them as second-hand members through the difference in the quality of supermarket products, the transitory conditions on the labor market or an 'arrogant' institutional attitude, which does not accept them as they are, and the EU Member States from Central and Eastern Europe, among them (Hungary vis-à-vis Romania and Slovakia). Of course, this historic revenge is also a chimera that feeds the prejudices against the EU Member States from Central and Eastern Europe towards the EaP (Poland towards Belarus and Ukraine, Hungary to Ukraine, Romania to Ukraine and Moldova), to which the anguish of the EaP countries coming closer to the EU is a response, as they are exposed to possible historic revenge from neighbours in the EU.

Judging from the perspective of this, Brussels (i.e. the old EU Member States), EU Member States from Central and Eastern Europe dichotomy, as a dichotomy between liberalism and illiberalism, referring to the whole EU space agenda for the Eastern Partnership Area, we find that, on the one hand, Brussels seeks to bring the countries of the Eastern Partnership Area in the space where it has only procedurally succeeded in imposing a change in the EU Member States from Central and Eastern Europe, where an unexpected distance, at more than a decade after accession, can be observed. On the other hand, the Eastern Partnership Area countries would like to have procedural changes under the influence of Brussels because they are bringing financial benefits, but they feel much closer to the realities of the EU Member States from Central and Eastern Europe.

This means whereby the two trends and the two realities that exist within the EU can be brought together, since they can either facilitate or affect the role that the EU has assumed in the world in general, and in our case in the EaP space, are presented by the German Foreign Minister Sigmar Gabriel who, on the occasion of the conference *The Marshall Plan at 70: What We Should Remember and What We Must Do for the Future* of May 18, 2017, said that "now, when we are witnessing the ascension of states that claim to be either illiberal or anti-liberal, the EU and the US need to assert not only the standards for the 21<sup>st</sup> century in economic

issues, but also the issue of Western ideas about human rights, democracy, freedom of speech, and others – against those antiliberal and authoritarian ideas in these countries.”<sup>24</sup>

### 3. How do the EU Member States from Central and Eastern Europe relate to the Eastern Partnership?

The affirmation of a tangible agenda, not to say ‘alternatives’ of the most<sup>25</sup> EU Member States from Central and Eastern Europe to the multiple problems of European governance, sometimes going to follow different directions, without negotiation, cannot be exempt from exceptions when talking about the Eastern Partnership. How can we explain the existence of a nuanced or alternative agenda of the EU Member States from Central and Eastern Europe in relation to the EaP<sup>26</sup> beyond the individuality of the general positions that have been mentioned especially in the subchapter *EU Member States from Central and Eastern Europe and Sovereignty?*

First of all, it can no longer surprise anyone that a political decoupling of some Central and Eastern European countries from Brussels is caused, on the one hand, by the underlying energy dependence of most of these states from Russia, except Romania; on the other hand, they all seem to have embraced illiberal model of government. Russia is doing all it can to make these former communist countries rediscover either a common historical past or a common spiritual tradition, as it is the case with Romania.

Second, it is worth mentioning here some encouragements from German officials, especially for Central and Eastern European leaders, who want to assert greater autonomy towards Brussels, including the Eastern Partnership agenda. Thus, in a declaration from 2017, the Bavarian Conservative leader Horst Seehofer, in order to justify the invitation he made to Victor Orbán to visit Bavaria, said, “We should quit huffishness when we evaluate other countries and other politicians.”<sup>27</sup>

Finally, a “commercial war” has recently been perceived between Polish, Czech and Hungarian companies and major European, German, French, and Dutch companies, which have been determined to join an *Alliance of Eastern European Employers*, in order to become stronger. Interestingly, this initiative belongs to the National Union of Employers in Romania, to which have joined, in early February 2018, the employers’ associations in Hungary, Poland and

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<sup>24</sup> Gabriel Sigmar, “The Marshall Plan at 70: What We Must Remember and What We Must Do for the Future,” Conference Speech, Center for Strategic and International Studies, Washington DC, 18 May 2017, 4, [https://csis-prod.s3.amazonaws.com/s3fs-public/event/170525\\_marshall\\_plan.pdf?AAM1ufR3h.YCFwH3sl30Hb8RGpF\\_xUo2](https://csis-prod.s3.amazonaws.com/s3fs-public/event/170525_marshall_plan.pdf?AAM1ufR3h.YCFwH3sl30Hb8RGpF_xUo2) (last accessed 28 January 2018).

<sup>25</sup> Referring to the case of states such as Romania, the President Klaus Johannis stated clearly his support for community policies, including the Eastern Partnership, while the governing coalition PSD-ALDE does not deny such a support, though the way it exercises power indicates a different agenda.

<sup>26</sup> Andreas Pache, “The Visegrad Group and the Eastern Partnership,” 3 October 2016, <http://www.nouvelle-europe.eu/node/1956> (accessed 4 February 2018).

<sup>27</sup> Horațiu Pepine, “Ce va face președintele Johannis în cazul Poloniei,” Ziare, 9 January 2018, <http://www.ziare.com/europa/polonia/ce-va-face-presedintele-iohannis-in-cazul-poloniei-1496643> (last accessed 10 January 2018).

Slovakia.<sup>28</sup> The goal of this alliance is to promote better the interests of the business environment in the region vis-à-vis Brussels, creating a communication platform for the business of the four countries activating on third markets. The same goal of strengthening the business environment in the region might also be associated with the announcement made by the Polish Prime Minister Mateusz Morawiecki and the Prime Minister of Hungary, Victor Orbán at the beginning of 2018, on the launching of the project of a regional bank to stimulate investment in the infrastructure in the region, to which Slovakia and the Czech Republic, as well as other countries in the region, have been invited to join.<sup>29</sup>

The affirmation of a different agenda, especially from the part of the Visegrad countries, can be perceived in the form of two converging/divergent actions, on the one hand, the shaping of an extended Visegrad to the Eastern Partnership, wanted by Poland, and on the other hand, a Visegrad with weak neighbours, dominated by domestic crises, wanted by Hungary.

Poland, by its demographic, economic and territorial weight, seeks to take on the role of a leader and of coagulant factor in the region whose orientation goes beyond the enlarged Visegrad group towards a Visegrad that includes the neighbouring countries of the Eastern Partnership. Among these a central role is played by Ukraine, where Poland has very large historical, geopolitical and economic interests. Secondly, Belarus, which is also a neighbour, in which Poland is interested based on the same conscientious as in the case of Ukraine. Poland's interest in Moldova is a geopolitical one, but also one that aims at Romania's association with Poland's strategic vision of bringing the *Intermarium*<sup>30</sup> interwar project into discussion.

The Three Seas Initiative is a relatively new idea in the European diplomatic landscape that aims to stimulate closer cooperation especially on energy issues between the twelve EU Member States bordered by the Adriatic Sea, the Baltic Sea and the Black Sea. More specifically, Austria, Bulgaria, Croatia, the Czech Republic, Estonia, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia and Hungary, mainly the countries of the former communist Eastern bloc. The first meeting took place last year in Dubrovnik, Croatia. The idea belonged to the President of Poland, who resumed the model of the Intermarium Federation that Marshal Józef Piłsudski designed in the third decade of the last century, aiming at an alliance between the "countries included among the seas" in order to ensure the security of the member states both in relation to Soviet Russia and Germany.<sup>31</sup>

Even if Poland's and the UK's post-Brexit common interests are not openly shown, it is understandable that London seeks to weaken Brussels negotiation capacity in this matter, using the Polish lever and its weight in the Eastern Border Security Architecture of the EU and

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<sup>28</sup> On 9.2.2018 the articles of incorporation of the Alliance of Eastern European Employers were signed in Cluj-Napoca, [www.unpr.ro](http://www.unpr.ro) (last accessed 10 February 2018).

<sup>29</sup> See [www.infoziare.ro](http://www.infoziare.ro) (last accessed 2 February 2018).

<sup>30</sup> See about *Intermarium* interwar project: Marek Jan Chodakiewicz, *Intermarium. The Land between Black and Baltic Seas* (New Brunswick: Transaction, 2012), 568.

<sup>31</sup> Horațiu Pepine, "Mai există astăzi Noua Europă?," Deutsche Welle, 4 July 2017, <http://www.dw.com/ro/mai-exista-noua-europa-39539092?maca=rum-rss-rom-all-1493-rdf> (last accessed 3 January 2018).

obviously in BUM space.<sup>32</sup> The theme of the Intermarium project is one not only with a retro character, but also with current strategic valences for both Warsaw and London. This theme was reopened especially in the context of the fact that the Weimar triangle (France, Germany, Poland) could be remarked in the first part of the Ukrainian crisis, in the negotiations that took place as part of the Minsk 1 and 2 agreements, when Poland was put aside by the Franco-German couple, which generated frustration at the level of the Polish diplomacy. In this context, Poland received indirect support from the UK and especially from the United States<sup>33</sup> in order to become the integrating actor and at the same time the head of a bloc of states, including the ones bounded by the Baltic, the Adriatic and the Black Seas. This bloc, centered around the Visegrad Group, aims to include all EU Member States, but also the Western Balkan states and the Eastern Partnership BUM group in an economic and security structure. The project's axis is the Via Carpatica road and rail link,<sup>34</sup> which would link the Baltic States, Poland-Slovakia-Hungary-Romania-Bulgaria-Greece and towards which the eastern-west axes crossing the Eastern Partnership and EU Member States in Central and Eastern Europe would converge.

As pointed out by Joel Harding, the Intermarium group will become a *de facto* voting bloc in the EU and NATO that will be implacably opposed to any weak dealings with Russia. It will unite and divide both the EU and NATO in the sense that it forms a fault line between the isolationist Germans and the dithering Romance nations when it comes to dealing with Russia. This seems to be a good thing for both NATO and the EU, by balancing politically the naive and dithering Western European nations on Russia issues.<sup>35</sup>

As far as Hungary is concerned, through its strategic position in Central and Eastern Europe, it seeks to assume, through the voice of Victor Orbán, both an integrating role vis-à-vis the other EU Member States in the region and with the Eastern Partnership states, especially on the Hungarian-Polish axis, as well as a disintegrating role, as an independent player close to Russia.

Hungary seeks to act as an economic hub especially for Ukraine, given the access, provided by its territory, to Ukraine's most important transport route to the West and South-Western

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<sup>32</sup> Belarus, Ukraine and Moldova.

<sup>33</sup> In Warsaw, the American president Donald Trump emphatically spoke so as to give satisfaction to the conservative Europe, including Poland and Hungary, placing himself in an implicit opposition with the liberal-progressist line of Germany and France. Donald Trump's discourse validated the politics of the Rightness and Justice Party, which are considered abominable in Berlin and Paris. See Horațiu Pepine, "Klaus Johannis după Varșovia," Deutsche Welle, 7 July 2017, <http://www.dw.com/ro/klaus-iohannis-dupa-varsovia/a-39598859> (last accessed 3 February 2018).

<sup>34</sup> "Via Carpatia: Pe unde va traversa România noua autostradă dintre Mediterană și Marea Baltică," *Economica*, 6 March 2017, [http://www.economica.net/via-carpattia-pe-unde-va-traversa-romania-noua-autostrada-dintre-mediterana-si-marea-baltica\\_115733.html](http://www.economica.net/via-carpattia-pe-unde-va-traversa-romania-noua-autostrada-dintre-mediterana-si-marea-baltica_115733.html) (last accessed 5 February 2018).

<sup>35</sup> Joel Harding, "Intermarium or Russia Getting What It Deserves," *To Inform Is to Influence*, 22 May 2016, <https://toinformistoinfluence.com/2016/05/22/intermarium-or-russia-getting-what-it-deserves/> (last accessed 3 February 2018).



Europe (Adriatic and Mediterranean).<sup>36</sup> On the other hand, by its transformation into the most important Russian gas deposit, to which, under the conditions of East Ukraine crisis, this country will have access to with the completion of Paks' atomic power plant.<sup>37</sup> Hungary may become the largest electricity supplier for Western Ukraine and Western Balkans.

Speaking from Hungary's political perspective as an integrating factor, it is interesting that Hungary is almost at the same level of acceptability for the Republic of Moldova as Romania. If Romania is considered the strategic partner for the Romanian-speaking population of the Republic of Moldova, Hungary plays this role for the Russian-speaking population. This integrative status for the Republic of Moldova was achieved in the period when Hungary played the role of a Schengen consulate for the Republic of Moldova and then in the conditions when the representatives of the left centre parties from the Republic of Moldova were looking for the gate to Brussels through Budapest and not through Bucharest.

Looking more closely at the actions of Hungary, it seems that although it has an agenda close to that of Poland regarding the integration of the Eastern Partnership states, one can notice that due to its proximity to Russia, it seeks to integrate the Eastern Partnership space into a space where the influence of Russia must become again important, especially in the case of Moldova and Ukraine.

Unlike Poland, Hungary also has a particular tool to integrate through the disintegration the Eastern Partnership countries, namely the issue of the minorities in Ukraine and the Republic of Moldova. Hungary's position on the issue of the Hungarian minority in the Carpathian Basin,<sup>38</sup> including in relation with EU Member States, Romania and Slovakia, is well known. Taking advantage of the adoption of the new education law in Ukraine, in 2017, which limits the right to education in the minority languages, Hungary has brought together all states that have minorities in Ukraine to join their efforts against the Education Act. In fact, Hungary has exploited the victory of that part of the Ukrainian society<sup>39</sup> and has pushed the pedal of the protection of minority rights threatened by Ukrainian nationalism in order to strengthen its position in western Ukraine, where, in the context of the crisis in the East of Ukraine, Hungary

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<sup>36</sup> At least partially, this starts to be competed by Slovakia, whose infrastructure works on its eastern territory and would create an alternative for the transport in Ukraine, especially towards the West.

<sup>37</sup> A Russian investment of more than 10 billion euro; Constantin Balaban, "UE aprobă proiectul ruso-ungar destinat extinderii centralei nucleare de la Paks," Agerpres, 6 March 2017, <https://www.agerpres.ro/economie/2017/03/06/ue-aproba-proiectul-ruso-ungar-destinat-extinderii-centralei-nucleare-de-la-paks-13-29-08> (accessed 5 February 2018).

<sup>38</sup> Inga Chelyadina, "Between East and West: The Hungarian Minority in Ukraine," *Nouvelle Europe*, 2 October 2016, <http://www.nouvelle-europe.eu/en/between-east-and-west-hungarian-minority-ukraine> (last accessed 4 February 2018).

<sup>39</sup> Andrew Wilson, "Partner for Life: Europe's Unanswered 'Eastern Question'," *European Council of Foreign Relations*, 12 October 2017, [http://www.ecfr.eu/publications/summary/partners\\_for\\_life\\_europes\\_unanswered\\_eastern\\_question\\_7232](http://www.ecfr.eu/publications/summary/partners_for_life_europes_unanswered_eastern_question_7232) (accessed 5 February 2018).

was a supporter, with Moscow's benevolence, and along with Slovakia, of bringing into discussion the Ruthenian problem in the Transcarpathian province.<sup>40</sup>

The same tool, related to minorities, was used during the period 2014-2016 on the internal affairs that worried the Republic of Moldova in the wake of the crisis in Ukraine, of the pressures of Russia so as that country should not get out of its influence, by signing of the Association Agreement with the EU, attracting the Republic of Moldova into the economic orbit of Romania, with the support of the EU. The separatist movements in the south of the Republic of Moldova, the Gagauzes have found a favourable echo in Hungary's policy of protecting minorities and of conjugating their actions to those for the autonomy of the Szeklers in eastern Transylvania.

Romania is the second largest country on the eastern border of the EU and obviously its geopolitics forces it to position itself in a particular way vis-a-vis the affirmation of a regional pole of countries, with an impact on the Eastern Partnership. Unlike the other two countries, Romania is not a supporter of a special relationship between the EU Member States group from Central and Eastern Europe and the Eastern Partnership countries but of a general community relationship with these countries. On the occasion of the second meeting of the countries of the Intermarium group, on 7 July 2017, in Warsaw, Romania expressed its point of view that it did not want "to develop initiatives to separate these countries from the rest of the EU, encouraging rather the help of the EU for these countries, an attitude that integrates perfectly into the EU's grand goals."<sup>41</sup> This is due, on the one hand, to the fact that Romania still has a high degree of confidence in the EU, that there are no political forces with anti-European discourse, even if in practice such a discourse is implied. On the other hand, there is a certain lack of confidence in the Central and Eastern European projects, which hide the dangers of some political constructs that it tries to avoid.

Another set of issues relates to the relations Romania has with the main actors of a distinct regional construct within the EU – Hungary and Poland.

As far as Poland is concerned, the Polish side has always made offers for a Polish-Romanian partnership, thanks to the excellent historical relations that have existed between these two countries, especially during the interwar period, but also during the communist era. The educational, scientific and trade exchanges, especially from the Polish side to Romania, have laid the foundations for a strategic partner. But these relations have never come out of the political framework, although the Polish side has made proposals for a Polish-Romanian tandem in the European institutions. If we can talk about a strategic partnership this is visible in NATO and in the new developments of this alliance over the past 2-3 years, in the context of the crisis in the East of Ukraine. At the same time, Romania has announced that it supports the Intermarium project as a structure of cooperation, in the Romanian vision, especially for the

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<sup>40</sup> Nikolas Kozloff, "Ukraine Crisis: Hands Off Transcarpathia!," *Huffpost*, 20 April 2014, [https://www.huffingtonpost.com/nikolas-kozloff/ukraine-crisis-hands-off\\_b\\_5358893.html](https://www.huffingtonpost.com/nikolas-kozloff/ukraine-crisis-hands-off_b_5358893.html) (accessed 5 February 2018); Paul Robert Magocsi, "The heritage of autonomy in Carpathian Rus' and Ukraine's Transcarpathian region," *Nationalities Papers* 43, 4 (2015): 577-594.

<sup>41</sup> Pepine, "Klaus Johannis după Varșovia."

security part at the EU and NATO borders and by the possibility of extension to immediate neighbours if necessary.

For Romania, the relationship with Hungary has a degree of political mistrust, although from the point of view of economic relations, that of scientific and cultural exchanges, each part is for the other among the first ten partners. Beyond its aspect of historic dispute, the problem of the Hungarian minority in Romania is Hungary's most sensitive resort, although the Hungarian minority was part of almost all governmental structures in Romania in the past two decades. The Romanian side, especially in the unofficial zone, but sometimes with public disclosure, is dominated by distrust in the relationship with Hungary, and a speech with nationalist accents can be perceived in certain environments. It is precisely these aspects that have so far made the Romanian part to be reserved in accepting certain proposals from Budapest to limit the ranks of the EU Member States in Central and Eastern Europe, except for taking a position on the refugees issue in 2015, rapidly corrected by the President of Romania, Klaus Iohannis. However, in the last two years, it became obvious that there are talks in relation to associating Romania with certain actions of the Visegrad Group, especially in the autumn of 2017 and the first months of 2018.

As far as Romania's relations with the Eastern Partnership countries are concerned, beyond certain historical nuances regarding Ukraine and the Republic of Moldova, they do not leave the Brussels-specific line and the NATO strategy.

For instance, as regards the relation with Ukraine, although in this country there has been a Romanian-speaking community of almost half a million people, Romania is very discreet regarding the issue of its minority in this country, although the law of national education, adopted in Ukraine in 2017, and which threatens education in minority languages, has brought Romania to join the countries that have criticized this law, going as far as cancelling the visit of the Romanian President to Kiev in the summer of 2017.<sup>42</sup> Romania is the follower of the negotiation, as shown by its position in the autumn of 2017, when in the Cernauti region the Ukrainian authorities allowed the opening of two new schools with teaching in Romanian. Unfortunately, although Romania has the longest frontier with Ukraine, in terms of economic, educational and scientific exchanges, its relations with Ukraine, as compared to those Ukraine has with its other neighbours, are far from the potential of the two countries, persisting some presumption of distrust to the events in Eastern Ukraine, when the perception of those two states from each other began to change.

With regard to the Republic of Moldova, Romania has an interest that may be defined as national, but which is not dominated by the interest of the union of the two Romanian-speaking states, although beyond the Prut there are important voices, but not dominant in this direction, as well as many other voices, that support the integration with Romania, on the path provided by Brussels, i.e. the existence of two Romanian states but within an EU-managed framework.

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<sup>42</sup> Angela Sârbu, "Ucraina se declară "deceționată" de anularea vizitei președintelui Klaus Iohannis," Agerpres, 22 September 2017, <https://www.agerpres.ro/externe/2017/09/22/ucraina-se-declara-deceptionata-de-anularea-vizitei-presedintelui-klaus-iohannis-19-06-55> (accessed 5 February 2018).

There is also about a similar amount of voices that are against the union with Romania, arguing instead for a closer connection of the Republic of Moldova with Russia and the Eurasian Economic Community.

As a result of the majority of the Moldovan population approaching the EU and Romania, this country has undertaken to integrate the Republic of Moldova into Romania's economic space through trade,<sup>43</sup> investments, infrastructure, alternative energy sources (gas, electricity), through the formation of the human resource. Romania's option for a differentiated integration of the Republic of Moldova into the European economic space is a practice that has become a community decision regarding the relations between the EU and the Eastern Partnership countries, especially after the Riga Summit of 2015.

In our presentation in this subchapter, we have insisted very much on possible divergence from the EU's objectives and policies in relation to the Eastern Partnership states. As pointed out, in February 2018, by Geza Jeszenszky,<sup>44</sup> the former Foreign Minister of Hungary and founder of the Visegrad group in the 1990s, whether the actions of the Visegrad group in the EU relationship are meant to express gloomy points of view or alternatives, but which are part of the whole of European policies, then the group's actions must be appreciated.

These accents, with nuances that indicate confidence, formulated by one of the most appreciated Hungarian supporters of Europe, that the actions of the Visegrad group are in fact part of the EU strategy towards the Eastern Partnership tracts can also be observed in the official actions of this group in relation to their neighbours from the East. Thus, it has become a practice that there should be an annual meeting of the foreign ministers of the countries in this group with their counterparts in the Eastern Partnership countries or the representatives of the governments of the two groups when discussing specific issues.<sup>45</sup> Thus, on August 31, 2017, a meeting took place in Budapest, which prepared the positions of the two parties for the Eastern Partnership Summit in Brussels, in November 2017.<sup>46</sup>

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<sup>43</sup> Starting with 2014, it has become the first commercial partner of the Republic of Moldova both as regards exports and imports.

<sup>44</sup> Geza Jeszenszky: "I am one of the founders of the Visegrad Group as Foreign Minister in the 1990s. I have always believed, and I believe that many leaders in the Visegrad countries have, if not a political mission, the goal of having more impact in the European Union. But I think the big question is: what impact? If the goal is to have more weight, more influence to weaken the EU, to become a group that diminishes common actions then it is doomed to failure more, it will not live long. It will ruin the group's solidarity. We can already see on certain occasions over the last two years that the group has been united in issues such as migration, but there has been a limit, a confrontation with the rest of Europe. So the Visegrad group must follow your goals wisely. Opposition to Europe would surely be a tragedy and I think the citizens of the Visegrad countries are not so stupid as to allow a break. There will not be a Vrexit." Balasz Barabas, "Paşaport Diplomatic," DIGI 24, 3 March 2018, <https://www.digi24.ro/stiri/externe/mapamond/fost-ministru-de-externe-al-ungariei-niciun-maghiar-nu-ar-fi-gata-sa-moara-pentru-transilvania-872113#ziarecom> (last accessed 3 February 2018).

<sup>45</sup> Visegrad Group, [www.visegradgroup.eu](http://www.visegradgroup.eu) (accessed 5 February 2018).

<sup>46</sup> Visegrad Group, *Joint Statement of Ministers of Foreign Affairs of Visegrad Group on the Occasion of the Meeting of Ministers of Foreign Affairs of W4 and the Eastern Partnership Countries "Strategic challenges of the Eastern Partnership before the Brussels Summit,"* <http://www.visegradgroup.eu/calendar/selected-events-in-2017-170203/joint-statement-of-the-170904> (last accessed 4 February 2018).

## Conclusion

In conclusion, although there are many actions to integrate the Eastern Partnership countries into the regional constructions designed by the EU Member States in Central and Eastern Europe – Visegrad or Intermarium – one can witness differentiated integrating actions, some Brussels-based actions, some started by these regional constructions, especially the Visegrad group, but some of them also carrying national interests of the EU Member States in Central and Eastern Europe. The fact that most of the countries from the Belarus-Ukraine-Moldova group are targeted by the EU Member States in Central and Eastern Europe is symptomatic of the dominance of the national interest in relation to that of the EU as the AGA countries (Armenia-Georgia-Azerbaijan) are not a priority for the EU Member States in Central and Eastern Europe agenda, since they are not in the area of national interest.<sup>47</sup>

Important for success in integrating the Eastern Partnership countries into the whole of the European space, without the EaP countries being members of the EU, is that the three levers of action – community policy, regional group policy and political / national preference – have the highest degree of convergence, with the common agenda assumed. The action of regional and national levers should not be seen as a destructive competition for community action, but as a complementary action of a convergent nature.

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<sup>47</sup> This thing also becomes obvious from the level of help coming from the Visegrad group in these three countries, in relation to the help they receive from the BUM group. Balázs Gyimesi, "The Visegrad Group's development assistance to Eastern Partnership countries," 2 October 2016, <http://www.nouvelle-europe.eu/en/visegrad-group-s-development-assistance-eastern-partnership-countries> (last accessed 4 February 2018).

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**PART II**  
**SECURITY PARADIGMS**



## REGIONALISM AND REGIONAL AUTONOMY IN AN AGE OF RENATIONALIZATION

Carlos E. Pacheco AMARAL

**Abstract.** Organized in three fundamental moments, this text focuses upon the ideas of regionalism and regional autonomy, instrumentally understood as tools that allow us to revisit the political organization of the Continent. A first moment is dedicated to the idea of sovereignty and to the Europe of sovereign independent States it heralded. A second moment is centered upon the erosion of sovereignty and the crisis that befell the Europe of sovereign States, at least, since the middle of the last century – opening the way, in fact, to the re-emergence of the ideas of regional autonomy and infra and supra-national integration. A third moment highlights the re-emergence of the idea of regional autonomy and the ways in which it has been recuperated to forge and to integrate new political communities in the continent, both within and beyond the previously sovereign States, transfiguring the political map of Europe. Finally, a concluding moment is reserved to an evaluation, albeit tentative, of the success and shortcomings of regional autonomy and of both infra-national and supra-national integration throughout Europe in the second half of the 20<sup>th</sup> century and in these first decades of the 21<sup>st</sup> century – and the study of the current reinforcement and growing appeal of nationalism and State sovereignty, both at the supra-national, European, level, evidenced in such tendencies as the Brexit, for example, and at the infra-national level, manifest in the separatist aspirations of autonomous regions that appear to aspire to become sovereign States, like Catalonia, Scotland or Flanders, for example.

**Keywords:** autonomy, integration, region, renationalization, sovereignty, State.

### 1. Sovereignty and Europe of States

The modern idea of sovereignty led to a very specific configuration of the political map of Europe: a Europe of States, each sovereign in so far as sole possessor of the concrete territory in which it stands, of the peoples established there, as well as of all the resources, both natural and other, available within the impermeable and impenetrable frontiers with which it encloses itself. Sovereignty allowed for the replacement of the medieval cohabitation within the same territory of a plurality of autonomous political entities, kingdoms, free cities, guilds, abbeys, duchies, etc., by a singular new solipsist unity: the State. The concentration in a single unit of the instruments of power previously dispersed among a plurality of entities, of the widest range and nature, granted the new States an impressive new capacity for action, both within its frontiers and beyond.

The modern social contract theory explains this new political reality of Europe in simple and impeccable terms. It is grounded upon a rather simple proposal: the idea of the fundamental equality of all human beings, understood in themselves, as *selves*, fundamentally, as subjects that are able to take possession of themselves as well as of the plurality of things that each one ends up accumulating throughout her or his life. In an original moment, so runs the modern argument, all individuals are equal. As *selves*, we are, as it were, *tabulae rasae*. Like

blank slates, we are all equal in so far as we are all destitute of ascriptive characteristics that may force upon each one a specific predetermined identity. As *selves*, we are all equal in so far as we are radically devoid of properties, yet capable of acquiring them. Entirely deprived of text or color, a blank sheet of paper is the exact equal to all others (of the same weight, size, etc., of course). Moreover, it is precisely the fact that it is blank that allows a sheet of paper to receive the text or the colors that one may wish to write upon it, thus individualizing it and making it different from all other.

The same applies to human beings. As the modern argument goes, instead of beings marked by their respective family, social strata, religion, culture or place of birth, each one of us emerges as a *self*, an individual who can elect whom to be through the possessions he or she elects to acquire and accumulate. That is why instead of being condemned to the social class, religion, profession and set of values of one's parents, for example, modernity will proclaim that each of us is responsible for forging her or himself by imprinting color and meaning to the *tabula rasa* that, at bottom, he or she truly is. That is a task that each one of us accomplishes thorough the accumulation, the commerce and the dispensation of the possessions we elect to characterize ourselves. Therefore, instead of being who nature or society made us, we are who we choose to be.

At the personal level, I build myself through the accumulation of the properties that I elect in more or less free fashion: the education that I select, the profession that I practice, the marital status that I adopt, whether or not I choose to have children, the system of values and beliefs that I hold, the place where I live, and all my remaining possessions that characterize me as the individual person that I am.

The same, modernity will proclaim, holds at the socio-political level. At the personal level, I carve my *self*, imprinting upon it the properties and the characteristics that I choose or am able to hold, and that is how I am directly responsible for becoming the concrete person that I am. At the socio-political level, our States carve their citizens, imprinting upon them the properties through which they define themselves. That is the primordial task of the social contract which, from Machiavelli to John Rawls, modernity elects as the fundamental instrument for community building.<sup>1</sup>

Modernity, it should be underlined, inverts the relation between the individual and the community proposed previously. The ancient and the medieval paradigms perceived the individual to be indissociable from the social units he or she integrated. So much so that one's very identity and being was perceived to ensue from the communities of which he or she was a part of; thus, the well-known Greek perspective of man as a *zoon politikon*, a political animal. For the modern mind, it is not only possible to separate the two as the first, the individual, instead of being a product of the second, the political community, emerges as its artificer. So much so that, according to the narrative of the social contract, it is the individuals who,

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<sup>1</sup> For a systematic presentation of the theoretical foundations of the modern State, cf. Carlos E. Pacheco Amaral, *Do Estado soberano ao Estado das autonomias* (Porto: Afrontamento, 1998), especially Chapter 1 "The State: emergence, framework and nature," 29-111.

reuniting for some reason or other, voluntarily choose to celebrate a contract among themselves that will be responsible for binding them into a political community.

Understood as a *tabula rasa*, the modern *self* is sovereign, free to both, carve her or himself at pleasure, and to unite with others as he or she freely elects. And finally, as the modern narrative will hold, it is precisely the sovereignty of the *selves*, parties to the social contract that allows for and legitimates the sovereignty of the State they establish by contract. In a word, the State is sovereign because it receives the sovereignty of the individuals who gathered to create it. Before the social contract, the individuals lived in a *state of nature*, in which, as a sovereign *self*, each one was absolutely free to do as he or she saw fit, and, therefore, to carve her or himself at pleasure, not knowing the categories of *right* or *wrong*, *just* or *unjust*. At the pleasure, that is, that the instruments of power he or she commanded allowed for!<sup>2</sup>

*Sovereign selves produced sovereign States.*

It is, besides, in this very process, of emptying themselves of each and every parcel of the sovereignty with which nature had endowed them, that the parties to the social contract transform themselves into *blank slates*. Moreover, in the process, the sovereign powers of the contractors is neither lost nor destroyed, but accumulated and offered to the third party created precisely to receive them: the State. And once the State emerges as the *Grand Leviathan*, and its parts are transformed into *blank slates*, we finally become ready to proceed with the final act of the modern social contract in which the newly sovereign State imprints upon the contractors who gave rise to it the shape and form it freely chooses, transforming them into its citizens, through the system of law that it adopts.<sup>3</sup>

## 2. Crisis and exhaustion of sovereignty

This, in broad strokes, is the narrative adopted by modernity for the political organization of Europe in sovereign States. Entailing the quartering of the continent into territorial units, delimited by impermeable and impenetrable frontiers, it allowed the new European political units a panoply of instruments of power, both internally and externally. At the domestic level, it allowed the new sovereign states to effectively reduce the medieval feudal plurality, to the unity of their sovereign identity and values. Internationally, sovereignty translated into an array of instruments of power, so extraordinary that it allowed the new emerging European States nothing less than planetary projection, conquest and domination, starting with the Iberian

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<sup>2</sup> Cf. the fundamental texts of the social contract modern tradition from Thomas Hobbes, *Leviathan* (Harmondsworth: Pelican Classics, 1980) and John Locke, *Second Treatise on Government* (Indianapolis: Hackett, 1980) to John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1971).

<sup>3</sup> The work of Michael Sandel constitutes one of the most interesting and illuminating critiques of the modern political paradigm, grounded on the contracts celebrated by sovereign selves for the production of sovereign States. Among his reflections cf., in particular, chapter one "America's Search for a Public Diplomacy" of his book *Public Philosophy. Essays on Morals and Ethics* (Cambridge: Harvard University Press, 2005), 9-34.

countries, Portugal and Spain, the first to assume the form of States.<sup>4</sup> With their new sovereign power they managed to project themselves across the entire planet, all the way to India and to the Pacific, and even to carve the world among themselves, under the blessing of the Holy See. And they would soon be followed by the Dutch, the English, the French...

The two world wars of the twentieth century, however, heralded the exhaustion of European power, and, with it, the roll back of the continent's sovereign states both externally and internally.

Internationally, throughout modernity, the States had grounded their legitimacy upon the protection and the security that each assured to its citizens and to the promotion of the respective national interests. *Protecto ergo obligeo* was, in the authorized words of Carl Schmitt, the *cogito ergo sum* of the sovereign State.<sup>5</sup> The State obligated, because of the security it provided to its citizens. And yet, by the middle of the twentieth century the very same idea of State sovereignty that allowed for European planetary domination, threatened the outright destruction of the continent. Unable to assure their territorial integrity, much less the promotion of their national interests across frontiers, State sovereignty became an impediment to the good political organization of the Continent, which required far more than the by now old idea of sovereignty was able to deliver. The new conditions in which Europe found itself required, if not the outright abandonment of the idea of sovereignty, at least its tempering, though supranational integration. Unable to even defend themselves, the European States would entrust that primordial task to a supranational, planetary, organization, the United Nations, and when that proved unfeasible, to a regional one, NATO. Unable to assure their peoples the amenities that traditionally go with the good life, they would forge new political entities, of a new type, better able to provide them for their peoples, the European Communities, since then transformed into a Union. In a word, the exhaustion of sovereignty required a new form of political organization for Europe.

Internally, sovereignty had permitted the European States to fully impose the premises of the social contract. Its overwhelming might allowed the States to take possession of all those who, often, following the vicissitudes of war, found themselves encapsulated within their borders. To take possession of them and to transform them into *tabula rasa* through the erasure of the various politically significant characteristics they elected to adopt in order to present themselves as members of individuated communities. This is as a preliminary exercise of human ground clearance, so to speak. Once cleansed of any ascriptive characteristics of their own, the individuals became ready to receive the singular unitary character of their respective States, translated into its singular language, values, identity and system of right. In a word, the might of sovereignty allowed States to complete a double exercise. Firstly, to take away from each one within their frontiers the characteristics that allowed them to define themselves as Basques, Catalans and Galicians, Flemish and Wallons, Alsatians, Occitans and Bretons, Sicilians, Tuscans and Valdotians, Scottish and Welsh, etc. turning them all into individuals,

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<sup>4</sup> The original theoretical formulation of the idea of sovereignty would be presented, later, by Jean Bodin in his renowned work *Les Six livres de la République* (Paris: Livre de Poche, 1993), originally published in 1576.

<sup>5</sup> Carl Schmitt, *The Concept of the Political* (Chicago: Chicago University Press, 2007), 52.

entities entirely destituted of properties and identity, yet apt to receive those properties and the identity that their respective State offered them. Secondly, on strict command of sovereign power, each State would be able to imprint upon the *blank slates* located within their borders its singular identity and system of right, thus transforming them into Spaniards, Belgians, French, Italians and British.<sup>6</sup>

Leading to the emergence of both the modern State as well and the international system it engendered, this fundamental idea of sovereignty translated itself into an instrument of tremendous success for Europe. With it, the continent would end up assuming control of no less than the entire planet in a process that started at the dawn of modernity, by the Iberian countries, Portugal and Spain, perhaps the first to assume the form of modern sovereign States. In full possession of the instruments of power available within their frontiers, the Portuguese and Spanish monarchs were able to mobilize them in the external projection of their countries to North Africa, first, and, afterwards, to the South and to the West, along the African and the American continents, all the way to the Pacific Ocean, to Asia and Australia. And, the remaining European countries would soon follow: the Netherlands, England, France... assuming themselves as planetary colonial powers.

*Sovereignty allowed Europe to command the world.*

Throughout modernity, the idea of sovereignty proved to be so useful that the rest of the planet rapidly sought to adopt it as well and to organize itself in sovereign States up to the universalization of the proposal. And, as a matter of fact, the same idea of sovereignty that allowed Europe to command the world would end up allowing the rest of the world, not only to free itself from European domination, but to check and challenge it following a double phenomenon. Firstly, as the continent's power basis exhausted itself, one after the other, the European powers were forced to retreat to their continental dimension of origin, just as, correlatively, organized as sovereign States, the former objects of European domination, gathered sufficient power to free themselves from the continent. And, secondly, as the European powers exhausted themselves in the two world wars of the twentieth century, they fell to the mercy of the two more or less benign extra-European powers that emerged on world stage. The two superpowers of the Cold War. If one can pinpoint the start of the process of European world dominion to the incursions of the Iberian countries into Northern Africa, the withdrawal from Hong Kong and from Macau, in 1997 and 1999, of the British and the Portuguese, respectively, constitute clear markers of the closure of the cycle.

In a nutshell, by the middle of the twentieth century, the idea of sovereignty no longer represented an adequate formula for political organization, both domestically and internationally.

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<sup>6</sup> Thomas Hobbes explains this phenomenon masterfully in the double dimension of the social contract. Cf. the two moments of his method: resolute and compositive; resolute, for the transformation of concrete individuals into selves; compositive, for the transformation of abstract selves into concrete citizens of the respective State; Thomas Hobbes, *Leviathan*.

Domestically, the degradation of central State power opened the way for the reemergence of regional identities, which the idea of sovereignty was supposed to have obliterated in the process of construction of the nation-State. If we think in terms of the social contract proposed by modernity, it was as if it had never actually been completely fulfilled and the individuals, instead of giving up their primordial ascriptive characteristics in exchange for the equality imposed upon them by the sovereign State, had simply put them on hold, so to speak, waiting for a more favorable opportunity to present them publicly again. That opportunity would surface in the twentieth century at moments of fragility of States. Firstly, in the aftermath of the First World War, in the Aaland Islands, which successfully managed to see their specific identity recognized within the Finnish State and to obtain the political power adequate to its fulfilment. The aftermath of the Second World War brought forward a second opportunity, this time for the Danish and Italian regions with strong identities and the will to give them political translation. The relative weakness of the Danish and Italian central States, which, after Nazi occupation, the first, and fascism, the second, had to be redrawn, opened the way for the replacement of unitarism by political autonomy. Or, in the case of Portugal and Spain, it was the relative weakness of the respective central States ensuing from their replacement of the previous fascist organization to democracy in the mid-nineteen seventies that allowed for the adoption of the principle of regional political autonomy. In all of these cases, the justification was simple enough: to allow regions with individualized identities within the context of their respective States to freely organize their social lives and fulfill the specific interests that characterize them. And this in a process that would be repeated a bit throughout Europe and which the process of European integration would not fail to hearten.<sup>7</sup>

The point of the matter is that the sovereign State proved to be too large and unable to correspond, duly, to the requirements of its peoples, particularly in terms of democratic participation, socio-economic development and autonomous control of their destinies. That is why, the new condition of fragility in which sovereignty found itself in the twentieth century allowed for the emergence and political consolidation of new, smaller, political communities within the midst of the State, better able to correspond to the demands of peoples who perceive themselves to be, simultaneously, equal to their fellow countrymen, in some respects, and, therefore, a part of the State, yet, also different from their fellow countrymen, in other respects, because endowed with a specific identity and interests ensuing from history, geography, language, culture, etc.

However, at the same time that, domestically, the sovereign State was excessively large, internationally, it proved to be too small. In both cases, the sovereign State appeared unable to deliver the fundamental tasks entrusted to it: internally, peace and order, and the overall pre-requisites necessary for the good life of the citizenry that deserves to be lived; externally,

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<sup>7</sup> From the wealth of materials on the nature and political significance of regionalism in Europe, cf. for all the works of Solange Gras and Christian Gras, *La révolte des régions d'Europe Occidentale de 1916 à nos jours* (Paris: PUF, 1982) and of Ada Ferrara, *Autonomia regionale, itinerario di un'idea* (Roma: Civitas, 1982). For a synoptic overview of the recent evolution and contemporary circumstance of regionalism and of autonomous regions in Europe, cf. the study coordinated by Francesco Merloni, *Tendances de la régionalisation dans les pays Européens. 2007-2015* (Strasbourg: Congres des Pouvoirs Locaux et Régionaux du Conseil de l'Europe, 2016).



the security of its borders and the stability of the international system. And the two world wars of the twentieth century brought the evidence that, as the proposal of sovereignty had exhausted itself, international peace and security required far more than what the traditional international system was able to deliver. That is why the *restauration of the world* as it was prior to war was no longer an option as it had been at the Congress of Vienna – to resort to the expression celebrated by Henry Kissinger in his Doctoral dissertation.<sup>8</sup> The new conditions that emerged in the twentieth century did not require the restauration of sovereignty, but its tempering through the forging of political communities of a different type, grounded upon a different idea, the idea of autonomy.

### 3. The re-emergence of the idea of regional autonomy

A bit throughout Europe, the solution to the crisis that the modern principle of sovereignty encountered in the twentieth century entailed the recovery of the idea of autonomy, understood as an instrument of political order, both domestically and internationally.

Autonomy is an old idea, dating back to Ancient Greece. Forged both as a concept of international relations and of domestic order, autonomy was coined to describe two fundamental phenomena. Firstly, at the international level, autonomy expressed the condition of those political communities that were neither entirely free nor independent, nor subject to the despotic will of others. They were autonomous, on the one hand, insofar as being integrated and therefore a part of greater units, instead of being independent, they had to abide by the collective decisions adopted by the institutions proper to the whole of which they were part. Yet, on the other hand, being autonomous meant that in a more or less vast array of domains they were free to act and to regulate their lives with the norms they freely wished to adopt for themselves. Secondly, and at the domestic level, autonomy translated the freedom that the various parts of the Greek *polis* enjoyed. Instead of being an island, a simple, unitary actor, the Greek *polis* resembled more an archipelago. In Aristotelian language, it constituted a complex whole, made up, not just of individuals, much less understood as abstract entities, but also of “families” and “villages”, each of them with their own identity, and *telos* to fulfill.<sup>9</sup> And, it was precisely this fact that recommended them their autonomy, i.e. the realm of freedom that they enjoyed in living their individuality and delivering the conditions and the services that rested at the roots of their very existence and legitimated them. Within the *polis*, autonomy ensued from an ontological point of departure, translating the recognition that it integrated parts that were individuated by the presentation of a series of characteristics. It further entailed that these parts that together made up the *polis* better recommended themselves for the provision of certain services which the individuals required in order to aspire to the good life that deserved to be

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<sup>8</sup> Henry Kissinger, *A World Restored: Metternich, Castlereagh, and the Problems of Peace* (Boston: Houghton Mifflin, 1957).

<sup>9</sup> Aristotle, *The Politics* (Oxford: Oxford University Press, 1995).

lived. Therefore, autonomy expressed the freedoms recognized and guaranteed to each of them in the fulfillment of their *teloi*.<sup>10</sup>

In the twentieth century, the erosion of sovereignty recommended the emergence of new political communities and the reconfiguration of the State. Autonomy is a concept that recommended itself to the task in so far as it allowed for the emergence of new political communities both within and beyond the State. Unable, by itself, to assure the conditions adequate to the good life, the sovereign State was forced to rethink and to reorganize itself and to allow, in those domains in which it was unable to deliver, for the emergence of other political communities – besides itself – that proved to be able to find success where it had failed.

Within the State, these new political communities that emerge are, paradigmatically, the autonomous regions. Their appeal ensues from the fact that they are better able to correspond to the requirements of a citizenry, increasingly aware of its specific identity and desirous of taking charge of significant parts of its own life. Europe knows a wide variety of autonomous regions, of the widest size, ranging from under 30 000 inhabitants, the Aaland islands, to over 7 million, Catalonia, and competences, some, with but scanty political and administrative autonomy, like the Nordic, French and Dutch, others coming close to the dignity of traditional statehood, like the Belgian regions, or threatening to request it, Scotland, or engaged in outright struggle for it, as is the case now with Catalonia. Across the spectrum, regional autonomy emerges increasingly as catalysts for democratic participation. Not just for democratic participation along traditional lines, where more democracy translates into having more people vote more times. But for direct democratic participation in the decision-making of those who are going to be directly affected, both by the political options that are to be adopted and by the legal norms which are to regulate and materialize them.

In all cases, autonomy assumes a more or less voluntary double or hybrid character, expressing, simultaneously, a desire both of singularity of a community and of integration. An autonomous region is always, at the same time, and without contradiction, a whole in itself and a part of a superior greater whole in which it is integrated and of which it is a part. Whereas throughout modernity, the sovereign State appeared, in strictly solipsist, as the singular political actor on stage, each radically distinct and separate from all others, the autonomous regions emerge as integral parts and partners of other political entities. Whereas modern States claimed for themselves no less than sovereign independence, autonomy throws the regions that receive it to a context of integration, partnership and power sharing through subsidiarity – a concept entirely foreign to the discourse of sovereignty.

Beyond the State and as sovereignty proves to no longer constitute an adequate guarantee of security and or an appropriate instrument of political order, regions are forged, above and sometimes beyond the States, to step in, in more or less autonomous fashion, where

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<sup>10</sup> For an indepth exploration of the emergence of the concept of autonomy in Ancient Greece cf. Martin Ostwald, *Autonomia, Its Genesis and Early History* (New York: Scholars Press, 1982). For a synoptic overview of the evolution of the concept, cf. our work *Do Estado Soberano ao Estado das Autonomias*, especially Chapter 3 “Autonomia, subsidiariedade e Estado regional ou das autonomias,” 201-317, as well as the bibliography identified there.

traditional statehood failed. The Council of Europe and its Human Rights regime constitute a prime example. Whereas the sovereign prerogative of States to create for themselves the body of law it freely willed proved to lead to such monstrosities as those witnessed by the first half of the twentieth century, it proved necessary to domesticate the sovereign capacity of States to legislate subordinating them to a higher right: namely to Human Rights and, for its implementation, to subordinate the States to higher courts, namely to the Human Rights Court in Strasbourg.

It is often argued that European integration started in the field of Economics and that Jean Monnet, one of its major founding fathers, at the end of his life had regretted it, stating that, could he start again, he would have started by grounding integration not in Economics, but in Culture. Now, on the one hand, there is no record of such assessment and, on the other hand, the truth of the matter is that European integration did not take off with Economics, but with a common law: Human Rights. And, as the Lockean tradition reminds us, it is precisely the sharing of a common body of law that grounds a political community.

In a fundamental, albeit discreet manner, the Council of Europe constitutes a true region, not, of course, a region like Catalonia, Scotland or the Faroe islands, these present an infra-national character, but a supranational one. A region made up of states that, guarding their traditional legislative capacity, see it now checked by a higher, superior, filter.<sup>11</sup>

It is important to underline that the second moment of European integration and, therefore, of supranational regional construction for overcoming the incapacity with which States confronted themselves did not lay in Economic, either, but on security. In the two wars of the twentieth century, the European states all but exhausted themselves and, failing the incapacity of the United Nations to obtain the appropriate instruments to assure its constitutional promise to abolish war and to be an effective guarantor of world security, it became necessary to forge in Europe a second region, a security region. One that, given European fragility, required, naturally a wider scope, opening to the major part of the Western World: NATO. As the San Francisco Convention promise of World government or, at least, of world security faded away, it became necessary to forge an alternative. At the foundations of the UN Charter laid the aspiration that the armed forces of States would know a destiny little greater than that which the medieval instruments of force underwent in the transition to modernity. The aspiration was that just as counties, duchies, abbeys, free cities and feudal lords, in general, lost to the emerging States their military might, allowing the new sovereigns to claim no less than a monopoly over the legitimate use of force, both within their midst and across their borders, so too the United Nations would possess a parallel monopoly worldwide.

Moreover, it was only the fact that such a desideratum was – and remains, of course, – far from concretization that led to the birth of NATO. The Organization, it should be underlined, was never thought as an alliance, along traditional modern lines, but as a region, an organization, as spelled out in its very name. And that is probably the fundamental reason of its

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<sup>11</sup> For a broader discussion of this notion cf. our essay "Direitos Humanos e integração europeia," *Boletim do Núcleo Cultural da Horta* 24 (2015) and the bibliography identified there.

survival of the Cold War, even as the Warsaw Pact disintegrated. The point of the matter is that, as a security region, NATO's legitimacy ensues from a double foundational incapacity: firstly, from the incapacity of States, their sovereignty notwithstanding, to ably assure their own security; secondly, from the incapacity of the United Nations to deliver on its promise of World Order.

Such a fact, besides, would appear to remain at the heart of the organization's success and continuous appeal. At present, the major dilemma facing a variety of countries resides in knowing if their security is going to rest on the sovereign instruments of power at their disposal – with the knowledge that from the United Nations no effective guarantees can be expected – or if they can, instead, integrate a greater whole, a security region, capable of enveloping them with its power and, subsidiarily, deliver such assurance. In other words, the attractiveness of NATO would come forward clearly upon consideration of whether a State finds itself inside or outside its regional borders.

One had to wait for a third moment of European integration to encounter the economic dimension. And its legitimation remained fundamentally the same: the fragility and, by now, impropriety of the modern sovereign formula. It was, it should be remembered, the incapacity of the European States to remain adequate spaces for economic development – or even to feed the Europeans – that led to integration. The fundamental intuition of the *European Recovery Plan* that would be celebrated by its main proponent, Secretary of State George Marshall, speaks loudly in this regard, as does the entire process of European integration. Integration is a remedy, a *sovereign remedy*, in the words of Winston Churchill, or a concrete strategy, in the design of men like Jean Monnet and Robert Schuman, aiming, from the start, not at the replacement of the States by a super-State, but at the fulfillment of the *lacunae* presented by the States when faced with the circumstances of the contemporary world. In other words, integration knew, from the start, a regional dimension, aiming at the development of a regional space of economic prosperity, capable of opening the way to the emancipation of the continent.

So much so that the success of European integration ensues from its capacity to deliver: progress, development and quality of life for citizens. To deliver, subsidiarily, where, by themselves, the States prove to do so. And, again, that goes a great deal in explaining the success of the process of European integration and its enduring appeal. It is, again, a question of determining on which side of the regional border a State finds itself: if outside (in which context it can, sovereignly, count on its wits and its resources alone) or inside (in which context it can count on the broader ballast of the region of which it is but a part). In a word, grounded upon a dualist perspective, the modern idea of sovereignty points to a world where each State stands out alone, by itself, in solipsist fashion, the single responsible for itself and its people. Regional integration, whether in the field of Human Rights, security, or economy, translates into the new fact that Member States no longer stand alone. The very reason for regional integration is that interests and destinies of Member States are better served, not merged, or fused together in a super-State, nor independently of one another, but consolidated. That is why, instead of remaining a sovereign responsibility of each, they become a joint affair.

The Ancient Greeks taught us that, as a *Zoon politikon*, man is a very peculiar kind of animal: one that needs to share life with his fellows. With whom, however, do we need to share our lives in order to aspire to the good life that deserves to be lived? To that fundamental question, whereas the Greeks had pointed to the *polis*, modernity points to the States. We need to share our lives, that is, with our fellow countrymen. It is with them that we constitute a community, a *demos*. Moreover, whereas our *demos* is composed of those who are our equals, the other *demoi*, the rest of mankind, is made of foreigners, others organized in foreign States, independent from our own. It is with our countrymen that we constitute a community of destiny and it is with them that we count to jointly forge our lives. With the rest, with the foreigners, we are convoked to deal, through diplomatic or consular channels, in peace time, as in war, in strictly utilitarian fashion and in so far as such relations may lead to the gratification of our interests.

Regional integration translates into the breakup of such a scheme through the establishment of links of rights, as well as of duties, across borders – if not all the way throughout the entire planet and embracing all of humanity, as promised by the cosmopolitan tradition, at least at the regional level; at the level, that is, of the region composed of those States that are willing to open themselves to the experience. And, again, the fundamental question remains the determination of where to place the new regional borders. Which States are in and which are out?

## Conclusion

And yet, instead of evidencing a generalized will to solidarity and integration, at the infra and supra national levels, contemporary Europe seems to be bent upon the recuperation of the old discourse of sovereignty and the model of order heralded by it. The reconfiguration of political order that appears to be required by the new conditions heralded by these first decades of the twenty first century, both within and across our States, is giving way to a renewed appeal of the logic of sovereignty which finds translation in disturbing new dimensions.

We witness the recovery of the modern utilitarian ethics at the expense of the republican ethics of community building, participation and sharing of a common life and a common destiny. It is this utilitarian ethics that, instead of pointing to the reshaping of our political communities, both within and across States – thus the phenomenon of regionalist integration – points, instead, to the return of the State and, whenever necessary and insofar as necessary, to the formation of alliances dedicated to a better procurement of gratification by each of its national interest. The ethics of integration requires more or less permanent arrangements, grounded upon the solidarity that ensues from sharing a common identity and a common destiny. After all, for example, I am not Portuguese only when my country wins the tournament and takes the cup; I am Portuguese irrespective of the result. Just as I am not a friend of my friends only when they are healthy and rich and I manage to benefit and obtain significant gains from being with them. As a matter of fact, should I be a friend of my friends based upon a strictly utilitarian evaluation of the costs and benefices of our relationship, what that would mean is that I would evidence possessing little knowledge of what friendship is all about and that, at bottom, there

never was between us a relationship of friendship at all, at least not from my part. And the same goes for solidarity, be it local, regional, national or European.

The modern ethics of utility points, directly, to a world where States join each other in alliances that possess no ontological grounding other than the profit that at each moment they are able to produce. So much so that it is with complete naturalness that yesterday's foe becomes today's ally, and vice versa, depending upon the arithmetic results of the utilitarian calculus of the impact upon the national interest of relations with them. Or, for that matter, this is the logic from which, translating into the adequacy of a country's policies to its capacity to finance them, austerity is grounded upon. Not so with values, particular with those values that make us the concrete persons – and communities – that we are.

As an alternative to integration and community building, we witness the renationalization of political life and the return of intergovernmentalism. At the European level, Europhilism gives way to Euroskepticism, just as, domestically, regional autonomy is challenged by the aspiration to independent statehood and, in a plurality of our countries, it would seem that populism, a contemporary version of the most impudent sophistry, appears to present itself as the single option of government produced by our democratic systems that find themselves dangerously close to discredit.

In the process, our States appear to be engaged in the suicidal march to the abyss that waits all those who, according to the ancient council, allow themselves to be led by the blind or, at best, to be condemned to a destiny of outright international irrelevance. Paraphrasing one of the major intellectual founding fathers of the modern world, Niccolò Machiavelli, it would appear that the *fortuna*, which the contemporary political scene offers us, has hardly been so adverse and, therefore, so ripe and so needy of a *virtù*, able to master it and, in the process, lead our societies in the eminently political process of carving a better future for the communities available for us to situate our lives: regional, national, European and cosmopolitan. In a word, our present conundrum requires far more than a return to the past, to a Europe, and a world, of sovereign States. And that is why the ongoing European policies of *austerity*, of adequating the policies of States to the resources that they are able to command, represents a tremendous waste and borders on tragedy. Instead, what is required, is the creativity and the audacity to forge new forms of political organization. Just as at the dawn of modernity the idea of sovereignty recommended itself and became an instrument of tremendous success, exhausted, at present, it needs to be discarded and substituted by a new one, more adequate to our contemporary reality and demands. Regions, both infranational and supranational enchainedly subsidiarily in accordance with the fundamental principles of autonomy and personal dignity and recognition appear to stand out among the most promising alternatives.

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# THE EU'S GLOBAL STRATEGY AND ITS INITIAL IMPACT ON THE EASTERN PARTNERSHIP

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**Abstract.** The EU's Global Strategy has triggered significant measures, such as the principle of pragmatism or resilience, which reinforces the EU's normative nature; but also, initiatives in the area of security and defence: the establishment of Permanent Structured Cooperation (PESCO), a new European Defence Fund and advances towards a desired European strategic autonomy. Taking into consideration the increase of insecurity in the Eastern neighbourhood, the above-mentioned measures are of great relevance. The initial implementation within the Eastern Partnership confirms certain impact. However, we consider that it will become more visible in the mid-long term.

**Keywords:** EU's Global Strategy, European Foreign and Security Policy, European diplomacy, pragmatism, resilience, normative dimension, PESCO and European strategic autonomy.

## 1. Introduction

The aim of this paper is to analyze the reinforcement of the EU Global Strategy for Foreign and Security Policy in the Eastern dimension of the European Neighbourhood Policy (ENP). In order to do this we will try to explore the main advances of the strategy and its impact on the internal dynamics of the ENP with respect to the eastern neighbourhood, especially the principle of pragmatism and the notion of resilience (of state and civil society). And, at the same time, we will analyze the last steps taken in terms of security and defence, and its initial impact on the eastern partners. These steps are also a consequence of the cohesion that has developed within the EU as a result of the federalization element as a consequence of Brexit, something that had not been achieved for more than ten years, and this has made it possible to advance in this field in a meaningful way.

To do this, we will try to answer the following questions: What are the main innovations included in the Global Strategy of June 2016 that reinforce the normative nature of the EU, in particular in its ENP towards Eastern Europe? What is their nature? To what extent do they reflect its normative nature? How was its initial implementation?

Similarly, one of the main innovations of the Global Strategy is the addition of the notion of strategic autonomy: what does it mean? What effects does it have for the Eastern Partnership? To date, what measures have been promoted in the field of security and defence? What is PESCO? How far does it go towards establishing an independent European defence?

To answer these questions we put forward the following hypothesis: the ambitious measures, included in the new Global Strategy on Foreign Policy and Security of the EU, have an initial impact on the States participating in the framework of the Eastern Partnership. This is

particularly relevant since it reinforces the ENP and could even have an initial impact on the entrenched conflicts present in the region, especially the armed dispute in the Ukraine that has led to a notable increase in insecurity in the area in the region in recent years. In particular, we argue that the changes promoted may allow lead to greater dissuasion for Russia, since there is a greater internal cohesion of the EU with a willingness to have strategic autonomy and also to make decisions in neighbourhood policy credible.

## **2. The emergence of the European Union as a global, normative and diplomatic actor**

When analyzing the international dimension of the European unity project from its origin to our days, we observe that especially when this had already become a reality, from 1950, it would only be a passive subject of international society, as a consequence of the Cold War and the bloc policy, and it only had a limited influence firstly as a commercial actor and later as an economic one. It would not be until after 1989, with the disappearance of the bloc policy and as a consequence of the mutation of the nature of the European construction from economic into political – after Maastricht – and of the progressive development of the common foreign policy, when the Union European Union would gradually become a global player, from the beginning of the 21<sup>st</sup> century.

There are three main factors that explain this sometimes imperfect and contradictory rise, in global politics: a) the increase of its commercial and economic weight, and especially with the birth of the currency as an expression of the welfare society model, and which accounts for half of the world's social expenditure; b) the importance of cooperation for development and humanitarian aid, which also accounts for almost half of the world total, as well as the financing of the United Nations system, which is also almost fifty percent of it, and c) development of the European common diplomacy that we will analyze below.

At the same time, since the beginning of the 21<sup>st</sup> century, the European Union has become a normative actor, using the expression of Ian Manners<sup>1</sup> for whom a normative power is one whose power consists in its capacity to transform international rules, in this case, in the direction of greater international regulation in the defence of shared values, such as human rights, the rule of law, etc. This international dimension is a consequence of the internal model of a welfare society, which implies a balance between market, society and State.

Thus, the European Union has actively participated in world governance, including in some cases leading it, on issues such as human rights, the abolition of the death penalty, the International Criminal Court, the Paris Treaty on Climate Change of 2015 or the United Nations sustainable development goals for 2030, approved in 2015 at the core of the General Assembly and promoted by the European Union. We must not forget the important initiative of the European Union to launch the G-20 in 2008 and its impact on international regulation

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<sup>1</sup> Ian Manners, "Normative Power Europe: A Contradiction in Terms?," *Journal of Common Market Studies* 40, 2 (2002): 235.

through the twelve summits, including the one in Hamburg in July 2017, in which it now clearly leads the way.

The start-up and development of the European Union as a diplomatic actor is having a great impact. This became possible after the entry into force of the Treaty of Lisbon of December 1, 2009, which provided for the existence of common European diplomacy, which ultimately implies the existence of a “Minister”, who is the current High Representative for Foreign Affairs and Security Policy; a “Ministry”, which is the central administrative organization of the Foreign Service, in Brussels; and some “Embassies” or delegations of the European Union abroad, as we will explain in detail later.

At present, these embassies – before they were only delegations of the Commission – total one hundred and forty-two, they are accredited before States and international organizations, and are functioning effectively with a progressive deployment. This new diplomacy is different from that of the Member States and officials of the Commission and the Council of the European Union make up two thirds of it and the remaining one third is formed by diplomats from the Member States. It should also be noted that this new diplomacy extends the rights of citizenship through consular assistance.

In any case, it must be borne in mind that both diplomacies have been operating for more than seven years simultaneously, without a hierarchy between them, and with a relationship of “compatibility” – in no case “complementarity” – since each of them acts according to their corresponding competences. This does not mean that in all cases this coordination works well and allows the common action of the European Union to be strengthened. At the same time, embassies of the Member States begin to close, which in some cases are incorporated into the embassies of the Union.

This is how the diplomatic actor emerges, whose fundamental role is to articulate in an autonomous way the world politics of the European Union, giving it unity and coherence in the programming (both in the political and security aspects, and in the aspects of external relations, with some economic dimension), and also in the execution. It should not be forgotten that the High Representative is also vice-president of the European Commission. Thus, European diplomacy provides security to the whole of the Union through the external dimension of common policies and the development of European foreign and security policy.

### **3. The innovations of the Lisbon Treaty's Foreign Policy and the Neighbourhood Policy**

The Lisbon Treaty is characterized by including most of changes introduced by the *non nata* Constitution for Europe by means of the so-called “veil theory”. That is to say, more visible aspects disappear while changes remain.<sup>2</sup> Regarding external dimension, establishment of

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<sup>2</sup> Francisco Aldecoa Luzárraga and Mercedes Guinea Llorente, “El Rescates sustancial de la Constitución Europea a través del Tratado de Lisboa: la salida del laberinto,” Documento de trabajo 9, Real Instituto el Cano, 2008, [http://www.realinstitutoelcano.org/wps/wcm/connect/07d53c8041b908809fbaffe151fccd56/DT9-2008\\_Aldecoa\\_Guinea\\_Tratado\\_Lisboa.pdf?MOD=AJPERES&CACHEID=07d53c8041b908809fbaffe151fccd56](http://www.realinstitutoelcano.org/wps/wcm/connect/07d53c8041b908809fbaffe151fccd56/DT9-2008_Aldecoa_Guinea_Tratado_Lisboa.pdf?MOD=AJPERES&CACHEID=07d53c8041b908809fbaffe151fccd56) (accessed

European «Ministry for Foreign Affairs», «Ministry» and also «Embassies» were major steps at the core of Constitutional Treaty. In spite of the fact the Lisbon Treaty didn't include such names; it embraced all changes introduced in the field, in accordance to veil theory. The latter innovations respond to new duties of the High Representative for Foreign Affairs and Security Policy (HR), the setting up of European External Action Service (EEAS) and, finally, Delegations of the EU.<sup>3</sup>

Concerning the HR, he has to conduct the Union's common foreign and security policy; elaborate proposals and apply them (article 18.2 TUE). Furthermore, the new HR rests upon the two European souls; intergovernmental and communitarian due to the fact he presides over the Foreign Affairs Council and, at the same time, is a Vice-president of European Commission (article 18.3 and 4 TUE). The result is «one single mind» in the European external action, which is a key step forward in consolidating the EU's role in the international arena.<sup>4</sup> The first new HR were C. Asthon (2009-2014) and later F. Mogherini (2014 to present time).

EEAS is the HR's executive arm, as stated in article 27.3 TUE. It is a unique administration that supports the HR to fulfil all his commitments. The bases to set it up are in the "Council decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service."<sup>5</sup> It represents a common European Diplomacy and it is considered as one of the most significant steps forward in this field with a great impact on different areas. So, for example, in the ENP, EEAS has strengthened the traditional role of European Commission who was criticised for being too technical.<sup>6</sup> Delegations of the EU form a network that allows broadening and consolidating the European presence in the external sphere. Nowadays, 146 delegations composed this network; a large number in comparison with embassies of some European countries.<sup>7</sup> The great advance lies in representing the EU in third countries and in international organizations thanks to the new European legal personality. They work under the authority of HR (article 221 TFEU).

Since the coming into force of the Lisbon Treaty (December, 2009), the EU has implemented

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15 January 2018).

<sup>3</sup> Francisco Aldecoa Luzárraga and Mercedes Guinea Llorente, *La Europa que viene: El Tratado de Lisboa* (Madrid: Marcial Pons, 2008).

<sup>4</sup> Francisco Aldecoa Luzárraga, "La diplomacia europea como diplomacia común," in *La diplomacia común europea: el servicio europeo de acción exterior*, ed. Francisco Aldecoa Luzárraga, 19-41 (Madrid, Barcelona, Buenos Aires: Marcial Pons, 2011).

<sup>5</sup> Council of the European Union, *Council decision of 26 July 2010 establishing the organisation and functioning of the European External Action Service*, 2010/427/EU, Official Journal of the European Union, L 201, Volume 53, 3 August 2010, 30-40, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2010:201:FULL&from=EN> (accessed 15 January 2018).

<sup>6</sup> Victoria Rodríguez Prieto, "El papel del Servicio Europeo de Acción Exterior en el Instrumento Europeo de Vecindad y Asociación: hacia una mayor coherencia y eficacia con los estados vecinos," in *La diplomacia común europea: el servicio europeo de acción exterior*, ed. Francisco Aldecoa Luzárraga, 161-172 (Madrid: Marcial Pons, 2011).

<sup>7</sup> Stephan Keukeleire, "European Foreign Policy beyond Lisbon. The Quest for Relevance," in *Scrutinizing Internal and External Dimensions of European Law / Les dimensions internes et externes du droit européen à l'épreuve*, Vol. II, eds. Inge Govaere and Dominique Hanf, 831-840 (Brussels: Peter Lang, 2013).

the above-mentioned changes. However, its consolidation is taking place under the current mandate of the HR, F. Mogherini, who has a different position to the previous HR, C. Ashton. The latter issue is strengthened in the framework of present European Commission, headed by J. C. Juncker, which enjoys more legitimacy as a result of applying article 17.7 TEU.

The naming of F. Mogherini in 2014 as the High Representative meant the confirmation of a change towards a more powerful foreign policy. Throughout her mandate she has demonstrated the willingness "to broaden margins, and break through limits," pushing the European Union forward as a normative and diplomatic actor far more audaciously than her predecessor Mrs Ashton. As F Mogherini is the vice-president of the European Commission, she is responsible for the coordination of five commissioners who are responsible for the foreign dimension of the Union. What is more, she will be responsible for the defence policy, albeit with the support of the Deputy General Secretary for the PESD, Pedro Antonio Serrano de Haro.

Therefore, we can observe how the present day EU has a different position in comparison with the pre-Lisbon stage, which lets it offer a more ambitious action in accordance with the external context.

On the other hand, the Treaty of Lisbon has a special importance with respect to the ENP, since relations with neighbouring States are regulated for the first time in a treaty, more specifically in Article 8 of the TEU. In it, a new statute is established (the neighbour's statute) that differs from the traditional ones (member and non-member) and that will allow forging of greater links with the EU, in accordance with the European values themselves.

#### **4. Genesis and development of the new Global Strategy for Foreign Policy and Security of the European Union**

In 2015, the current High Representative (HR), F. Mogherini, presented, at the request of the European Council,<sup>8</sup> a first report on the most recent changes on the international scene, entitled "The European Union in a changing global environment. A more connected, contested and complex world." In it, the need was shown for a new global strategy that would allow the EU to direct its external action according to more ambitious priorities, objectives and means.<sup>9</sup> This responded to the complexity and increasing instability of the international scene that demanded a different action to face new challenges, especially those arising in the European

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<sup>8</sup> European Council, *Conclusions of the European Council of 19/20 December 2013*, EUCO 217/13, Brussels, 20 December 2013, <http://data.consilium.europa.eu/doc/document/ST-217-2013-INIT/en/pdf> (accessed 15 January 2018).

<sup>9</sup> European External Action Service, *The European Union in a changing global environment. A more connected, contested and complex world*, 2015, [http://eeas.europa.eu/archives/docs/docs/strategic\\_review/eu-strategic-review\\_executive\\_summary\\_en.pdf](http://eeas.europa.eu/archives/docs/docs/strategic_review/eu-strategic-review_executive_summary_en.pdf) (accessed 15 January 2018).

neighbourhood.<sup>10</sup>

After long negotiations and quite a few delays, the Global Strategy for the Foreign and Security Policy of the European Union was approved. "A common vision, a joint action: a stronger Europe," is known as the Global Strategy and presented on June 28, 2016. It was negotiated for more than two years, participating in the negotiation were both the representatives of the Ministries of Foreign Affairs of Member States such as the European Parliament and a group of experts from different countries, although the responsibility for it was that of the High Representative. This explains why it was only presented and not approved in the European Council of June 28.

The Global Strategy was widely criticized because it was presented five days after the Brexit referendum and a few months before Trump's victory. However, this has been a great virtue, since it has placed the European Union with a clear strategy that has allowed it to cope collectively with these new unforeseen challenges, achieving common positions of great relevance and certain effectiveness, as highlighted by the evaluation carried out by the EEAS very recently, specifically on June 25, 2017.

The conception of the "European Security Strategy, a secure Europe in a better world," formulated in December 2003 by Javier Solana, the first High Representative, regarding the structural approach to security, as well as the effective multilateralism is maintained. However, it includes at least two novelties: one of them as a consequence of the new international situation of aggravation of threats, which will imply the reinforcement of the defence policy, and another one more directed to the action, which leads to qualification of "pragmatism based on principles," characteristic of a normative power.

The starting point of the Strategy is that international security and defence circumstances have changed, that the world is different and that the international security environment is more insecure, more volatile and with greater uncertainties. It will establish that "Europeans must be better equipped, trained and organized to contribute decisively to these collective efforts, as well as to act autonomously if and when necessary," noting further that "an adequate level of ambition and strategic autonomy is important for Europe's ability to foster peace and ensure security within its borders."

The Strategy will consolidate the European Union as the normative actor to which we have referred and it also addresses the need to turn it into a strategic actor. As a normative actor by pointing out that "through our combined weight we can promote agreed rules to curb political relations based on power and contribute to a peaceful, just and prosperous world." He will then gather that "the Union will promote a rules-based world order, with multilateralism as an essential principle and articulated around the United Nations. An international order based on international law, including the principles of the Charter of the United Nations and the Universal Declaration of Human Rights."

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<sup>10</sup> Dimitris Bouris and Tobias Schumacher, "The 2011 Revised Neighbourhood Policy: Continuity and Change in EU Foreign Policy," in *The Revised European Neighbourhood Policy. Continuity and Change in EU Foreign Policy*, eds. Dimitris Bouris and Tobias Schumacher, 1-31 (London: Palgrave Macmillan, 2017).

With regard to the European Union as a strategic actor, the Strategy incorporates the innovative principle of “strategic autonomy,” which does not define but whose meaning is understood intuitively. Perhaps its most important contribution is that it transfers the legal obligation of defensive alliance established in article 42.7 of the TEU to a political commitment, when it states that “the Union will promote peace and guarantee the security of its citizens and its territory.” With this, the legal commitment of the Treaty is specified in a strategic objective of the first order, which involves the qualitative change in the scope of defence policy. It ranges from crisis management operations abroad to the defence of citizens and territories that implies territorial defence, until now the exclusive responsibility of the Member States.

For this reason, it is important to highlight that one of the fundamental elements of the development of the Global Strategy is the European defence policy, which until now had suffered an important veto for its development by the part of the United Kingdom. During this last year there has been considerable progress, possibly because it had not been achieved in the last decade, since this policy was implemented. The United Kingdom has made it difficult but has not prevented its implementation, and with that the European defence policy is coming to life, together with the Global Strategy.

However, the Global Strategy not only promotes this policy, but also others. The consensus on sustainable development reached with the agreement of all the institutions in June 2017 has special relevance, an agreement that will have a great impact and which is part of the Africa Plan, which implies fifty billion euro finance for that region in five years. There are also advances in crisis management abroad.

Although the challenges are greater, the European Union is better equipped as a global actor and with a diplomatic structure that allows a more efficient, effective and credible action in international society. Until now the development of the defensive actor was missing, which aims to make this global actor credible, especially as a defensive alliance, which is precisely what is being reinforced during this last year, coinciding with the “bomb” of the Brexit.

The final result was the establishment of a framework of global action and not exclusively of security<sup>11</sup> characterized by the promotion of a greater involvement, which is possible thanks to the present reality of the EU (fruit of the changes introduced in the Lisbon Treaty); a reality in full evolution, where the previous concept of civil power<sup>12</sup> has been surpassed, hence the need to move towards different objectives, priorities and means.

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<sup>11</sup> European External Action Service, *“Shared Vision, Common Action: A Stronger Europe”: A Global Strategy for the European Union’s Foreign and Security Policy*, 2016, [http://eeas.europa.eu/archives/docs/top\\_stories/pdf/eu\\_gs\\_review\\_web.pdf](http://eeas.europa.eu/archives/docs/top_stories/pdf/eu_gs_review_web.pdf) (accessed 15 January 2018).

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

## 5. Main innovations of the Global Strategy: reinforcement and visualization of the most normative dimension of European external action

Traditional approaches underlined the tension between the defence of national interests and the more ethical dimension of policies by Member States.<sup>13</sup> However, in the new global strategy, the EU takes the direction that underlines the difficulty of separating interests and values<sup>14</sup> in so far as both complement each other and come together as an indivisible part of its foreign policy.

The document gives a prominent place to this issue, especially in the section “shared interests and principles” subsequently developed under the headings “a global strategy to promote the interests of citizens” and “guiding principles of our external action.”<sup>15</sup> Regarding the interests, the following are identified: peace and security; prosperity; democracy (which includes the promotion and respect of human rights, fundamental freedoms and the rule of law), that is, values, and finally a world order based on norms (through multilateralism within organizations, especially, the United Nations). While the principles included are pragmatism, unity, interaction, responsibility and partnership.<sup>16</sup>

Certainly, the section on the principles does not refer to the normative dimension; they only stress a purely strategic approach. In other words, it is “how” the EU should act on the international scene. The reason is that interests have been previously identified as values, which shows their indivisibility in European external action and, ultimately, the EU’s aspiration to incur on the international scene through an ambitious normative promotion campaign. The latter is a reflection of its own internal nature as they are the same values that underpin the European project (such as peace, democracy, human rights and fundamental freedoms or the rule of law), which determine its external action. Likewise, these are reinforced by transcending from a purely community to a more cosmopolitan nature as universal rules. Because, in turn, European principles are included in conventions, treaties and international agreements (especially those reached within the framework of the United Nations) transcending the purely European sphere.<sup>17</sup>

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<sup>13</sup> Robert C. Good, “The National Interest and Political Realism: Niebuhr’s “Debate” with Morgenthau and Kennan,” *The Journal of Politics* 22, 4 (November 1960): 597.

<sup>14</sup> Ian Manners, “The European Union as a Normative Power: A response to Thomas Diez,” *Millennium* 35, 1 (2006): 167.

<sup>15</sup> European External Action Service, “*Shared Vision, Common Action: A Stronger Europe*”: A Global Strategy for the European Union’s Foreign and Security Policy.

<sup>16</sup> *Ibid.*, 10-18.

<sup>17</sup> Manners, “Normative Power Europe: A Contradiction in Terms?,” 235; Ian Manners, “L’identité internationale de l’Union européenne: un pouvoir normatif dans le jeu politique mondial,” in *Europe, puissance tranquille? Rôle et identité sur la scène mondiale*, ed. Bernard Adam, 33-49 (Brussels: Editions Complexe, 2006); Manners, “The European Union as a Normative Power: A response to Thomas Diez,” 167; Ian Manners, “Normative Power Europe reconsidered: beyond the crossroads,” *Journal of European Public Policy* 13, 2 (2006): 182; Thomas Diez and Ian Manners, “Reflecting on normative-power Europe,” in *Power in World Politics*, eds. Felix Berenskoetter and Michael J. Williams, 173-188 (London: Routledge Taylor and Francis Group, 2007).



Thus, the identification of interests as values clearly reinforces the more normative dimension of the EU's external action, since, in short, it is a true changer of norms<sup>18</sup> whose reference is its own values when acting on the international scene.

Likewise, in the new strategy, pragmatism stands as one of the principles that must guide European foreign policy, as we have indicated previously. At first glance, it might seem that it promotes a vision more typical of Realpolitik where utopianism<sup>19</sup> is rejected and, therefore, the ends justify the means. However, it is an erroneous argument since the pragmatism promoted by the EU in the document is based on a clear idealist aspiration,<sup>20</sup> that is, on those values that the EU seeks to export on the international scene in order to move towards the "better world" to the one it aspires to reach. Specifically, the introduction of pragmatism in the strategy responds to the need for an analysis that is closer to the realities of third States, taking its normative model as a reference. With this, the EU seeks to correct erroneous analyses that, in short, may reduce the effectiveness of its external action.

Finally, it highlights the concept of resilience that takes its origin in biology and environmental sciences. However, in recent years, it has gained relevance in the field of foreign policy and, in particular, in the case of the EU.<sup>21</sup> The latter appears for the first time in the Commission communication entitled "The EU approach on resilience: learning from food crises" (2012) as well as in the Council conclusions on the EU approach on resilience that led to the first "Plan of Action on Resilience in Countries of Crisis (2013-2020)."<sup>22</sup> However, it will take further development in the new security strategy and, subsequently, in the joint communication "Resilience as a strategic priority of the European Union's external action" (June, 2017).

As regards the new strategy, resilience is framed as the third priority of the EU's external action and is defined as "the capacity of States and societies to reform themselves, thus withstanding disasters, and to recover from internal and external crises."<sup>23</sup> To this end, the EU covers the state and social dimensions, both of which are indispensable when promoting the necessary changes. In the case of society, this constitutes the democratizing element in the European treatment of resilience insofar as it makes the advance of security subject to

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<sup>18</sup> Manners, "Normative Power Europe: A Contradiction in Terms?," 235.

<sup>19</sup> Sven Biscop, "04 EU Global Strategy Expert Opinion," European Union Institute for Security Studies, January 2016, [https://www.iss.europa.eu/sites/default/files/EUISSFiles/EUGS\\_Opinion\\_4\\_Biscop\\_0.pdf](https://www.iss.europa.eu/sites/default/files/EUISSFiles/EUGS_Opinion_4_Biscop_0.pdf) (accessed 15 January 2018).

<sup>20</sup> Nathalie Tocci, "From the European Security Strategy to the EU Global Strategy: explaining the journey," *International Politics* 54, 4 (2017): 487.

<sup>21</sup> Ana Juncos, "Resilience as the new EU foreign policy paradigm: a pragmatist turn?," *European Security* 26, 1 (2017): 1.

<sup>22</sup> Council of the European Union, *Council conclusions on EU approach to resilience. Foreign Affairs Council meeting*, Brussels, 28 May 2013, [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/137319.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/137319.pdf) (accessed 15 January 2018); European Commission, *Commission Staff Working Document "Action Plan for Resilience in Crisis Prone Countries 2013-2020,"* SEC [2013] 227 final, Brussels, 19 June 2013, [http://ec.europa.eu/echo/files/policies/resilience/com\\_2013\\_227\\_ap\\_crisis\\_prone\\_countries\\_en.pdf](http://ec.europa.eu/echo/files/policies/resilience/com_2013_227_ap_crisis_prone_countries_en.pdf) (accessed 15 January 2018).

<sup>23</sup> European External Action Service, *"Shared Vision, Common Action: A Stronger Europe": A Global Strategy for the European Union's Foreign and Security Policy.*

“a resilient society in which democracy, trust in institutions, and sustainable development are found.”<sup>24</sup>

In terms of resilience, the European nature is multidimensional, including environmental disasters, humanitarian assistance, energy, culture and even the respect and defence of human rights.<sup>25</sup> In this way, it seeks to manage uncertainty<sup>26</sup> by focusing on the main weaknesses that third countries present in order to deepen in those areas where it can offer a significant difference. This approach must be implemented even in those countries that do not wish to strengthen their ties with the EU.<sup>27</sup> In this sense, a differentiated and specific approach (tailor-made approach), together with the application of the pragmatism principle, enjoy special relevance since it will allow to look for new possibilities in order to reach a sustainable security.

## **6. The repercussion of the notion of strategic autonomy (of the Global Strategy) in the development of the Common Security and Defence Policy**

With the aim of achieving a common defence, the Treaty of Lisbon takes a fundamental step to address for the first time the question of the provision of instruments of self-defence for the Union, going beyond the exclusive idea of crisis management. To this end, it improves the existing instruments of the ESDP, expanding the cases in which Petersberg tasks can be carried out (even for the prevention of terrorism). It is also permissible for a Union mission to be entrusted to a Member State or a group of Member States and the procedures for financing tasks to be simplified.

It will be as a consequence of the incorporation of the principle of strategic autonomy in the Global Strategy when the development of the defence policy is produced since the Treaty of Lisbon had established the new institutions of the CSDP: the Defensive Alliance, which implies the territorial defence (article 42.7 TEU); the Permanent Structured Cooperation (article 42.6 TEU) and the European Defence Agency (article 42.3 and 45 TEU), which aims to strengthen cooperation in the area of capabilities. The clause of solidarity between the Member States will also come into being to prevent and react to terrorist attacks or natural disasters or of human origin (article 222 of the TFEU).

Most relevantly, the true innovation of the Lisbon Treaty in European defence policy will be the mutual assistance clause, which is the core of the Defensive Alliance and which will imply a mutual defence commitment for the Member States even more demanding than the article 5 of the Washington Treaty, by pointing out in article 42.7 that “if a member state is the subject of

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<sup>24</sup> Ibid.

<sup>25</sup> European Parliament, *European Parliament resolution of 15 January 2015 on the situation in Ukraine*, P8\_TA [2015] 0011, Strasbourg, 15 January 2015, <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P8-TA-2015-0011&language=ES&ring=B8-2015-0021> (accessed 15 January 2018).

<sup>26</sup> Wolfgang Wagner and Rosanne Anholt, “Resilience as the EU Global Strategy’s new leitmotif: pragmatic, problematic or promising?,” *Contemporary Security Policy* 37, 3 (2016): 414.

<sup>27</sup> European External Action Service, *“Shared Vision, Common Action: A Stronger Europe”: A Global Strategy for the European Union’s Foreign and Security Policy*.

an armed aggression in its territory, the other member states shall provide aid and assistance with all the means at their disposal.”

On the other hand, in order to make this Defensive Alliance credible, the Treaty of Lisbon foresees the possibility of the existence of permanent rapid intervention forces that can respond immediately to an aggression. This is in fact the Permanent Structured Cooperation, included in article 42.6 of the TEU, which establishes that “Member States that meet higher criteria of military capabilities and have signed more binding commitments in this area to carry out the most demanding missions will establish a permanent structured cooperation within the framework of the Union.” It contemplates, therefore, the possibility that a group of States that want and have sufficient permanent military capabilities can implement them without the need for unanimity.

This means that since December 2009, the date of entry into force of the Treaty on European Union, there is an authentic defensive alliance between the twenty-eight. Since then, the European Union has a solid legal basis to launch a European defence policy. However, this has not been possible until a few months ago, because the provisions of the Treaty of Lisbon, for various reasons, had not been implemented. All the data leads us to think that now the situation has changed and decisions are being made that will make possible the progressive start-up of the European defence policy.

## **7. The decisive steps in the implementation of the European defence policy: permanent structured cooperation**

As a consequence of the implementation of the Global Strategy, several steps have been taken in the implementation of the Union’s defence throughout the years 2016 and 2017, including the Bratislava Declaration on a new relationship with NATO, the European Defence Action Plan, the progress towards achieving an operational capacity, the creation of the headquarters of operations, the Investment Fund for the Defence of the European Commission and, especially, the important steps towards permanent structured cooperation.

The Joint Declaration between the European Commission Parliament and the NATO Secretary General, derived from the informal meeting of twenty-seven European Union Defence Ministers on 26 and 27 September 2016 in Bratislava, in which it becomes clear that the Union and the Alliance are looking for a new relationship based on work and mutual support, and that it is the confirmation of a new climate and the acceptance of the Global Strategy. The Declaration is developed through the conclusions adopted by the respective Councils, among which more than forty proposals are included.

This declaration is the one that will allow the European Union to develop the PESCO since it is the first time that a clear cooperation between both organizations is established under the acceptance of the principle of compatibility which is what allows development of a relationship without hierarchy. When this is achieved NATO will see more clearly the development of a European self-defence through the PESCO.

The European Defence Action Plan, adopted by the European Commission and published on November 30, 2016, develops the Global Strategy for Foreign Policy and Security. Its objective is to create the right conditions to allow the ambition of the Strategy to become facts. It presents different proposals, among them the common defence market or the use of the Community budget in order to contribute to a union in the field of defence. The most ambitious proposal, which is already underway, is the creation of a European Defence Fund with two orientations, one dedicated to research and the other to other capacities.

The European Council of December 15, 2016, aimed to achieve a permanent operative capacity of strategic planning and management, the reinforcement of the expedience and the operative capacity of use and deployment of fast response instruments in order to make the principle of strategic autonomy, which will be developed in subsequent Foreign Affairs and Defence Councils, a reality.

Throughout 2017, various measures are being taken, including the decision of the Foreign Affairs Council of March 6, 2017, to create an operations barracks, with the aim of immediately launching it lead a group of crisis management operations already in operation. It is considered that this barracks is the embryo of a general headquarters, whose creation was not decided due to the veto by the United Kingdom, which understood that at the moment the headquarters should be only that of NATO.

Also, recently, the Defence Affairs Council of May 18 has addressed a pact on the key principles of the governance scheme of permanent structured cooperation. These decisions are some of the measures, among others, that try to illustrate the development and implementation of the first steps in defence policy, with the expectation that others will continue to be adopted in the same direction throughout 2017, a fundamental year in this field, since we must not forget that the European Commission presented in June the report reflecting on the future of Europe in the field of defence policy, in which it sets the common objectives for 2025.

It is essential to activate permanent structured cooperation, regulated in articles 42.6 and 46 of the TEU and in article 1 of Protocol No. 26, a commitment adopted in Juncker's agenda "A New Beginning", as well as in various parliamentary resolutions, especially in the last, of March 16, 2017, in points 30 to 34. In point 30, "the importance and need to participate in a permanent and efficient structured cooperation all Member States willing to advance in the integration of their defence "up to the highest level of ambition is underlined" and it is considered that "a permanent integrated European force should be created as a multinational force."

Perhaps the most important decisions are those adopted by the European Council on June 22 and 23 on the development of the CSDP, and especially on permanent structured cooperation, in which conclusion number 8 says that "in order to strengthen security and defence of Europe in the current difficult geopolitical environment, and to help achieve the level of ambition of the European Union, expressed in its Global Strategy, the European Council agrees that it is necessary to launch an integrated and ambitious Permanent Structured Cooperation."

This proposal is underway following the decision adopted at the Foreign Affairs and Defence

Council on November 13, 2017, where the constitutive act of the PESCO was signed, of which 25 Member States are part, all except Denmark, Malta and, as it is natural, the United Kingdom. With this, PESCO and its thirty projects are coming about formally and materially.

## 8. Initial implementation of the innovations of the Global Strategy in the Eastern dimension of the neighbourhood

The implementation of the principle of pragmatism begins to be observed in the PEE with very positive initial results. Within the framework of the European Neighbourhood Policy and, in particular, in the latest annual reports published on different countries, a more critical diagnosis is found, especially in the issues related to the area of democracy, good governance, human rights and fundamental freedoms, in other words, the European regulatory core.<sup>28</sup> This last aspect is evident even in the most successful cases of regulatory approximation, where, traditionally, the EU paid special attention to the advances and, therefore, relegated to the background lack of progress and even setbacks. On the contrary, a more critical analysis is now observed which highlights and reinforces the more normative dimension in relations with the EU.

Thus, the case of Georgia should be singled out as the most advanced neighbouring state in its progress towards the *acquis communautaire*. Despite the progress made, in the last report, the HR and the European Commission make some reproaches, among other aspects, for the implementation of the anti-discrimination law (one of the most outstanding advances in the framework of visa liberalization) due to the lack of effective sanctions and preventive measures against the violation of human rights and discrimination against minorities. In short, they highlight the country's high levels of intolerance, especially against religious minorities and the LGBTI collective that differs from the commitment acquired by the EU in this area.<sup>29</sup> While Moldova is criticized for the lack of progress on issues such as the excessive use of preventive detention or the fight against corruption.<sup>30</sup> This shows that the initial change of Moldova in the European direction has slowed slightly and they have scaled down their commitments to the Union in certain areas after the election of I. Dodon (November, 2016).

Regarding the notion of resilience, the new strategy pays special attention to the neighbouring states when they are subjected to significant tensions (endogenous and exogenous), hence the need to strengthen their capacity to face the different challenges and become more resilient. Thus, we should highlight the case of Ukraine that has to face external (conflict with Russia) and internal crises (important structural deficits that require substantial changes,

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<sup>28</sup> Manners, "Normative Power Europe: A Contradiction in Terms?," 235.

<sup>29</sup> European Commission and High Representative of the Union for Foreign Affairs and Security Policy, *Joint Staff Working Document "Association Implementation Report on Georgia,"* SWD [2016] 423 final, Brussels, 25 November 2016.

<sup>30</sup> European Commission and High Representative of the Union for Foreign Affairs and Security Policy, *Joint Staff Working Document "Association Implementation Report on the Republic of Moldova,"* SWD [2017] 110 final, Brussels, 10 March 2017.

especially, the reform of justice and the fight against corruption) and whose stabilization marks a priority for European security<sup>31</sup> itself. The EU has promoted different initiatives with the neighbouring states;<sup>32</sup> however, it is a very initial phase whose results could be perceived in the long term. It also highlights the implementation of the first measures with Moldova regarding the reform of its own internal security sector, with Moldova being the first State to receive European aid in this area.<sup>33</sup>

While it is true that the concept of resilience is essential, it still transmits some ambiguity, which could reduce its impact. In this, the traditional transforming role of the EU complements this deficiency.<sup>34</sup> In this regard, we disagree with those who hold that resilience means overcoming the concept of regulatory power<sup>35</sup> because, on the contrary, it complements and reinforces the security objective with a clear foundation based on values.

Finally, we must take into account the new security and defence measures which have a greater dissuasive effect. This last aspect has great relevance due to the growing instability in the eastern neighbourhood. In particular, the complex situation in Ukraine is the main source of insecurity in the area. The new direction of the country taken after the revolution of Euromaidan (November, 2013) aroused misgivings by Russia who did not hesitate to annex Crimea and Sevastopol to its territory while increasing its logistical and military support to the eastern regions of Donetsk and Lugansk. In this way an armed confrontation that aspires to affect the territorial integrity of the country between the central government of Kiev and the separatist regions that have the endorsement of the Kremlin<sup>36</sup> began.

Beyond the Ukrainian question, the dictatorial regime in Belarus worries, the lack of changes in Azerbaijan or its dispute with Armenia related to Nagorno-Karabakh, which is considered the entrenched conflict in the region that presents the greatest level of rivalry and confrontation. To a lesser extent, Moldova stresses that despite having achieved important achievements in recent years, it is carrying out initial changes after the rise of pro-Russian I. Dodon to the presidency (November, 2016) who, while advocating strengthening links with the EU, promotes contradictory measures, such as the new status of Moldova as an observer in the Russian

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<sup>31</sup> Michael Natorski, "The EU and Crisis in Ukraine: Policy Continuity in Times of Disorder?," in *The Revised European Neighbourhood Policy. Continuity and Change in EU Foreign Policy*, eds. Dimitris Bouris and Tobias Schumacher, 177-196 (London: Palgrave Macmillan, 2017).

<sup>32</sup> *From Shared Vision to Common Action: Implementing the EU Global Strategy Year 1, 2017*, [https://europa.eu/globalstrategy/sites/globalstrategy/files/full\\_brochure\\_year\\_1.pdf](https://europa.eu/globalstrategy/sites/globalstrategy/files/full_brochure_year_1.pdf) (accessed 15 January 2018).

<sup>33</sup> European Commission and High Representative of the Union for Foreign Affairs and Security Policy, *Joint Report to the European Parliament, The Council, The European and Economic Social Committee and The Committee of the Regions, Staff Working Document "Report on the Implementation of the European Neighbourhood Policy Review,"* JOIN(2017) 18 final, Brussels, 18 May 2017, [https://eeas.europa.eu/sites/eeas/files/2\\_en\\_act\\_part1\\_v9\\_3.pdf](https://eeas.europa.eu/sites/eeas/files/2_en_act_part1_v9_3.pdf) (accessed 15 January 2018).

<sup>34</sup> Victoria Rodríguez Prieto, "Resilience as the key element of European response to a changing Eastern Neighbourhood," *Studii Europene* 9 (2017): 127.

<sup>35</sup> Wagner and Anholt, "Resilience as the EU Global Strategy's new leitmotif: pragmatic, problematic or promising?," 414.

<sup>36</sup> J. L. Black and Michael Johns, *The Return of the Cold War. Ukraine, the West and Russia* (Abingdon, Oxon: Routledge, 2016).

initiative of the Eurasian Union.<sup>37</sup>

However, progress has been made with respect to the Transnistrian conflict thanks to the recent agreement reached, called the Berlin Protocol, which aims at greater collaboration. With regard to Georgia, it stands as the neighbouring state that presents the greatest advances, especially in the consolidation of its democratic regime or in the fight against corruption. In addition, it enjoys close ties with the EU that, recently, have been increased with the entry into force of the desired visa liberalization (March, 2017). However, it presents internal conflicts within the regions of Abkhazia and South Ossetia that prevent a more ambitious development on the part of the country.

So, to the extent that the EU promotes important measures in the field of security and defence, these will have a greater deterrent effect as the EU enjoys greater unity and determination. In this way, it could persuade other actors to carry out certain actions in the eastern neighbourhood, which would prevent an increase in instability in the area and will mean creating the conditions so that the Eastern Partnership can be developed with more stability.

### **Conclusions: the Global Strategy reinforces European diplomacy as a provider of security in the eastern neighbourhood**

The EU Global Strategy visualizes and reinforces the notion of regulatory power to the extent that its values articulate the whole of European external action. Even in the field of security and defence where, traditionally, the most realistic approach has predominated, the EU opts for a more normative vision.

The Strategy sets as a priority the development of the ENP as a result of growing instability, especially in the southern region but also in the eastern region. In this sense, the concept of resilience (state and civil society) is of special interest when addressing security challenges from a broad and ambitious perspective. Thus, the EU seeks to export its model as a whole to address the structural deficiencies of these countries (such as corruption, the need for greater reinforcement of their democratic systems or respect for human rights) which hamper their capacity to respond and, therefore, lead to greater instability.

In the case of the eastern neighbourhood, the implementation of resilience is only beginning. Some measures have been implemented in Ukraine and in Moldova, but these will have a greater impact in the medium to long term, due to the complexity of the measures that require more ambitious steps.

On the other hand, the strategy gives a lot of importance to the strategic autonomy of the EU and the notion of the defence of its citizens and territories, which has led to more development of the defence policy in just over than a year than in the rest of the century. All this has been

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<sup>37</sup> Sam Morgan, "Moldova granted observer status in Eurasian Union," *Euroactiv*, 19 April 2017, <https://www.euractiv.com/section/europe-s-east/news/moldova-granted-observer-status-in-eurasian-union> (accessed 15 January 2018).

possible thanks to the unity and cohesion that the EU currently has after Brexit, which has led to notable changes even in this area.

This advance will have a great impact on the European neighbourhood, especially in the face of entrenched conflicts that the region suffers. As the EU begins to have its own autonomous defence, that is, not dependent on anyone else, this makes the ENP more credible, especially in terms of deterrence.

Deterrence is based on the aforementioned cohesion that makes defence policy credible because it can persuade other actors present in the area to promote certain actions in the neighbouring states of Eastern Europe, thus being a stabilizing element that creates better conditions for development and deepening of the ENP, a framework of relations that has the support of the European institutions as a whole, especially the European Parliament.<sup>38</sup>

For all these reasons, we can conclude that the Global Strategy facilitates European diplomacy in the promotion of the aforementioned measures to be a provider of security in the Eastern European region, above all, with a medium-term perspective since security is the precondition for the economic, political and social development of these countries as it has been noted in other regions such as the Western Balkans and it is reflected in the recent strategy published in the month of February, which will have an impact for the eastern partners.

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<sup>38</sup> European Parliament, *Resolution of 13 December 2017 on the Annual report on the implementation of the Common Security and Defence Policy*, P8\_TA(2017)0492, Strasbourg, 13 December 2017, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2017-0492+0+DOC+XML+V0//EN> (accessed 15 January 2018).



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## INCOMPATIBLE PARTNERSHIPS: THE INHERENT TENSION IN THE EU'S EAST-EUROPEAN POLICY AND ITS IMPLICATIONS FOR SECURITY

*Tom CASIER*

**Abstract.** This paper argues that, before the Ukraine crisis, the EU's policy towards its post-Soviet neighbours was characterised by an inherent tension. The Strategic Partnership with Russia and the European Neighbourhood Policy/Eastern Partnership tried to combine two incompatible objectives: the ENP/EaP objectives of creating privileged relations and association with the eastern neighbours collided with the promise of equal partnership and respect for Russian interests which the Strategic Partnership entailed, in a context where Moscow claimed 'privileged interests' in the former Soviet space. The decoupling of EU policies towards the post-Soviet space in 2003-2004 contributed to the development of two different dynamics: a cooperative but asymmetrical relationship with certain EaP countries versus a competitive context for the development of relations with Russia. The paper explores how this impacted on the EU's potential to play a significant security role in the neighbourhood.

**Keywords:** EU, foreign policy, Russia, Eastern Partnership, European Neighbourhood Policy.

### Introduction

Around 2003-2004 the EU's policy vis-à-vis the post-Soviet space changed from a uniform, monolithic policy in the 1990s to a two track policy, in which the EU engaged in a Strategic Partnership with Russia on one hand and sought to develop privileged relations with countries of the European Neighbourhood Policy (ENP) on the other. This paper argues that this introduced a fundamental tension in the EU's policy towards the post-Soviet space. The envisaged objectives of the EU-Russia Strategic Partnership and the ENP/Eastern Partnership (EaP) were incompatible. As a result, this dual policy contributed – among many other factors – to the development of two different strategic environments: a cooperative one with certain EaP countries; a competitive one with Russia. Progress in the ENP/EaP tended to increase tensions in relations with Russia. This paper first looks at how the decoupling of policies happened and how both represent fundamentally different types of diplomacy. It then explores the tension between both policies and how the operative context changed to rivalling regionalisms, before turning to the impact the latter had on the EU's potential security role in the area. Finally some reflections are added about recent developments.

### From monolithic policy to decoupling

The agreement to establish the European Union under the Treaty of Maastricht roughly coincided with the collapse of the Soviet Union.<sup>1</sup> The profoundly new strategic situation in

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<sup>1</sup> The Maastricht Treaty was agreed at the European Council meeting of 9-10 December 1991 and signed on 7 February 1992.

Europe made the members of the European Communities less dependent on US military projection and allowed them to develop a more autonomous foreign policy. From the onset the establishment of relations with the former communist neighbours made it high to the agenda of the newly founded EU. The former satellite states of the Soviet Union in Central and Eastern Europe expressed their interest in joining the European Union. In 1993 the EU formulated the Copenhagen criteria as broad framework for a policy of conditionality and EU-steered structural reforms. Accession negotiations were opened with Hungary, Poland, the Czech Republic, Estonia and Slovenia in 1998 and in a second wave with Bulgaria, Latvia, Lithuania, Romania and Slovakia in 2000.<sup>2</sup> Towards the Newly Independent States of the Soviet Union (with the exception of the three Baltic republics) the EU followed a different policy. This policy was largely uniform and monolithic. It stated similar objectives for all. It used the same legal instruments, the Partnership and Cooperation Agreements (PCA's) and financial instruments (TACIS<sup>3</sup>) for all countries, from the Russian Federation to Azerbaijan. Within this framework the EU usually respected a certain hierarchy, which appeared clearly from the order of signing agreements: traditionally they were signed first with Russia, then with Ukraine, then with other countries. The EU acted as helper (providing assistance in such diverse fields as economic reconversion, democratisation and disarmament) and guide (promoting democratic and neo-liberal norms and transferring its rules and legal principles).

With the big bang enlargement of 2004 approaching, concerns were arising about the impact the extension of the EU would have on its direct neighbours. The British Foreign Secretary, Jack Straw, expressed his fear of the creation of 'new dividing lines of "haves and havenot's" on the continent.'<sup>4</sup> There was a genuine risk that the project of creating peace and stability, as well as prosperity in wider Europe, would be undermined as the result of a divided, two-speed continent. These concerns gave rise to new initiatives that eventually resulted in the European Neighbourhood Policy (ENP), launched in 2004. The policy aimed at privileged relations with neighbouring states in Eastern Europe and around the Mediterranean, envisaging two main structural objectives: creating stability around the enlarged EU and avoiding new dividing lines by mitigating the negative impact of EU enlargement on its direct neighbours. In 2007 the countries of the Southern Caucasus were added. The Eastern Partnership (EaP), launched in 2009, added a specific East-European dimension to the broad one-size-fits-all framework policy of the ENP.

Amidst the preparations for the ENP, something important happened. While the original blueprint provided for Russia's participation in the ENP, the country decided to withdraw from the policy. This was mainly due to Russia's lukewarm feelings towards an EU-centric policy, in which it would be treated as one among many neighbours of the EU and put in the same basket with smaller countries like Moldova or Tunisia. Instead Russia and the EU engaged in a

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<sup>2</sup> The European Council of Thessaloniki in 2003 confirmed the membership perspective of the Western Balkan states.

<sup>3</sup> As major funding programme for the NIS, TACIS ran from 1991 to 2006 and was aimed at promoting democracy, the rule of law and the transition to a market economy.

<sup>4</sup> Jack Straw, "A new mission for Europe," Speech at the Auswärtiges Amt, Berlin, 27 May 2002, <http://www.euro-paworld.org/week84/aneuwmisionforeurope31502.htm> (accessed May 2008).

Strategic Partnership. This term had started popping up by the end of the 1990s already. In October 1999 Solana spoke of the 'EU-Russia Strategic Partnership'<sup>5</sup> and the same term was used in the EU's Common Strategy on Russia later that year.<sup>6</sup> But it was only with the agreement on Four Common Spaces that the Strategic Partnership got sealed as a separate policy. The EU and Russia agreed to cooperate in Four Common Spaces in St. Petersburg in 2003: a common economic space; a common space of freedom, security and justice; a space of research, education and culture; and one of external security.<sup>7</sup> Two years later, in Moscow in 2005, roadmaps were agreed for cooperation in these four areas.<sup>8</sup> As a result the monolithic policy towards the Newly Independent States of the former Soviet Union came to an end. The EU's Russia policy got decoupled from its policy towards other former Soviet states.<sup>9</sup> From this point on 'the EU pursued a two-track policy, one part focussed on the Russian strategic partnership and the other on its other eastern neighbours, culminating in the Eastern Partnership (EaP) policy.'<sup>10</sup>

As the next section demonstrates, both policies were of a fundamentally different nature. This was not so much the result of a conscious EU decision, but the outcome of Russia's decision not to participate in the ENP. Yet, it had an important impact on the EU's policies.

## Two types of policy

The ENP and the Strategic Partnership with Russia in 2003-2004 implied the decoupling of the EU's policy vis-à-vis its eastern neighbours. The two policies soon drifted apart and proved to be of a fundamentally different nature. The ENP was predominantly a form of 'structural foreign policy',<sup>11</sup> aimed at long term transformation in the ENP countries. The core was to promote EU-steered domestic transformation, eventually reshaping neighbouring states in the image of the EU. This was expected to create a more friendly environment for the enlarged EU and to enhance stability. Within this framework the EU followed a strongly normative policy of promoting its own rules and norms. The ambition was that neighbouring countries would

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<sup>5</sup> Javier Solana, "The EU-Russia Strategic Partnership," Speech by the High Representative designate of the European Union for Common Foreign and Security Policy, Stockholm, Wednesday, 13 October 1999, [http://91.194.202.11/uedocs/cms\\_data/docs/pressdata/EN/discours/59417.pdf](http://91.194.202.11/uedocs/cms_data/docs/pressdata/EN/discours/59417.pdf) (accessed 15 October 2012).

<sup>6</sup> European Council, *Common Strategy of the European Union of 4 June 1999 on Russia*, 1999/414/CFSP, [http://trade.ec.europa.eu/doclib/docs/2003/november/tradoc\\_114137.pdf](http://trade.ec.europa.eu/doclib/docs/2003/november/tradoc_114137.pdf) (accessed 1 September 2010).

<sup>7</sup> EU-Russia Summit, *Joint Statement*, St. Petersburg, 31 May 2003, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/er/75969.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/75969.pdf) (accessed 17 October 2013).

<sup>8</sup> EU-Russia Summit, *Road Maps*, Moscow, 10 May 2005, [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressdata/en/er/84815.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/er/84815.pdf) (accessed 1 December 2011).

<sup>9</sup> Katarzyna Wolczuk, "Implementation without Coordination: The Impact of EU Conditionality on Ukraine under the European Neighbourhood Policy," *Europe-Asia Studies* 61, 2 (2009): 187-211.

<sup>10</sup> Joan DeBardeleben, "Alternative Paradigms for EU-Russian Neighbourhood Relations," in *EU-Russia Relations in Crisis. Understanding Diverging Perceptions*, eds. Tom Casier and Joan DeBardeleben, 115-136 (London: Routledge, 2018).

<sup>11</sup> S. Keukeleire and J. MacNaughtan, *The Foreign Policy of the European Union* (Basingstoke: Palgrave Macmillan, 2008).

converge their laws, norms and institutional practices to that of the EU. This does not mean that the ENP was not 'political'. It could be argued that exactly the lack of a clear finality of the policy (beyond ill-defined terms such as 'privileged relations') gave it a strong political dimension.<sup>12</sup> When the EaP was launched in 2009 (targeting six countries: Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine), this did not fundamentally alter some characteristics of the ENP, except for the fact that it reflected the interests of the EU more strongly and took Belarus on board. Sakwa has also argued that the EaP obtained a new security dimension, as compared to the ENP. In the aftermath of the Russia-Georgia war of 2008 and under Polish impulse, the policy is claimed to have obtained a stronger anti-Russian, interest-based dimension.<sup>13</sup> As it will be noted below, the Association Agreements, signed with Georgia, Moldova and Ukraine in 2014 do refer to convergence in foreign and security policy.

Whereas the ENP was predominantly a structural, normative and asymmetrical EU-centric policy, relations with Russia developed in a very different direction. Already at the Feira European Council of 2000 the EU opted for a less normative and more pragmatic approach vis-à-vis Russia.<sup>14</sup> The option for 'constructive engagement' soon turned out to put the emphasis firmly on interests. The EU-Russia Strategic Partnership was based on a symbolic recognition of each other's significance ('part of each other's neighbourhood', as formulated in one document)<sup>15</sup> and a frank recognition of each other's interests. The normative agenda faded to the background. Both parties recognised each other as equal parties. As such the policy became a form of 'strategic diplomacy',<sup>16</sup> rather than structural foreign policy. Rule and norm transfer disappeared from the centre stage. The EU sought to position itself as an international actor vis-à-vis Russia, giving interests a more explicit recognition and embedding relations with Moscow within a strategic vision.

In sum, the decoupling of the EU's policy towards Russia and that towards other states implied that two forms of foreign policy of a very different nature co-existed. The ENP was a form of structural diplomacy, aiming at rule and norm transfer, and based on an asymmetrical relationship between the EU and its neighbours. The Strategic Partnership with Russia was a form of strategic diplomacy, which abandoned the idea of rule and norm transfer, opting instead for pragmatic cooperation on the basis of a recognition of interests and formal equality.

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<sup>12</sup> Tom Casier, "To adopt or not to adopt. Explaining selective rule transfer under the European Neighbourhood Policy," *Journal of European Integration* 33, 1 (2011): 48.

<sup>13</sup> Richard Sakwa, *Frontline Ukraine. Crisis in the borderlands* (London: Tauris, 2014), 39-40.

<sup>14</sup> Hiski Haukkala, *The EU-Russia Strategic Partnership: The Limits of Post-Sovereignty in International Relations* (London: Routledge, 2010), 122-125.

<sup>15</sup> Commission of the European Communities, *Communication from the Commission to the Council and to the European Parliament on Relations with Russia*, COM(2004) 106 final, Brussels, 10 February 2004, 6.

<sup>16</sup> Michael Smith, "The EU, Strategic Diplomacy and the BRIC Countries," in *The Diplomatic System of the European Union: Evolution, Change and Challenges*, eds. M. Smith, S. Keukeleire and S. Vanhoonacker, 115-128 (Abingdon: Routledge, 2016).



## Consequences for EU policies: Tensions between the Strategic Partnership and the ENP/EaP

The decoupling of the EU's policies towards Russia and other former Soviet states in 2003-2004 introduced a tension into its regional eastern policy. The objectives of both policies tended to collide. With the ENP/EaP countries Brussels sought to establish 'privileged relations' with its neighbours. While the term was initially weakly defined, the Association Agreements clarified what this embodied: deep and comprehensive free trade, aligning legislation and promoting 'gradual convergence in the area of foreign and security policy.'<sup>17</sup> De facto we are talking about the extension of the EU's legal and economic sphere for Single Market related matters and to a lesser extent for political cooperation. At the same time, the EU was engaged in a Strategic Partnership with Russia based on equality and recognition of interests. Yet, in combining both, the EU failed to recognise that Russia regards influence in the post-Soviet space as one of its key interests. Moscow claims – in the words of then president Medvedev – that it has legitimate 'privileged interests' in former Soviet countries, including the Eastern Partnership countries. The EU's ambition to establish 'privileged relations' with neighbours while Russia claimed 'privileged interests' in the same countries was doomed to clash. Initiatives for the harmonisation of legislation and far-reaching association with neighbouring EaP countries undermined the Russian belief that the EU was serious about the Strategic Partnership and vital Russian interests.<sup>18</sup> The other way around, close EU engagement with Russia was seen as disregard for those EaP countries that were eager to affirm their European identity and to cooperate closely with the Union. The decoupling of policies inevitably brought an issue of prioritisation to the agenda: which policies were to be prioritised, those with Russia or those with EaP countries like Ukraine? Before the 2014 Ukraine crisis this divided EU Member States deeply, with some (for example Germany and the Netherlands) giving clear priority to relations with Russia, while others (for example Lithuania and Poland) pushed to rank EaP countries first. As a result the EU found itself in a continuous double balancing exercise: one between its ENP/EaP policy and the Strategic Partnership with Russia; the other between those Member States pushing for more Russia leaning policies and those favouring a primary role for the EaP countries.

Arguably this problem has been reinforced by the 'legal and procedural duality' between the EU's Common Foreign and Security Policy (CFSP) and other external policies.<sup>19</sup> Prior to the Ukraine crisis Commission Directorate Generals (DG) like Trade and Energy played a crucial role in relations with Russia, often leading to a disconnect with the diplomacy over high politics issues, which was supported by the European External Action Service (EEAS) and coordinated by the High Representative. The EEAS ran a geographically circumscribed Russia policy, but

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<sup>17</sup> EU-Ukraine, *Association Agreement between the European Union and its Member States, of the one part, and Ukraine, of the other part*, Art. 7.1, [http://trade.ec.europa.eu/doclib/docs/2016/november/tradoc\\_155103.pdf](http://trade.ec.europa.eu/doclib/docs/2016/november/tradoc_155103.pdf) (accessed 6 February 2018).

<sup>18</sup> It goes without saying that Russia's negative perception is not exclusively the result of EU policies, but should be explained on the basis of a multitude of factors, including domestic change.

<sup>19</sup> J. Wouters and T. Ramopoulos, "Revisiting the Lisbon Treaty's Constitutional Design of EU External Relations," Working Paper 119, Centre for Global Governance Studies, September 2013, 2.

was confronted with deeply divided Member States and influential DGs running the bulk of the business. This may help to explain why the EU had difficulties to pick up the signals from Moscow that the planned association with Ukraine was considered unacceptable. The EU stubbornly ignored the geopolitical impact its EaP policy had on the region or at least on Russia's reading of the state of affairs. The Executive Secretary-General of the European External Action Service, Pierre Vimont, for example stated that the EU 'never had any clear warning' from Russia that a Deep and Comprehensive Free Trade Agreement (DCFTA) with Ukraine 'was unacceptable to them.'<sup>20</sup>

### External consequences: the impact on the EU's strategic environment

The inevitable consequence of the decoupling of Russia and Eastern Europe policies was that the EU ended up operating on its eastern flank in two different strategic contexts. One was cooperative, with the 'willing' EaP countries, in particular Georgia, Moldova and Ukraine, that all signed an Association Agreement with the EU in 2014. The other, with Russia, became increasingly competitive. Both strategic environments influenced each other in opposite ways: when EaP cooperation with certain countries became more successful (for example with the prospect of signing an Association Agreement), the competition between Russia and the EU increased, because Russia read this as a violation of its 'privileged interests' and an extension of the EU's damaging influence. In this light we should see the diverse restrictive trade measures Russia took against Ukraine, Moldova and Georgia, as they were moving closer to the completion of an Association Agreement with the EU.

Joan DeBardeleben argues that a fundamental paradigm shift has taken place in relations between the EU and Russia. Originally the EU-Russia Strategic Partnership functioned for years within a paradigm of a 'common/greater Europe': 'the relationship revolved around contested visions of a common integrated space, but with agreement on some fundamental principles.'<sup>21</sup> Yet, this framework faltered because 'the EU and Russia lacked a shared vision of how the relationship should unfold within the larger European space.'<sup>22</sup> It eventually ceded to the 'competing regionalisms paradigm.' This paradigm was characterised inter alia by mutually exclusive integration projects, competing regulatory norms and a securitisation of the relationship.<sup>23</sup> DeBardeleben situates the beginning of the shift in the years before the Ukraine crisis, but crystallising with the confrontation over Ukraine.<sup>24</sup> She sees Putin's original proposal<sup>25</sup> to establish a Eurasian Union as an attempt to redress the balance between the EU and Russia within the (dysfunctional) common Europe paradigm. Formally the Strategic

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<sup>20</sup> Vimont quoted in House of Lords, European Union Committee, *6th Report of Session 2014-15, The EU and Russia: before and beyond the crisis in Ukraine*, HL Paper 115, 2015, 53.

<sup>21</sup> DeBardeleben, "Alternative Paradigms for EU-Russian Neighbourhood Relations," 115.

<sup>22</sup> *Ibid.*

<sup>23</sup> *Ibid.*, 129.

<sup>24</sup> *Ibid.*, 115.

<sup>25</sup> Vladimir Putin, "Novyi integratsionnyi proekt dlia Evrazii – budushchee, kotoroe rozhdaetsia," *Izvestia*, 3 October 2011, <http://www.izvestia.ru/news/502761> (accessed 18 October 2017).

Partnership was based on equality, but in terms of economic strength the imbalance was considerable: size wise the Russian economy was roughly equal to the Italian economy. Moreover, the EU was a highly integrated organisation of 28 Member States, while Russia was on its own. By establishing a Eurasian Union, Russia's capabilities would be increased and the EU-Russia Strategic Partnership more balanced. This, in turn, would allow Russia to restore some of its lost influence in the post-Soviet space. Yet, when the Eurasian Customs Union (ECU) was established in 2010, this was not received very well by the EU. The Union refused to negotiate trade matters with the ECU and many in the West perceived the Russian integration initiative as a crypto geopolitical project.

The rivalry over the neighbourhood has thus become a determining factor of EU-Russia relations themselves. In contrast to the cooperative setting of the EaP, EU relations with Russia have developed within a logic of competition, in which contending parties increasingly read each other's behaviour in a negative way and issues get easily securitised. Ultimately zero-sum thinking has come to dominate EU-Russia relations. Tensions escalated over Ukraine's choice to join either the Eurasian Customs Union or sign the Association Agreement with the EU. The inevitable choice (arguably an accidental technical outcome rather than the result of a deliberate geopolitical plan) followed from the fact that membership of the Eurasian Customs Union requires one to respect the organisation's common external tariff. As a result a country cannot enter individually into separate free trade agreements with third countries. In the case of Ukraine in 2013, it could not join the ECU and accept a DCFTA with the EU. Both were legally incompatible.

Self-evidently the paradigm shift to competing regionalisms is the result of a multitude of complex factors and not the simple outcome of EU policies. Undoubtedly the evolution cannot be separated from domestic changes in Russia and its impact on foreign policy; nor can it be seen independently of the eastern enlargement of the EU which implied that several new Member States pushed for a harder stance vis-à-vis Russia. Moreover, several 'black swan' events have further contributed to changes in the strategic environment: the colour revolutions of 2004, the gas spats of 2006 and 2009, the Russia-Georgia war of 2008, etc.

### **The impact on the EU's role as security actor in the neighbourhood**

Inevitably the context of rivalling regionalisms between Moscow and Brussels had a strong impact on the potential of the EU as security actor. In a competitive strategic environment, where any issue runs the risk of being securitised and understood in zero-sum terms, any initiative in conflict resolution is regarded with suspicion.

Also in the realm of security, rivalling regionalisms dominate, but they go beyond the EU. Security cooperation in the Euro-Atlantic Community is organised primarily around NATO, the collective defence organisation that survived the end of the Cold War. On the Russian side there is the Collective Security Treaty Organisation (CSTO), a much smaller and less advanced form of defence cooperation. Yet, from the beginning Russia and the Euro-Atlantic Community have held different views of the preferred post-Cold War European security order.

While the latter continued to rely predominantly on NATO-based collective defence, the Russian preference has always been for a pan-European collective security system. The draft European Security Treaty proposed by president Medvedev in 2009 exactly aimed at merging both security organisations (NATO and CSTO) into a new collective security organisation.<sup>26</sup> Clearly this treaty was more a statement than a realistic proposal.

The EU suffers from a lack of 'collective understanding' of security and the European Commission has traditionally opted for a very broadly defined concept of security, promoting stability through a broad range of non-military means.<sup>27</sup> Of course this is to some degree counterbalanced by more traditional approaches to security by its Member States, most of whom are equally NATO members. Self-evidently Russia's consistent concerns about NATO enlargement have also affected its relations with the EU. When it comes to conflict resolution the EU has traditionally played a rather minor role,<sup>28</sup> in spite of the emphasis it has put on security and stability in the neighbourhood ever since the European Security Strategy.<sup>29</sup>

The antagonistic views of the preferred European security order escalated over the Ukraine crisis. The annexation of Crimea by Russia was a clear violation of the European border regime and reinforced the threat perception of Russia dramatically. The Ukraine crisis also demonstrated that a functional pan-European collective security system was lacking. These developments have further affected the chances of the EU to play a role as a security actor in the region. Moreover, the EU has now concluded three Association Agreements with three former Soviet states that have a territorial dispute with Russia or with direct Russian involvement: Georgia (Abkhazia and South Ossetia), Moldova (Transnistria) and Ukraine (Crimea and Eastern Ukraine). Needless to say that this does not increase the chances of security cooperation. Yet it must be stated that the Ukraine crisis has opened the route to alternative, ad hoc structures for negotiation, such as the Normandy format under which the Minsk agreements were set up.<sup>30</sup>

## Reflections on recent developments

With the Ukraine crisis, relations between the EU and Russia have reached the deepest low since the end of the Cold War. The Strategic Partnership was suspended and the EU imposed

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<sup>26</sup> European Security Treaty, *The Draft of the European Security Treaty*, 29 November 2009, <http://en.kremlin.ru/events/president/news/6152> (accessed 1 February 2014).

<sup>27</sup> Maria Raquel Freire and Licinia Simão, "EU-Russia Relations and the Unravelling of the European Security Regime in the Context of the Ukraine Crisis," in *EU-Russia Relations in Crisis. Understanding Diverging Perceptions*, eds. Tom Casier and Joan DeBardeleben, 167 (London: Routledge, 2018).

<sup>28</sup> Larisa Kuzmicheva, "Unresolved conflicts in the common neighbourhood: a comparative analysis of EU and Russian policies," SPES Policy Papers, January 2011; Nicu Popescu, "EU and the Eastern Neighbourhood: Reluctant Involvement in Conflict Resolution," *European Foreign Affairs Review* 14, 4 (2009): 457-477.

<sup>29</sup> European Council, *A Secure Europe in a Better World. European Security Strategy*, Brussels, 12 December 2003, <http://ue.eu.int/uedocs/cmsUpload/78367.pdf> (accessed 1 February 2014).

<sup>30</sup> The Normandy contact group is an informal diplomatic format for consultations between Russia, Ukraine, Germany and France (with the backing of the EU) over the war in Eastern Ukraine.

sanctions on Russia. The latter retaliated. Since then the EU and Russia find themselves in some sort of staring competition, where neither side wants to blink first, i.e. to make a concession first. Given that Russia has traditionally been a very divisive issue in the EU, the Union has displayed a surprising unity in maintaining sanctions, even four years after the annexation of Crimea. Yet two elements should be mentioned. First, despite the depth of the current crisis, a certain degree of pragmatism was maintained. This is best visible in the field of energy. Sanctions have largely avoided targeting the energy sector (with the exception of specific technology in the oil sector), arguably because of a mutual understanding of interdependence in this sector. Moreover energy trade after the Ukraine crisis has largely continued as before. Secondly, while sanctions are maintained and policies remain unchanged, the political dialogue at the highest level got gradually restored. This is both the case at the EU level and at bilateral level.<sup>31</sup> This combination of sanctions and immobile policies on one hand and increasing political dialogue on the other seems to have become the new normal in EU-Russia relations.

On 14 March 2016 EU Foreign Ministers adopted five guiding principles in their relations with Russia<sup>32</sup>:

- Full implementation of the Minsk agreements;
- Strengthening relations with Eastern partners, including in Central Asia;
- Strengthening internal EU resilience (in particular energy security, hybrid threats, strategic communication);
- Selective engagement with Russia (for example on Iran, Syria, North-Korea, counter-terrorism);
- Support for Russian civil society and people-to-people contacts.

This mainly seems to reconfirm the EU's position (the full implementation of Minsk II as a condition for progress) and practice (selective engagement with Russia). Interesting is the emphasis on partners in Central Asia. The EU here does not seem to show restraint in terms of the geographic reach of its cooperation with former Soviet states.

On the other hand, a couple of changes in the EU's general foreign policy may be of significance. The EU Global Strategy put the emphasis on 'principled pragmatism.'<sup>33</sup> Its foreign

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<sup>31</sup> For example, at EU level High Representative Mogherini visited Moscow in April 2017. At bilateral level there were visits by Putin to French President Macron, Hungarian Prime Minister Orbán and visits to Putin by Slovak Prime Minister Fico, Belgian Prime Minister Michel, Czech President Zeman, Greek Prime Minister Tsipras, Italian President Mattarella and PM Gentiloni, etc.

<sup>32</sup> Federica Mogherini, "Remarks by High Representative/Vice-President Federica Mogherini at the press conference following the Foreign Affairs Council," Remarks, Brussels, 14 March 2016, [https://eeas.europa.eu/headquarters/headquarters-homepage/5490/remarks-by-high-representativevice-president-federica-mogherini-at-the-press-conference-following-the-foreign-affairs-council\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/5490/remarks-by-high-representativevice-president-federica-mogherini-at-the-press-conference-following-the-foreign-affairs-council_en) (accessed 6 February 2018).

policy strategy is formulated in less normative terms, with the promotion of democracy taking a less central position.<sup>34</sup> With principled pragmatism, there is a stronger interest-based formulation of EU foreign policy and less emphasis on transformative power. The strategic priority – and new buzz word in general – has become resilience. Given the EU's structural foreign policy towards certain EaP countries has traditionally been strongly normative, this is not without importance.

Also three takeaways from the Fifth Eastern Partnership Summit (Brussels, 24 November 2017) are potentially significant. First, European Council President Tusk stated at the concluding press conference: 'The Eastern Partnership is not directed against Russia. ... It is not a geopolitical beauty contest between Russia and the EU.'<sup>35</sup> Recently, this element has been underlined recurrently. Secondly, among the 20 deliverables presented, hard security issues played all but a central role.<sup>36</sup> Only deliverable 12 refers to stronger security cooperation and focuses inter alia on hybrid threats, intelligence sharing and participation in CSDP operations. Thirdly, the EU signed an agreement with Armenia at the summit. The 'Comprehensive and Advanced Partnership Agreement' (CEPA) replaces the originally envisaged Association Agreement (with DCFTA), which was abandoned after Yerevan chose to join the Eurasian Customs Union in September 2013. This is an important precedent, as this is the first extended new generation agreement with an EaP country that is equally a member of the Eurasian Economic Union. It is also the first agreement that leaves a DCFTA out, but establishes a partnership in other fields.

The above developments send mixed signals: continued EU engagement with its eastern partners, but more emphasis on resilience than on EU structural foreign policy; more flexibility in the type of agreements concluded with EaP countries; a Realpolitik stance vis-à-vis Russia, but with selective engagement as a very stretchable element; a non-zero-sum message to Russia when it comes to the Eastern Partnership. It may indicate a certain recognition of the tension between the EU's two track policies vis-à-vis Russia and towards other post-Soviet states. Self-evidently it will not solve that tension altogether. The tension is not prominent now, because of the current confrontation and stalemate with Russia. Yet, with the possibility of new crises coming up a more in-depth rethinking of these policies will be required.

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<sup>33</sup> European Union, "Shared Vision, Common Action: A Stronger Europe." *A Global Strategy for the European Union's Foreign and Security Policy*, June 2016, [https://europa.eu/globalstrategy/sites/globalstrategy/files/regions/files/eugs\\_review\\_web\\_0.pdf](https://europa.eu/globalstrategy/sites/globalstrategy/files/regions/files/eugs_review_web_0.pdf) (accessed 6 February 2018).

<sup>34</sup> Ana E. Juncos, "Resilience as the new EU foreign policy paradigm: a pragmatic turn?," *European Security* 26, 1 (2017): 1-18.

<sup>35</sup> Tusk quoted in: David Herszenhorn and Jacopo Barigazzi, "Russia casts shadow over EU's eastern summit," *Politico*, 24 November 2017, <https://www.politico.eu/article/russia-casts-shadow-over-eus-eastern-summit-donald-tusk-crimea-ukraine/> (accessed 6 February 2018).

<sup>36</sup> European Commission and High Representative of the Union for Foreign Affairs and Security Policy, *Joint Staff Working Document "Eastern Partnership – 20 Deliverables for 2020. Focusing on key priorities and tangible results,"* SWD(2017) 300 final, Brussels, 9 June 2017.

## Conclusion

The EU's policies vis-à-vis post-Soviet states fell apart into a policy for Russia and one for the other states in 2003-2004. This happened more by accident than by conscious decision. The decoupling was the result of Russia's withdrawal from ENP plans. Instead the EU and Russia engaged into a Strategic Partnership, based on formal equality, a frank recognition of interests and pragmatism – a conventional form of strategic diplomacy. The ENP, on the other hand, developed – with mixed success – as a form of structural diplomacy: aimed at long term structural transformation, driven by a normative agenda and based on an asymmetrical, EU-centric relation. In this way a problematic tension sneaked into the EU's policy vis-à-vis the post-Soviet space. On one hand the EU promised privileged relations with the states of the ENP/EaP. On the other hand it promised to recognise Russia's vital interests. Yet, Moscow claimed 'privileged interests' in the same neighbourhood, where it saw its influence waning and that of the EU increase. Combined with many other factors, this contributed to a shift of EU-Russia relations towards a logic of competition, in which both parties regarded each other's policies in the neighbourhood increasingly with suspicion as threatening, zero-sum geopolitical moves. The EU ended up operating in two different strategic environments on its eastern borders: a competitive one with Russia and a cooperative one with the willing EaP states. Both were interrelated: perceived EU success in relations with EaP states increased competition with Russia. This impacted on the EU's capacity to play a significant security role in the area. The fact that the Association Agreements the EU has signed are with three countries having territorial disputes with Russia or Russia's involvement, further aggravated this.

With the Ukraine crisis this inherent tension between the objectives of the EU's Russia policy and those of its EaP policy has lost much of its significance. The EU is no longer divided over the prioritisation of Russia versus EaP countries, but has been surprisingly united in maintaining sanctions against Russia. Yet, if the confrontation were to fade to the background and normalisation were to occur, the tension will come back to the forefront. Therefore the EU better starts reflecting on how it wishes to make both policies compatible in a situation of normalisation.

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## THE EASTERN PARTNERSHIP AREA IN THE GLOBAL STRATEGY FOR THE EUROPEAN UNION'S FOREIGN AND SECURITY POLICY: WHAT IS SHARED BY PARTNERS?

*Vasile CUCERESCU*

**Abstract.** The paper contains reflections and research results on the place and role of the Eastern Partnership area in the Global Strategy for the European Union's Foreign and Security Policy in the process of cooperation between the European Union and the Eastern Partnership countries. The EU's policy provisions are discussed through the prism of the implications for involved parties. Considering the philosophy of the Global Strategy, the national acts on security in Eastern Partnership countries are analyzed to see to what extent they go hand in hand with the EU's acts and share common vision and action. Accordingly, it is made a categorial system of Eastern Partnership countries that follows the dialogue on security with the European Union.

**Keywords:** European Union, foreign and security policy, Eastern Partnership, shared vision, common action, Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine.

### 1. Introduction

The starting point of this research is based on the assumption to find out convergent provisions on shared vision and common action in EU-EaP cooperation in the field of security. For this reason, it is important to have a better look at the act *A Global Strategy for the European Union's Foreign and Security Policy: "Shared Vision and Common Action: A Stronger Europe"*, which provides general provisions on EU foreign and security aspects, including special provisions on neighbourhood and Eastern Partnership states, on the one hand. On the other hand, national acts on security policy in the Eastern Partnership are considered, if they approach the EU's policy and / or follow common objectives.

The excursus has to give an answer what is shared between the European Union and Eastern Partnership countries in the security area. Do these policies have a meeting point in developing bridges of cooperation or not? Do these policies follow different perspectives or not? Can we speak about a common security dialogue or, at least, a security dialogue between the partners?

Answers to such questions are needed, taking into account the precarious security architecture in the region and in the world. Moreover, frequent behaviour shifts of international law subjects, especially of regional and global players, leads to perspectives of what could be shared in confronting common threats.

## 2. In Search of a Strategy

When dealing with *A Global Strategy for the European Union's Foreign and Security Policy: "Shared Vision and Common Action: A Stronger Europe"*, it is worth mentioning about the quest and its inception before the act was adopted. The previous policy document – *European Security Strategy: "A Secure Europe in a Better World"* (adopted in 2003 and renewed in 2008) – was challenged by new times and new realities at global level. Two major policy pronouncements have to be discussed here.

First, Simon Schunz (European Commission, Directorate-General for Research and Innovation, Unit B6 'Reflective Societies') captured exactly occurrent transformations in the book *A Global Actor in Search of a Strategy: European Union Foreign Policy between Multilateralism and Bilateralism*. The idea "in search of a strategy" is not accidental by definition. The book is divided in five parts. The first is an introduction and the last – concluding remarks. The second part presents the conceptual ground on global affairs and the European Union – the evolving global order: multipolarity, interolarity and global governance; Europe as a global actor: what is the European Union's foreign policy; the legal-institutional framework of the European Union's foreign policy: set-up and tools. The third part underlines the key themes about the European Union as a global actor: the European Union as a multilateral player (foundations and capacities; activities and outcomes); the European Union as a bilateral actor (foundations and capacities; activities and outcomes); situating the European Union in the contemporary global order (the contingency of the European Union's significance as a global actor; how others see the European Union as a global actor). The fourth part deals with policy implications of the European Union's future as a global actor: key policy-relevant insights: the European Union's eclectic foreign policy; scenarios for the future: Europe's role in the world in 2030; policy recommendations: how the EU can be a durable part of global solutions (the need for an overarching strategic narrative; foreign policymaking: adopting foreign policy positions to pursue the strategy; foreign policy implementation: effective EU diplomacy).

Simon Schunz explains the need for searching a new strategy by pointing out in the executive summary that: "Uncertainty about the evolving world order is a major structuring feature of global politics nowadays. [...] If the EU's adaptive capacities are thus put to the test, its record is decidedly mixed. [...] Taken together, its multilateral and bilateral approaches add up to a rather eclectic foreign policy mix. [...] the EU's place in the evolving global system, as well as its own understanding of what this place should be, is in flux. [...] it is imperative that the Union develops a clear strategic narrative for the future, if it still wants to play a major role in global affairs. Such a narrative should transcend the notion of a 'security strategy' and cover the whole array of closely intertwined EU foreign policy matters, including trade. It needs to sketch out a credible European vision of global governance for the 21<sup>st</sup> century, which clearly articulates what the EU wants to achieve, with whom as well as how, both for its own benefit and that of the planet. The Union's narrative should be based on both internal and external considerations and developed in a forward-looking manner. [...] the fluctuating global order requires the EU to opt for a 'liquid strategy' which relies on general principles and values but remains flexible enough to be adapted to the fluid contexts the EU faces. In its everyday

decision-making, the EU needs to opt for more flexible procedures, involving fewer players and leading to faster results. [...] the European External Action Service should be the EU's central organ for foreign policy formulation, coordination and implementation. Moreover, the EU needs to have a clear understanding of its own resources and the instruments at its disposal. The choice of the right instrument also goes hand in hand with the selection of suitable coalition partners and 'targets' of its foreign policy. Turning the EU into a strategic foreign policy actor demands essentially the willingness of its Member States to invest political capital into genuine EU foreign policy."<sup>1</sup> In search of a new strategy it echoed the emergence of that policy document that was elaborated in two years after the publication of this book.

Second, the EU's High Representative Federica Mogherini presented her assessment *The EU in a Changing Global Environment – a more connected, contested and complex world* in 2015 during the Council of the European Union's meeting. In other words, she spoke about globalization (connected world), greater vulnerabilities and fragmented identities (contested world) and global power shifts and diffusion (complex world).<sup>2</sup> In fact, the design was for a double strategy in which the essence "is to bring soft and hard power instruments together in a joined up approach and to recognize that the EU has a particular role to play as a security provider in the near abroad and further away."<sup>3</sup>

Giovanni Grevi resumes accurately in his study that it is a global strategy for a "soul-searching European Union."<sup>4</sup>

### 3. EU Global Strategy on Foreign and Security Policy: Eastern Partnership

The strategy refers to some geographical areas of the EU's neighbourhood. In Europe, the strategy contains clear references to the Eastern Partnership area.

**3.1. EU Foreign and Security Policy.** *A Global Strategy for the European Union's Foreign and Security Policy: "Shared Vision and Common Action: A Stronger Europe"* is a recent policy document of the European Union addressing to the new realities in the world. It follows the idea of a stronger European Union.

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<sup>1</sup> Simon Schunz, *A Global Actor in Search of a Strategy: European Union Foreign Policy between Multilateralism and Bilateralism* (Luxembourg: Publications Office of the European Union, 2014), 7-8.

<sup>2</sup> Federica Mogherini, *The EU in a Changing Global Environment – A More Connected, Contested and Complex World* (Brussels: Council of the European Union, 2015), <http://www.statewatch.org/news/2015/may/eu-eeas-connected-world-8956-15.pdf> (accessed 5 January 2018).

<sup>3</sup> Dick Zandee, "EU Global Strategy: from Design to Implementation," *Analysis* 3 (2016): 27, <https://www.clingendael.org/sites/default/files/pdfs/EU%20Global%20Strategy%20-%20AP%20-%20August%202016.pdf> (accessed 5 January 2018).

<sup>4</sup> Giovanni Grevi, *A Global Strategy for a Soul-Searching European Union* (Belgium: European Policy Centre, 2016), [http://www.epc.eu/documents/uploads/pub\\_6834\\_globstrat.pdf](http://www.epc.eu/documents/uploads/pub_6834_globstrat.pdf) (accessed 5 January 2018).

It is a global and double strategy: connecting foreign policy and security policy. The global strategy implies geographical aspect with strong regional focus and thematic aspect with strong security focus. The composition of the global strategy is the following:

- Forward;
- Executive summary;
- Part 1: A Global Strategy to Promote our Citizens' Interests;
- Part 2: The Principles Guiding our External Action;
- Part 3: The Priorities of our External Action;
  - 3.1 The Security of Our Union;
  - 3.2 State and Societal Resilience to our East and South;
  - 3.3 An Integrated Approach to Conflicts and Crises;
  - 3.4 Cooperative Regional Orders;
  - 3.5 Global Governance for the 21<sup>st</sup> Century;
- Part 4: From Vision to Action.

Part 1 – A Global Strategy to Promote our Citizens' Interests – focuses on EU values and interests that are vital for external action: "Our interests and values go hand in hand. We have an interest in promoting our values in the world. At the same time, our fundamental values are embedded in our interests."<sup>5</sup> They are: peace and security, prosperity, democracy and a rules-based global order.

Part 2 – The Principles Guiding our External Action – comprises clear principles such as unity, engagement, responsibility and partnership. The guiding idea reads: "Principled pragmatism will guide our external action in the years ahead."<sup>6</sup>

Part 3 – The Priorities of our External Action – includes five broad priorities: (1) the security of the Union (security and defence, counter-terrorism, cyber security, energy security, strategic communications); (2) state and societal resilience to our East and South (enlargement policy, neighbours, resilience in the surrounding regions, a more effective migration policy); (3) an integrated approach to conflicts and crises (pre-emptive peace, security and stabilization, conflict settlement, political economy of peace); (4) cooperative regional orders (the European security order, a peaceful and prosperous Mediterranean, Middle East and Africa, a closer Atlantic, a connected Asia, a cooperative Arctic); (5) global governance for the 21<sup>st</sup> century (reforming, investing, implementing, deepening, widening, developing, partnering).

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<sup>5</sup> *A Global Strategy for the European Union's Foreign and Security Policy: "Shared Vision and Common Action: A Stronger Europe"*, 2016, 14, <https://europa.eu/globalstrategy/en/shared-vision-common-action-stronger-europe> (accessed 5 January 2018).

<sup>6</sup> *Ibid.*, 16.

Part 4 – From Vision to Action – prescribes the ways to fulfilling the strategy's goals: a credible Union, a responsive Union, and a joined-up Union.

In general lines, these are the policy provisions on strategic priorities and the methodology how to implement it.

**3.2. Provisions on Eastern Partnership.** Specific provisions on Eastern Partnership area are contained in several places of the document.

The preamble of the policy identifies a major problem of security in the East: "We need a stronger Europe. This is what our citizens deserve, this is what the wider world expects. We live in times of existential crisis, within and beyond the European Union. Our Union is under threat. Our European project, which has brought unprecedented peace, prosperity and democracy, is being questioned. To the east, the European security order has been violated."<sup>7</sup> The policy sets clearly that *to the East, the European security order has been violated*, i.e. in Eastern Europe and South Eastern Europe. In other words, it is about Eastern Partnership countries. In fact, the European security order started to be violated earlier, but it is for the first time things are called by their real names.

It is part 3 of the document that includes security threats in the Eastern Partnership states among strategic priorities.

Chapter 3.2 "State and Societal Resilience to our East and South" covers a larger geographical area: "It is in the interests of our citizens to invest in the resilience of states and societies to the east stretching into Central Asia, and south down to Central Africa."<sup>8</sup> The Eastern Partnership states are subject to resilience initiatives designated to the EU's neighbours. Section "Our Neighbours" points out the security issues to deal with: "State and societal resilience is our strategic priority in the neighbourhood. Many people within the scope of the European Neighbourhood Policy (ENP) both to the east and to the south wish to build closer relations with the Union. Our enduring power of attraction can spur transformation and is not aimed against any country. Within this group are currently countries such as Tunisia or Georgia, whose success as prosperous, peaceful and stable democracies would reverberate across their respective regions. The ENP has recommitted to Eastern Partnership and southern Mediterranean countries wishing to develop stronger relations with us. We will support these countries in implementing association agreements, including Deep and Comprehensive Free Trade Areas (DCFTAs). We will also think creatively about deepening tailor-made partnerships further. Possibilities include the creation of an economic area with countries implementing DCFTAs, the extension of Trans-European Networks and the Energy Community, as well as building physical and digital connections. Societal links will also be strengthened through enhanced mobility, cultural and educational exchanges, research cooperation and civil society platforms. Full participation in EU programmes and agencies will be pursued alongside

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<sup>7</sup> Ibid., 13.

<sup>8</sup> Ibid., 23.

strategic dialogue with a view to paving the way for these countries' further involvement in CSDP. Resilience is a strategic priority across the EU's east and south both in countries that want stronger ties with the EU and in those – within and beyond the ENP – that have no wish to do so. The EU will support different paths to resilience to its east and south, focusing on the most acute dimensions of fragility and targeting those where we can make a meaningful difference.”<sup>9</sup> What has to be underlined here for the Eastern Partnership is that the European Union establishes state and societal resilience as its strategic priority in the neighbourhood; many people want to build closer relations with the European Union; the European Union will support the countries in implementing association agreements, including Deep and Comprehensive Free Trade Areas (DCFTAs); the European Union will think creatively about deepening tailor-made partnerships; it is possible the creation of an economic area with countries implementing DCFTAs, the extension of trans-European networks and the energy community, building physical and digital connections; the European Union will strengthen societal links through enhanced mobility, cultural and educational exchanges, research cooperation and civil society platforms; the European Union will pursue full participation in EU programmes and agencies alongside strategic dialogue to paving the way for these countries' further involvement in CSDP; the European Union will support different paths to resilience, focusing on the most acute dimensions of fragility and targeting those meaningful for the interests of the parties.

Chapter 3.3 “An Integrated Approach to Conflicts and Crises” provides the European Union's role in the framework of conflict and crises. The document reads: “We increasingly observe fragile states breaking down in violent conflict. These crises, and the unspeakable violence and human suffering to which they give rise, threaten our shared vital interests. The EU will engage in a practical and principled way in peacebuilding, concentrating our efforts in surrounding regions to the east and south, while considering engagement further afield on a case by case basis. The EU will foster human security through an integrated approach.”<sup>10</sup> An active role is prescribed for Eastern Partnership conflicts: “The EU will therefore engage further in the resolution of protracted conflicts in the Eastern Partnership countries. None of these conflicts plays out at a single level of governance.”<sup>11</sup> Further the documents concludes on EU practical engagement in peacebuilding: “The EU will engage in a practical and principled way in peacebuilding, concentrating our efforts in surrounding regions to the east and south, while considering engagement further afield on a case by case basis. We will pursue a multi-level approach to conflicts acting at the local, national, regional and global levels; a multi-lateral approach engaging all players present in a conflict and necessary for its resolution.”<sup>12</sup>

Chapter 3.4 “Cooperative Regional Orders”, section “The European Security Order”, focuses on extremely sensitive issues in the Eastern Partnership: “The sovereignty, independence and territorial integrity of states, the inviolability of borders and the peaceful settlement of disputes

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<sup>9</sup> Ibid., 25.

<sup>10</sup> Ibid., 28.

<sup>11</sup> Ibid., 29.

<sup>12</sup> Ibid.



are key elements of the European security order. These principles apply to all states, both within and beyond the EU's borders. However, peace and stability in Europe are no longer a given. Russia's violation of international law and the destabilisation of Ukraine, on top of protracted conflicts in the wider Black Sea region, have challenged the European security order at its core. The EU will stand united in upholding international law, democracy, human rights, cooperation and each country's right to choose its future freely. Managing the relationship with Russia represents a key strategic challenge. A consistent and united approach must remain the cornerstone of EU policy towards Russia. Substantial changes in relations between the EU and Russia are premised upon full respect for international law and the principles underpinning the European security order, including the Helsinki Final Act and the Paris Charter. We will not recognise Russia's illegal annexation of Crimea nor accept the destabilisation of eastern Ukraine. We will strengthen the EU, enhance the resilience of our eastern neighbours, and uphold their right to determine freely their approach towards the EU. At the same time, the EU and Russia are interdependent. We will therefore engage Russia to discuss disagreements and cooperate if and when our interests overlap."<sup>13</sup> Sovereignty, independence, territorial integrity, inviolability of borders and peaceful settlement of disputes in the Eastern Partnership are of paramount importance in building new statehoods in the region. In the same time, it is a matter of security order both at regional and global levels.

By mentioning Eastern Partnership countries in the global strategy, Georgia is given as a good example and multiplier of experiences; and Ukraine as a victim of Russian aggression. As regards other Eastern Partnership states, they do make part of individual topics in the global strategy. That is on the one hand. On the other hand, Eastern Partnership countries are grouped under geographical and thematic focus, presented in various broad priorities of the external action.

### ***3.3. Experts on Eastern Security Implications, including the Eastern Partnership***

In 2016 East European Security Research Initiative Foundation published the comment "EU's Global Strategy for Foreign and Security Policy: Implications for Eastern European Security" (upon proposal of the EESRI Foundation, a selection of experts commented on probable implications of the adopted "Global Strategy for the European Union's Foreign and Security Policy" for establishing a more peaceful, stable and secure environment in the Eastern European region) in which several experts from different countries expressed their opinions on the global strategy in relation to the Eastern Partnership states.

Grigorij Meseznikov (President of the Institute for Public Affairs, Slovakia) mainly focuses on Ukraine and asserts that "Russia is here rightly accused of violation of international law and destabilization of Ukraine that, according to the document, challenges the European security order. [...] On the backdrop of current situation in the EU and its close neighbourhood

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<sup>13</sup> Ibid., 33.

(including Ukraine that has signed the Association Agreement with the EU and thus has established the specific type of relationship with the Union), it is not an insignificant matter.”<sup>14</sup>

Vera Axyonova (Researcher and Lecturer at the Institute of Political Science, Justus Liebig University Giessen, Germany) states that “the EU pursues an own-security-first approach and sees its relations with states beyond its borders through the prism of own security interests. [...] the EU will not and cannot guarantee security of Eastern European states (e.g. Ukraine) that are not members of the EU. Nevertheless, the EU will certainly continue its crisis prevention and conflict resolution related activities, especially in the neighbourhood, in order to minimize threats to security of its own citizens. [...] the EU Global Strategy states three priorities being of direct relevance to the current situation in the Eastern European region: State and societal resilience to the East and South, an integrated approach to conflicts, and cooperative regional orders. With these priorities in mind, the EU intends to continue exercising its comprehensive approach to security (including the focus on human security) in its neighbourhood and beyond. Yet, the EU has exercised this approach since its inception. And while it is certainly the EU’s specialty and an added value of the EU foreign policy, so far it has not been successful in preventing crises even in the immediate European neighbourhood.”<sup>15</sup>

Daniel Szeligowski (Research Fellow at the Polish Institute of International Affairs, Poland) comments that “Projecting stability and security beyond the EU’s eastern border proved to be more difficult. [...] With ring of friends having become a ring of fire, it may seem that the EU has eventually woken up to the reality. [...] it is unlikely that the EU Global Strategy will mark a significant shift in EU’s stance on Eastern Europe. [...] Preparations of the document also showed that there are still (and surely will be) serious disagreements over as fundamental issues as the diagnosis of the current situation (e.g. who is responsible for war in Ukraine). Labeling Russia a “strategic challenge” is hence a little more than the lowest common denominator. [...] Will it contribute to more peaceful, stable and secure Eastern Europe?”<sup>16</sup>

Grazvydas Jasutis (Researcher at the Institute of International Relations and Political Science, Vilnius University, Latvia) affirms that “it does not provide solace for the Eastern European region and remains pretty meek with regard to concrete actions directed at curbing Russia. [...] It is admitted that peace and stability in Europe are no longer a given, and Russia’s violation of international law and the destabilization of Ukraine, on top of protracted conflicts in the wider Black Sea region, has challenged the European security order at its core. [...] The EU failed to heed warning about Russian activities in the post-soviet space, and there is a need for concrete measures to avert further expansionist policy from happening. [...] This is partly related to absence of credible capabilities of the EU to stay a real player in defence and security area. It is not arcane argument, however, the EU needs to develop their own

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<sup>14</sup> “EU’s Global Strategy for Foreign and Security Policy: Implications for Eastern European Security,” *East European Security Research Initiative Foundation Comment*, 2016, 1, <http://eesri.org/wp-content/uploads/2016/04/2016-07-EU-Global-Strategy-Implications-for-Eastern-Europe-2016-C-ENG.pdf> (accessed 8 January 2018).

<sup>15</sup> *Ibid.*, 2.

<sup>16</sup> *Ibid.*

capabilities and strengthen their muscles. With no capabilities, the EU will squander opportunities in the Eastern European countries.”<sup>17</sup>

Dusan Fisher (Head of the International Security Program, Slovak Foreign Policy Association, Slovakia) underlines that the strategy “rightly points out some of the crucial challenges and threats (Russia’s aggression, hybrid warfare), but due to lack of a forcing mechanism one should doubt its overreaching impact on refurbishing European security.”<sup>18</sup>

Armen Grigoryan (Analyst for “Eurasia Daily Monitor” of the Jamestown Foundation and “Central Asia-Caucasus Analyst” of the Central Asia-Caucasus Institute & Silk Road Studies Program Joint Centre, Armenia) mentions that “the Strategy states that the EU plans to engage in the resolution of conflicts in the Eastern Partnership countries with a multi-phased, multi-level and multi-lateral approach. The annexation of Crimea and the ongoing Russian invasion in the eastern regions of Ukraine are justifiably recognized as the top security challenges in the Eastern Partnership area, because the outbreak of this conflict clearly showed the probable threat for other Eastern Partnership countries, and also because a further expansion of the conflict could potentially threaten some of EU’s easternmost members directly. So, as the Strategy mentions the imperative to enhance the resilience of the eastern neighbours and to uphold their right to determine freely their approach towards the EU, a further elaboration should follow, with appropriate measures vis-à-vis Russia and the Eastern Partnership countries. [...] Considering particularly the further engagement of the Eastern Partnership countries, there is a correct estimation that a successful development of countries committed to a closer relationship with the EU is important.”<sup>19</sup>

Oleksandr Tytarchuk (Member of the Board at the East European Security Research Initiative Foundation, Ukraine) points out that “the Eastern European countries topped by Ukraine will likely further serve as a kind of the latter in continuous confrontation between Russia and the West. [...] Participation in CSDP missions and operations would probably remain the only instrument of practical cooperation with partnering countries, including Ukraine, to enhance border protection and maritime security in the region. [...] it’s not enough to simply continue strategic dialogue, as a kind of further involvement in CSDP. [...] there are no direct evidences for establishing and elaborating new forms of “win-to-win” defence cooperation between partnering countries and Member States, including in the field of defence industry, especially with the European Defence Agency. Such cooperation, if any, might be a critical element not only for Europe’s, but also for partnering countries’ “autonomy of decision and action” in joint countering Russia’s aggressive policy. Principle pragmatism of the EU external action towards Russia in general, and of engaging in the resolution of protracted conflicts in the Eastern Partnership area in particular – are also questionable with a dangerous bias towards diverting from the declared “dual” to possible “double” nature. [...] One of the positive tendencies to be

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<sup>17</sup> Ibid., 2-3.

<sup>18</sup> Ibid., 3.

<sup>19</sup> Ibid., 3-4.

fully used is the stated provision on the need for investing in cooperation among and within regions focusing on partnership with civil society as a key actor in a networked world.”<sup>20</sup>

Zuzana Novakova (Researcher at the International Institute of Social Studies in the Hague, Erasmus University Rotterdam, the Netherlands) relates that “implications for any EU action in Eastern Europe remains open to political contestation. [...] An apparent step forward is identifying Russia as the key strategic challenge for the EU and an upfront honesty about Russia’s role in destabilizing Ukraine and breach of international law. However, the suggested approach of strategic patience on Russia is yet to be fully shaped, not least upon operationalization of “principled pragmatism” and “cooperative regional orders.” Overall, while the new EUGS offers some analytically strong insights relevant to the EU relations with neighbours to the East, its impact will be a function of implementation. Thus it largely depends on political will in national capitals.”<sup>21</sup>

Rusif Huseynov (Baku-based independent Researcher, Co-Founder and Editor-in-Chief of “The Politicon” online journal, Azerbaijan) proposes: “The European Union should take a more decisive stance in Eastern Europe through: (1) Admitting Georgia, Ukraine and Moldova into the EU sphere of influence and taking concrete steps on deeper cooperation. If Brussels fails to accept Georgia, Ukraine and Moldova under its wings, fearing to anger the Kremlin, then security and stability in the Eastern Europe will not be complete. (2) Providing real support to the territorial integrity of Georgia, Ukraine, Moldova and Azerbaijan, denouncing the breakaway regions in the mentioned countries, imposing sanctions against persons and companies for any contacts with those regions. (3) Becoming less hesitant against Russia until the latter ceases supporting the separatist movements in the breakaway regions in the Eastern Europe despite some calls in European ruling and business circles to stop the sanctions against Russia and restore economic ties. [...] if the EU keeps distancing from the former Soviet countries that aspire westward integration and does not provide to them anything real other than promises, this document will certainly fail.”<sup>22</sup>

Maksym Khylyk (Chairman of the Board at the East European Security Research Initiative Foundation, Senior Research Fellow at Taras Shevchenko National University of Kyiv, Ukraine) outlines that “the issues of the Eastern Europe will be considered in more detail later – the Global Strategy envisages that new thematic or geographic strategies are to be devised in line with the priorities of this Strategy. This may provide the Eastern European countries with opportunities to make their security concerns considered more closely. [...] EU’s Global Strategy envisages more active Union’s policy in conflict prevention and resolution, and promises to not recognise Russia’s illegal annexation of Crimea nor accept the destabilisation of eastern Ukraine. But actually Kyiv should not count on any additional practical support measures, given that the EU’s “key tools” in conflict prevention and resolution would remain the “carefully calibrated” sanctions and diplomacy. [...] A good signal for Ukraine is that in Global Strategy the EU declares intention to strengthen its contribution to peace and security in

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<sup>20</sup> Ibid., 4.

<sup>21</sup> Ibid., 5.

<sup>22</sup> Ibid.

the region, noting that the weaknesses of the EU's neighbours leads to the Union's "own weaknesses." Therefore, the EU is going to "enhance the resilience of our eastern neighbours" that naturally will include assistance to Ukraine and other Eastern Partnership countries (but most probably not a military aid). [...] when requesting assistance or proposing cooperation in security and defence spheres, the non-member Eastern European countries, including Ukraine, should be ready to clearly substantiate advantages of such steps for the Union's own security."<sup>23</sup>

To resume the above provided comments, it is worth mentioning that experts pay attention in the Eastern Partnership to challenged security order, political will, translation into practice of the strategy, military capabilities, neighbours' weakness – the EU's weakness, investing in cooperation, Russia's influence, violation of international law, the ring of friends – the ring of fire, conflict resolution, support on territorial integrity, security guarantees, enlargement.

#### 4. National Acts on Security in the Eastern Partnership Area

*A Global Strategy for the European Union's Foreign and Security Policy: "Shared Vision and Common Action: A Stronger Europe"* contains an implication of Eastern Partnership countries in the security order of the European Union. It is fair to see the intention of Eastern Partnership states to participate in the security order of the European Union. For that reason it will be performed a chronological retrospective of national acts of Eastern Partnership countries that refer to national security and / or common security order backed by the European Union.

**Armenia.** The *National Security Strategy of the Republic of Armenia* was approved at the session of National Security Council of the RA President office on January 26, 2007. The strategy has the following composition:

- I. Fundamental values of the national security of the Republic of Armenia, factors and policies of security guarantee, threats against it;
- 1. Fundamental values of the national security of the Republic of Armenia;
- 2. Factors and policies of national security guarantee;
- 3. Threats to national security;
- II. Domestic security strategy;
- 1. Efficient public administration;
- 2. Building the armed forces;
- 3. Liberalizing the economy;
- 4. New quality of life and morale;
- III. The Republic of Nagorno-Karabakh;

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<sup>23</sup> Ibid., 5-6.

- IV. External security strategy;
- 1. International;
- 1.1. Military-political components of the external security strategy;
- 1.2. Membership in international organizations;
- 1.3. Bilateral dimensions of external security;
- 2. Regional;
- 2.1. Bilateral dimensions of external security;
- 3. Armenia diaspora relations;
- Concluding provisions.<sup>24</sup>

The document has references to foreign policy issues in developing cooperation with the European Union. In terms of security cooperation, the strategy indicates the following entities: Collective Security Treaty Organization (CSTO), Russia, NATO and OSCE. A pertinent analysis of Armenian security strategy was performed by Krystyna Gomółka in her study "Threats to Armenia's Security in the National Strategy and Practice with Special Emphasis on External Security."<sup>25</sup>

**Azerbaijan.** The security policy document in Azerbaijan is entitled as concept. The *National Security Concept of the Republic of Azerbaijan* was approved by Instruction no. 2198 of the President of the Republic of Azerbaijan on May 23, 2007. The concept has the following composition:

- Introduction;
- 1. Security environment;
- 2. National interests of the Republic of Azerbaijan;
- 3. Threats to national security of the Republic of Azerbaijan;
- 3.1. Attempts against the independence, sovereignty, territorial integrity and constitutional order of the Republic of Azerbaijan;
- 3.2. Actions undermining performance of State functions of ensuring rule of law, maintaining public order and protecting human rights and fundamental freedoms;
- 3.3. Separatism, ethnic, political and religious extremism;
- 3.4. Terrorism and proliferation of weapons of mass destruction;

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<sup>24</sup> *National Security Strategy of the Republic of Armenia*, 2007, [http://www.mfa.am/u\\_files/file/doctrine/Doctrineeng.pdf](http://www.mfa.am/u_files/file/doctrine/Doctrineeng.pdf) (accessed 9 January 2018).

<sup>25</sup> Krystyna Gomółka, "Threats to Armenia's Security in the National Strategy and Practice with Special Emphasis on External Security," *Polish Political Science Yearbook* 46, 1 (2017): 74-90, <http://www.marszalek.com.pl/yearbook/docs/46-1/pps2017105.pdf> (accessed 9 January 2018).

- 3.5. Regional conflicts and transnational organized crime;
- 3.6. Actions against energy infrastructure of the Republic of Azerbaijan;
- 3.7. External political, military or economic dependence;
- 3.8. Economic destabilization;
- 3.9. Inadequate professional human resources;
- 3.10. Regional militarization;
- 3.11. Environmental challenges;
- 4. Main directions of national security policy of the Republic of Azerbaijan;
- 4.1. Promotion of security by foreign policy means;
- 4.1.1. Restoration of territorial integrity of the Republic of Azerbaijan;
- 4.1.2. Integration into European and Euro-Atlantic structures;
- 4.1.3. Contribution to international security;
- 4.1.4. Cooperation with international organizations;
- 4.1.5. Regional cooperation and bilateral relations;
- 4.1.5.1. Cooperation with regional countries;
- 4.1.5.2. Cooperation with non-regional countries;
- 4.2. Strengthening of defense capability;
- 4.3. Promotion of security by domestic policy means;
- 4.3.1. Strengthening of democracy;
- 4.3.2. Preservation of the ethnic and religious tolerance;
- 4.3.3. Scientific, educational and cultural policy and preservation of moral values;
- 4.3.4. Economic and social development;
- 4.3.5. Enhancing internal security;
- 4.3.6. Reinforcing border security;
- 4.3.7. Migration policy;
- 4.3.8. Energy security policy;
- 4.3.9. Transportation security policy;
- 4.3.10. Emergency management, protection of environment and public safety;
- 4.3.11. Information security policy;

- Final provisions.<sup>26</sup>

The Azeri concept contains a provision on security cooperation with the European Union (4.1.2. Integration into European and Euro-Atlantic structures): "Integration into the European and Euro-Atlantic political, security, economic and other institutions constitutes the strategic goal of the Republic of Azerbaijan."<sup>27</sup> A consistent analysis on Azerbaijan's security was done by Laura Kirvelyte in her study "The Dilemma of Azerbaijan's Security Strategy: Energy Policy or Territorial Integrity?"<sup>28</sup>

**Belarus.** The document on the policy under discussion is the *National Security Concept of the Republic Belarus*, which was approved by Decree no. 575 of the President of the Republic of Belarus on November 9, 2010. The concept has the following composition:

- I. General provisions;
- II. Contemporary world and national interests of the Republic of Belarus;
  - 1. Basic tendencies in the contemporary world;
  - 2. National interests;
- III. The state and threats to national security;
  - 3. The state of national security at present stage;
  - 4. Major threats to national security;
  - 5. Internal sources of threats to national security;
  - 6. External sources of threats to national security;
- IV. Ensuring national security of the Republic of Belarus;
  - 7. Goal, tasks and principles in ensuring national security;
  - 8. Main directions in neutralizing internal sources of threats and protecting national security from external threats;
  - 9. The system for ensuring national security;
- V. Final provisions.<sup>29</sup>

The concept underlines the role of the UNO and the OSCE in the field of security. It keeps cooperation provisions that refer to the EU's foreign policy initiatives. However, there are a

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<sup>26</sup> *National Security Concept of the Republic of Azerbaijan*, 2007, <https://www.files.ethz.ch/isn/154917/Azerbaijan2007.pdf> (accessed 9 January 2018).

<sup>27</sup> *Ibid.*, 8.

<sup>28</sup> Laura Kirvelyte, "The Dilemma of Azerbaijan's Security Strategy: Energy Policy or Territorial Integrity?," *Lithuanian Annual Strategic Review* 10, 1 (2013): 199-233, <https://www.degruyter.com/downloadpdf/j/lasr.2012.10.issue-1/v10243-012-0017-0/v10243-012-0017-0.pdf> (accessed 9 January 2018).

<sup>29</sup> *National Security Concept of the Republic of Belarus*, 2010, [http://www.mil.by/ru/military\\_policy/koncept/](http://www.mil.by/ru/military_policy/koncept/) (accessed 9 January 2018).



couple of recent Lithuanian studies that give an analysis referring to Belarus in terms of security issues: *National Security Threat Assessment* (2017);<sup>30</sup> *Assessment Threats to National Security* (2015)<sup>31</sup> and *Assessment Threats to National Security* (2016).<sup>32</sup>

**Georgia.** The policy document is entitled *National Security Concept of Georgia* (last revision in 2012). The concept has the following composition:

- Introduction;
- Security environment of Georgia;
- National values of Georgia;
- National interests of Georgia;
- Threats, risks and challenges to the national security of Georgia;
- Priorities of national security policy.<sup>33</sup>

In the chapter Priorities of national security policy, point 5 Integration into the North Atlantic Treaty Organization and the European Union, the concept reads: "One of Georgia's major foreign and security policy priorities is membership in NATO and the European Union."<sup>34</sup> The text of section 5.2. Integration into the European Union reads: "Deepening cooperation with the EU supports the further strengthening of Georgia's democratic institutions and security, as well as its economic integration with the EU."<sup>35</sup> A relevant analysis of the concept was made by Neil MacFarlane in his study *Georgia: National Security Concept versus National Security* (2012).<sup>36</sup>

On October 11, 2017, the first high-level *European Union-Georgia Strategic Security Dialogue* was launched in Tbilisi, Georgia. It is the first meeting on strengthening security cooperation with an Eastern Partnership country, considering Georgia's frontrunner role in the region. The event was organized in line with the EU-Georgia Association Agreement. During the works of the event, the Deputy *Secretary-General* for Political Affairs of the European External Action Service, Jean-Christophe Belliard stated: "*The EU values the role of Georgia as an important partner in promoting security. It is in our strategic interest to further strengthen the resilience of Georgian democracy. Working together, we can make a difference not only for our citizens, but also on the wider international scene. Georgia's contribution to EU-led crisis-management*

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<sup>30</sup> *National Security Threat Assessment*, 2017, [https://www.vsd.lt/wp-content/uploads/2017/03/AKATSKT\\_DRAFT-3-31-EN-HQ.pdf](https://www.vsd.lt/wp-content/uploads/2017/03/AKATSKT_DRAFT-3-31-EN-HQ.pdf) (accessed on 9 January 2018).

<sup>31</sup> *Assessment Threats to National Security*, 2015, <https://kam.lt/download/48227/assessment%20of%20threat%20to%20national%20security%202015.pdf> (accessed 9 January 2018).

<sup>32</sup> *Assessment Threats to National Security*, 2016, <https://kam.lt/download/53705/aotd%20gresmes%202016-en-el.pdf> (accessed 9 January 2018).

<sup>33</sup> *National Security Concept of Georgia*, 2012, <https://mod.gov.ge/uploads/2018/pdf/NSC-ENG.pdf> (accessed 9 January 2018).

<sup>34</sup> *Ibid.*, 15.

<sup>35</sup> *Ibid.*, 16.

<sup>36</sup> Neil MacFarlane, *Georgia: National Security Concept versus National Security* (Tbilisi: Center for Social Sciences, Tbilisi and University of Oxford, 2012), [http://css.ge/files/Papers/0812pp\\_macfarlane.pdf](http://css.ge/files/Papers/0812pp_macfarlane.pdf) (accessed 9 January 2018).

*operations is a good example. It is our clear priority to further contribute to the peaceful conflict resolution in Georgia. The EU is strongly engaged in this effort and we discussed at length the current state of play.*"<sup>37</sup>

In fostering security in the area, the Deputy Foreign Minister Vakhtang Makharoblishvili mentioned: "*Georgia remains one of the strongest allies of the EU in the region and stands committed to contribute to stability in Europe and beyond. We are committed to contribute to our shared vision of peaceful and united Europe. We truly value EU's presence in Georgia and its meaningful contribution to security and stability in Georgia. We are confident that this dialogue will bring many openings for our closer cooperation on matters of common interest.*"<sup>38</sup>

By this, Georgia steps on a higher level of security cooperation with the European Union. In this context Georgia has to play potentially a specific role in promoting peace and stability in the region.

**Moldova.** There are two policy documents in Moldova: *National Security Concept of the Republic of Moldova* (2008) and *National Security Strategy of the Republic of Moldova* (2011).

The *National Security Concept of the Republic of Moldova* (2008) has the following composition:

- Introduction;
- 1 The aim of the national security, main national security guidelines, general values, risks and vulnerabilities of the national security of the Republic of Moldova (1.1 The aim of the national security and basic national security guidelines; 1.2 The International Security Environment and the Republic of Moldova's positioning in this environment; 1.3 Threats and vulnerabilities of the national security; 1.3.0 The Transnistrian conflict and foreign military presence on the territory of the Republic of Moldova; 1.3.1 Threat of foreign coercion; 1.3.2 External negative developments and international crises; 1.3.3 The threat of organized crime; 1.3.4 The threat of international terrorism; 1.3.5 Threats that derive from human activity and natural disasters; 1.3.6 Economic threats; 1.3.7 Social threats; 1.3.8 IT threat; 1.3.9 Internal vulnerabilities);
- 2. National security system of the Republic of Moldova (2.1 The national security sector of the Republic of Moldova and its reformation; 2.1.1 The institutions of the national security sector of the Republic of Moldova; 2.1.2 The National Security Council and the civil dimension of the national security sector; 2.1.3 Consolidation of the military security and the Armed Forces of the Republic of Moldova; 2.1.4 Consolidation of the domestic security; 2.1.4.1 The activity of the security and intelligence service; 2.1.4.2 The activity of the law enforcement agencies;

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<sup>37</sup> European External Action Service, *European Union-Georgia Strategic Security Dialogue*, 2017, [https://eeas.europa.eu/delegations/georgia\\_en/33774/European%20Union%20and%20Georgia%20Hold%20Strategic%20Security%20Dialogue](https://eeas.europa.eu/delegations/georgia_en/33774/European%20Union%20and%20Georgia%20Hold%20Strategic%20Security%20Dialogue) (accessed 10 January 2018).

<sup>38</sup> Ibid.

- 2.1.4.3 Border management and illegal migration; 2.1.4.4 Crisis management services; 2.2 The management of the problems related to the Transnistrian conflict and foreign military forces withdrawal; 2.3 Consolidating the supremacy of law and democratic institutions; 2.4 Prevention and Combating corruption and organized crime; 2.5 The consolidation of the economic, energetic, intellectual property, social and ecologic security of the Republic of Moldova. Regional development; 2.5.1 Consolidating economic security; 2.5.2 Consolidating energetic security; 2.5.3 Consolidating social security; 2.5.3.1 Health care; 2.5.3.2 Ensuring the unitary character of the society; 2.5.4 Food security and consumer protection; 2.5.5 Ensuring intellectual property security; 2.5.6 Consolidating environment security and preserving biodiversity; 2.5.7 The policy of regional development; 2.6 The security of the informational technologies);
- 3. Foreign policy – an instrument of protecting and consolidating the national security of the Republic of Moldova (3.1. Participation in international efforts to manage contemporary threats and challenges; 3.2 European Union integration process; 3.3 Cooperation with NATO; 3.4 Security relationships in the Black Sea area; 3.5 Bilateral security cooperation; 4. The national security strategy. Its elements);
  - Final and transitory provisions.<sup>39</sup>

It is fair to include here fully Section 3.2 European Union integration process as it refers on security order of the parties: "Enlargement of the EU is a factor that stabilizes the European security system and broadens the geographic area in which political, economic and social developments on the basis of a democratic principles are guaranteed. The national security of the Republic of Moldova may not be conceived separately from the European security. The process of European integration and acquiring of EU membership will positively influence and consolidate the security of the Republic of Moldova and will bring stability and prosperity to the country. The Republic of Moldova supports the efforts of the European countries in building a sustainable security system in Europe. Regional cooperation through sub-regional organizations whose final objective is to facilitate the EU integration is an additional element of the continental security consolidation process. The Republic of Moldova actively participates in the activities of the regional institutions and initiatives, all of which pursue higher regional stability and therefore consolidation of the European security. Deepening the political dialogue and cooperation within the Common Foreign and Security Policy (CFSP), as well as collaboration of parties in resolving the Transnistrian conflict will contribute to the consolidation of the national and regional security. In the context of the Transnistrian conflict, participation of the EU and the USA in the negotiation process is essential. The success of the EUBAM in the Republic of Moldova and Ukraine will facilitate the process of solving general regional security issues related to illegal production of and trafficking in arms."<sup>40</sup>

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<sup>39</sup> *National Security Concept of the Republic of Moldova*, 2008, <http://lex.justice.md/md/328010/> (accessed 9 January 2018).

<sup>40</sup> *Ibid.*

The *National Security Strategy of the Republic of Moldova* (2011) contains the following elements:

- 1. Introduction;
- 2. National interests and security policy;
- 3. Strengthening national security through foreign policy and defence policy (3.1. The process of integration into the European Union; 3.2. Participating in international efforts to manage contemporary threats and challenges; 3.3. Cooperation with the North Atlantic Treaty Organization (NATO); 3.4. Bilateral cooperation on security; 3.5. Promoting defence policy);
- 4. Ways of securing national security (4.1. Combating poverty, ensuring economic security and diminishing energy dependency; 4.2. Managing issues related to the Transnistrian conflict and the withdrawal of foreign troops; 4.3. Diminishing the chances of external coercion; 4.4. Combating the criminogenic factor and corruption; 4.5. Improving the demographic situation and population health; 4.6. Prevention, management and elimination of effects in case of natural disasters, environmental pollution and technogenic accidents; 4.7. Providing information security; 4.8. Ensuring social security; 4.9. Ensuring political stability; 4.10. Integrated state border management; 4.11. Ensuring food security; 4.12. Combating terrorism; 4.13. Researching threats, risks and vulnerabilities with Impact on defence capability and national security);
- 5. The national security sector and its reform (5.1. Institutional framework of the national security sector; 5.2. Guidelines for national security sector reform);
- 6. Ensuring resources to the national security sector;
- 7. Implementation steps, reporting and monitoring procedures.<sup>41</sup>

In section 3.1. The process of integration into the European Union, the strategy refers to European common security: "The national security of the Republic of Moldova cannot be conceived outside the context of European security. Considering the fact that the European Union is a stabilizing factor, important for the national security system, the Republic of Moldova will strive to advance in the process of European integration. Prospective accession to the European Union will strengthen the country's security, Moldova becoming a beneficiary and source of stability and security. Negotiating a cooperation framework that unambiguously reflects the prospect of accession remains a strategic objective for the Republic of Moldova. Particular attention in the integration efforts will be given to stepping up cooperation with the EU on the Common Foreign and Security Policy (CFSP) and the Common Defence and Security Policy (CDSF), aimed at strengthening national and regional security. The Republic of

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<sup>41</sup> *National Security Strategy of the Republic of Moldova*, 2011, <http://lex.justice.md/md/340510/> (accessed 9 January 2018).

Moldova will cooperate with the EU in the areas of conflict prevention and resolution, crisis management, non-proliferation of weapons of mass destruction."<sup>42</sup>

In 2016, a draft of the new *National Security Strategy* was elaborated that is in the process of debates by competent institutions.

**Ukraine.** The security policy of Ukraine has two basic documents that regulate the area. Namely, they are: the *National Security Strategy of Ukraine* (2015) and the *Concept for the Development of the Security and Defence Sector* (2016).

The *National Security Strategy of Ukraine* was approved by the Ukrainian president in 2015. The strategy has the following components:

- 1. Initial provisions;
- 2. Aims of the strategy;
- 3. Current threats to the national security of Ukraine (3.1. Violation of the territorial integrity; 3.2. Military presence of Russian Federation in Crimea and in the East of Ukraine and build-up up military forces along the border of Ukraine; 3.3. Waging a hybrid war by Russian Federation against Ukraine; 3.4. Absence of reliable external security guarantees for Ukraine; 3.5. Terrorism, separatism; 3.6. Corruption and inefficient system of public administration; 3.7. Inefficiency of national security system of Ukraine; 3.8. Economic crisis, dropping down living standards of population; 3.9. Energy security threats; 3.10. Information threats; 3.11. Threats of man-made and environmental character);
- 4. Priorities of the national security policy of Ukraine (4.1. Reforming the public administration system; 4.2. Development of an efficient security and defence sector; 4.3. Upgrading defence capability of the state; 4.4. Reform of law enforcement bodies, special services and intelligence bodies; 4.5. Restoration of territorial integrity of the state; 4.6. European Union integration; 4.7. Creation of an efficient system of national security guarantees; 4.8. Distinctive partnership with NATO; 4.9. Foreign policy priorities of Ukraine; 4.9.1 Strategic partnership with the United States of America; 4.9.2. Strategic partnership with Poland; 4.9.3. Privileged partnership; 4.9.4. Partnerships with Germany and France; 4.9.5. Relations with Russian Federation; 4.9.6. Cooperation in the region of Central and Eastern Europe; 4.9.7. Cooperation in the Black sea region; 4.9.8. Cooperation on the post-Soviet territories; 4.9.9. Creation and development of a network of prospective partnerships with the countries – new centres of global and regional influence; 4.9.10. Multilateral cooperation fora; 4.10. Reaching a new quality of economic growth and European living standards; 4.11. Energy security policy; 4.12. Information security policy; 4.13. Environmental and technogenic safety policy);
- 5. Final provisions.<sup>43</sup>

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<sup>42</sup> Ibid.

As regards security cooperation with the European Union, the strategy focuses on European civilizational identity of Ukraine, "Ukraine regards integration into political and economic structures of the European Union as a key priority of its foreign and domestic policy. Ukraine shares values and aims with the EU and is based on the premise that the EU membership will give it an important guarantee of democratic political development, economic welfare and higher level of security. The membership of Ukraine in the EU will promote confidence and security in the regions of Eastern Europe."<sup>44</sup>

An overview of the security strategy was made by Oleksandr Tytarchuk in his study "Draft National Security Strategy of Ukraine: an initial overview" (2015).<sup>45</sup>

The *Concept for the Development of the Security and Defence Sector* was approved by Decree no. 92 of the President of Ukraine on March 14, 2016. The concept has the following composition:

- I. General provisions;
- II. The basics of development of security and defence sector;
  - 1. Assessment of security environment;
  - 2. The main tasks of security and defence sector;
  - 3. Assessment of the status of components of the security and defence sector;
  - 4. Directions of development of the security and defence sector;
- III. Main development objectives for security and defence;
  - 1. Formation of a perspective model of the security and defence sector;
  - 2. Ways to achieve the necessary capabilities;
  - 3. The main directions of development of components of the security and defence sector;
  - 4. Ensuring the development of security and defence sector systems;
- IV. The role and society's situation in the development of security and defence sector;
- V. Expected results.<sup>46</sup>

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<sup>43</sup> *National Security Strategy of Ukraine*, 2015, [http://www.niss.gov.ua/public/File/2015\\_table/Draft\\_strategy.pdf](http://www.niss.gov.ua/public/File/2015_table/Draft_strategy.pdf) (accessed 9 January 2018).

<sup>44</sup> *Ibid.*, 12-13.

<sup>45</sup> Oleksandr Tytarchuk, "Draft National Security Strategy of Ukraine: an initial overview," *East European Security Research Initiative Foundation Comment*, 2015, 1-3, <http://eesri.org/wp-content/uploads/2015/02/Draft-Security-Strategy-of-Ukraine-initial-overview-2015-02-C-ENG.pdf> (accessed 9 January 2018).

<sup>46</sup> *Concept for the Development of the Security and Defense Sector*, 2016, <http://www.president.gov.ua/documents/922016-19832> (accessed 9 January 2018).

The security concept of Ukraine opts for “integration into European and Euro-Atlantic security structures, [...] improvement [...] of the security and defence sector based on the principles and standards of the EU and NATO,”<sup>47</sup> cooperation with OSCE.

A relevant introductory analysis of the Ukrainian concept was made by Maksym Bugriy in his study “Ukraine’s New Concept Paper on Security and Defence Reform”, published in *Eurasia Daily Monitor* 13 (79), 2016.<sup>48</sup>

These are policy documents of Eastern Partnership countries that define and explain their actions in matter of security. Cooperation with the European Union in the field of security is projected through the prism of existing conflicts in the Eastern Partnership area that are worth mentioning in the context of policy acts.

#### **4.1. Conflicts / “conflicts”, “frozen conflicts”, “so-called conflicts” in the Eastern Partnership?**

The Eastern Partnership area is among the most unstable regions in the world in terms of conflicts. Out of six Eastern Partnership countries only Belarus has no disputes on territorial integrity or secessionist regions.

The common element of all conflicts in other EaP countries – Armenia, Azerbaijan, Moldova, Georgia and Ukraine – is connected directly or indirectly to Russia. The “legacy” of the ex-empire also played an indisputable role: ethnic displacement and re-drawing of internal administrative borders by the way for all peoples irrespective of the ethnicity.

When becoming independent countries, the territorial and secessionist conflicts emerged to surface: Armenia and Azerbaijan (Nagorno-Karabakh); Georgia (Abkhazia, South Ossetia); Moldova (Transnistria) and Ukraine (Crimea and Eastern Ukraine). Nagorno-Karabakh is a region predominantly populated by ethnic Armenians, which is internationally recognized as part of Azerbaijan. South Ossetia was occupied in the Russian-Georgian war by Russia; Abkhazia is a Georgian secessionist region. Transnistria is a Moldovan secessionist region with a Russian army dislocated illegally on the left river bank: legally speaking, there is neither a bilateral agreement between Moldova and Russia, voted by the Moldovan Parliament, nor a resolution of the UN Security Council, legalizing the presence of the Russian army in Transnistria. Crimea was annexed by Russia. In Eastern Ukraine it is a war between Russia and Ukraine. These are facts; however, it is not the purpose of this paper to assess them.

*De jure*, the doctrine calls them as conflicts. In relation to South Eastern countries of the Eastern Partnership, Vano Chkhikvadze considers that “all three South Caucasus countries are involved in conflicts that erupt from time to time and cannot therefore be considered as

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<sup>47</sup> Ibid.

<sup>48</sup> Maksym Bugriy, “Ukraine’s New Concept Paper on Security and Defense Reform,” *Eurasia Daily Monitor* 13, 79 (2016), <https://jamestown.org/program/ukraines-new-concept-paper-on-security-and-defense-reform/> (accessed 9 January 2018).

'frozen'.<sup>49</sup> Another issue refers to the "so-called conflicts". Could it be called a conflict when a third party orchestrates a dispute? From this point of view only Nagorno-Karabakh could be considered as a *de facto* conflict. In all other situations, the disputes are "co-called conflicts", i.e. artificial, because they work in favour of a third party.

What is the status of the countries involved in these conflicts or "so-called conflicts"? Vano Chkhikvadze states univocally that "Armenia, Azerbaijan and Georgia have been victims of wars, which have negatively impacted their development."<sup>50</sup> The list could continue with Moldova and Ukraine.

For the time being, the existing formats for conflict resolution have been non-functional. There are imperatively required new and creative approaches to peacebuilding and creating security in the region.

In terms of security order, Vano Chkhikvadze indicates that "the EU does not adequately address the main problems Armenian, Azerbaijan and Georgia are facing, namely their security and territorial integrity."<sup>51</sup> It is quite a challenging assertion, because the article was published half a year after the elaboration of *A Global Strategy for the European Union's Foreign and Security Policy: "Shared Vision and Common Action: A Stronger Europe"*.

## 5. What Is Shared by Partners?

Even if the global strategy is an internal act of the European Union, there are external implications due to the common foreign and security policy objectives. The global strategy pays greater attention to the Eastern Partnership area. So, it is challenging to see if there are any approaching or common visions and / or actions in the framework of EU-EaP cooperation in the field of security. It is more like a cross-fertilization exercise for the European Union and implied parties in the global strategy.

According to national security acts of the Eastern partnership countries, it could be mentioned that the state of affairs in this area corresponds more or less to general cooperation between the European Union and each partner. In security matters, Georgia, Moldova and Ukraine – similarly to Association Agreements – have developed security cooperation. Georgia advanced to the strategic security dialogue with the European Union. Out of three countries – Armenia, Azerbaijan and Belarus – only Azerbaijan is interested in close security cooperation with the European Union, on the one hand. On the other hand, Armenia and Belarus focus on their strategic partners.

To continue with what is shared from the global strategy, it is fair to make references to the parts of the EU's policy document:

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<sup>49</sup> Vano Chkhikvadze, "The South Caucasus and the EU – Different Paths for Each Country," *Heirich Boll Stiftung European Union* (2016): 1, [https://eu.boell.org/sites/default/files/uploads/2016/11/south\\_caucasus\\_and\\_the\\_eu.pdf](https://eu.boell.org/sites/default/files/uploads/2016/11/south_caucasus_and_the_eu.pdf) (accessed 10 January 2018).

<sup>50</sup> *Ibid.*, 2.

<sup>51</sup> *Ibid.*, 1.



**(1) Interests and values.** It is presumed that the contracting parties, which concluded the association agreements, keep respecting European values: Georgia, Moldova and Ukraine. As for interests, it is worth mentioning Armenia and Belarus anchored their security documents solely on their national interests, without opening the door to cooperation with the European Union in security matters. Even if Azerbaijan's policy document is also very nation focused, there is an intention of cooperation with the European Union. Georgia, Moldova and Ukraine have a broader vision on security interests, sometimes directly or indirectly advancing the idea of common security interests in a peaceful and stable Europe.

**(2) Principles.** The principles of unity, engagement, responsibility and partnership could be shared only by Georgia, Moldova and Ukraine. The principles of engagement, responsibility and partnership could be shared by Azerbaijan. The principles of partnership could be shared by Armenia and Belarus. If speaking about principled pragmatism, it seems that only Georgia is ready for it. The same cannot be said about Armenia, Azerbaijan, Belarus, Moldova and Ukraine, taking into consideration policy shifts and political behaviour of the partners (it is not about only commitments, but also about internal moves in these countries).

**(3) Priorities.** Here it is very challenging to see how the Eastern Partnership countries position themselves towards different security priorities and their sub-fields.

As for the first priority on *security* (security and defence, counter-terrorism, cyber security, energy security, strategic communications), it seems that Georgia, Moldova and Ukraine are ready for engagement. Armenia, Azerbaijan and Belarus would opt only for certain individual areas of cooperation.

As for the second priority on *state and societal resilience* (enlargement policy, neighbours, resilience in the surrounding regions, a more effective migration policy), Georgia, Moldova and Ukraine make the necessary efforts in these directions. Armenia, Azerbaijan and Belarus would hardly / not embrace the idea of joining the European Union, even having divergent visions on their neighbours; other priority issues could be introduced on common agenda.

As for the third priority on *integrated approach to conflicts and crises* (pre-emptive peace, security and stabilization, conflict settlement, political economy of peace), all Eastern partnership states could engage, less Belarus – the only member in the Eastern Partnership not being involved in territorial disputes and conflicts – that has no motivation to participate in such cooperation formats.

As for the fourth priority on *cooperative regional orders* (namely the European security order, a peaceful and prosperous vicinity), Azerbaijan, Georgia, Moldova and Ukraine would cooperate in this framework. Armenia and Belarus follow different priorities in cooperative regional orders.

As for the fifth priority on global governance for the 21<sup>st</sup> century (reforming, investing, implementing, deepening, widening, developing, partnering) the opinions of Eastern partners are divided. Probably it is because the countries are small and not very rich to afford such initiatives. Even if Ukraine is a bigger country, nevertheless it is torn by war; any war is expensive and demands higher costs. All global governance issues – reforming, investing,

implementing, deepening, widening, developing, partnering – are questionable for all Eastern Partnership states. Eastern Partnership countries have classical issues to deal with; no room to think about global governance; however, the above mentioned issues are not to be excluded from Eastern Partnership countries' agendas in order to be integrated in global processes.

**(4) From Vision to Action.** It seems that only Georgia could meet the requirements to move from vision to action due to policy stability. Moldova and Ukraine are characterized by reluctance. As for Armenia, Azerbaijan and Belarus, they are too nation focused without engaging on a larger scale due to various cooperation reasons and priorities established by their policy acts.

## 6. Conclusion

*A Global Strategy for the European Union's Foreign and Security Policy: "Shared Vision and Common Action: A Stronger Europe"* is a policy act that is internally driven towards external implications of the European Union. In the framework of the European Union's neighbourhood, the Eastern Partnership area occupies a special place. The document's security provisions address equally to all Eastern Partnership actors irrespective of the nature of bilateral relations between the European Union and each partner country.

On the one hand, the European Union's strategy opens multiple pathways for potential cooperation in the field of regional and common security. On the other hand, the Eastern Partnership countries display individualistic approaches towards security for themselves.

If referring to the correlation advanced by the global strategy, the Eastern Partnership countries have to adjust their strategies on national security in compliance with the EU's strategy on "shared values" and "common action" for reciprocity reasons. Additionally, security architecture must imply beyond the military component the civilian aspect in order to address it properly. The civilian institutions and public policies may bring an added value to enhance security capabilities.

The option for an increased level of cooperation is of paramount importance between the European Union and the Eastern Partnership countries, because security is a value that transcends national boundaries of a state. Security is a universal value. It belongs to humanity. Thus, inter-state, regional, European and international cooperation would represent a real instrument to ensure national and transnational security for peacebuilding.

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## EASTERN PARTNERSHIP LACKS COLLECTIVE APPROACH TO SECURITY

*Rahim RAHIMOV*

**Abstract.** External sources and forces that pose threats to the security of the Eastern Partnership (EaP) nations are disproportionately bigger than the power of an individual EaP nation in many regards. And they often face similar challenges and common threats to their security particularly through the violent conflicts. However, they respond individually hence making the results ineffective. This makes the EaP even more prone to security threats. Therefore, a security strategy for the EaP must accommodate a collective approach to challenges and threats. Considering existing discords between the EaP nations themselves, this may be troubled. In that case, bilateral, trilateral or multilateral partnerships must be encouraged for common stance and collective approach in dealing with threats and challenges. And the EU's role should be facilitation of that process.

**Keywords:** Eastern Partnership, security, collective approach, conflict, separatism, GUAM, EU, selective approach, self-help.

### Introduction

Most of the Eastern Partnership nations have been affected by armed conflicts also known as separatist or secessionist conflicts. The settlement of those conflicts has failed as much as the terms of protracted or frozen conflicts have become synonymous for it. In essence, not the conflicts but their settlement has become frozen. That is why they represent high risks to lead to catastrophic consequences at any point. Moreover, the conflicts pose a huge obstacle to the well-being, prosperity and stability of the Eastern Partnership nations and the region as a whole. In this context, practicing right approaches to security and conflicts through the Eastern Partnership matters a lot indeed. Therefore, this paper investigates the approaches to security through the EaP and seeks to figure out what kind of security strategy the EaP needs.

First, the joint declarations of the EU's Eastern Partnership summits from its launch in 2009 to present are explored. The joint declarations are adopted by consensus of the EU and its Eastern Partners. For that reason, it best reflects their consensual and/or collective approaches, if any, to security. Second, reactions of the EaP nations to the Georgian crisis of August, 2008, and the Crimean annexation and breakout of the conflict in Eastern Ukraine are analysed. The Eastern Partnership was launched after the August, 2008, events but before the 2014 events in Ukraine. Therefore, it can well illustrate whether and how the positions of EaP nations on security and conflict shifted in between. It also explores their possible patterns of behaviour under crisis circumstances. Third, the Eastern Partnership is contrasted to the case of GUAM from the angle of collective approach to security. The EaP includes Armenia and Belarus alongside with the four GUAM nations – Georgia, Ukraine, Azerbaijan, and Ukraine. Finally, the findings of the paper are summarized and a list of recommendations is provided.

## Joint Declarations of the EU's Eastern Partnership Summits

The EU's 2009 Eastern Partnership Prague Summit Joint Declaration mentions conflicts just once and in general terms: "Conflicts impede cooperation activities. Therefore the participants of the Prague summit emphasize the need for their earliest peaceful settlement on the basis of principles and norms of international law and the decisions and documents approved in this framework."<sup>1</sup> It ignores the Russian invasion of Georgia in August, 2008, at all and refers to the international law in general with no mention of the principles such as territorial integrity or self-determination, a major sticking point in the approaches of the involved parties to the conflicts on the territories of the EaP nations.

Furthermore, the declaration states that the Eastern Partnership will seek to support political and socio-economic reforms of the partner countries, facilitating approximation towards the European Union as this serves the shared commitment to stability, security and prosperity of the European Union, the partner countries and indeed the entire European continent. Although it emphasizes facilitation of approximation of the EaP nations towards the EU, there is nothing in the document regarding approximation among the EaP nations themselves. The joint statement affirms the Eastern Partnership as umbrella for deeper bilateral engagement between the EU and individual EaP nations.

The multilateral framework of the EaP is declaredly aimed at fostering links among partner countries themselves. In fact, due to the shared history of these nations within the ex-USSR for many decades and the common legacy of the Soviet era, they have already got links in many spheres. What they lack was the sense of collective security particularly with regard to unresolved and potential conflicts.

As to the security realm in the Prague declaration, it is referred only in the context of energy transit and supplies mainly to the EU by declaring that the Eastern Partnership aims to strengthen energy security through cooperation with regard to long-term stable and secure energy supply and transit.

The EU's 2011 Eastern Partnership Warsaw Summit Joint Declaration was not much different from that of the previous Prague Summit. The joint declaration just reiterated what was contained in the declaration of the Prague Summit with regard to security, conflicts and approximation towards the EU. It simply repeated the need for their earliest peaceful settlement on the basis of the principles and norms of international law in general terms.<sup>2</sup>

A few slight additions were that they welcomed the appointment of the new EU Special Representative for the South Caucasus and the crisis in Georgia, stressed the importance of the presence on the ground of the EU Monitoring Mission in Georgia, and also welcomed the recent decision to resume official negotiations in the "5+2" format aiming at a viable and comprehensive political settlement of the Transnistrian conflict. So, it took 3 years for the EU's

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<sup>1</sup> Joint Declaration of the Eastern Partnership Summit, Prague, 7 May 2009.

<sup>2</sup> Joint Declaration of the Eastern Partnership Summit, Warsaw, 29-30 September 2011.



Eastern Partnership to mention the Georgian crisis and the Transnistrian conflict. But it even didn't mention the Nagorno-Karabakh conflict.

The EU's 2013 Eastern Partnership Vilnius Summit Joint Declaration literally contained the same statements from the previous Prague and Warsaw Summits. It also expressed the need for the earliest peaceful settlement of the conflicts on the basis of the principles and norms of international law without specifying which norms and principles are to be guided by. The joint declaration in the Vilnius Summit mentioned the Nagorno-Karabakh conflict, the Transnistrian conflict and the Georgian crisis of August, 2008, in general terms.<sup>3</sup>

The EU's 2015 Eastern Partnership Riga Summit Joint Declaration was less ambiguous but more contentious as compared to the previous declarations. The less ambiguity is noticeable in the support for the territorial integrity of the EaP nations. For the first time, the EU pronounced through the joint declaration its commitment in support of the territorial integrity, independence and sovereignty of all its partners.<sup>4</sup> This represents a progress in the EU's position towards clarity on the principles of territorial integrity and self-determination as no previous joint declaration had done so.

The more contentiousness is related with the EU's euphemism and selective approach. Although two paragraphs dealt with the events in Ukraine, the euphemism dominated the text. For example, in one paragraph it uses such phrases as "acts against Ukraine and events in Georgia." It failed to clarify what kind of acts and by whom for what purpose, what kind of events involving and concerning who and to what end.

Moreover, the declaration stated that the cases of Ukraine and Georgia had shown that fundamental principles of sovereignty and territorial integrity within internationally recognized borders couldn't be taken for granted in the 21<sup>st</sup> century in Europe. But while naming Ukraine and Georgia it failed to clearly bring the cases of Azerbaijan and Moldova into this context.

Furthermore, the declaration also separately supported Ukraine's territorial integrity in the context of the conflict in Eastern Ukraine, and the EU reaffirmed its position taken in the Joint Statement made at the EU-Ukraine Summit on April 27, 2015, including on the "illegal annexation of Crimea and Sevastopol."<sup>5</sup> The summit participants reaffirmed their positions in relation to the UN General Assembly Resolution 68/262 on the territorial integrity of Ukraine.<sup>6</sup> No other EaP nation whether Georgia, Moldova, or Azerbaijan experiencing a similar conflict has been given such a treatment. For instance, the EU has refrained from even mentioning any of four resolutions from the UN Security Council, which is the highest authority, and a resolution from the UN General Assembly with regard to Azerbaijan's occupied territories.<sup>7</sup>

All these happened in the background, where unlike Azerbaijan and Moldova, Georgia and Ukraine got involved in open, direct confrontation with Russia. This gives rise to such

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<sup>3</sup> Joint Declaration of the Eastern Partnership Summit, Vilnius, 29 November 2013.

<sup>4</sup> Joint Declaration of the Eastern Partnership Summit, Riga, 21-22 May 2015.

<sup>5</sup> Joint Declaration of the 17<sup>th</sup> EU-Ukraine Summit, Kyiv, 27 April 2015.

<sup>6</sup> UNO, *Resolution 68/262 of the UN General Assembly*, 27 March 2014.

<sup>7</sup> UNO, *Resolution GA/10693 of the UN General Assembly*, 14 March 2008.

perceptions as either the EU applies a selective approach to the security of individual EaP nations or a direct, open confrontation with Russia might be a prerequisite for the EU's clear support in settlement of separatist conflicts and occupied territories, or both. This kind of perceptions leads to alienation of individual EaP nations from the EU and cooler relations between them. The cooling in the EU-Azerbaijani relations following the Riga summit is just a case in point.<sup>8</sup>

The euphemist and selective approaches to the security of the EaP nations have been the EU's comfort zone. But the problem is the EU's comfort zone is the EaP's discomfort zone. Indeed, the selective approach obstructs the collective sense of security, causes discords and deepens the existing ones among the EaP nations as they feel discriminated and loose the sense of collectivity.

The EU's 2017 Eastern Partnership Brussels Summit Joint Declaration copy-pasted a statement from the preceding Riga summit: "The European Union committed its support to the territorial integrity, independence, and sovereignty of all its partners."<sup>9</sup> Once again the EU missed the opportunity to use a clear language with regard to frozen and armed conflicts on the territories of the EaP nations. The EU made clear that it offered no security or even sympathy to them.<sup>10</sup> Although it is quite unclear what role the EU has played, similarly to the previous ones, the Brussels declaration also "welcomed the EU's strengthened role in conflict resolution." In fact, this phrase sounds irrelevant as no considerable role from the EU has been observed so far.

The 2017 declaration has been formed by extensively copy-pasting euphemist statements from the previous ones. Therefore, the EU's position in the 2017 summit joint declaration was even weaker represented as compared to the 2015 Riga Summit Joint Declaration in terms of conflicts and security. The joint declaration called for renewed efforts to promote the peaceful settlement of unresolved conflicts in the region on the basis of the principles and norms of international law. But this kind of general reference to the international law, which is continuously reiterated starting from the first summit in Prague in 2009, has been one source of ambiguity.

On the one hand, the joint declarations have constantly stated that the resolution of conflicts, building trust and good neighbourly relations were essential to economic and social development and cooperation. On the other hand, the EU offers nothing to resolve those conflicts and instead, focuses on economic and social development and cooperation through its Eastern Partnership – 20 Deliverables 2020. The "20 Deliverables for 2020" document aims

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<sup>8</sup> Malahat Najafova, "Azerbaijan Says Cooling in Relations with EU due to Karabakh Conflict," APA, 3 December 2015, <http://en.apa.az/azerbaijan-politics/foreign-news/azerbaijan-says-cooling-in-relations-with-eu-due-to-karabakh-conflict.html> (accessed 5 February 2018); "Ilham Aliyev Attended Panel Discussion at Munich Security Conference," 18 February 2017, <http://en.president.az/articles/22827> (accessed 5 February 2008).

<sup>9</sup> Joint Declaration of the Eastern Partnership Summit, Brussels, 24 November 2017.

<sup>10</sup> Anders Aslund, "Does the EU Even Care about Eastern Europe Anymore?," Atlantic Council, 27 November 2017, <http://www.atlanticcouncil.org/blogs/ukrainealert/does-the-eu-even-care-about-eastern-europe-anymore> (accessed 5 February 2018).

to identify concrete, tangible results for citizens.<sup>11</sup> However, none of the 2020 deliverables are directly related to conflict resolution and security. The problem here is it is a mishmash way to achieve concrete, tangible result for citizens without making a breakthrough in conflict resolution. The conflicts are the biggest obstacle to prosperity of citizens and human security in the EaP. It doesn't necessarily mean that the 20 deliverables are undeliverable. But real efforts for conflict resolution in parallel to delivery of the deliverables could turn really successful.

Although the 20 Deliverables 2020 document mentions support for conflict resolution and security, there is no tangible tasks established to serve it. And the security is mentioned in the context of fight against cyber and organized crimes, and energy supplies namely expansion of the Southern Gas Corridor towards the Central Asia. Moreover, the EU implements the Integrated Border Management project, which is included in the 20 Deliverables 2020 document. It is scheduled to modernize network of Border Crossing Points among Partners and between them and EU Member States by 2020. This is intended to contribute to enhanced trade flows and mobility among partners as well as between them and the EU. However, there is no mention of uncontrolled borders and territories existing due to conflicts on the territories of the EaP nations.

The Brussels summit joint declaration highlighted the importance of strengthening state, economic and societal resilience both in the EU and the partner countries, and the role of the Eastern Partnership in this respect in the European Union's neighbourhood as also outlined in The Global Strategy for the European Union's Foreign and Security Policy of June, 2016. The Global Strategy document notes that the EU will engage further in the resolution of protracted conflicts in the Eastern Partnership countries. "We will not recognize Russia's illegal annexation of Crimea nor accept the destabilization of eastern Ukraine," the EU states in the Global Strategy.<sup>12</sup> But the document ignored security concerns and conflicts in Azerbaijan, Georgia and Moldova. So, the Global Strategy also echoes the spirit of the joint declarations of the Eastern Partnership summits in its selective approach to conflict and security.

### Reactions from EaP nations to the Georgian events of August, 2008

The Armenian Foreign Ministry issued a statement to express concern over the situation in South Ossetia.<sup>13</sup> Armenia didn't formally recognize the independence of Abkhazia and South Ossetia. But President Serzh Sargsyan sympathized with those breakaway regions, as he

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<sup>11</sup> *Eastern Partnership – 20 Deliverables for 2020*, Brussels, 9 June 2017.

<sup>12</sup> *A Global Strategy for the European Union's Foreign and Security Policy: "Shared Vision and Common Action: A Stronger Europe"*, June 2016, <https://europa.eu/globalstrategy/en/shared-vision-common-action-stronger-europe> (accessed 5 February 2018).

<sup>13</sup> "Armenian Foreign Ministry Says Armenia is Very Much Concerned with the Situation in South Ossetia," Armenpress, 8 August 2008, <https://armenpress.am/eng/news/524988/> (accessed 5 February 2018).

reiterated his support for their residents' right to self-determination and criticized Tbilisi for attempting to settle the South Ossetian conflict by force.<sup>14</sup>

Belarus kept muted on the hostilities for quite a few days, for what the Russian Ambassador to Belarus reproached Minsk. "Russia was perplexed by modest silence of the Belarusian side," he said.<sup>15</sup> Then, Belarus officially reacted to the event. "All [Russian actions in Georgia] were done calmly, wisely and beautifully," Alexander Lukashenko told Russian President Dmitry Medvedev on August 19, 2008.<sup>16</sup> Later, president Medvedev also criticized Belarus on August 3, 2010, for failure to recognize Abkhazia and South Ossetia as independent states despite his promises to do so.<sup>17</sup> Lukashenko explained that Belarus didn't recognize them in order to avert consequences that could arise in its relations with the USA, EU and CIS nations.<sup>18</sup> He added that Medvedev didn't assure him to neutralize or liquidate those consequences or problems in case they emerge, and that Russia was either unwilling or incapable to do so.

Czech Foreign Minister Schwarzenberg warned Minsk that were it to recognize Abkhazia and South Ossetia, the current consensus within the EU to include it in the Eastern Partnership could founder. "If they would recognize South Ossetia and Abkhazia it would create a very, very difficult situation for Belarus," he stated.<sup>19</sup> In reaction to the inclusion of Belarus in the EaP, Russian Foreign Minister Sergey Lavrov questioned the decision: "Is this promoting democracy or is it blackmail? It's about pulling countries from the positions they want to take as sovereign states."<sup>20</sup>

Media reports quoted president Lukashenko as saying that Russia has made a \$500 million loan to Belarus contingent on its recognition of Abkhazia and South Ossetia. He has rejected the proposal saying that Belarus' support was not for sale.<sup>21</sup> Thus, Belarus rejected the recognition of Abkhazia and South Ossetia as independent states despite heavy pressures from Moscow. And the interest in maintaining good relations with the EU and cooperating through and within the EaP has played a significant role.

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<sup>14</sup> Emil Danielyan, "Armenia Rules out Abkhazia, South Ossetia Recognition," Radio Azatutyun, 4 September 2008, <https://www.azatutyun.am/a/1597164.html> (accessed 5 February 2018).

<sup>15</sup> "Belarus Leader Applauds Russian Response South Ossetia Crisis," Sputnik, 19 August 2008, <https://sputniknews.com/world/20080819116132622/> (accessed 5 February 2018).

<sup>16</sup> "Александр Лукашенко в Сочи провел переговоры с Дмитрием Медведевым," Official Internet Portal of the President of the Republic of Belarus, 19 August 2008, [http://president.gov.by/ru/news\\_ru/view/aleksandr-lukashenko-v-sochi-provel-peregovory-s-dmitriem-medvedevym-2759/](http://president.gov.by/ru/news_ru/view/aleksandr-lukashenko-v-sochi-provel-peregovory-s-dmitriem-medvedevym-2759/) (accessed 5 February 2018).

<sup>17</sup> "Лукашенко обещал признать Абхазию и Южную Осетию, заявил Медведев," RIA, 3 August 2010, <https://ria.ru/politics/20100803/261206899.html> (accessed 5 February 2018).

<sup>18</sup> "Лукашенко пояснил, почему не признал Абхазию и Южную Осетию," RIA, 13 August 2010, <https://ria.ru/politics/20100813/264942472.html> (accessed 5 February 2018).

<sup>19</sup> Ahto Lobjakas, "EU Foreign Ministers Discuss Eastern Partnership," Radio Free Europe / Radio Liberty, 23 February 2009, [https://www.rferl.org/a/EU\\_Foreign\\_Ministers\\_Discuss\\_Eastern\\_Partnership/1497826.html](https://www.rferl.org/a/EU_Foreign_Ministers_Discuss_Eastern_Partnership/1497826.html) (accessed 5 February 2018).

<sup>20</sup> Valentina Pop, "EU Expands Its 'Sphere of Influence, Russia Says'," *EU Observer*, 21 March 2009, <https://euobserver.com/foreign/27827> (accessed 5 February 2018).

<sup>21</sup> "Belarus Leader Rejects Conditions on Russian Loan," Reuters, 5 June 2009, <https://www.reuters.com/article/idUSL51033548> (accessed 5 February 2018).

The Azerbaijani Foreign Ministry's spokesman expressed Azerbaijan's position regarding the South Ossetia events of August 8, 2008. He stated that official Tbilisi's actions were in accordance with the international law and that Azerbaijan unambiguously supported the territorial integrity of Georgia.<sup>22</sup>

Moldova rejected the recognition of Abkhazia and South Ossetia as independent states but kept largely muted on the Georgian events of August, 2008.<sup>23</sup> That said, communist president Vladimir Voronin turned to the EU to find a political solution to the Transnistrian conflict on the territory of Moldova following the Georgian events.<sup>24</sup>

Ukraine voiced the clearest and toughest position on the events of August, 2008. The Foreign Ministry of Ukraine issued a strong statement: "Ukraine calls on the Russian Federation, as a permanent member of the UN Security Council, to pull out its troops from Georgia, to be reserved in its actions, and to exert the necessary influence upon the separatist regime of Tskhinvali [capital of South Ossetia] in order to return to the negotiating table."<sup>25</sup> The statement said that a prerequisite of successful talks must be an immediate cease-fire, confirmation of the sovereignty and territorial integrity of Georgia by the Russian side, devotion to the principles of good neighbourhood, refusal from muscle-flexing scenarios, and peaceful settlement of conflicts.

Ukraine stated that it reserved the right to bar Russia's Black Sea warships dispatched to the Abkhazian coast from returning to their Ukrainian base of Sevastopol in the Crimean peninsula.<sup>26</sup> Furthermore, Ukrainian president Viktor Yushchenko said that he would open negotiations with Moscow on raising the rent on the Russian naval base in Sevastopol.<sup>27</sup> Those statements infuriated Moscow and served as a cause for Russia's further moves concerning Crimea. As a result, the Russian-Ukrainian agreement on the Sevastopol base, which was going to end in 2017, was prolonged by another 25 years until 2042 by newly-elected pro-Russian president Victor Yanukovich in 2010.<sup>28</sup>

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<sup>22</sup> "Azərbaycan Gürcüstanın Ərazi Bütövlüyünü Birmənalı Şəkildə Dəstəkləyir," Azertag, 8 August 2008, [https://azertag.az/xeber/AZARBAYCAN\\_GURCUSTANIN\\_ARAZI\\_BUTOVLUYUNU\\_BIRMANALI\\_SAKILDA\\_DAS\\_TAKLAYIR-415606](https://azertag.az/xeber/AZARBAYCAN_GURCUSTANIN_ARAZI_BUTOVLUYUNU_BIRMANALI_SAKILDA_DAS_TAKLAYIR-415606) (accessed 5 February 2018).

<sup>23</sup> "Moldova Rejects Recognition of Georgian Regions," Reuters, 29 August 2008, <https://www.reuters.com/article/us-georgia-ossetia-moldova/moldova-rejects-recognition-of-georgian-regions-idUSLT50699020080829> (accessed 6 February 2018).

<sup>24</sup> Bridget Kendall, "Russia's Neighbors Go Their Own Way," BBC, 21 August 2008, <http://news.bbc.co.uk/2/hi/eu/rope/7575813.stm> (accessed 6 February 2018).

<sup>25</sup> "Ukraine Calls on Russia to Pull out Its Troops from Georgia," Unian, 8 August 2008, <https://www.unian.info/society/136250-ukraine-calls-on-russia-to-pull-out-its-troops-from-georgia.html> (accessed 6 February 2018).

<sup>26</sup> Helen Womack and Mark Tran, "Russia Takes Control of South Ossetian Capital after Georgian Retreat," *The Guardian*, 10 August 2008, <https://www.theguardian.com/world/2008/aug/10/georgia.russia1> (accessed 6 February 2018).

<sup>27</sup> Andrew E. Kramer, "NATO Ships in Black Sea Raise Alarms in Russia," *New York Times*, 27 August 2008, <http://www.nytimes.com/2008/08/28/world/europe/28russia.html> (accessed 6 February 2018).

<sup>28</sup> Luke Harding, "Ukraine Extends Lease for Russia's Black Sea Fleet," *The Guardian*, 21 April 2010, <https://www.theguardian.com/world/2010/apr/21/ukraine-black-sea-fleet-russia> (accessed 6 February 2018).

Ukraine's President Viktor Yushchenko went far beyond strong statements and paid a visit to Tbilisi on August 12, 2008, to show a moral support for and solidarity with Georgia jointly with the leaders of four EU member-nations – Presidents of Estonia, Lithuania, Poland, and Prime Minister of Latvia.<sup>29</sup> Together with Georgian President Mikheil Saakashvili, they addressed a late night rally in central Tbilisi. However, leading EU nations chose to issue general, euphemist statements to express concern over the events. "The Guardian" described such approach as expressing "impotent concern."<sup>30</sup>

President Yushchenko as well as his fellows from Poland and Baltic nations were disappointed over the EU's position on what he called the Russian aggression against Georgia and over the settlement plan brokered by President Sarkozy of France, the country then presiding the EU, particularly for failure to accommodate a point on the territorial integrity of Georgia. According to him, that is exactly why the Sarkozy plan paved the way for further aggression by the Kremlin. "It was not known to us why the EU went for realization of such version of the settlement plan," Yushchenko wondered in his book.<sup>31</sup>

The EU's position on the Georgian crisis also caused a discord within the Ukrainian leadership. President Yushchenko and his political ally Prime Minister Yulia Tymoshenko traded blames over the stance on the Georgian crisis.<sup>32</sup> Tymoshenko blamed him for dragging Ukraine into another conflict. The prime minister said that her position was in correspondence with that of the EU whereas Tymoshenko herself was accused of failing to condemn the Russian action against Georgia in sharp terms.

## Reactions from the EaP Nations to the Annexation of Crimea and Conflicts in Eastern Ukraine

Armenia's President Serzh Sargsyan stated that the March 16 referendum in Crimea "constituted another case of exercise of peoples' right to self-determination via free expression of will."<sup>33</sup> He made this statement over a phone talk with Russian president Vladimir Putin initiated by the Armenian side on March 19, 2014. In response to Yerevan's position on Crimea, Ukraine recalled its ambassador to Armenia for consultations on March 21.<sup>34</sup> Armenia,

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<sup>29</sup> Katrin Bennhold, "Differences Emerge in Europe of a Response to Georgia Conflict," *New York Times*, 12 August, 2008, <http://www.nytimes.com/2008/08/12/world/europe/12iht-diplo.4.15218653.html> (accessed 6 February 2018).

<sup>30</sup> "Russia Takes Control of South Ossetian Capital after Georgian Retreat."

<sup>31</sup> Виктор Ющенко, "Грузия 08.08.08," in *Негосударственные Тайны. Заметки На Берегах Памяти*, ed. Виктор Ющенко (Kharkiv: Фолио, 2014).

<sup>32</sup> Roman Olearchyk and Stefan Wagstyl, "Fears for Ukraine as Pro-West Coalition Fails," *Unian / The Financial Times*, 4 September 2008, <https://www.unian.info/politics/142605-fears-for-ukraine-as-pro-west-coalition-fails.html> (accessed 6 February 2018).

<sup>33</sup> "Today the President of Armenia held a Telephone Conversation with the President of Russia," President of the Republic of Armenia, 19 March 2014, <http://www.president.am/en/press-release/item/2014/03/19/President-Serzh-Sargsyan-conversation-with-the-President-of-Russian-federation/> (accessed 6 February 2018).

<sup>34</sup> "Ukraine Recalls Ambassador from Armenia," 21 March 2014, <https://news.am/eng/news/200212.html> (accessed 6 February 2018).

nevertheless, voted on March 27 against a UN General Assembly resolution adopted in support of the territorial integrity of Ukraine following the annexation of Crimea.<sup>35</sup>

Belarus acknowledged Crimea as de facto part of the Russian Federation saying that de jure recognition didn't matter as Russia was a recognized state. That said, President Alexander Lukashenko made quite ambiguous statements regarding the annexation of Crimea and conflicts in Eastern Ukraine. "As for Crimea, I do not like it when the integrity and independence of a country are broken," he said.<sup>36</sup> Lukashenko also lashed out against the idea of federalization of Ukraine as a dangerous precedent with a serious potential to lead to a further war and internal confrontations, which could turn external. In that case the situation may turn much worse and scarier and the Crimean issue would seem like the smallest of the problems, he warned against the federalization. Lukashenko added that the Crimean case was dangerous not because it became part of Russia but because it was setting a bad precedent that may give rise to a wave of self-determinations.

Moreover and even more importantly, the Belarus president implicitly reproached the West for being soft on Russia and depicted the West as being scary of Russia. Imposition of much heavier sanctions on Belarus for alleged election irregularities and human rights abuses compared to lighter sanctions on Russia is just a case in point, according to Lukashenko, who characterized the sanctions on Russia as serving to save the face of the West.

Both Armenia and Belarus attempted to block the text of the EU's Eastern Partnership Riga Summit of May 21-22, 2015, that referred to Russia's annexation of Crimea as "illegal."<sup>37</sup> Armenia and Belarus are home to Russian military bases, and for them Russia is the closest ally through the Eurasian Economic Union (EAEU) and the Collective Defence Treaty Organization (CDTO). As a result, point 4 of the final declaration states that the EU, instead of original version, which was "all of the summit participants," reaffirms its position against the illegal annexation of Crimea. This enabled Belarus and Armenia to avoid calling the annexation of Crimea illegal.

Azerbaijan's President Ilham Aliyev declared on March 19, 2014, that the territorial integrity of a nation couldn't be changed without the permission of the nation. This statement happened a few days following the March 16 Crimean status referendum.<sup>38</sup> Azerbaijan as well as Moldova and Georgia voted in favour of the March 27, 2014, UN General Assembly resolution in support of Ukraine's territorial integrity unlike Armenia and Belarus, who voted against it.<sup>39</sup> On

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<sup>35</sup> UNO, *Resolution GA/11493 of the UN General Assembly*, 27 March 2014.

<sup>36</sup> "President of the Republic of Belarus Alexander Lukashenko Answers Questions of Mass Media Representatives," Official Internet Portal of the President of the Republic of Belarus, 23 March 2014, [http://president.gov.by/en/news\\_en/view/president-of-the-republic-of-belarus-alexander-lukashenko-answers-questions-of-mass-media-representatives-on-8348/](http://president.gov.by/en/news_en/view/president-of-the-republic-of-belarus-alexander-lukashenko-answers-questions-of-mass-media-representatives-on-8348/) (accessed 6 February 2018).

<sup>37</sup> Rikard Jozwiak, "Disagreements Shadow EU Eastern Partnership Summit," Radio Free Europe / Radio Liberty, 22 May 2015, <https://www.rferl.org/a/eu-eastern-partnership-summit-text-wording/27030727.html> (accessed 6 February 2018).

<sup>38</sup> "İlham Əliyev Bakıda Novruz Bayramı Münasibətilə Ümumxalq Şənliyində İştirak Etmişdir," 19 March 2014, <http://www.president.az/articles/11216> (accessed 6 February 2018).

<sup>39</sup> UNO, *Resolution GA/11493 of the UN General Assembly*.

one occasion, the Azerbaijan delegation voted against a Parliament Assembly of the Council of Europe (PACE) resolution on January 28, 2015, to impose political sanctions on Russia in connection with its "role and participation in conflicts in Eastern Ukraine and continued annexation of Crimea."<sup>40</sup> Commenting on official Baku's position, the speaker of the Azerbaijani parliament Ogtay Asadov reaffirmed Azerbaijan's full and unambiguous support for Ukraine's territorial integrity.<sup>41</sup> He underlined that the Azerbaijani delegation voted against sanctions in order to be heard that Azerbaijan also had been suffering from separatism and similar acts in its Nagorno-Karabakh region and other provinces occupied by Armenia for more than two decades but saw a selective approach from Europe. "They [PACE] always advise us to solve [the conflict] by dialogue and negotiations, so we reciprocate the same advice: solve the problem by dialogue and negotiations not sanctions," he added.<sup>42</sup>

Moldova didn't recognize the referendum in Crimea.<sup>43</sup> Before the referendum took place, President Nicolae Timofti had called the possible annexation by Russia to be a serious breach of international law.<sup>44</sup>

Georgia's president, parliament and other political figures and forces condemned the Crimean annexation in strong terms.<sup>45</sup> Tbilisi also took the opportunity to remind the international community particularly the West of its half-hearted reaction to the Georgian crisis of August, 2008, and the Russian recognition of Georgia's breakaway regions of Abkhazia and South Ossetia. They blamed the West's toothless reaction as encouragement for Russia to annex Crimea. This message was echoed by many in Ukraine particularly former president Viktor Yushchenko and others in the world. A statement from the Ukrainian Foreign Ministry held the events of August, 2008, in Georgia as a precursor to the 2014 Russian actions in Ukraine – the annexation of Crimea and backing of separatists in Ukraine's Donetsk and Luhansk regions, known collectively as Donbas. "After not getting a tough enough and an unequivocal response

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<sup>40</sup> PACE, *Voting Results*, 28 January 2015, <http://assembly.coe.int/nw/xml/Votes/DB-VotesResults-EN.asp?VoteID=35392&DocID=15327> (accessed 6 February 2018); PACE, *Resolution 2034*, 28 January 2015.

<sup>41</sup> The Azerbaijani Parliament's Session Minutes, 2 February 2015, <http://www.meclis.gov.az/?/az/stenoqram/376> (accessed 6 February 2018).

<sup>42</sup> Ibid.

<sup>43</sup> "Президент Молдовы Заявил, что Присоединение Приднестровья к РФ Никому не Выгодно," VESTI MD, 18 March 2014, [http://www.vesti.md/?mod=news&id=26986&fb\\_comment\\_id=1387702211505581\\_18283#sthash.NUpZFIW6.dpbs](http://www.vesti.md/?mod=news&id=26986&fb_comment_id=1387702211505581_18283#sthash.NUpZFIW6.dpbs) (accessed 6 February 2018); Alexander Tanas, "Moldova Tells Russia: Don't Eye Annexation Here," Reuters, 18 March 2014, <https://www.reuters.com/article/us-ukraine-crisis-moldova/moldova-tells-russia-dont-eye-annexation-here-idUSBREA2H16F20140318> (accessed 6 February 2018).

<sup>44</sup> "Президент Молдавии: Принятие Россией в Свой Состав Приднестровья Ухудшит Ее Имидж," Regnum, 20 March 2014, <https://regnum.ru/news/1780719.html> (accessed 6 February 2018).

<sup>45</sup> "Georgian Parliament Adopts Resolution on Supporting Ukraine," Tabula, 7 March 2014, <http://www.tabula.ge/en/story/80828-georgian-parliament-adopts-resolution-on-supporting-ukraine> (accessed 6 February 2018); "Georgia Reaction to Russian Annexation of Crimea," Civil Georgia, 19 March 2014, <http://www.civil.ge/eng/article.php?id=27050> (6 February 2018).



by the international community for its aggression against Georgia, Russia chose its next target – Ukraine,” the statement said.<sup>46</sup>

Former Georgian Prime Minister Bidzina Ivanishvili stated that Moscow wouldn't step back in respect of Crimea and the efforts of the West would now be focused on containing the advance of Russia beyond Crimea, namely in the eastern parts of Ukraine.<sup>47</sup> He also blamed the West for being too soft on Russia. This message was mirrored in the remarks of Belarusian President Lukashenko as well.

### Collective Approach to Security: Contrasting Eastern Partnership to GUAM

The Organization for Democracy and Economic Development known as GUAM was founded by Georgia, Ukraine, Azerbaijan and Moldova at the Kyiv Summit on May 23, 2006.<sup>48</sup> The establishment of the organization was not an instant decision. It had gone through an evolutionary process including formation of the GUAM Advisory Forum October 10, 1997, during the Second Council of Europe Summit in Strasbourg, France, and creation of GUAM Association following the signing of its Yalta Charter during the summit in Ukraine on June 7, 2001. When GUAM was initiated in 1997 through the joint communique of the presidents of Georgia, Ukraine, Azerbaijan, and Moldova, they unanimously upheld the need for combating aggressive nationalism, separatism, and international terrorism.<sup>49</sup> Moreover, the GUAM nations agreed that the process of integration into Trans-Atlantic and European structures could considerably reduce the threats and risks they face. They also pledged to undertake joint efforts to tackle the problems. The 2006 final Charter of the GUAM organization set out such objectives as deepening European integration for the establishment of common security space and strengthening international and regional security and stability.<sup>50</sup> The GUAM nations emphasized their adherence to the principles of respect for sovereignty and territorial integrity of the states, inviolability of their internationally-recognized borders and non-interference in their internal affairs.

GUAM was acting with a single voice at the international arena. On April 21, 2005, the GUAM nations found a common ground on several issues in the Russia-led Commonwealth of Independent States' (CIS) Foreign Ministers Council that was held at that time in Moscow. A joint proposal to discuss the conflicts of Transnistria in Moldova, Abkhazia and South Ossetia

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<sup>46</sup> MFA of Ukraine, *Заява МЗС України Щодо 8-ї Річниці Агресії РФ в Грузії*, 8 August 2016, <http://mfa.gov.ua/ua/press-center/news/49729-zajava-mzs-ukrajini-shhodo-8-ji-richnici-agresiji-rf-v-gruziji> (accessed 6 February 2018).

<sup>47</sup> "Georgia Reaction to Russian Annexation of Crimea."

<sup>48</sup> GUAM, <https://guam-organization.org/en/about-the-organization-for-democracy-and-economic-development-guam/> (accessed 6 February 2018).

<sup>49</sup> Joint Communique of the Meeting of the Presidents of Azerbaijan, Georgia, Moldova and Ukraine, Strasbourg, 10 October 1997.

<sup>50</sup> GUAM, *Charter of the Organization for Democracy and Economic Development – GUAM*, Kyiv, 23 May 2006.

in Georgia, and Nagorno-Karabakh in Azerbaijan is just a case in point.<sup>51</sup> Furthermore, the head of the Ukrainian delegation Yelchenko addressed the 14<sup>th</sup> meeting of the OSCE Ministerial Council on behalf of GUAM on December 5, 2006.<sup>52</sup> He spoke of the settlement of protracted conflicts in the OSCE area, in particular in the Transnistrian region of Moldova, South Ossetia and Abkhazia of Georgia, Nagorno-Karabakh region of Azerbaijan. Furthermore, in 2006-2007, media reports said that Georgia and Ukraine have supported the idea to form a joint peace-keeping force and civilian police units of GUAM for possible involvement in the settlement of conflicts affecting GUAM nations.<sup>53</sup> It was not realized though.

The presidents of the GUAM nations issued a joint declaration that formulated their common position on the issue of conflicts in clear and resolute terms at the Kyiv summit on May 23, 2006.<sup>54</sup> The 2007 GUAM Baku Declaration of heads of state supported creation of a common space of integration and security in the GUAM region.<sup>55</sup> The GUAM nations reaffirmed that they were united in determination to stand jointly against common risks and threats to peace, security and stability. The July 1, 2008, GUAM Batumi Declaration reaffirmed the objectives of the member states in their aspiration to stand jointly against common risks and threats as well as to gradually develop a space of integration and security in the GUAM region as an integral part of all-European and Euro-Asian area.<sup>56</sup> It also stressed the necessity of active joint efforts towards the settlement of conflicts.

However, the progress of GUAM towards creation of a space of integration and security halted following the Georgian events of August, 2008. The activity of GUAM considerably faded. No presidential summit has been held after 2008. It is only recently that the organization has revived its functions. In 2017, heads of government of GUAM nations met in Kyiv, Ukraine on March 27 to mark the 20<sup>th</sup> anniversary of the organization.<sup>57</sup> A special meeting of the GUAM Council of Ministers of Foreign Affairs was held in Tbilisi, Georgia, on October 8.<sup>58</sup> At both events, they reaffirmed their strong position that the territory of a state may not be a subject of acquisition or military occupation or annexation, resulting from the threat or use of force in breach of the relevant norms and principles of international law, and settlement of the conflicts in the GUAM nations on the basis of sovereignty, territorial integrity and inviolability of internationally recognized borders of states. They welcomed the signing of documents aimed

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<sup>51</sup> "GUAM – Integrating Europe's East," *The Seoul Times*, <http://theseoultimes.com/ST/?url=/ST/db/read.php?idx=6931> (accessed 6 February 2018).

<sup>52</sup> GUAM, *Statement by the Head of the Delegation of Ukraine Yelchenko at the 14<sup>th</sup> Meeting of the OSCE Ministerial Council on Behalf of GUAM*, 5 December 2016.

<sup>53</sup> "GUAM Ministerial Discusses Joint Peacekeeping Forces," *Civil Georgia*, 26 September 2006, <http://www.civil.ge/eng/article.php?id=13640> (accessed 6 February 2018); "No Clarity over GUAM Peacekeeping Unit," *Civil Georgia*, 25 June 2007, <http://www.civil.ge/eng/article.php?id=15330> (accessed 6 February 2018).

<sup>54</sup> GUAM, *Joint Declaration of the Heads of States of the Organization for Democracy and Economic Development – GUAM on the Issue of Conflict Settlement*, Kyiv, 23 May 2006.

<sup>55</sup> GUAM, *Baku Declaration "GUAM": Brining Continents Together*, Baku, 19 June 2007.

<sup>56</sup> GUAM, *Batumi Declaration "GUAM – Integrating Europe's East*, Batumi, 1 July 2008.

<sup>57</sup> GUAM, *Joint Statement by the Heads of Government of the GUAM Member States*, Kyiv, 27 March 2017.

<sup>58</sup> GUAM, *Joint Communiqué of the Special Meeting of the Council of Ministers of Foreign Affairs of GUAM*, Tbilisi, 8 October 2017.

at full-fledged functioning of GUAM free trade area. On October 9, 2017, Ukrainian Foreign Minister Pavlo Klimkin stated that GUAM nations – Georgia, Ukraine, Azerbaijan and Moldova all face a common threat connected with the territorial integrity and sovereignty and, therefore, need to join efforts in order to collectively counter the common threat.<sup>59</sup>

In order to effectively contrast the Eastern Partnership to the case of GUAM from the perspective of collective approach to security, three questions are asked concerning rise (1997-2008), decline (2008-2014) and revival of GUAM (2014-present):

First, what has underpinned the unity within GUAM, why the organization emerged? The GUAM nations sought to synergize their efforts with a view to effectively tackling their top national security priority – settlement of separatist conflicts in the cases of Georgia, Azerbaijan, and Moldova, and counter a similar scenario from breaking out in the case of Ukraine, where such a conflict potentially existed but had not become active until the 2014 events of the Crimean annexation and breakout of the conflict in Eastern Ukraine. They clearly shared and defended the concept of territorial integrity, sovereignty and inviolability of the internationally recognized border of nations. Furthermore, Georgia, Ukraine, Azerbaijan and Moldova sought establishment of a common space of integration and security in the region of GUAM. The European integration was a declared goal of the GUAM. That is to say they intended to integrate with European and other structures rather collectively than individually. Therefore, moves toward establishment of a free trade area of GUAM nations was aimed at paving the way for the implementation of that objective. That said, the most important motive behind the emergence of GUAM was meant to jointly and therefore, effectively, address the security threats and risks with the separatist conflicts being at the forefront, and counter forces and sources that posed those threats and risks. Thus, a collective approach to security underpinned the rise of and unity within GUAM.

Second, what has led to fading or even decline of the GUAM? It was the European inaction rather than the Russian action during the South Ossetia war of August, 2008, that scared away GUAM nations. While the EU was satisfied with brokering the cease-fire through French President Nicholas Sarkozy, those nations were expecting more. As a result, the concept of self-help took over the emerging sense of collective approach to security.

The Georgian crisis was followed by Russian and European activation in the region, which represented yet another brake on GUAM. Russia vitalized peace negotiations on the Nagorno-Karabakh and Transnistrian conflicts but to lead, ultimately, to no breakthrough. The European Union launched the Eastern Partnership including the four GUAM nations as well as Armenia and Belarus. Both the Russian and European initiatives encouraged individual approach to security and conflicts hence undermining the spirit of unity and collectivity within both GUAM.

Third, why GUAM is reviving? Although all GUAM nations individually reacted to the Georgian crisis of August, 2008, it refrained from stating its position as an organization. One reason for

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<sup>59</sup> “Украина Предложила Грузии и Молдавии Объединиться против России,” LENTA RU, 9 October 2017, <https://lenta.ru/news/2017/10/09/klimkin/> (accessed 6 February 2018).

that was those nations were shocked by the events and the self-help interests dominated. In fact, the events undermined, if not paralyzed, the organization for quite a while. But more importantly, weak and apologist reactions to the Georgian events of August, 2008, from the West, particularly from Europe, disheartened the GUAM nations. Unlike in the case of the invasion of Georgia in August, 2008, the European Union strongly condemned the Crimean annexation. Also the European Union imposed, though largely on the insistence of the USA, sanctions in response to the annexation of Crimea. Such a response from the EU and the West heartened GUAM nations. Moreover, the Crimean annexation once again reminded them of the reality that they wouldn't succeed by individually addressing the threats. The recent revival of GUAM must be seen in that context. GUAM's reaction to the August 24, 2014, "presidential elections" in Abkhazia, November 2, 2014, "presidential and parliamentary elections" in eastern Ukraine and the signing of the "treaty on alliance and integration" between the Russian Federation and South Ossetia on March 18, 2015, epitomized the revival of the organization's activity. GUAM termed the elections in Eastern Ukraine as illegitimate, described Abkhazia as being "under occupation" and condemned the treaty on alliance and integration.<sup>60</sup> The year of 2017 saw a considerable and high level activeness of GUAM as its foreign ministers and heads of governments held meetings.

The recent revival of GUAM can also be attributed to ineffectiveness of the Eastern Partnership. The Association Agreements and visa liberalization deals with Georgia, Ukraine and Moldova represent significant accomplishments of the EaP though. But the problem is that all these accomplishments were quite painful and cost a high price especially in the cases of Georgia and Ukraine.

The Eastern Partnership suffers from the various controversies when it comes to approaches to security and conflicts. First of all, there are significant discords concerning the Eastern Partnership. The discords are observed between the EU and individual EaP nations, and among the EaP nations themselves. The involvement of Russia's allies – Armenia and Belarus highlights the blatant artificiality of the EaP format.<sup>61</sup> The blocking of the EU's 2015 Eastern Partnership Riga Summit Joint Declaration by Armenia and Belarus to prevent condemnation of the Crimean annexation is just a case in point. The Armenian-Azerbaijani conflict over the Nagorno-Karabakh region and the EU's noticeable ambiguity over it as contrasted to similar conflicts in the EaP region represent yet another source of disunity and controversy within the EaP. "The European institutions have repeatedly called for the unconditional restoration of the territorial integrity of Ukraine, Moldova and Georgia. However, in the case of Azerbaijan regarding the Nagorno-Karabakh conflict, they refer to territorial integrity, self-determination

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<sup>60</sup> GUAM, *Statement by the Organization for Democracy and Economic Development – GUAM regarding the Holding of Illegitimate "Elections" in Eastern Ukraine on November 2, 2014*, 7 November 2017; GUAM, *Statement of the Organization for Democracy and Economic Development – GUAM regarding the So-called "Presidential Elections" in Abkhazia, Georgia*, 30 August 2014; GUAM, *Statement of the Organization for Democracy and Economic Development – GUAM about "Treaty on Alliance and Integration" between the Russian Federation and Tskhinvali*, 23 April 2015.

<sup>61</sup> Nadia Alexandrova-Arbatova, "A Russian View of the Eastern Partnership," *Clingendael Magazine*, 23 March 2016, <https://www.clingendael.org/publication/russian-view-eastern-partnership> (accessed 06 February 2018).

and non-use of force.”<sup>62</sup> As a result, Azerbaijan has downgraded its vision towards the EU from integration to a partnership.

GUAM built good relations of cooperation and partnership with the USA, Japan, Turkey, OSCE, Council of Europe, and others. It was granted observer status in the UN General Assembly in 2003. However, there has been no tangible relation between the EU and GUAM neither before nor after the launch of the EaP, although some EU Member States such as the Visegrad and Baltic nations cooperated with the organization. The EU has made it clear that the framework for cooperation with the GUAM countries is the Eastern Partnership.<sup>63</sup>

The main format of relations between the European Union and Eastern Partnership nations, and the arrangements guiding those relations are bilateral. Although the EaP envisions multilateral frameworks as well, they mainly apply to various forums and platforms not connected with the conflicts and security. The bilateral format of relations encourages individualism among the EaP nations. Yet the EU itself appears to be practicing a selective approach to the security concerns of individual EaP nations. As a result, individual approaches to security dominate through the EaP. This makes EaP nations' efforts in the security sphere ineffective. Forces and sources that threaten the security of the EaP nations are often incomparably bigger than the combined power of the EaP nations yet alone an individual one. Armed conflicts are at the top of the security threats and even can be characterized as a source or catalyst for many other problems and challenges. The armed conflicts, more often than not, exacerbate economic challenges, other security threats, human rights, governance and democratization problems, and susceptibility to external actors' malign pressures. Even if where the conflicts are not direct source of the threats and problems, they at least amplify the negative effects of those troubles.

Nonetheless, so far the EU has waited for peace to come to act rather than acting for a peace to come in the Eastern Partnership region. This attitude combined with the aforementioned individual and selective approaches are more than worrisome and needs to change. Otherwise, the peace, prosperity and stability would be out of reach for the EaP region, and therefore, cause troubles for the EU itself as well.

## Conclusion

The exploration of the joint declarations of the EU's Eastern Partnership summits shows that there are discords between the EU and Eastern Partners as well as among the Eastern Partners themselves with regard to security and conflicts. Moreover, it also reflects a selective approach by the EU to conflicts and security in the EaP region. The EU's 2016 Global Strategy

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<sup>62</sup> Naira Hayrumyan, "Armenia and the European Union: Take Two," JAMnews, 27 November 2017, <https://jamnews.net/?p=72407> (accessed 6 February 2017).

<sup>63</sup> GUAM, *EU Statement in Response to the Address by the GUAM Secretary General*, 8 June 2017; GUAM, *Communique of Ministers of Foreign Affairs of GUAM*, Vilnius, 29 November, 2013.

for Foreign and Security Policy also echoes the selective approach to the security of the EaP nations.

The analysis of the EaP nations' reactions to the August, 2008, events in Georgia and the 2014 Crimean annexation and conflict in the Eastern Ukraine reveals that there are substantial discord among the EaP nations themselves over approaches to the security, conflicts, and principles of international law. While Georgia, Ukraine, Azerbaijan and Moldova unambiguously support the territorial integrity, sovereignty and inviolability of the internationally recognized borders, Armenia willingly opposes and Belarus unwillingly disagrees. In fact, the Eastern Partnership has done a little, if at all, to facilitate the common approach to security and conflicts. One noticeable point is that Belarus' inclusion in the EaP played a role in Minsk's refusal to recognize Abkhazia and South Ossetia as independent states. Yet leaders from the EaP nations and, strikingly, Belarusian President Alexander Lukashenko also reproached the EU for being weak when it comes to conflicts and security in EaP region. This once again proves that the European Union is attractive but needs to do more to unfetter its power of attraction in order to promote a collective approach to security through the EaP.

The comparative case study of the GUAM and the Eastern Partnership has revealed that the collective approach to security has played a crucial role in the emergence of GUAM as an effective organization. But the Eastern Partnership lacks a collective approach to security. Furthermore, the lack of a collective approach has made the EaP irrelevant in terms of security and conflict resolution. And the launch of the EaP has left a brake effect on the progress of GUAM, which exemplified the sense of collectivity and collective approach to security. By ignoring the importance of the collective approach to security through the EaP while practicing a selective approach to the security of the EaP nations, the EU alienates Eastern Partners not only from each other but also and more importantly from the EU itself.

## **Recommendation**

A security strategy for the Eastern Partnership should accommodate a collective approach to security. So far individual approaches and, therefore, the concept of self-help have prevailed over the collective approach but largely failed in the EaP. This necessitates adoption of a collective approach to security. To serve that purpose, the EU needs to add a security dimension to the Eastern Partnership. This would enable discussions and debates on formation of a common ground and act as a starting point in the sphere of security and conflicts.

The EU should facilitate collective approach to the security among EaP nations despite discords among them, and avoid selectively approaching to the security concerns and conflicts on the territories of the GUAM nations. A selective approach from the EU could cause mistrust among the EaP nations and amplify the existing discords. Because of the discords, formation of a collective approach involving all the parties could be troubled. That is why bilateral, trilateral, quadrilateral and multilateral partnerships also must be encouraged.

The EU should act for peace to come to the EaP region instead of waiting for peace to come to act. And it should act proactively. The cases of Georgia and Ukraine have showcased that reactive actions are ineffective. Particularly, the EU should form its single vision towards conflicts concerning the EaP nations. And it should also act for bringing the security visions of the EaP nations closer and play an active role in fostering a sense of collective approach to security.

The EaP nations themselves also should aim at forming a collective approach to security and conflicts concerning them. This is, first of all, in their best interests. Any insufficient activeness from the EU and/or leading EU nations in this matter should not discourage the EaP nations. In particular, the GUAM nations should carry on cementing their collective approach to security.

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## EU ARMS EXPORT CONTROL AND THE EASTERN PARTNERSHIP

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**Abstract.** This paper assesses the potential impact the EaP has on (conventional) arms export control in the EaP countries. Arms export control is a policy area in which the EU has recently stepped up its involvement, mainly in light of the de-stabilising influence of EU arms export to countries in the Middle East. However, Ukraine (already heavily involved in arms trade, also in the EaP region) has indicated it wants to become a major – global – player in this field. The paper first analyses arms trade flows from, to and within the EaP area (2010-2016). It then looks at the current international and EU regulatory framework (the so-called Common Position) for arms export control. This common framework has brought along some convergence within the EU, but uniform implementation by EU Member States is still problematic. Subsequently, the paper analyses how arms export control is dealt with in the various association and cooperation agreements between the EU and EaP countries. The paper then focuses on a comparison between recent EU and Ukrainian arms exports to see to what extent there is any convergence in such exports. The final section discusses the main findings and conclusions.

**Keywords:** arms trade, arms export control, EU Common Position, Arms Trade Treaty, Association Agreement, Eastern Partnership.

### Introduction

Over the last decades arms export control has expanded in size and scope. Within the framework of the United Nations, in 2012 the Arms Trade Treaty (ATT) was established. Within the EU the 1998 Code of Conduct on arms export control was upgraded into an EU Council Common Position in 2008, setting out various criteria to assess the desirability of arms exports in Member States. Whereas arms export control regimes previously aimed primarily at the prevention of traded arms ending up in so-called black and grey arms' markets, they now increasingly focus on the prevention of arms trade contributing to regional conflicts, to violation of international humanitarian law, and to abuse of human rights. Put differently, arms export control nowadays is about control systems as well as about arms trade policies.

Although the current EU framework is far from perfect, it is the only legally binding regional framework for arms export control in the world. This paper addresses the question what role this framework plays in the EaP.

Firstly, this question is interesting given the high salience of arms export control in general and in light of the lessons the EU has drawn from the de-stabilising influence of EU arms exports to countries in the Middle East in the early and mid-2000s. Although the ultimate competency to decide on (licensing) arms trade still rests with EU Member States, arms export control has more and more become part of the EU CDSP and the EU's external policies at large.

Secondly, arms trade to and in the post-Soviet space is intrinsically linked to various conflicts in the region, such as the Nagorno-Karabakh conflict, with Azerbaijan as a significant importer of arms (mainly from Russia).

Thirdly, especially Ukraine (already heavily involved in arms trade, also in the EaP region) has indicated it wants to become a major – global – player in the arms markets. But, given its association with the EU, will Ukraine do so by adhering to the EU's framework or will it (continue to) go its own way?

The paper first analyses arms trade flows from, to and within the EaP area (2010-2016). It then looks at the current international and EU regulatory framework (the so-called Common Position) for arms export control. This common framework has brought along some convergence, but uniform implementation by EU Member States is still problematic. Subsequently, the paper analyses how arms export control is dealt with in the various association and cooperation agreements between the EU and EaP countries. It then focuses on a comparison between recent EU and Ukrainian arms exports, especially those that have raised concern about the proper implementation of the EU common position and about compliance with international arms embargoes, to see to what extent there is any convergence in such exports. The final section discusses the main findings and conclusions.

### Arms trade by EaP countries

What role do EaP countries play in (global) arms trade? Table 1 first shows the ten main global arms importers, as well as some selected countries (with their rank), for the period 2010-2016. Ranking is based on SIPRI trend-indicator values of the volumes of arms trade.<sup>1</sup> The SIPRI Arms Transfer Database includes transfers of major conventional weapons only.<sup>2</sup> As follows from table 1, the major arms importers are countries that are – except for Turkey – located far away from the EaP area. The only EaP country with considerable amounts of arms imports is Azerbaijan (rank 20 out of 173). Belarus (rank 57) and Armenia (rank 81) are in the middle range, Georgia (rank 130) and Ukraine (rank 139) in the bottom league. Moldova has no significant arms imports. The SIPRI database also includes transfers to Ukraine rebels (rank 132).

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<sup>1</sup> The SIPRI TIV is based on the known unit production costs of a core set of weapons; it represents the value of the transfer in terms of (military) resources involved rather than the financial value (sales prices) of the transfer. This provides a common unit to allow the measurement of trends in the flow of arms to particular countries and regions over time. SIPRI TIV values should not be directly compared with gross domestic product (GDP), military expenditure, or sales values. See <https://www.sipri.org/databases/armstransfers/background> for more details.

<sup>2</sup> The Arms Transfers Database does not cover other military equipment such as small arms and light weapons (SALW) other than portable guided missiles such as man-portable air defence systems (MANPADS) and guided anti-tank missiles. Trucks, artillery under 100-mm calibre, ammunition, support equipment and components (other than those mentioned above), repair and support services or technology transfers are also not included in the database. It also does not include so-called dual-use goods (products and technologies normally used for civilian purposes but which may have military applications). See <https://www.sipri.org/databases/armstransfers/background> for more details on the various types of conventional arms included in the database.

Table 1: Main arms importers\*, 2010-2016, ranked by SIPRI trend-indicator value (TIV, in millions)

Rank (0-173)	Country	SIPRI TIV, 2010-2016
1	India	24.902
2	Saudi Arabia	13.994
3	China	8.554
4	UAE	8.410
5	Pakistan	7.765
6	Australia	7.711
7	Algeria	7.273
8	South Korea	6.442
9	Turkey	5.975
10	United States	5.684
19	United Kingdom	2.791
20	<b>Azerbaijan</b>	2.645
46	Kazakhstan	1.100
51	Russia	766
57	<b>Belarus</b>	571
80	Uzbekistan	158
81	<b>Armenia</b>	152
130	<b>Georgia</b>	24
132	<b>Ukraine's Rebels</b>	24
139	<b>Ukraine</b>	19
	Total	198.156

Source: SIPRI Arms Transfers Database (accessed 24 February 2018)

\* Moldova has no significant arms imports (2010-2016), i.e. arms imports are less than 0.5 million SIPRI TIV units.

Table 2 shows the main arms exporters, using the same methodology, with the US and Russia clearly in the lead. Some larger EU Member States (Germany, France, the UK, Spain and Italy)

are in the top-10 of global arms exporters, as well as Ukraine (rank 9). Belarus also has considerable arms exports (rank 18); the levels of arms exports of Moldova and Georgia are low,<sup>3</sup> those of Armenia and Azerbaijan are insignificant.

Table 2: Main arms exporters\*, 2010-2016, ranked by SIPRI trend-indicator value (TIV, in millions)

Rank	Country	SIPRI TIV, 2010-2016
1	United States	64.359
2	Russia	48.015
3	Germany	11.993
4	China	11.519
5	France	11.226
6	United Kingdom	8.761
7	Spain	5.650
8	Italy	5.291
9	<b>Ukraine</b>	4.724
10	Israel	4.461
18	<b>Belarus</b>	881
21	Uzbekistan	520
52	<b>Moldova</b>	11
55	<b>Georgia</b>	7
	Total	198.156

Source: SIPRI Arms Transfers Database (accessed 24 February 2018)

\* Armenia and Azerbaijan have no significant arms exports (2010-2016), i.e. arms exports are less than 0.5 million SIPRI TIV units.

A closer look at Ukrainian arms exports (table 3) shows that Ukraine is a truly global player, exporting (in the period 2010-2016) to 41 different countries. Arms exports in the region concern Russia mainly; such exports have taken place throughout the 2010-2016 period and reached their highest level (169 million SIPRI TIV) in 2016, i.e. arms exports from Ukraine to

<sup>3</sup> Their ranking is relatively high, but this is due to the fact that most of the countries in the SIPRI database do not export any arms at all.



Russia do not seem to have suffered from the 2014 annexation of Crimea by Russia and the conflicts in the Donbass region.

Table 3: Main and selected destination countries of Ukrainian arms export (2010-2016), by SIPRI TIV (in millions)

		SIPRI TIV, 2010-2016
	Total arms exports Ukraine	4.724
Rank (0-41)	Country	
1	China	1.031
2	Russia	653
3	Thailand	348
4	Ethiopia	347
5	India	287
6	DR Congo	246
7	Iraq	226
8	Sudan	224
9	Pakistan	221
10	Equatorial Guinea	152
13	Kazakhstan	78
16	Azerbaijan	63
24	Belarus	19
31	Armenia	7

Source: SIPRI Arms Transfers Database (accessed 24 February 2018)

The other EaP country that has considerable arms exports, Belarus, also operates globally, and exports to 13 countries, as shown by table 4.

Table 4: Main destination countries of Belarus arms export (2010-2016), by SIPRI TIV (in millions)

		SIPRI TIV, 2010-2016
	Total arms exports Belarus	881
Rank (0-13)	Country	
1	Yemen	191
2	China	170
3	Viet Nam	150
4	Azerbaijan	129
5	Sudan	118
6	Myanmar	57
7	Iran	15
8	Iraq	14
9	Libya	14
10	Angola	10

Source: SIPRI Arms Transfers Database (accessed 24 February 2018)

In what way are the six EaP countries involved in intra-EaP arms trade? Table 5 includes the four EaP countries involved in such trade (Armenia, Azerbaijan, Belarus and Ukraine; Georgia and Moldova are not involved). The four main arms trade flows are from Belarus to Azerbaijan (129 million SIPRI TIV), from Ukraine to Azerbaijan (63 million SIPRI TIV), from Ukraine to Belarus (19 million SIPRI TIV) and from Ukraine to Armenia (7 million SIPRI TIV).

Table 5: Intra-EaP countries\* arms trade (2010-2016), SIPRI trend-indicator value (TIV, in millions)

To From	Armenia	Azerbaijan	Belarus	Total
Belarus	-	129	x	129
Ukraine	7	63	19	89
Total	7	192	19	218

Source: SIPRI Arms Transfers Database (accessed 24 February 2018)

\* No significant intra-EaP arms trade for Moldova and Georgia (2012-2016).

Finally, table 6 shows where non-intra EaP arms imports by EaP countries come from, by looking at three main exporting blocs: Russia, the US and Canada, and the EU. The last column indicates intra-EaP arms imports. Such intra-EaP imports are of very limited importance, as it is the role (as arms exporters) of both the US/Canada and the EU in the case of Belarus, Armenia and Azerbaijan. These countries depend heavily on arms imports from Russia. This is especially true for Belarus and Armenia; Azerbaijan also has significant arms imports from other countries (such as Israel, Turkey and South Africa).

Georgia and Ukraine get their arms from the US/Canada and the EU (with no role for Russia) but the levels of import, as shown by the SIPRI TIV levels, are far less than Russian arms exports to the three other EaP countries.

Table 6: Arms exports from Russia, the US & Canada, and EU to EaP area destinations\* (2010-2016); SIPRI trend-indicator value (TIV, in millions), and as % of total arms imports for each EaP area destination

	Russia		US & Canada		EU		Intra-EaP	
	TIV	%	TIV	%	TIV	%	TIV	%
Ukraine rebels	24	100%	-	0%	-	0%	-	0%
Belarus	550	96%	-	0%	-	0%	19	3%
Armenia	142	93%	-	0%	-	0%	7	5%
Azerbaijan	1.916	72%	4	< 1%	-	0%	192	7%
Georgia	-	0%	17	71%	7	29%	-	0%
Ukraine	-	0%	13	68%	6	32%	-	0%

Source: SIPRI Arms Transfers Database (accessed 24 February 2018)

\* Moldova has no significant arms imports (2010-2016).

Obviously, dependency on Russia, the US/Canada and the EU in terms of arms imports, should be related to the importance of domestic arms industry. For example, Ukraine has limited arms imports, but it is the only EaP country with a company (UkrOboronProm) in the SIPRI 2016 global top-100 of arms producers. Comparable data on defense industry size for the EaP countries are however hardly available. As a proxy, table 7 shows military expenditure as a percentage of GDP for the EaP countries in 2016, with relatively high figures for Armenia, Azerbaijan and Ukraine.

Table 7: Military expenditure as a percentage of GDP (2016), EaP countries

Armenia	4.0%
Azerbaijan	4.0%
Belarus	1.3%
Georgia	2.2%
Moldova	0.4%
Ukraine	3.8%

Source: SIPRI Military Expenditure Database (accessed 25 February 2018)

### Regulatory frameworks for arms export control

The regulatory framework for arms export control consists of two layers. Globally, there is the *Arms Trade Treaty*, within the framework of the UN. The ATT entered into force on December 24, 2014. All 28 EU Member States have signed and ratified this treaty. The treaty obliges the treaty parties to set up effective national control regimes for arms exports (article 4). It lists some situations in which arms trade is not allowed. Arms export is not allowed in the case of a UN arms embargo (article 6-1). It is also not allowed when the arms have the potential to be used in genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949, attacks directed against civilian objects or civilians protected as such or other war crimes as defined by international agreements (article 6-3). In other cases countries have to assess, in an objective and non-discriminatory manner, the potential that the arms (a) would contribute to or undermine peace and security; (b) could be used to (i) commit or facilitate a serious violation of international humanitarian law; (ii) commit or facilitate a serious violation of international human rights law; (iii) commit or facilitate an act constituting an offence under international conventions or protocols relating to terrorism to which the exporting State is a Party; or (iv) commit or facilitate an act constituting an offence under international conventions or protocols relating to transnational organized crime to which the exporting State is a Party. As the ATT is relatively young, current activities of the UNODA (United Nations Office for Disarmament Affairs) focus on implementation matters.

For EU Member States, similar regulation has been in place for a longer time. In 2008, the Council adopted Common Position 2008/944/CFSP which defines common rules governing the control of exports of military technology and equipment, replacing an earlier political agreement, the 1998 EU Code of Conduct on arms exports. With this Common Position, the EU is the only regional organization that has a legally binding arrangement on conventional arms exports. The aim of the Common Position is convergence of EU Member States' arms

export control regimes (i.e. control systems as well as arms trade policies). However, ultimately arms exports remain a matter of national competence.<sup>4</sup>

Similar to the later ATT, the Common Position defines a number of criteria which Member States have to take into account when making decisions on arms exports (in practice: decisions on export licenses). These are the so-called eight common criteria (see below) which are regarded as minimum standards. The coverage of the Common Position and of the export items controlled is defined in the common EU Military List, consisting of 22 different categories of arms, munitions, military equipment and technologies. The EU Military List is aligned with the Wassenaar Arrangement (a voluntary export controls regime for conventional arms and dual-use items) and is regularly updated. The Common Position is implemented according to the User's Guide developed within the Council's COARM working party. An important part of the control regime is transparency and the regular provision of information (through national arms exports reports and through information transfer to the Council).

The eight common criteria are as follows: (1) respect for the international obligations and commitments of EU Member States, particularly sanctions (including arms embargos) and international agreements; (2) respect for human rights and international humanitarian law by the recipient country; (3) the internal situation in the recipient country; (4) risks to regional peace, security and stability; (5) national security of the Member States as well of their friends and allies; (6) behavior of the buyer country towards the international community, including its attitude to terrorism and respect for international law; (7) risk of diversion towards an unauthorized end-user or end-use; and (8) compatibility of the arms exports with sustainable development in the recipient country. The assessments, made by EU Member States, based on these criteria, are made on a case-by-case basis.

The Common Position has been reviewed by the Council twice (in 2012 and 2015) and the next review is foreseen for 2018. Despite the reviews and subsequent changes made to the guidelines for implementation, the regulatory framework that the Common Position provides is not without problems. The interpretation of the criteria of the EU Common Position still differs among EU Member States and exports of military equipment continue to countries, which are problematic due to a critical human rights situation or the danger of an internal conflict.<sup>5</sup> Although the Common Position aims at providing a common framework and at convergence, in reality there are 28 different systems of implementation and interpretation of the Common Position criteria is not very uniform.<sup>6</sup> National control systems differ considerably regarding

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<sup>4</sup> Arms exports have always been exempted from the Common Trade Policy regime. The trade in so-called dual-use goods is part of the Common Trade Policy and regulated directly and binding by means of a Council Regulation (Council Regulation (EC) No 428/2009 of 5 May 2009).

<sup>5</sup> Jan Grebe, *Harmonized EU Arms Exports Policies in Times of Austerity? Adherence to the Criteria of the EU Common Position on Arms Exports* (Bonn: Bonn International Center for Conversion, 2013), 29, [https://www.bicc.de/uploads/tx\\_bicctools/EU\\_arms\\_exports\\_policies.pdf](https://www.bicc.de/uploads/tx_bicctools/EU_arms_exports_policies.pdf) (accessed 25 February 2018).

<sup>6</sup> European Parliament, Directorate-General for External Policies/Policy Department, *Workshop on the Implementation of the EU arms export control system*, EP/EXPO/B/SEDE/FWC/2013-08/Lot6/14, Brussels, May 2017, 7, [http://www.europarl.europa.eu/RegData/etudes/IDAN/2017/578047/EXPO\\_IDA\(2017\)578047\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/IDAN/2017/578047/EXPO_IDA(2017)578047_EN.pdf) (accessed 25 February 2018).

their historical and political-cultural context, their embedding in national institutions, in material scope, in licensing systems and in the use of end-controls.<sup>7</sup> National approaches and practices to penalizing export control offences also vary considerably.<sup>8</sup> Domestic transparency and democratic control systems differ<sup>9</sup> and not all Member States (fully) comply with the reporting and transparency obligations that follow from the Common Position framework, especially in terms of providing detailed and disaggregated information on (granting and denial of) export licenses.<sup>10</sup> Even though the EU and national governments have been trying to reduce the administrative burden of compliance with arms exports control rules, setting up adequate Internal Compliance Programmes (ICPs) by producers is complicated and costly.<sup>11</sup>

Although the introduction of legislation regarding arms exports control has had some influence at the national level in terms of increased transparency and assessments of what to export to which destinations, the different interests of EU Member States with regard to foreign and security policy continue to affect processes of policy convergence. Member States still have a significant level of autonomy in implementing the Common Position.<sup>12</sup> In spite of the development of a shared Europeanised basis for national arms export control systems, national sensitivities and foreign policy priorities continue to influence national systems.<sup>13</sup>

### Arms export control and EaP Association/Partnership Agreements

Georgia is the only EaP country that has signed and ratified (on May 23, 2016) the UN ATT. Ukraine is a signatory to the ATT, but has not ratified. Moreover, differences consist between the way arms export control has been treated in the various agreements between the EU and the EaP countries. With regard to arms exports control, the provisions in the AAs with Georgia and Moldova (and in the new Comprehensive and Enhanced Partnership Agreement with Armenia) are slightly more elaborate than in the AA with Ukraine.<sup>14</sup>

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<sup>7</sup> Diederik Cops, Nils Duquet and Gregory Gourdin, *Towards Europeanized arms exports controls? Comparing control systems in EU Member States* (Brussels: Flemish Peace Institute, 2017).

<sup>8</sup> Sybille Bauer, "Penalties for export control offences for dual-use and export control law: a comparative overview of six countries," SIPRI, 2014, 15, <http://www.sou.gov.se/wp-content/uploads/2014/11/e5745b3d.pdf> (accessed 25 February 2018).

<sup>9</sup> Cops, Duquet and Gourdin, *Towards Europeanized arms exports controls? Comparing control systems in EU Member States*, 179.

<sup>10</sup> European Parliament, Directorate-General for External Policies/Policy Department, *Workshop on the Implementation of the EU arms export control system*, 8.

<sup>11</sup> Sybille Bauer, Kolja Brockmann, Mark Bromley and Giovanna Maletta, *Challenges and good practices in the implementation of the EU's arms and dual-use export controls. A cross-sector analysis* (Stockholm: SIPRI, 2017).

<sup>12</sup> SIPRI, *Literature review for the Policy and Operations Evaluations Department of the Dutch Ministry of Foreign Affairs. Final Report*, Stockholm, 2017, 15.

<sup>13</sup> Cops, Duquet and Gourdin, *Towards Europeanized arms exports controls? Comparing control systems in EU Member States*, 187.

<sup>14</sup> Guillaume Van der Loo, "The EU's Association Agreements and DCFTAs with Ukraine, Moldova and Georgia: A Comparative Study," CEPS, Brussels, 2017, 5, [http://www.3dcftas.eu/system/tdf/Comparative%20GVDL%202024.6.17\\_final\\_0.pdf?file=1&type=node&id=360](http://www.3dcftas.eu/system/tdf/Comparative%20GVDL%202024.6.17_final_0.pdf?file=1&type=node&id=360) (accessed 25 February 2018).

Table 8 shows the use of various clauses on arms export control in the EaP agreements. The agreements with Azerbaijan and Belarus only state that both parties (the EU Member States and the EaP country) ultimately are autonomous in deciding on arms trade issues. The AA with Ukraine does not refer to the EU Common Position, as is done in the AAs with Moldova and Georgia and in the new CEPA with Armenia.

Table 8: Use of various clauses on arms export control in EaP agreements

	(1)	(2)	(3)	(4)	(5)
Armenia (CEPA, signed 24-11-2017)	--	Art. 5(1)	--	Art. 10(4)	Art. 202, 368
Azerbaijan (PCA, in force since 1999)	--	--	--	--	Art. 90
Belarus (1989 TCA of the EU with Russia, endorsed by Belarus)	--	--	--	--	Art. 16
Georgia (AA, entry into force 1-7-2016)	--	Art. 5(1)	--	Art. 11(4)	Art. 136, 415
Moldova (full entry into force July 2016)	--	Art. 5(1)	--	Art. 10(4)	Art. 263, 446
Ukraine (AA, full entry into force 1-9-2017)	Preamble	Art. 7(1)	Art. 12	---	Art. 143, 472

(1)=General commitment to (inter alia) international obligations and to cooperation on arms control

(2)= Intensified dialogue and cooperation in area of foreign and security policy, including CDSP, addressing (inter alia) arms exports control

(3)= Cooperation on disarmament shall also include (...) arms export controls. The Parties shall promote universal adherence to, and compliance with, relevant international instruments and shall aim to ensure their effectiveness, including through implementation of the relevant United Nations Security Council Resolutions

(4)= Parties agree to continue to cooperate in the area of conventional arms export control in the light of the Council Common Position 2008/944/CFSP of 8 December 2008, defining common rules governing control of exports of military technology and equipment

(5)= Nothing in this Agreement shall prevent a Party from taking any measures (a) which it considers necessary to prevent the disclosure of information contrary to its essential security interests; (b) which relate to the production of, or trade in, arms, munitions or war materials or

to research, development or production indispensable for defence purposes, provided that such measures do not impair the conditions of competition in respect of products not intended for specifically military purposes

As the new CEPA with Armenia is not yet in force, Georgia is currently the only EaP country that has aligned itself with the criteria and principles of the EU Common Position on arms export control. This is, by the way, also true for some other non-EU countries: Albania, Bosnia and Herzegovina, Canada, the Former Yugoslav Republic of Macedonia, Iceland, Montenegro and Norway. A specific information exchange system between the EU and third countries aligned with the Common Position has been in place since 2012.

Although not specifically designed for the EaP countries, the EU uses various outreach activities (P2P or Partner-to-Partner activities) in third countries to promote both ATT and EU Common Position implementation, based on Council Decisions 2013/768/CFSP, 2015/2309/CFSP and 2017/915/CFSP. Such activities are run by the COARM working group. A COARM Regional Seminar was held on 20-21 October 2016 in Yerevan and was attended by representatives from Armenia, Belarus, Georgia, Moldova and Ukraine.

The outreach activities partly deal with technical assistance issues aiming at enhancement of the arms control systems as such in the light of the primary historical goals of arms export control (as outlined in the introduction): prevention of traded arms ending up in black and grey arms markets. From that perspective, a study from 2012 found that in the case of Ukraine, by means of technical assistance programs run by the US in the late 1990s and early 2000s, the control systems of Ukraine were effective.<sup>15</sup> What is however interesting here is the question to which extent Ukraine adheres to the 'new' principles of arms export control, such as the criteria laid down in the ATT and the EU common position.

### **Towards convergence in arms export control?**

Obviously, given its position (and ambitions) as main arms exporter and in the light of the limited provisions on arms export control in the EU-Ukraine AA (i.e. no alignment with the EU Common Position), Ukraine is the most relevant and most problematic EaP country in terms of convergence in arms export control between the EU and the EaP region. The question then is to what extent Ukraine has recently made arms exports that, from the perspective of the EU Common Position, may be regarded as contestable.

Table 9 gives an overview of such exports. It lists exports (for the period 2010-2016) by Ukraine to countries that no EU Member State has exported arms to. It also lists exports by Ukraine to countries which were subject to (UN, EU or OSCE) arms trade embargoes during

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<sup>15</sup> Centre for Army, Conversion and Disarmament Studies, *Challenges Facing Arms Export Control in Ukraine and the Russian Federation*, DCAG Regional Programmes Series 14, Geneva Centre for the Democratic Control of Armed Forces, August 2012.



which embargoes EU Member States complied with such embargoes and did not export arms. Table 9 thus shows destination countries which in terms of arms export have been considered 'no go areas' by EU Member States, but to which Ukraine has exported arms. Ukraine has been involved with seven such destination countries in the 2010-2016 period.

Table 9: Arms exports from Ukraine (2010-2016) to countries to which EU Member States have not exported arms in the same period; in the case of embargos: arms exports from Ukraine in the embargo period to countries to which EU Member States have not exported arms during the embargo period

Country	Embargo in place?
Armenia	-
Azerbaijan	OCSE embargo on arms export to forces in combat in Nagorno-Karabakh, since 28-2-1992
Belarus	EU embargo since 20-6-2011
Central African Republic	Mandatory UN embargo since 5-12-2003 EU embargo since 23-12-2013
Russia	EU embargo since 31-7-2014
Sudan	Mandatory UN embargo since 30-7-2004 (Darfur region) EU embargo since 15-3-1994, incl. South Sudan since 18-7-2011
Tanzania	-

Sources: SIPRI Arms Transfers Database (accessed 24 February 2018) and SIPRI Arms Embargo archive (accessed 25 February 2018)

However, as it was discussed above, within the EU arms export control is still a domestic issue and differences in the interpretation of the EU Common Position have also given rise to contestable arms trade by EU Member States themselves. Especially arms exports to the Middle East have over the last 10-15 years resulted in much debate and have triggered the enhancement of the EU common framework. For example, arms exports by EU Member States to Libya, in 2005-2010, i.e. prior to the Libyan civil war, have prompted a critical re-assessment of the EU's control regime<sup>16</sup> and contributed to the establishment (in 2011) of a weapon embargo. Still, as it is shown by table 10, some EU Member States regularly are in

<sup>16</sup> Susanne Therese Hansen and Nicholas Marsh, "Normative power and organized hypocrisy: European Union member states' arms export to Libya," *European Security* 24, 2 (2015): 264-286, <http://dx.doi.org/10.1080/09662839.2014.967763> (accessed 25 February 2018).

breach<sup>17</sup> of such embargos. In some cases (exports to China, DR Congo and Iraq) they find themselves in the company of Ukraine.

Table 10: Contestable arms exports from EU Member States (2010-2016)

Country of destination	By EU Member States	Embargo in place?	Arms exports by Ukraine in embargo period?
China	France, Germany, UK (all years)	EU embargo since 27-6-1989	Yes (2012-2016)
Cote d'Ivoire	France (2014, 2015)	Mandatory UN embargo from 15-11-2004 till 28-4-2016 EU embargo from 15-11-2004 till 9-6-2016	No
DR Congo	Bulgaria (2013, 2015)	Mandatory UN embargo since 28-7-2003 (arms sales to non-governmental forces) EU embargo (NGF) since 2003	Yes (2010, 2012)
Egypt	Bulgaria (2014), Finland (2016), France (2014-2016), Germany (2014-2016), Italy (2015), Netherlands (2015), Slovakia (2015), Spain (2014-2016)	EU embargo in place since 21-8-2013	No
Guinea	France (2014)	EU embargo from 27-10-2009 till 14-6-2014	No
Iraq	Bulgaria (2014-2016), Czech Republic (2014-2016), Estonia (2015), France (2010, 2011-2012), Germany (2014-	Mandatory UN embargo since 2004 (arms sales to non-governmental forces) EU embargo since 2004 (NGF)	Yes (2010-2013)

<sup>17</sup> This may be a matter of interpretation as some embargoes allow arms exports based on previous contracts. Also, some embargoes allow exports to the official government-in-force, but not to non-governmental forces.

	2016), Spain (2015-2016)		
Lebanon	Belgium (2010), France (2011, 2013, 2015), Italy (2014-2016)	Mandatory UN embargo since 11-8-2006 (arms sales to non-governmental forces, NGF) EU embargo in place since 15-9-2006 (NGF)	No
Libya	Italy (2013)	Mandatory UN embargo since 26-2-2011 (except for exports to new Libyan National Transitional Council) EU embargo since 28-2-2011	No
Somalia	France (2016), Italy (2015), UK (2013)	EU embargo since 10-12-2002	No
Ukraine	UK (2015)	EU embargo from 20-2-2014 till 16-7-2014	--

Sources: SIPRI Arms Transfers Database (accessed 24 February 2018) and SIPRI Arms Embargo archive (accessed 25 February 2018)

## Discussion and conclusion

Although arms export control is addressed in all EU-EaP agreements, overall the issue of arms export control does not seem to have a lot of priority in the EaP. Going on the final statement,<sup>18</sup> the issue of arms export control was also not at all addressed during the Eastern Partnership Summit in Brussels on November 24, 2017.

Only in the cases of Georgia and Moldova the AAs do stipulate that cooperation on arms export control will take place in the light of the EU Common Position, as does the new CEPA with Armenia. Of these three countries only Georgia has fully aligned its arms export control regime with the EU Common Position. The cooperation with Belarus and Azerbaijan is done on the basis of rather old agreements, in which the sovereignty of countries in issues of arms trade is highlighted, without any measures aiming at convergence of arms export control regimes. In the case of Ukraine such convergence is paid lip service without proper reference to the EU Common Position. Out of the six EaP countries only Georgia fully participates in the UN ATT; Ukraine's ratification is still pending; the others are not signatories to the ATT.

<sup>18</sup> Council of the European Union, *Joint Declaration of the Eastern Partnership Summit*, COEST 324, 14821/17, Brussels, 24 November 2017.

Leaving aside Belarus, given the difficulties in the development of its relationship with the EU, the focus of the EU in terms of arms exports control in the EaP area should be on Ukraine. Ukraine is a main exporter of arms and has the ambition to significantly expand its arms export activities. Given the already problematic implementation of the EU common position, with various Member States taking decisions on arms exports that are at best questionable from the logic of the criteria of the EU Common Position, Ukraine adds to the overall lack of convergence in wider Europe as it exports regularly to countries that are 'no go areas' for EU Member States and/or acts in line with those EU Member States that do not show best practices in their arms exports.

Finally, from the perspective of regional conflicts with the EaP area, the role of Russia (which is not a signatory to the UN ATT) as arms exporter (and as house supplier of arms to Azerbaijan) requires further research.

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## EASTERN PARTNERSHIP COUNTRIES BETWEEN TWO MODELS OF REGIONAL INTEGRATION (HARD VS. SOFT CHOICE)<sup>1</sup>

*Vladimir ZUEV*

**Abstract.** The author suggests a hypothesis that the choice of the model of integration may be a more important implication for a country's future than estimated figures of the economic benefits and losses for the concrete branches of the national economy. The focus of the proposed paper is in outlining the basic differences between the two models of the regional integration, represented by the EAEU and the EU. Thus, the fundamental differences in the essence of the models of cooperation should determine above all the readiness of the Eastern Partnership countries (EPCs) to be aligned or eventually to enter one of the two different unions.

**Keywords:** integration, Eastern Partnership, EU, EAEU, FTA.

### Introduction

Eastern Partnership countries (EPCs) are making or will make eventually a hard political choice which is not only about choosing external preferential partners, but which to a large extent will predetermine the pattern of interaction with neighbors and will touch upon the basics of the functioning of the state institutions, including such fundamental concepts as the boundaries to sovereignty, supranational security and the readiness to share some competences with other members of the regional blocs.

From what we see today we can assume that Belarus and Armenia are inclined to be rather closer with the Eurasian Economic Union (EAEU). The meaning of this is implementing a soft integration concept, but with frequent reliance on the hard power politics. Ukraine and Georgia are inclined to be closer to the European Union, which in practical terms means undertaking soft power politics, but implementing the hard integration concept. Azerbaijan and Moldova find themselves to a different degree somewhere in between these two radically different fundamental policy options. For them, it is all the more important to fully take into account the implications of their choice.

Many experts make a point on similarities between the EU and the EAEU models of integration. There are many similarities. Some elements of the EU model have been implemented in the modified version into the EAEU model. However, both blocs do have fundamental differences in the modus operandi from a theoretical and from a practical point of view. The meaning of this is that the implications of a choice between preferential partners will be very much different and will be of a fundamental character.

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## Literature Review

There are two major blocs of literature proper to this study. The one is about the forms of regional integration and another one is about a set of consequences for different countries of joining the regional trade agreements (RTAs).

Bella Balassa introduced the currently prevailing and largely acknowledged regional integration forms classification back in 1961.<sup>2</sup> The forms corresponded to intergovernmental integration realities at that moment in time. There have been corrections since then both in the theory and in practice, as observed in Mattli and Sweet 2012.<sup>3</sup> Different authors made attempts to further develop the classification.<sup>4</sup> The initial perception of forms of integration has been widely used and slightly modified by every distinguished researcher in this field of studies as one can see from an overview by Hosny.<sup>5</sup> With those adjustments in place, analytical logic in regional integration theory was lost to some extent. R. Baldwin proposed a free trade area to follow a preferential trade agreement, or to merge it with the preferential economic agreement.<sup>6</sup> C. Closa acknowledged that 'initiatives such as UNASUR and ALBA ... did not correspond to the traditional Balassa stages model.'<sup>7</sup> Some authors do not distinguish the conceptual difference in the meaning of a single or a common market. Some analysts position a political union as the final point of economic integration.<sup>8</sup> Analysts either consider an economic union as a separate form of integration, or couple it with a social union, or with a monetary union. They present an economic and a monetary union either separately or jointly as a combined form of integration. Sometimes researchers perceive the monetary union as a specific form of an economic union: 'The extreme case of an Economic union could be a Monetary union.'<sup>9</sup> In fact, the EU launched the Economic union jointly with the monetary union,<sup>10</sup> though B. Balassa introduced an Economic union as a separate form of integration in his theory.

It seems the coherent understanding of the economic integration forms is missing. An absence of a clear distinction between the forms of economic integration misleads specialists around the world. 'Neither past experience nor traditional trade theory provides an adequate guide to

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<sup>2</sup> Bela Balassa, *The Theory of Economic Integration* (London: G. Allen & Unwin Ltd, 1961), 2-12.

<sup>3</sup> Walter Mattli and Alec Stone Sweet, "Regional Integration and the Evolution of the European Polity: On the Fiftieth Anniversary of the Journal of Common Market Studies," *Journal of Common Market Studies* 50, 1 (2012): 1-17.

<sup>4</sup> Giandomenico Majone, "Positive and Negative Integration," in *Dilemmas of European Integration: The Ambiguities and Pitfalls of Integration*, ed. Giandomenico Majone (Oxford: Oxford Scholarship Online, 2006).

<sup>5</sup> Amr Sadek Hosny, "Theories of Economic Integration: a Survey of the Economic and Political Literature," *International Journal of Economy, Management and Social Sciences* 2, 5 (2013): 133-155.

<sup>6</sup> Richard E. Baldwin, "Sequencing regionalism: theory, European practice and lessons for Asia," *ADB Working Paper Series on Regional Economic Integration* 80 (June 2011).

<sup>7</sup> Carlos Closa, "Mainstreaming regionalism," *European University Institute Robert Schuman Centre for Advanced Studies Working Paper RSCAS* (December 2015): 7.

<sup>8</sup> Bela Balassa, "Economic integration," in *The New Palgrave Dictionary of Economics*, eds. John Eatwell, Murray Milgate and Peter Newman (New York: Stockton Press, 1987).

<sup>9</sup> Hosny, "Theories of Economic Integration: a Survey of the Economic and Political Literature," 134.

<sup>10</sup> *Treaty Establishing the European Union*, Maastricht, 1993.



current regional arrangements.<sup>11</sup> The meaning of regional and sub-regional unions, created across time in various parts of the globe is not the same. According to Fendel and Maurer, 'Latin Monetary Union (LMU) of 1865 had more similarities with the European communities' common monetary system (CMS), rather than with the European monetary union (EMU) although they both were called "unions".<sup>12</sup> Many researchers called forms of integration as stages of integration.

As a result, the theory of the forms of economic integration is presently quite vague and lacks an analytical logic, though the need to distinguish what is integration and what is not is great. However, since 1961, there has been no major revision of the theory of the forms of economic integration. As has been confirmed many times, the original Balassa theory is still the best so far and most relevant. This research lacuna is even more surprising, as the economic integration itself has changed in many ways within these fifty five years of rapid evolution. During this evolution, integration has embraced new areas, changed its scope and its geography, and definitely and not surprisingly its forms! Thus, the current point in time would be appropriate for advancing new ideas pertaining to the core concepts of forms of economic integration.

The second bloc of literature, relevant to this study touches upon the topic of the effects of economic integration on national economies in general and on European Partnership countries, in particular, studied by many authors (Bhagwati 1993; El-Agra 1988; Lipsey 1960; Viner 1950; Wallace 1990 and others).<sup>13</sup>

A special value to develop the understanding of the effects on the EPCs and Moldova in particular was brought by several studies made by Prof. Elena Korosteleva with a team of experts under the research commissioned by the University of Kent in 2014 and afterwards.<sup>14</sup> Another interesting input into the topic was made by Jana Kobzova.<sup>15</sup> Some authors provided estimates of benefits and losses for the EPCs dealing with either union – the EU or the EAEU.<sup>16</sup>

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<sup>11</sup> Robert Lawrence, *Regionalism, Multilateralism, and Deeper Integration* (Washington, DC: Brookings Institution Press, 1996), 6.

<sup>12</sup> Ralf Fendel and David Maurer, "Does European History Repeat Itself? Lessons from the Latin Monetary Union for the European Monetary Union," *Journal of Economic Integration* 30, 1 (2015): 93-120.

<sup>13</sup> Jagdish Bhagwati, "Regionalism and multilateralism: an overview," in *New Dimensions in Regional Integration*, eds. Jaimie De Melo and Arvind Panagariya (Cambridge: Cambridge University Press, 1993); Ali M. El-Agra, *International Economic Integration* (London: Macmillan, 1988); Michelle Egan, *Single Markets. Economic Integration in Europe and the United States* (Oxford: Oxford University Press, 2015); Richard G. Lipsey, "The Theory of Customs Unions: a General Survey," *The Economic Journal* 70, 279 (1960): 496-513; William Wallace, "Introduction: the Dynamics of European Integration," in *Dynamics of European Integration*, ed. William Wallace, 1-24 (London: Pinter / RIIA, 1990).

<sup>14</sup> Elena Korosteleva, Michal Natorski and Licinia Simao, eds., *EU Policies in the Eastern Neighbourhood: the practices perspective* (London: Routledge, 2014).

<sup>15</sup> Jana Kobzova, "Can the Eastern Partnership work?," *European View* 1, 2 (November 2012).

<sup>16</sup> Thorvaldur Gylfason, Inmaculada Martínez-Zarzoso and Per Magnus Wijkman, "Free Trade Agreements, Institutions and the Exports of Eastern Partnership Countries," *JCMS* 53, 6 (November 2015): 1214-1229.

## The Forms of Regional Integration

When the states consider choosing the preferential regional bloc to align with, they should take into account the forms in which the integration between them and the regional bloc should take place.

The original classification of the forms of economic integration was proposed by B. Balassa. He defined five economic integration forms: Free trade area, Customs union, Common market, Economic union and Full economic integration.<sup>17</sup> To devise the forms of integration, B. Balassa used a criterion of the 'degree of discrimination' between states.<sup>18</sup> This was a justified approach for that period in time.

It might be sufficient to apply the criterion of 'degree of discrimination' when we contemplate the elimination of barriers to trade (FTA) or of extra barriers to the movement of capital, people and services within a common market. However, when we consider the difference between these two forms of integration and the customs union, we find within the latter not only the elimination of barriers to trade but also a common external trade policy in relation to other countries.<sup>19</sup> Thus, it is not possible to explain the difference only in terms of degree of discrimination. The economic union or other later established unions' (Energy union, Fiscal union) notion's difference in quality also remains unclear, if considered simply from the fact of the elimination of discrimination in trade. The Economic union appears when the co-ordination of macro-economic policies starts. The co-ordination of policies consists of more than merely opposing discrimination; it is more significant, especially in cases of macro-economic policy co-ordination.

The first conclusion to advance the reasoning of the classification of integration forms is that when trying to identify a form of integration and to assess the level of it we should consider not only the degree of elimination of different barriers, which is an equivalent to negative integration, but we should take into account something positive, created by the states as an outcome of the integration.<sup>20</sup>

One more important note: not only FTA's and trade liberalization are at the heart of the evolution of the forms of integration. C. Closa puts it in the following way: 'Connecting with the paradigm of "regionalism as trade", there also exist large N of studies; this applies in particular to Free Trade Agreements. But, diluting regionalism within trade makes little conceptual sense.'<sup>21</sup> Thus, there should be something else to consider as a criterion for the classification. It seems necessary to add up an extra criterion for classification of the forms of integration.

I have studied many common regional policies in areas like transport, energy, ecology, competition, education, migration and others. The analysis of the empirical data on the multiplicity of policies in regional co-operation around the world, especially within the EU as the

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<sup>17</sup> Balassa, "Economic integration."

<sup>18</sup> Balassa, *The Theory of Economic Integration*, 2-12.

<sup>19</sup> Jacob Viner, *The Customs Union Issue* (New York: Carnegie Endowment for International Peace, 1950).

<sup>20</sup> El-Agra, *International Economic Integration*.

<sup>21</sup> Closa, "Mainstreaming regionalism."

most advanced regional bloc, makes me to rethink the classification of the codified forms of integration. After re-systemizing the forms in which co-operation takes place, I assume that a longer list of them is necessary. I suggest adding up the criteria of the level of co-ordination and unification of economic policies to the criterion of the elimination of barriers to the production factor movement. In order to have an idea to which extent integration went forward, there is a need to assess the scope and maturity of the co-ordination of national policies between the states. The regional integration experience demonstrates that eliminating barriers to production factor movement is not sufficient to compete globally. The co-ordination of policies proves to be an important element to increase the efficiency of regional co-operation. Above all, it will accurately testify to the achieved level of unity – the essence of integration. The density of co-operation is no less important than the elimination of discrimination.

Distinguishing between the level of co-ordination and the level of unification of policies helps to reveal the differences in the degrees of application of the common and single elements in different forms of co-operation within blocs of states. If we talk about the deep integration, then the higher the form of integration the greater the loss of national competences.<sup>22</sup> In other words, I suggest considering the extent to which the supranational components (single elements) prevail within an area as another indicator of the maturity of this area's integration, meaning the passage to a new form of integration. This indicator is highly revealing. The process of deep integration resides in the making of a single entity from several separate parts, and therefore, the more unified elements are found within a policy, the more it is single, the more integrated it is. To add a criterion and to continue to classify the forms of integration there is a need to review the hierarchy of policy co-operation, commonly acknowledged in other manuscripts:

- *Information*: partners inform one another on policies they pursue, they act as they think fit;
- *Consultation*: partners seek the advice of others on policies they intend to execute;
- *Co-ordination*: commits partners on actions to accomplish a *common policy* (my italics);
- *Unification*: suggests either the replacement of national policies with a bloc's policy or the adoption of a new single policy for the partners in parallel to the existing policies.

My thinking reveals that a common policy is the moment when positive integration starts and this is the reason why I choose the criterion of the level of co-ordination of policies for the classification. Co-ordination may happen by the harmonization of national legislation. Sometimes harmonization enters the hierarchy of the policy co-operation as a separate stage, but one can consider it as a sub-category of co-ordination. Agreements reached by co-ordination may not be enforceable (no sanctions), but they, nevertheless, limit the national government's actions. Unification is a higher degree of integration and, hence, the reason why it is used as an additional criterion for the classification. Thus, it appears necessary to add to

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<sup>22</sup> Egan, *Single Markets. Economic Integration in Europe and the United States*.

the criteria of the level of co-ordination of policies yet another one – the level of unification of policies to reveal in an adequate way the forms of integration.

## Two Models of Regional Integration – Two different worlds

After using an extra criterion consequently, a concise vision of the development of regional integration could be presented as follows.

Table 1: Two Models of Regional Economic Integration

<u>Soft/flexible integration model</u> <i>Co-ordination to set up common spaces, policies</i>	<u>Deep/institutional integration model</u> <i>Unification to set up single spaces, policies</i>
Free trade area – Common area	Customs union – Single trade policy
Common market	Single market
Common economic policy – Common Union	Single economic policy – Single Union
Common monetary system – Common currency	Monetary union – Single currency
Economic union – Common economic union	Full economic integration – Single economy

*Source:* Composed by the author by applying the criteria of the degree of the movement of production factors, the level of co-ordination and the level of unification of policies.

The presentation of the forms is largely different from the classical perceptions, and I subdivide the forms into two different models. Sweet and Sandholtz suggested in their study ‘a continuum that stretches between the two modes of governance: the intergovernmental and the supranational.’<sup>23</sup> They established two poles within the continuum: intergovernmental politics and the supranational politics. In this study, I share the concept of the two poles, moving further to apply it not only to politics, but to the classification of the regional integration forms as well.

In the next step of the analysis, it is important to distinguish the difference in quality in the integration forms, trying to re-group them to be part of a certain model. With this aim in mind, I assess the level of co-ordination and unification of policies (high or low) in different areas of regional cooperation, to have an idea of to what extent different cooperation patterns contain common or single elements. As a result, I advance a concept of two models of regional

<sup>23</sup> Alec Stone Sweet and Wayne Sandholtz, “European Integration and Supranational Governance,” *Journal of European Public Policy* 87 (1997): 302-303.

integration. If we compare two columns in Table 1, they differ exactly by the level of unification of policies. Indeed, whereas the FTA is a common space that is free from barriers to trade in goods, the unified external trade policy advances integration to another stage, namely, to a customs union (containing a single supranational element).<sup>24</sup>

A common market involves the elimination of barriers to production factor movement. In contrast, the establishment of rules and regulations by the institutions of a bloc for companies in order to deal in this market advances integration to the single market stage.<sup>25</sup>

A common monetary system involves the introduction of a common currency in conjunction with national currencies. A monetary union with a single currency has this supranational currency replace the national currencies and becomes the dominant element of the system.<sup>26</sup>

Within an economic union, the member countries co-ordinate their macroeconomic policies, i.e. enhance the common features of their national policies. The full economic integration stage (if it ever happens) would embrace the individual macroeconomic policies of the member states to establish a set of single macroeconomic policies as particular elements of the system. Thus, all of the integration forms can belong to either of the two basic models of integration. It means that the development of integration can take place in two major ways.

It is possible to channel it in a soft option and in a deep option (the left and the right columns of Table 1). A soft option is the most popular one around the world. My initial intention was to call two models of integration as 'soft' and 'hard'. Some authors use the terms 'shallow' and 'deep' without going into details on the forms of integration. Some authors oppose inter-governmentalism or 'the new inter-governmentalism' to integration with supra-nationalism.<sup>27</sup> After some reasoning, I concluded that 'soft' and 'deep' is more accurate a definition. The moment sovereign institutions elevate their competences in a certain area to a supranational level, a completely new quality in integration appears in which sovereign structures and policies become unified and integrated. That is why it is also appropriate to call it – institutional integration. This 'deep' option is much more penetrating, as it requires from the member states the self-limitation of sovereign authority in different areas of regulation by raising them to a common or a supranational level (sharing sovereignty). At the same time, this option represents a deeper, more solid version of integration because of the new quality: unified supranational constructions emerge out of sovereign structures.

The chosen methodology to present the classification of the integration forms in this study helps to better distinguish the important quality within the deep integration process: a drive to build single mechanisms and institutions within unified policies. I call this version of integration

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<sup>24</sup> Richard G. Lipsey, "The Theory of Customs Unions: a General Survey"; Arvind Panagariya, "Preferential trade liberalization: the traditional theory and new developments," *Journal of Economic Literature* 38, 2 (2000): 287-331.

<sup>25</sup> Jacques Pelkmans, "Economic theories of integration revisited," *Journal of Common Market Studies* 18, 4 (2008): 333-354.

<sup>26</sup> Michael Emerson and Christopher Huhne, *The ECU Report. The Single European Currency and What it Means to You* (London: Pan Books Ltd, 1991).

<sup>27</sup> Christopher J. Bickerton, Dermot Hodson and Uwe Puetter, "The New Intergovernmentalism: European Integration in the Post-Maastricht Era," *Journal of Common Market Studies* 53, 4, (2015): 703-722.

– institutional integration because sovereign state institutions are unified, thus becoming integrated. It results in the emergence of single entities. The supranational mechanism is the vital motor of the construction of these single entities between the sovereign states, and it is a distinctive feature of the integration of the second type (the right column in Table 1).

Within soft integration, one could also apply supranational instruments. Supranational institutions can be set up to co-ordinate national policies or to form a common policy. A decision-making process within the soft integration scheme could take place by relying on majority rule, where the interests of disagreeing states are not immediately accommodated for the sake of a common deal (the supranational option). The construction of deep integration in general becomes less fragile and more resistant to external shocks in comparison to soft integration because it is cemented to a much higher degree by the supranational mechanism and single institutions formed within it.<sup>28</sup>

There is never an ideal form of integration (it exists only in theory). I perceive the integration as a process, revealed in the forms, which are never perfect or strictly defined. As previously mentioned, any form can have major exemptions. The creation of a true single market has remained the EU target ever since it was formed. Some states may 'opt out' from some policies, which may result in flexible forms of integration, the 'differentiated integration.'<sup>29</sup> The strategies of the sovereign states involved, predetermine the integration pattern, as all combinations and mixtures of forms are possible. Full integration is not necessarily a final goal. The process can stop at any stage according to the sovereign states' preferences.

Initially, governments try to undertake a delicate co-ordination, to accommodate their policies to each other in a soft way by creating common elements and structures that will form the basis for proceeding with deeper integration. If this pattern is broken but the involved governments guided by political reasons insist on establishing deeper integration forms at the start of their venture, the probability is high that this venture will not enjoy success. The political union in Europe, which failed, is an illustration of this possibility. The still unsuccessful attempt to create a single currency and other single structures within the Russia-Belarus Union is another example. Thus, the assumption is that the sequence of forms from soft to deep does matter.

Different groups of countries can choose optimal patterns of integration (soft or deep) according to their preferences and take into consideration whether they are ripe for a flexible or a supranational choice. In other words, they should decide to what extent they are ready to share their sovereignty.<sup>30</sup> The majority of them show weak signs of that readiness, as

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<sup>28</sup> Fabienne Ilzkovitz, Adriaan Dierx, Viktoria Kovacs and Nuno Sousa, "Steps towards a deeper economic integration: the internal market in the 21<sup>st</sup> Century. A contribution to the Single market review," *European Economy* 271 (2007): 1-90.

<sup>29</sup> Katharina Holzinger and Frank Schimmelfennig, "Differentiated Integration in the European Union: Many Concepts, Sparse Theory, Few Data," *Journal of European Public Policy* 19, 2 (2012): 292-305; Asya Zhelyazkova, "From selective integration into selective implementation: The link between differentiated integration and conformity with EU laws," *European Journal of Political Research* 53, 4 (2014): 727-746.

<sup>30</sup> Mario Telo, *European Union and New Regionalism* (Aldershot / Burlington: Ashgate, 2007).

sovereignty remains a highly treasured public good. The EU path of fostering integration is an illustration of a choice where single institutions are extensively applied. In a group of many highly interdependent members, sharing national authority becomes sort of a necessity if one wants to preserve high-efficiency decision-making. Otherwise, reaching a unanimously approved compromise would take years to achieve among so many partners with too much different national interests, and a consensus may never occur. The EU is an example of this deep version of integration. In contrast, variations of integration in Asia tend to be more flexible. The soft option is the preferred pattern. An example, the ASEAN – the most dynamic economic integration bloc of the Asian region – is an evident case of soft integration. FTAs are spreading fast all around Asia, whereas the ASEAN countries are leading the implementation of FTA and FTA+ agreements.<sup>31</sup> This trend represents another mainstream of integration, where states are cautious towards deep integration.

To sum up: states may be involved in both types of integration, depending on the prevailing perceptions and needs. Consequently, the two columns of the table 1 represent those two economic integration models.

### Eastern Partnership countries' choice implications

Eastern Partnership countries differ to a large extent in their vision of the preferred integration path.

The membership perspective for the EPCs is ruled out so far by the EU that has been reconfirmed during the last Eastern Partnership Summit on November 24, 2017. "This is not an enlargement or accession summit," Juncker said as he arrived for the Summit.<sup>32</sup> Instead of offering membership prospects, the EU is focusing on concrete and simple measures that could improve people's lives in the partner countries, such as small business support, reducing mobile-phone roaming charges and lowering down energy prices.

Although so far there are no promises from the EU side on the membership perspective, all EPCs will become closer to the EU in one way or another as a result of the Partnership. The six Eastern Partnership states have already promised to meet 20 new targets before 2020, including some that may bring serious implications for their future trade links, like, for example, undertaking the commitment for EPC farmers to meet EU food safety standards. However, some of them will have the EU as a clearly defined preferred partner, while others will align more with the EAEU, which will mean eventually choosing between the two existing models of integration.

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<sup>31</sup> Jeffrey J. Schott, *More Free Trade Areas* (Washington, DC: Institute for International Economics, 1989); Sultan Hafeez Rahman, Sridhar Khatri and Hans-Peter Brunne, *Regional Integration and Economic Development in South Asia* (Manila / Cheltenham: Asian Development Bank / Edward Elgar, 2012).

<sup>32</sup> "EU, Armenia Ink Partnership Past as Eastern Partnership Summit Concludes," Radio Free Europe, 25 November 2017, <https://www.rferl.org/a/eu-eastern-partnership-armenia-azerbaijan-belarus-ukraine-georgia-moldova/28872395.html> (accessed 10 January 2018).

Georgia, Ukraine and Moldova have already reached Free trade agreements and visa-free travel deals with the EU, which will bring them still closer to the European model of integration. A visa free regime introduced with Moldova since April 2014 is an example of progress achieved on the agenda of visa liberalization and enhancing mobility with the EU Eastern Partners and facilitating travel, business and education. Over the year 2017, nearly half a million Moldovans have travelled visa free to the EU. Signing and the first steps in implementing of the most ambitious ever bilateral Association Agreements – Deep and Comprehensive Free Trade Area (AA/DCFTAs) with Georgia, the Republic of Moldova and Ukraine have brought the EU's relations with these countries to new highs.<sup>33</sup>

And there will be definitely particularities in the pattern of cooperation, deriving from the specificity in the two models of integration. Let's take the case of the Small and Medium-sized Enterprises (SME), which is quite illustrative.

As we know, in Russia in particular, and in the EAEU in general, the support of the SMEs is not that high a priority as it is in the EU. In contrast to the EAEU, in the EU in order to support the implementation of DCFTAs, a special DCFTA Facility for Small and Medium-sized Enterprises was created to stimulate new investments in Georgia, Moldova and Ukraine. Small enterprises in Georgia, Moldova and Ukraine are to benefit from this newly created Facility for SMEs. The institutional arrangements are supported with financial contribution. According to the EU data, in case of the support for the small enterprises 200 million euro assistance package from the EU budget is planned to be allocated, combined with loans from the European financing institutions (EBRD and EIB) in order to attribute around 2 billion euro of investments in the three countries. The European Union, through the European Investment Bank (EIB) and the European Investment Fund (EIF), signed the guarantee agreements with ProCredit Holding in order to support small and medium-sized enterprises in Georgia, Moldova and Ukraine. Thanks to the agreements, worth 100 million euro, SMEs in the three countries will profit from easier access to finance. ProCredit banks are now able to provide local SMEs with a 70% guarantee on each loan, making financing less expensive and reducing the cost of the collateral they need to provide. The additional funds are provided in the framework of the 'EU4business' initiative under which the European Union makes available extensive support to SMEs in Georgia and other Eastern Partnership countries. The EU, through 'EU4business', assists companies with funding, training and export support to new markets. Since 2009, €711 million has been provided in total for 63 000 Georgian companies, in order to help them with the market access, boosting economic growth.<sup>34</sup> Moldova is participating since February 2015 in COSME (SMEs networking), while Ukraine and Armenia are exploring their participation. Moldova is associated since January 2014 in the program Horizon 2020 (allowing for joint research programs), while Ukraine is in the same program since January 2015. The list can go

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<sup>33</sup> Evghenia Sleptsova, "Exports from Ukraine to the EU: Macro-, Micro- and Political Economy Determinants," (PhD thesis, University of Birmingham, 2011), 35-37.

<sup>34</sup> European Union External Action, "EU Allocates Additional GEL 300m (EUR100m) for SMEs in Georgia-Moldova-and-Ukraine," 1 November 2017, [https://eeas.europa.eu/headquarters/headquarters-homepage/34946/eu-allocates-additional-gel300m-eur100m-smes-georgia-moldova-and-ukraine\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/34946/eu-allocates-additional-gel300m-eur100m-smes-georgia-moldova-and-ukraine_en) (accessed 10 January 2018).



on. There are many initiatives in existence and the new ones are coming. Together with the other arrangements, the measures to support small enterprises will contribute to create a competitive environment, which was always at a focus of the EU policies, be it the EU common market or single market priorities.

Trade facilitation actions continued with the signature of the Strategic Framework for EU-Georgia Customs Cooperation in March 2015 and the ratification in Moldova of the Pan-Euro-Mediterranean regional convention on rules of origin. This is supposed to make trade in goods easier.<sup>35</sup> In March 2014 the EU adopted a comprehensive financial package of 11 billion euro to help reform process in Ukraine. Since then, the EU and European Financial Institutions have delivered 6 billion euro, including the additional Macro-Financial Assistance package of 1.8 billion in 2015. As part of its comprehensive agreement with Ukraine, the EU launched a winter energy deal between Russia and Ukraine and actively supported a new one. Moldova is one of the highest recipients of EU aid per capita worldwide, with bilateral disbursements in 2014 of 131 million euro and assistance in 2014-2017 of around 410 million euro.

Thinking that a country may choose to align with the EU and to enjoy the full benefits of this type of integration without undertaking proper commitments and without directly sticking to them (hard integration option), the way it frequently happens within a soft integration option is an illusion. We can find many illustrations of the correctness of this statement in the history of development of the two regional integration blocs.

The one more recent illustration of this situation is the latest developments in EU-Moldova relations. On 23 January 2018, Federica Mogherini, the High Representative of the EU for Foreign Affairs and Security Policy and Vice-President of the European Commission met with Mr. Iurie Leanca, the newly-appointed Deputy Prime Minister for European Integration of the Republic of Moldova. During this meeting F. Mogherini highlighted the importance of following the recommendations of international partners (the EU in this case) in key areas related to reforms and democracy in the country. She said that the EU was closely following the developments with regard to the electoral framework, the media sector, and the major banking fraud unveiled in 2014, where criminal investigations and recovering misappropriated funds had not been completed.<sup>36</sup> Moldova's governing Democratic Party formally proclaims the country's pro-European orientation. But it has made little progress in investigating the use of Moldovan banks in multi-billion-dollar Russian money-laundering schemes. High Representative / Vice-President Mogherini emphasized that the EU remained committed to the implementation of the Association Agreement, but that progress in key reform areas such as

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<sup>35</sup> European Union External Action, "Eastern Partnership – A policy that delivers," Brussels, 21 May 2015, 2, [https://eeas.europa.eu/sites/eeas/files/factsheet\\_eastern\\_partnership\\_en.pdf](https://eeas.europa.eu/sites/eeas/files/factsheet_eastern_partnership_en.pdf) (accessed 10 January 2018).

<sup>36</sup> European Union External Action, "High Representative/Vice-President Federica Mogherini met with the Deputy Prime Minister for European Integration of the Republic of Moldova Iurie Leanca," Press Release, Brussels, 23 January 2018, [https://eeas.europa.eu/headquarters/headquarters-homepage/38624/press-release-high-representativevice-president-federica-mogherini-met-deputy-prime-minister\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/38624/press-release-high-representativevice-president-federica-mogherini-met-deputy-prime-minister_en) (accessed 10 January 2018).

the judiciary and the fight against corruption needs to be made to unlock its benefits for all citizens of the Republic of Moldova.

The *Eastern Partnership Index* evaluates the progress made by the six Eastern Partnership countries towards sustainable democratic development and the European integration. The Index measures steps taken towards good governance, including protection of democracy and human rights, sustainable development, and integration with the European Union. If we look into the Index page and if we take Moldova<sup>37</sup> as an example, among the top challenges for the year 2018 we find:

- The EU should link the budgetary support provided to Moldova to tangible and objectively measurable outcomes in combating corruption, strengthening the independence and transparency of the judiciary and law enforcement agencies, and ensuring media freedom;
- The Moldovan authorities should ensure timely and consistent implementation of commitments under the EU-Moldova Association Agenda 2017-2019;
- The government and parliament should take tangible measures to depoliticize state institutions and strengthen their independence from political interference, and should launch a sustained, open and inclusive dialogue with civil society to improve public sector transparency and accountability.

And mind, we are only talking about the implementation of the Association Agreement.<sup>38</sup> Membership would require many times more and much stronger commitments and their strict implementation without exceptions is the rule (the concept of the 'acquis communautaire'). This kind of conditionality is typical for regional organizations with strong structure and discipline, such as the EU definitely is.

In contrast to that, we can see a lot of evidence coming from the EAEU, where partners do not comply with the commitments, ask for multiple exemptions from the existing rules and it works that way all the time. Supranational discipline is an exception in this case. And that is the way the soft integration concept is supposed to work. This is another way of looking at regional integration.

If a country tries to choose between the hard and the soft option of integration, and hesitates upon a choice, can it choose to do both? There are many combinations of patterns of cooperation, which could represent a certain mix between the two models of regional integration. Armenia's case is an illustration to it. Being a member to the EAEU, on November 24, 2017, Armenia signed with the EU a Comprehensive and Enhanced Partnership

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<sup>37</sup> Eastern Partnership Civil Society Forum, "Country Assessments: Moldova – Top Challenges for 2018," in *Eastern Partnership Index 2015-2016. Charting Progress in European Integration, Democratic Reforms, and Sustainable Development* (2017), <http://www.eap-index.eu/moldova2015> (accessed 10 January 2018).

<sup>38</sup> Eastern Partnership Civil Society Forum, *Update on Public Administration and Local Governments Reforms in Eastern Partnership Countries*, 2016.

Agreement (CEPA) while the Eastern Partnership Summit took place.<sup>39</sup> The EU and Armenian officials have stressed that the Agreement does not interfere upon Armenia's close relations with Russia, neither upon the Armenia's links with the Eurasian Economic Union (EEAU). The agreement has a lot of concrete economic commitments and namely it provides for:

- Better investment climate. The Agreement introduced a regulatory environment that improves the business climate and investment opportunities for Armenian and EU companies, encouraging Armenian companies to sell goods and provide services to the EU and the EU companies to open subsidiaries in Armenia.
- The development of clean alternative sources of energy, contributing to green growth and new jobs in the green energy sector.
- A cleaner, healthier environment: Armenia commits to adopt the EU environmental standards leading to the development of clean sources of energy.
- Fairer and more transparent procurement procedures: clearer rules on publication of tenders and revision procedures will help to prevent corruption and discrimination.
- Improved product safety and consumer protection. Armenia undertakes to reduce differences with regard to EU standards to protect the health and safety of consumers.
- Cooperation in preventing and fighting crime, including terrorism.

As we can see, this agreement is the first one with so many commitments from both sides and especially from the Armenian side that is concluded with a country being at the same time a member of the Eurasian Economic Union. Looking at the arrangements between Armenia and the EU and Armenia with the EAEU, we can see that Armenia is playing a sophisticated game. It remains to be seen to which extent a country could benefit from the policy of navigation between Scylla and Charybdis. However, it seems that one day there comes a time for the decision to choose a preferential partner as long as differences remain between the EU and the EEAU. As chances for approximation of standards, norms, safety regulations, etc., between the EU and the EEAU are low so far, the country will have to decide one day which of the two models will be more in conformity with the national economic priorities.

In this case, the choice will be between the soft and the deep integration model. What consequences for the states, making this choice, are to be expected? There was an interesting article published in the JCMS and the authors estimated the effects of deep and shallow free trade agreements for the EPCs (Eastern Partnership countries) with Russia and the EU respectively using a gravity model of trade.<sup>40</sup> The main results showed that the EaP countries

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<sup>39</sup> European Union External Action, "New Agreement Signed between the European Union and Armenia Set to Bring Tangible-Benefits to Citizens," 24 November 2017, [https://eeas.europa.eu/headquarters/headquarters-home-page/36141/new-agreement-signed-between-european-union-and-armenia-set-bring-tangible-benefits-citizens\\_en](https://eeas.europa.eu/headquarters/headquarters-home-page/36141/new-agreement-signed-between-european-union-and-armenia-set-bring-tangible-benefits-citizens_en) (accessed 10 January 2018).

<sup>40</sup> Gylfason, Martínez-Zarzoso and Wijkman, "Free Trade Agreements, Institutions and the Exports of Eastern Partnership Countries."

gain significantly from free trade agreements with the EU but little if anything from free trade agreements with Russia, and that improving the quality of institutions in EaP countries have played an important role in fostering exports. I provide the results of the study not as an argument in favor of the deep integration model. It is only an objective data for consideration by the EPCs choice.

While making a crucial future policy orientation choice, Eastern Partnership countries should fully take into account an important difference in the meaning of the two models of regional integration. Choosing to align with the EAEU or with the EU does not only mean selecting privileged partners, it means much more. The pattern of cooperation is completely different if we compare the EU with the EAEU. Sometimes politicians and experts compare these regional projects and make a point on the similarities between them. And it is true that some of the experiences of the EU have been implemented into the institutional and legal structure of the EAEU. But the big difference in the *modus operandi* exists between the two models of integration. It can be either an intensified cooperation, searching for a common ground in different areas and branches of economy, or it can mean sharing the sovereignty, letting part of decisions be made outside of the strict national control, providing the room for the supranational authority to supersede in areas of high economic interdependence, where objective necessity pushes the countries up for advanced forms of interaction.

In this study, I did not consider the political goals and ambitions of the two regional integration blocs and of the countries in consideration. However, it is absolutely clear that political realities and security considerations will predetermine to a large extent the future geometry of relations between the EPCs and the two regional blocs. As described in the recent *Economist* article on Eastern Partnership, Armenia, Azerbaijan and Belarus are to varying degrees autocratic and are closely knit into Russia's security infrastructure that sets them at odds with Georgia, Moldova and Ukraine, which have territorial disputes partially because of the Russian involvement and would wish security guarantees from the EU.<sup>41</sup> Neither did I consider the topic of political influence. 'The Eastern Partnership is not about spheres of influence. The difference is that these countries themselves opted to join,' Swedish foreign minister Carl Bildt said at the Brussels Forum in May 2009.<sup>42</sup> German Chancellor Angela Merkel said that 'the EU makes a crystal clear difference with Russia. We accept that the different Eastern Partnership nations can go their own way and we accept these different ways,' while Finnish Prime Minister Alexander Stubb stated that 'it is the prerogative and right of every independent and sovereign state to choose which club it wants to belong to.'<sup>43</sup>

However, apart from these serious political considerations, understanding the difference in the options of the two integration models is important. It helps make a relevant choice realizing the difference in consequences for the country in question and taking into account the readiness of authorities for a different way of interaction with either Union. The fundamental differences in

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<sup>41</sup> "The EU's Eastern Partnership," *Economist*, 5 October 2017.

<sup>42</sup> Council of the European Union, *Joint Declaration of the Prague Eastern Partnership Summit*, 7 May 2009.

<sup>43</sup> Karl Ritter and Raf Casert, "EU seeks to keep partnership with ex-Soviet nations on track," Associated Press, 21 May 2015.

the essence of the models of cooperation and the readiness of the EPCs to be aligned or eventually to enter a union which are different in their nature is one more important factor to take into account thinking about the future of the Eastern Partnership countries.

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**PART III**

**SECURITY ENVIRONMENT: PATTERNS AND CHOICES**



## EFFICIENT POLITICAL COMMUNICATION – PRECONDITION FOR DEVELOPMENT AND SECURITY OF EASTERN PARTNERSHIP STATES

*Ludmila ROȘCA*

**Abstract.** Communication, in general and the political one, is a critical feature for the contemporary society that in order to be efficient and resultative needs to respect the rule of three S: simplicity, show, substance. In this paper the author repositions the role of communication in ensuring stability for the social system at national and European level. The main ideas of the investigation are: the development of Eastern Partnership countries is conditioned by the dynamic stability of their political systems; efficient communication of the leaders of political institutions with the leaders of civil society, with the representatives of the electorate condition the installation and maintenance of the dynamic stability of the social system. The systemic analysis of the political and social reality from Eastern Partnership states enable the author to present justified conclusions regarding the possibility of these states to re-launch branches of national economies, to ensure economic growth and to solve social and security problems.

**Keywords:** communication, political communication, pro-European speech, Eastern Partnership, Moldova, economic growth, development, dynamic stability of the political system.

### Introduction

The topicality of the study that covers three areas – communication, development and security – is justified by the existence of conflicts, confrontations and crisis in the contemporary society. The initial thesis of the research is: efficient communication provides conditions for the achievement of consensus among business partners; supports the collaboration of social life actors at national level, community, regional and global; as one of the security preconditions. The assimilation of the concepts: communication, political communication, conditions of increasing the efficiency of communication provides new development opportunities, human development and security as well. The central objective of the study targets two types of activities: informing and explaining the possibilities of the practical application of the documents, adopted by the European institutions regarding cooperation policies for development. The analysis of the objective reality in the social, political, economic, cultural relations areas, allows us to emphasize the problem of cooperation, collaboration of social institutions at those three levels: national, regional and global. One of the first steps in the amelioration of the problem is the assimilation of the efficient political communication concept by the heads of state institutions, heads of non-governmental organizations and by the citizens. High political awareness, the awareness of social and political communication, the work awareness are the preconditions of the fulfilling all the objectives of long-term development, the assurance of human security and of the European policies for cooperation and development.

The accomplishment of the investigation objectives is supported by the application of theoretical **methods**: content analysis, capacity analysis, and the systemic approach of the phenomenon: development, long-term development, development and human security. Content analysis allowed us to elucidate the content of the concepts: development, long-term development, development and human security, efficient political communication.

## Results and analysis

The development represents a revolutionary form of movement, a transfer from an old quality state to a new one through leaps, through the interruption of the progressive process, through the transformation of quantity in quality. Under the socio-human approach, the development can be defined as the process focused on the improvement of life quality of a group of people.<sup>1</sup> In the specialized literature we can find the description of diverse form of development: economic, social, personal, regional, community, etc. The basic aim of development refers to the enlargement of choice capacity of people. People often appreciate their fulfillments not only in terms of increased income, but also in terms of better access to knowledge, nutrition, healthcare services, political and cultural liberty assurance, and the feeling of participation in the community life. Development objective targets the creation of an appropriate environment for people, giving them the opportunity to enjoy as long as possible a healthy and creative life.<sup>2</sup>

Human development is an interesting concept, through which is defined the extension of actual liberties that individuals benefit from.<sup>3</sup> Being shaped in the 90s of the last century, human development concept replaced the theories about the economic growth, for the reason that the economic growth doesn't change automatically in a source of life quality improvement. The concept of human development glorifies the thesis according to which the growth of GDP and personal income are important as tools of extension of individual liberties. The process of liberties extension is influenced by other factors as well: social and economic arrangements (the freedom to take part in discussions and public debates). At the same time, human development targets two other processes: the one of formation and development of human capacities and the one of using the possibilities/opportunities for the accomplishment of their objectives. In the analysis of human development phenomenon, three areas of social life are considered integrative: life longevity, level of education and the access to the economic resources necessary for a decent living.

The concept of human development is specified / completed by the human security concept. For a long period of time, security meant the security of the territory against the exterior aggression, protection of national interests in foreign policy and global safety against the nuclear threat. From the perspective of development, human security targets the protection of natural human rights and could be defined as a liberty compared to different deprivations, a freedom against some internal tensions of a person. Being connected dialectically, human

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<sup>1</sup> Dorin Vaculovschi, *Migrație și dezvoltare: aspecte socioeconomice* (Chișinău: Foxtrot, 2017).

<sup>2</sup> Amartya Sen, *Development as Freedom* (București: Editura Economică, 2004), 19.

<sup>3</sup> Cătălin Zamfir and Laura Stoica, eds., *O nouă provocare: dezvoltarea socială* (Iași: Polirom, 2006).

security and human development are consolidated by one another; it means that the recorded progress in a field enhance the chances in the other.

Starting from the 90s of the last century, human development concept is associated and often replaced with the long-term development theory. Long-term development denotes the complexity of processes/phenomenon attributed to the contemporary world. The concept of long-term development implies the analysis of the recorded changes in the world economy, in terms of differences between the developed and developing states. The scholars emphasize a common interest in the research of the situation of contemporary world – awareness of the necessary combination of dynamic development with the maintenance of the biosphere's traditional balance. The long-term development concept is specified by the notions: growth and development. The growth is perceived as a qualitative diversification of the existence, but the development is unlimited, because it is oriented to the qualitative indicators of life – enhancement of the expenses for study, culture, health, the growth of average life longevity.

Long-term development emphasizes ecological factors, associated with the optimization of activity in relation to ecological system, biosphere as a whole. In a broad meaning, long-term development is a process that characterizes a new mechanism in the functioning of civilization, founded on the radical changes of its orientation, shaped historically of social, cultural, economic parameters. Having elucidated economic parameters, the scholars make arguments over the thesis: each production activity must be reoriented from the consumption indicators to the rationalization of natural resources usage. Economic survival is not determined by the level of growth of the material activity, but it is determined by the intensification of economic potential through the application of the informational systems and science researches.

Having analyzed the particularities of production relations that ensured an efficient combination of the market relations system with the state governance, the democracy and the policy oriented mechanisms to intensification of decision process, here the scholars describe the social parameters of the long-term development. The efficiency of mechanisms is ensured by the capacity of actors to create premises to overcome the gap between different social groups with the purpose of insuring the conditions of a qualitative life for more people.

First of all, ecological parameters address to decisional process that is more efficient when the adopted decisions correlate the objectives of human activity with the anthropogenic factors, and with technology. In the politics which is founded on the long-term development concept, ecological parameters have priority in front of the other categories.

Cultural parameters refer to the necessity of modification of traditional stereotypes of human existence, according to them, the training process and education should orientate the production and the consumption to new values that reflect new tendencies in the interpretation of contemporary human position in the dynamic of socio-cultural processes. The emphasis is made not only on the material production, but on the spiritual aspect, development of intellectual capacities and personality of the human being. In the specialized literature, it is stressed a kind of consensus of the development that states the interaction between the national, regional, socio-cultural peculiarities and the tendency of world integration.

An increased attention is given to the forecast in the concept of long-term development, which emphasizes the interaction between contemporary processes and the perspective of its development. The efficiency of adopting decisions at all levels is significantly increasing, if we take under consideration not only close perspectives but also further ones. The interaction of forecast of different levels intensifies the level of relativity of their implementation.

The strategy of transitions to DD level, correlated with the refusals of quantitative stereotypes and with the elaboration of qualitative criteria of the growth, combining economic, spiritual, ecological aspects that determine the applied mechanisms in the process of defining the tactics, the set of measures and parameters that can be clarified with precision, that can be measured and verified in dynamics.

From the long-term development perspective, the security is perceived as the human, society and biosphere protection, from the external and internal influences that can have negative consequences for the subject and for his living environment. It is obvious every activity, that carries an ethno-anthropogenic character in a bigger way, is correlated to the ecosystem changes. There is no activity in this context that couldn't be dangerous at all. That's why there appears the formula "acceptable risk" that draws attention over the fact that there should be done only those activities and actions that are linked to the optimization of possible negative consequences. For example, the building of an atomic electric station is linked to a particular ecological risk. On the other side, in a specific geographical area only such an energy source is possible to use. The multidimensional dimension of this problem stresses the level of risk and creates conditions for adopting efficient decisions. It is clear that the material or spiritual activity should not get over the limits of risk.

The security concept includes different areas and levels of human existence. We can speak about personal, ethnic, regional and global security. There are emphasized more aspects of security: military-political, economic, social, ecological, demographic and technological. In the context of long-term development we must approach a systemic security. Long-term development and security being correlated represents the process that ensures economic growth in the high security conditions. Analyzing a specific socio-natural system that includes the set of natural and social factors of the environment related to the capacity of its stability, it is necessary to appreciate the level of risk of the activity, and to choose the most favorable situation taking under consideration its influences on different aspects of living. It is all about the influences over the decision process, military-political situation, socio-economic changes and over the dynamics and tendency particular for the demographic field. An exact system is characterized by stability, if the contradictions confirmed inside, in the process of their clarification, don't push the system outside the acceptable risk limits, it means that the possible negative consequences of the activity are balanced by the positive consequences. In this context, the security notion is approached as a method of limiting the growth and the exit from it is marked by the entrance in the dangerous development zone: military and political conflicts, ecologic, economic crisis, political instability, irreversible changes in the ecological system.

In all the concepts defined in this study: human development, long-term development, human security, a significant position has the quality of life phenomenon. By this concept, we

understand the set of social, economic, cultural, natural, socio-cultural and climate conditions that satisfy the needs and requirements of a contemporary human. In this set there are included various indicators: life longevity, study, health, rest and cultural expenses. It is obvious that if inside a socio-cultural system there is intensification of nature protection, health and study expenses and of the average age of population, therefore, we have sufficient evidence that the quality of life has improved.

The long-term development strategy, elaborated by the Brundtland Commission, known as "our common future" and discussed at the UN Conference in Rio de Janeiro (1992) is founded on the stability of ecological system principles, on the rationalization of human activity, the optimization of the needs, the equality in the usage and distribution of resources, the national ecological governance principle, the ongoing development principle, the expansion of civilization principle.

The principle of ecological system stability correlates the survival with the biosphere changes and its components. The dynamics of these processes was followed by intensification of degradation processes that take place within the ecological system. The basis of long-term development means the orientation of all the subsystems of the contemporary civilizations not to the biosphere modification but to the preservation of its basic parameters in the process of production and social-activity of contemporary human. Here we speak about the maintenance of closed stability, the improvement of all the human activities forms based on the scientific and technological decision.

On the basis of civilization founded by the economy market rules, there is placed the principle of enlargement of needs that becomes a determinant factor of dynamics. But the actual deepening of the contradictions between the limited possibilities of the biosphere and the ongoing growth of the social needs implies an imperative refusal. The complexity of optimal realization of the consumption limits lies in the fact that the states groups of world community find themselves at different levels of development and consequently of consumption as well. If for developed states it is characteristic the over-consumption phenomenon in all its forms, the majority of population of underdeveloped countries suffers from a shortage of products, and the states with an economy in transition are situated in the middle. It is clear why the population of some states is absolutely ready to change their consumption stereotypes, meanwhile other states strive to multiply the consumption. It is difficult to make assumptions, what if the populations of underdeveloped countries would begin to consume to a level of developed states today, then the Biosphere will not be able to provide us necessary life conditions. That is why some scholars make suggestions of the usage of all the methods, including religious rules, in order not to allow such events to happen.

In the position of an influential actor in international relations, the EU elaborates policies for cooperation and development, offering 60% from the total amount of public assistance for the development globally. In September 2005, as a result of the adoption through consensus of the Sustainable Objectives of Development by the UN, the EU revised the development targets, elaborating a new Agenda with the perspectives for 2030. The Agenda covers 17 objectives for sustainable development and 169 associated targets. The Agenda covers: poverty, inequality,

food security, sustainable consumption and production, economic growth, health, sustainable resources management, infrastructure, oceans, climate changes, level of work force engaged, gender equality, justice access, inclusive and pacifist society and institution responsibility.<sup>4</sup> The Member States of the European Union have signed the Declaration of European Consensus in the Development field, in which it is justified the EU's wish to eradicate poverty, to build an equal and stable world. The consensus identifies values, objectives, principles and common engagements, which the European Commission and Member States will implement through foreign policy tools. Here we speak about the reduction of poverty through by paying attention to the Development Objectives of the Millennium, the development based on the democratic European values and assistance with the aim of insurance of development tools of the beneficiary state. The EU's funds would be provided to the states with a relative small number of donors and to the poor population from the low income countries, as it is mentioned in the Declaration.

For the Eastern Partnership states that are in an ongoing institutional consolidation process the problem of human security assurance is a priority objective, because the majority of population of those countries lives under the poverty line and over the survival limit. For the reevaluation of development opportunities offered by the EU and other international organizations, the heads of Eastern Partnership states must acknowledge not only the concept described in this study, but also different tools described in the EU's documents.

The democracy and human rights are viewed as instruments for fighting conflicts and eradicating poverty. The European tool for democracy and human rights protection (IEDDH) that was created in 2006 was orientated to democracy development, rule of law, promotion of democracy, and the protection of fundamental rights and liberties. IEDDH objectives were: the multiplication of conditions of human rights protection, improvement of the impact of civil society in the democratization process, supporting regional and international structures for human rights protection and justice, for the law state and the promotion of democracy, the development of trust in the democratic electoral process and the support of actions in the priority fields of the EU.

The second tool in funding the projects for development is the one of stability (IdS), which targets the multiplication of assurance conditions of the partner states in the emerging crisis situations allow the insurance of security in states characterized by stability. Being adopted in 2007, this strategic tool had a 2 billion dollars budget distributed for 7 years.

The peculiarities of the Eastern Partnership zone are: the tool of cooperation for development, the instrument of help for pre-integration and the European instrument for neighborhood and partnership. The last one is for the states in the EU proximity and approaches the improvement of trans-border cooperation, the development at the EU's borders and the integration of these states in certain communitarian mechanisms.

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<sup>4</sup> Victor Negrescu, *Politicile europene de cooperare pentru dezvoltare. Între relații publice internaționale și politici publice* (București: Tritonic, 2016).



The application in practice of the tools and mechanisms elaborated by the EU is impossible by the heads of political institutions of Eastern Partnership states without the reevaluation of political communication concept and the conditions of improving its efficiency. Political communication represents a teleological action – a programmed, oriented and projected action, for specific political aims. Because it is about a strategic action, this type of communication implies rules, procedures, techniques and adequate resources at specific political events. D. Wolton associates political communication with a “space” or a “field” of social relations. In his opinion, political communication represents a space in which contradictory speeches of three actors that have legitimacy to make public declarations about politics engage in relations with each other: politicians, journalists and public opinion, depicted by the poll’s results. The understanding of political communication phenomenon implies constantly a deliberate intervention regarding the receptor behavior. French researcher Jacques Seguela underlines that the efficiency of political communication is reassured by the rule of three S: simplicity, show and substance. Jacques Gerstle provides us a reductionist approach over the political communication that implies a set of techniques and procedures that political actors possess, more often the government officials in order to seduce conduct and manipulate the public opinion.

In terms of political marketing, market research influences the way in which politicians project their communication, pick the subjects and depict them. As Rademacher and Tuchfarber demonstrate, polls are used in different ways taking into consideration the level of campaign. At the beginning, there is an identification of what messages should be transmitted and for whom. Afterwards, the efficiency of different messages is measured in order to make necessary adjustments and changes. Market research is useful as well for determining the elements of representations of a leader or for the development of political advertisements. Though, the communication can be used without marketing, the research ensures a correct orientation of the communication and of its efficiency, because it satisfies the market opinion. The division, made through market research, helps the parties and candidates to set a specific content of communication and to direct it to target groups.

In social theory called *frame*, there is a scheme of interpretation – a collection of stereotypes that individuals use to base on in order to understand and react to the events. Here we speak about the fact that people develop during their life a set of mental emotional filters that are used for interpreting the world. The choices they make are influenced by these filters. When somebody is looking for an explanation of an event, his or her understanding depends on the frame he/she evaluates the situation. As a term used in sociology and psychology, *framing* refers to creation of a social phenomenon through media sources or specific social and political organizations. It is a process of influence on the perception of the individual, based on the meaning attributed to some words or phrases. A *frame* defines the usage of a rhetorical element so it can encourage another approach. It offers a facial mode of the information processing. The way you depict a problem, a subject, affects the result of the choice. *Framing* concept links to the stability of agenda: tackling constantly a subject, a party can efficiently control the discussion and perception of that subject. The aim is alteration, orientation of public

perception. Therefore, politicians are making a competition for the ways subjects are presented.

The message represents a short part of the communication through which information about a party, a candidate or an organization is transmitted. The main aim of the messages is to persuade. Aristotle states that every communication has three components: a communicative ideology, an emotional quality and a central argument. Therefore, a message says something about the speaker, touches the emotions and attitudes of the public in a way so the message will be adopted by the public. The messages develop from that theme, different aspects of it, memorable phrases, images or arguments. If the central theme works as a frame in which messages are introduced, consequently, they may contain sub-messages, secondary messages that can go in details.

In modern society, messages are everywhere, transmitted by corporations, parties, in attempt to redirect the audience behavior. From all those, maybe the most impactful and successful in achieving their aims are commercial messages. Messages are constantly repeated so they imprint in the subconscious that is a very important thing in political context. Messages are essential for any form of communication. They can be positive or negative, depending on the strategy considered the best one. The messages are short, they come to fill the gap of the information that is missing, in the conditions it is stated that the majority of the audience doesn't read parties' programs or doesn't remember the information transmitted through the traditional ways. The messages are integrated in news, advertisements, information regarding public, speeches and communications, and appear in each form of communication between a political organization and voters, especially during a campaign. Messages are important in an era of electoral division and volatility, in the conditions of diversification of media channels. Like many marketing slogans and advertisements, they can imprint in the public consciousness unintentionally. As long as he/she listens to repeated messages through different ways of communication, the audience gets to memorize them and to make the connection between them and their communicator.

Many studies find that the public suffers from information oversaturation that is why it is not capable to retain an important quantity. Therefore, messages often become a learning base, they are perceived as truth and substitute the learning based on gaining and interpreting the knowledge, the audience doesn't do research any longer. The persuasion theory suggests that the big quantity of information and the general lack of interest from the audience lead to evaluation of some peripheral aspects of communication. Thereby, a message will be memorized if it is simple and credible in a way or another. Its credibility at the level of acceptability depends in turn on the source credibility and its favorability among the audience.

An important factor of enhancing the efficiency of political communication is the message receiver. Those who build up and transmit messages can't control the way they come to public, the way they are reacted at. Receivers have control over the method of transmission – through internet, publications, TV, so over the manner of communication – direct or indirect, but the messages are “decoded” by the audience, by each voter according to his set of values and interpretations. Politicians must express emotions and feelings, as a reaction to the public

request, so the interaction with politics would be an emotional experience. In a traditional way, politics is often perceived as should be rational, unemotional, as almost a cold decisional process. Sociological studies show that often the members of society base their decisions on emotional impulses. It is said that we have an emotional attachment toward a brand, service provider or a political party. Images and messages shape our emotional attachments.

There is a set of evidences that demonstrate that the audience of political communication judge by what it is heard and seen according to personal way of decoding the information. The sociologists suggest that emotions appear in the game more than logic or commonsense. That is why, political communication must underline the "humanity" aspect of political leaders, and their emotions must be showed so the public will identify themselves with the leaders.

## Conclusion

States that are nowadays covered by the Eastern Partnership Program are characterized by multiple vulnerabilities, and their origins are hidden in the totalitarian and communist system, from which they splitted. The incapability of leaders of young democratic states to manage the multiple processes which are characteristic for transitions form a socio-economic over-centralized system that was totally controlled by politics to the one of market economy; the unwillingness of the Russian Federation to lose its influence over the post-Soviet states is the main cause of instability, low life quality and insecurity of population.

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## TRANSFORMATION OF THE SECURITY ENVIRONMENT AT THE EU'S EASTERN BORDERS: AMPLIFICATION OF THE RUSSIAN FACTOR

*Aurelian LAVRIC*

**Abstract.** Since 2007, Russia has made big steps towards strengthening its military potential. For the president V. Putin, the collapse of the USSR was the biggest tragedy of the 20<sup>th</sup> century (25 million of Russians remained outside Russia's borders). At the 2007 Munich Security Conference, Putin signaled to the West that he was seeking to restore his country's world power status, which the US should have to take into account in an international multipolar system. Recognition of the independence of South Ossetia and Abkhazia, the annexation of Crimea, the support for Lugansk and Donetsk separatist regions constituted an evidence of Russia's decision to restore its sphere of influence in the post-Soviet space. Putin has recommended himself as a "territory assembler". If the Kremlin succeeded in restoring control over the post-Soviet states (such as Moldova, Georgia and Ukraine), the following could be the post-socialist states of Central and South-Eastern Europe – even if they are members of NATO and the EU. Brussels must manage the amplification of the Russian factor in the post-Soviet space as it has become a threat to European security. It is necessary to develop regional security architecture.

**Keywords:** security, European Union, Russian Federation, Eastern Europe, Republic of Moldova.

### Introduction

**W**e live in a time of transformations in international relations environment. The world order is in a deep process of changes. A few new power centers – namely China and Russia – rise in some regions of the world, triggering the transition from the unipolar to the multipolar international system and from liberal to realist paradigm of development. China's importance has been highlighted long time ago, in the period of the Cold War. In his book "The Analysis of International Relations", published in 1968, the American researcher Karl W. Deutsch mentioned: "Nowadays, the idea of changing – or maintaining – "world order" through unilateral actions (the concept of "unilateralism", so called by regretted professor Charles Lerche) can be taken seriously only by the United States, the Soviet Union and, perhaps, by communist China."<sup>1</sup> Karl W. Deutsch called the three mentioned countries "these three world giants". Those three are giants even now. More than that, it is interesting that in the present, the mentioned three giants are representatives of three ideologies: the US – liberal democracy, China – communism, and Russia – conservatism or traditionalism (at least, Russia's leadership pretends this). In fact, Russia and China are countries with authoritarian political regimes in comparison with the Western liberal democratic countries: the US, the EU and NATO members and others.

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<sup>1</sup> Karl W. Deutsch, *Analiza relațiilor internaționale* (Chișinău: Tehnica-Info, 2006), 88.

In the present, the Russian Federation is in a process of consolidation of its international status and of its sphere of influence. In this context, it appears like a revisionist country, trying to undertake the revision of the world order, established after the Cold War. A prime aim for Kremlin is to keep the post-Soviet space (except the Baltic States) under its control after the loss of former socialist countries – Soviet Union satellites, from the socialist system, and the Baltic States, which are now within NATO and the European Union. A second aim could be the recuperation of the Baltic States and of some other countries from former socialist system, controlled once by Moscow.

That is why Russian actions pose a threat to NATO and EU security. The United States of America are deeply involved in security ensuring for NATO and EU members. As a result, in the current period, we are witnessing a confrontation between Russia and the West (NATO and the EU). At this stage, the interaction between two centers of power can be qualified as a *hybrid war*, an important component of which is *information and cyber warfare*.

### **Consolidation of the Russia's sphere of influence: some tools**

Russia uses a few instruments in order to keep and to strengthen its control in the post-Soviet space. There are three countries, which suffered from violent actions of Moscow. First, in 1992, imperial and nationalist Russian forces triggered a war in the Dniester region against the Republic of Moldova, in order to preserve under the Russian control the so-called Transnistrian region of Moldova, using the 14<sup>th</sup> Soviet army from Tiraspol, which did not withdraw until now.<sup>2</sup> A second moment of pressure of Russia on another former Soviet republic was in 2008, when Moscow committed an aggression against Georgia, "defending" South Ossetia from Tbilisi. After the war, Russia recognized the "independence" of two Georgian autonomous republics: South Ossetia and Abkhazia. The third moment was in 2014, when Russia annexed the Ukrainian autonomous republic of Crimea and started supporting the Eastern separatist self-proclaimed the people's republic of Lugansk and Donetsk – the conflict is still going on.

All three intervention of Russia in Moldova, Georgia and Ukraine were possible due to creating and supporting separatist republics. This instrument has shown its efficiency during the last decades. In post-Soviet area, Russia created a few such unrecognized states: Moldovan Nistran Republic in Moldova; South Ossetia and Abkhazian republics in Georgia; and Lugansk and Donetsk People's republics in Ukraine (excepting the Republic of Crimea, incorporated or annexed by Russia in 2014). It can be added also Nagorno-Karabakh Republic in Azerbaijan.

Although Russia used almost the same scenario in Moldova, Georgia and Ukraine, the scenario had specific features in each of the three post-Soviet republics. Russia frozen the conflict in Moldova and didn't recognize the "independence" of Moldovan Nistran Republic (Transnistria); Russia recognized the "independence" of Abkhazia and South Ossetia in Georgia, and Russia annexed Crimea, but does not recognize the "independence" of Lugansk

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<sup>2</sup> Adrian Cioroianu, *Geopolitică Matrioșcăi – Rusia postsovietică în noua ordine mondială* (București: Curtea Veche, 2009), 152.

and Donetsk People's republics in Ukraine. Of course, there are clear explanations for each approach of Russia regarding each of the three post-Soviet republics. It is understandable that having internal conflicts (sustained by Russia) – territorial problems – Moldova, Georgia and Ukraine cannot be accepted in NATO and the EU. That is why the scenario of frozen conflicts – the scenario of “Transnistriation” – is useful for Kremlin in achieving its goals in the post-Soviet area.

In the context of amplification of the Russian factor, the objective is to restore the international status of Russia as *a regional center of power*. Kremlin uses a few tools on post-Soviet republics, trying to control them more and more, in order to demonstrate the Russian power – the high capacity of controlling its *near neighborhood* – its *sphere of influence*. In all three mentioned post-Soviet countries, Moscow strategists used almost the same scenario: creating of new separatist republics – Moldovan Nistrin Republic in Moldova; South Ossetia and Abkhazian republics in Georgia; and Lugansk and Donetsk People's republics in Ukraine. Even the Russian involvement in Syrian conflict, by supporting the President Bashar al-Assad, can be approached from the point of view of strengthening the position of Russia in the post-Soviet space: Eastern Europe and Central Asia. The Syrian front, with the Russian participation, is an instrument to determine NATO (the US and other European states, such as Germany and France) to recognize the annexation of Crimea and the federalization of Ukraine, a state which should become weaker and more controlled by Kremlin, for example, through federalization.

### **Moldova's security in the context of amplification of the Russian Factor**

The Republic of Moldova is a country in Eastern Europe, with some specific advantages in relation with Russia (in comparison with some other post-Soviet countries, especially such as Georgia and Ukraine). First of all is that Moldova does not have a common (Russian-Moldovan) border. Still, Moscow can influence the Republic of Moldova, its politics, by presence of the Russian troops in Transnistrian region of Moldova (by frozen Transnistrian conflict), by the access or restriction on the Russian market for Moldovan migrants searching jobs, agricultural products, natural gas supplies, being a monopolistic provider.

Unfortunately, because of some internal problems (first of all, embezzlement and corruption), the young Moldovan state has not succeeded to finish the transition from totalitarian Soviet regime to *democracy* and a *functional market economy*. Moldova still is the poorest European country, with deep economic and social problems. As a result, thousands of Moldovan citizens leave abroad to find jobs in order to sustain their families from Moldova.<sup>3</sup>

The Moldovan society is divided into two geopolitically oriented large groups (almost equal) by the *criteria of vector of development*: pro-West (pro European integration) and pro-East (pro Eurasian integration). The Moldovan identity is weak; by the *identity criteria* population is also divided into “Moldovans” (calling their mother tongue: “Moldovan” language) and Romanians (calling their mother tongue – the same language: Romanian). Nevertheless, there are a few

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<sup>3</sup> В. А. Сакович, *Национальная безопасность Республики Молдова* (Chişinău: Print-Caro, 2016).

ethnic minorities – Russians (mostly in Transnistria), Ukrainians (mostly in the Northern part of the country), Gagauzes and Bulgarians (in the South), very dedicated to Russia (in the Soviet times, in their regions of living, they were undergone to a russification process through kindergartens and schools with the Russian language of teaching).

Since 1991 (the year of independence proclamation of the Republic of Moldova) until now, Moldovan authorities have not formulated a state (regional) mission as a part of the country project.<sup>4</sup>

All these elements make Moldova vulnerable for foreign challenges. During the military operations in Donbas, in 2014, in the Russian media was discussed the plan of creation of the province Novorosia: from Lugansk and Donetsk to Transnistria (including it). Although the plan was abandoned, it can be reactivated at any time.

Although Moldova is largely dependent on the Russian labor market and on the Russian agricultural products market, the political Moldovan-Russian relations are not the best. The illegal presence of the Russian troops in Transnistria (the frozen Transnistrian conflict), the embargos or restrictions for Moldovan agricultural products on the Russian markets are a few elements, which maintain tensions within the diplomatic dialogue. As an associated country to the European Union, Brussels should help Moldova in its interaction with Russia. In the context of amplification of the Russian factor in Eastern Europe, Russia is a threat to Chisinau authorities. It is obvious that Kremlin wants to reconquer Moldova in its sphere of influence, as a former Soviet republic – part of the Russian empire and of the Soviet Union, whose successor is Russia today.

## Conclusion

From the moment of the President Vladimir Putin's speech at the 2007 Munich Security Conference and especially after the Russian invasion in Georgia, in the province of South Ossetia, Russia constitutes a factor of regional destabilization in its attempt to keep the post-Soviet space (except the Baltic States) under its control and to consolidate its status of a *regional center of power*. The amplification of the Russian factor is a threat to NATO and EU security, but, first of all, to some post-Soviet republics, such as Moldova. Of course, a sincere dialogue between Brussels and Moscow is required. Anti-Russian economic sanctions are not so effective until now. Therefore, it is necessary to elaborate a special European strategy of interaction with Russia, especially regarding the post-Soviet countries from the Eastern Partnership (EaP) of the European Neighborhood Policy (ENP) of the EU. Three of them – Moldova, Georgia and Ukraine – signed association agreements (including free trade agreements) with the EU and showed their commitment to forward on the path of European

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<sup>4</sup> Aurelian Lavric, "Misiunea statului moldovenesc: de la origini până în prezent," ["Moldovan state mission: from the origins to present"] In *Statalitatea Moldovei: Continuitatea istorică și perspectiva dezvoltării*, 127-143 (Chișinău: Print-Caro, 2017).



integration.<sup>5</sup> However, in the association agreement there are not any security guarantees, these states being exposed to the dangers from Russia.

As security challenges, common for Eastern Partnership countries and European Union members, the cooperation between them concerning regional security should be systematic and with an emphasis on practical perspectives.

It would be appropriate to include the above mentioned three countries in the European security strategy. The East European regional security architecture should be agreed between Brussels, Moscow and Washington, subjects that should provide security guarantees for countries from the region. A peaceful Eastern Europe can be an important factor of peaceful development both of the EU and Russia (Eurasian Economic Union).

Nowadays the Republic of Moldova does not have a clear mission, regarding its regional role. The duty of Moldovan authorities is to elaborate the mission of the state, which should be a part of the country project. This would contribute to the assurance of the *societal security* of the Republic of Moldova.<sup>6</sup>

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<sup>5</sup> Aurelian Lavric, "Moldova in the context of EU's Eastern Neighborhood: the Problem of the Regional Security Architecture," *Studia Securitatis* 1 (2017): 32-43.

<sup>6</sup> Barry Buzan, Ole Wæver and Jaap de Wilde, *Securitatea: un nou cadru de analiză* (Cluj-Napoca: CA Publishing, 2011).



## RUSSIAN MEDIA POLICY AS A FACTOR OF POLITICAL DESTABILIZATION IN CENTRAL AND EASTERN EUROPEAN COUNTRIES

*Pavlo KATERYNCHUK*

**Abstract.** The usage of information as a weapon in foreign and domestic policies of Russia is not a new phenomenon. Still sophistication and intensity of it grows with each passing year. Recently the EU and the USA have realized this powerful latent influence of Russian media and propaganda, including electoral processes and activities of state administration. They realized that Russian misinformation poses a serious threat to the United States and its European allies, first and foremost with regard to Poland, the Baltic States and Ukraine. Moreover, unlike Soviet propaganda, the modern methods of the Russian information war do not rudely promote the agenda of the Kremlin. Instead, they aim to confuse, daze and divert citizens from the EU and Ukraine support. Russia seeks to undermine the support of European values, producing disarray among European allies in order to increase its influence. Despite the fact that the crisis in Ukraine for the first time drew the attention of the West to the importance and real meaning of the information campaign in Russia, the Kremlin's use of misinformation was launched long before the crisis. It has been increasing its presence in the information space and also has been recruiting and sponsoring (corrupting) a range of politicians, civil servants and public figures in line with its strategic goals.

**Keywords:** media policy, Russia, Central Eastern Europe, Ukraine, propaganda, fake news.

Nowadays conditions, interstate relations between Ukraine and the Russian Federation are extremely tense. Russia, as one of the guarantors of the territorial integrity of Ukraine, violated its obligations and resorted to aggression. Having carried out the occupation and annexation of Crimea, Russia has shown that for it there are no rules of international law and corresponding agreements, which are enshrined in the treaties. Now we are witnessing the same scenario that was in Crimea and in the eastern regions of Ukraine. The aggressive actions of our neighbour have become the driving factor behind the whole world, since nobody can predict what Putin's next steps will be, and this is a misunderstanding and anxiety. The step taken by Russia capturing Crimea has shown how vulnerable the security system in the region is. Having broken the Budapest memorandum, Putin and his entourage have once again shown that for them the rules of international law are not significant.

Therefore, the purpose of this scientific research is to define the media policy of the Russian Federation as a factor of political destabilization in the countries of Central and Eastern Europe with the help of several scientific methods of political science, such as content analysis, world system analysis, statistical and comparative methods.

According to the authoritative Ukrainian statesman, director of the National Institute for Strategic Studies, Volodymyr Horbulin, "the world order that was before 2014 no longer

exists.”<sup>1</sup> According to Horbulin, with this reality all, especially in the West, should resign and think about how not to lose the war as a whole, because the bet in this war is “the life of a democratic model itself.”<sup>2</sup> He noted the fire of the hybrid war burned much brighter. Obviously, the reason for such assessments by leading experts was not unreasonable, since there were complex destabilization processes in the past few years in the Eastern Europe, which are primarily related to Russia’s efforts to regain its influence in this region and to establish itself as a global leader in the world order.

The director of the National Institute for Strategic Studies also noted that in some sense, the current “deadlock” in European integration from Brexit to Catalonia arose precisely because, under the influence of the geo-ideological imperatives of the Cold War, the priorities of European integration were exclusively military-political and economic, while cultural and humanitarian factors were put forward “for the brackets” of integration issues. “Outwardly successful European and Euro-Atlantic projects were not able to formulate forward-looking answers to the challenges of terrorism and multiculturalism, migration and populism. Similarly, on such “imperfections” of the West, Russia is playing more and more effectively, “shading” them in particular with its internal “spiritual scratches” and an external new version of the geocultural messianism,” he said.<sup>3</sup>

“In essence, Russia, having managed to apply its efforts very precisely, it was able to increase the serious internal contradictions and play upon them. Initially Brexit,<sup>4</sup> then the events in Catalonia, Scotland’s readiness to raise again the topic of the referendum on independence, the statements of Venice and Lombardy about the need to give them more autonomy – although in almost all cases the participation of Russia appears (often excessively exaggerated), but this does not overturn the most important: the current European integration project is incapable of responding to external hybrid aggression,” says Horbulin.<sup>5</sup>

Natalia Antelava, a former BBC journalist and nowadays a co-founder of the online resource Coda Story, is engaged in the disclosure of fake news. “Moscow is very well able to press the right buttons while playing on feelings... The Kremlin media actively use Ukraine’s domestic political problems, as well as nationalist discourse, namely fictitious stories about so-called ‘banderivtsi’.”<sup>6</sup> A particularly huge influence of Russian propaganda took place in the East of Ukraine, said the journalist. For example, Antelava mentioned a story from the Russian media about the alleged death of a ten-year-old girl during the bombing of an uncontrollable by Ukrainian government Donetsk: “We began to find out who was actually killed. And it turned

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<sup>1</sup> Володимир Горбулін, “Світові процеси “гібридної війни” входять у непередбачувані фази,” Censor, 4 November 2017, [https://ua.censor.net.ua/news/461720/svitovi\\_protsesty\\_gibrydnoyi\\_viyiny\\_vhodyat\\_u\\_neperedbachuvani\\_fazy\\_gorbulin](https://ua.censor.net.ua/news/461720/svitovi_protsesty_gibrydnoyi_viyiny_vhodyat_u_neperedbachuvani_fazy_gorbulin) (accessed 5 February 2018).

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ксения Польская, “Twitter признал участие российских троллей в кампании за “Брекзит”, Deutsche Welle, 8 February 2018, <http://p.dw.com/p/2sNUD> (accessed 9 February 2018).

<sup>5</sup> Горбулін, “Світові процеси “гібридної війни” входять у непередбачувані фази.”

<sup>6</sup> Ольга Войтович, ““Росія натискає на правильні кнопки”: як діє пропаганда Кремля за межами РФ,” Deutsche Welle, 21 June 2017, <http://p.dw.com/p/2f5sT> (accessed 28 January 2018).

out that nobody was killed and there were no bombing at all. But people believed this," concludes Antelava.<sup>7</sup> So that explains the words of the United States Ambassador Marie Jovanovich during one of the media conferences on "Radio Svoboda" that Ukraine is at the edge of information warfare, while Ukrainian journalists are at the forefront of this battle.<sup>8</sup>

In fact, such assessments of authoritative politicians and researchers can be heard more and more as the realization of such a phenomenon as a hybrid war ceases to be something imaginary and far from reality.

Modern information systems and technologies only intensify the effect of the media's lack of control and irresponsibility towards citizens, and give politicians a good basis for misinformation, propaganda, fake news and manipulation of public opinion.

In this context, there is a logical question: why does the Russian Federation interfere into internal affairs of the countries of Central and Eastern Europe, why does it try to influence the electoral processes and form the public opinion of other states? The answer is quite obvious. Destabilization and weakness of neighbours have always been the strength of Russia. Unfortunately, we can assume that Russia's geopolitical aspirations have always pushed it toward actions that destroy the essence of democracy, because the weakness of Europe is the Kremlin's domination, the possibility of implementing various integration processes such as the "Russkiy mir" about which, in particular, a lot has been said in the articles of a young Ukrainian researcher Igor Melnychuk.<sup>9</sup> In these integration projects, Ukraine plays a key role as the largest European state, as a bridge between NATO and Russia; therefore, Russia's struggle for Ukraine will continue in the future and this requires not only fighting for the loyalty of Ukrainians themselves but also for the loyalty of their neighbours.

In nowadays multipolar world, information confrontation is the main agenda of ensuring a geopolitical balance. The purpose of the information confrontation is the provision of national interests in the information-psychological sphere, which includes:

- provision of geopolitical, informational and psychological security of the state;
- achievement of militaristic superiority and undeniable leadership in the sphere of international relations;
- ensuring the achievement of the goals of the national economic, ideological, cultural, informational and psychological expansion;
- ensuring favorable conditions for the transition of its own national system of socio-political relations to a new, more advanced and high-tech stage of evolutionary development;

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<sup>7</sup> Ibid.

<sup>8</sup> "Посол США заявила, що Україна знаходиться на передовій інформаційної війни," Радіо Свобода, 27 April 2017, <https://www.radiosvoboda.org/a/news/28455942.html> (accessed 29 January 2018).

<sup>9</sup> І. М. Мельничук, *Інтеграційні проекти Російської Федерації на пострадянському просторі* (Чернівці: ЧНУ, 2015).

- transformation of the structure of national economic, political, socio-cultural, informational and psychological spaces in accordance with its own principles for the formation of an information picture of the world.

The overall result of a successful, even unfinished, information campaign will lead to decisions of the opponent that will contradict its intentions or interfere with their implementation. The purpose of information attacks is to create such obstacles in the decision-making process of the enemy so that the enemy cannot act or conduct the war in a coordinated and effective manner.<sup>10</sup>

An example of Ukraine shows how Russian media policy influenced the annexation of Crimea and the war in Donbass. Expenditures for the "Information Society" program (2011-2020) will reach 40.6 billion US dollars.<sup>11</sup> The purpose of the program can be considered as the full coverage of the Russian-speaking population of the globe by both state and private media of Russia.

Television remains one of the most powerful channels of influence. The most powerful and active among Russian foreign broadcasting, without a doubt, is TV channel Russia Today (RT), founded in 2005, which has a broadcast in more than 100 countries and has an audience of 700 million. Channels «RT US» and «RT UK» go on air with their own studios in Washington and London. Citizens of most countries can access RT via the Internet, satellite and cable channels. In addition, RT is spreading its own product to YouTube. It should be emphasized that the format of RT channel made possible its active presence of the television market in Europe and the US. Moreover, in late 2014 it was additionally launched an Internet portal «Sputnik», which uses the information flow of RT.<sup>12</sup>

It should be stated that the activity of Russian propaganda in the US media is significantly greater than before with increasing interest of American audiences to events in Ukraine. In addition to the international news agency RT, which is financed from the budget of Russia, a few other media such as "First Channel" represent Russia abroad. The target audience of its propaganda are the ordinary European and American citizens, including representatives of the last waves of emigration from the USSR, especially in Germany, the United States, Canada and Israel, Sweden, Finland, France, Italy and Spain, the Baltic States and Belarus and, of course, Ukraine.<sup>13</sup> It should be noted that the number of post-Soviet people in Germany alone is at least 3 million people. More than 100 000 live in the Czech Republic and Slovakia, even more in Poland, not to mention Latvia, Lithuania and Estonia. For the majority of immigrants

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<sup>10</sup> Є. М. Набільська, "Інформаційне протистояння як феномен політичної боротьби," *Політологія / 7, Глобалістика*, [http://www.rusnauka.com/16\\_ADEN\\_2010/Politologia/68579.doc.htm](http://www.rusnauka.com/16_ADEN_2010/Politologia/68579.doc.htm) (accessed 2 February 2018).

<sup>11</sup> Григорій Хоружий, "Війна Росії проти України: російська пропаганда як складова «гібридної війни»," *Освіта регіону* 4, 2016, <http://social-science.com.ua/article/1392> (accessed 25 January 2018).

<sup>12</sup> Ibid.

<sup>13</sup> Борис Немировський, "Євросоюз боротиметься з російською дезінформацією," *Deutsche Welle*, 20 March 2015, <http://p.dw.com/p/1EulA> (accessed 25 January 2018).

from the Soviet Union, the Russian language is, if not the main, the dominant language or even mother tongue that is successfully used by propaganda media of Russia.

Russian information agencies successfully exploited the idea of the freedom of expression and information for the implementation of disinformation in American and European media spaces. According to T. Snyder, a famous American historian, professor at Yale University, "Russian propaganda aim is to show that the truth, in fact, does not exist."<sup>14</sup>

Modern Russian propaganda was initially used primarily to provide Putin's power. Subsequently, the Kremlin, having mobilized the media in Russia and pro-Russian media in our country, has substantially strengthened its influence in the information space of Ukraine. At the same time, Russian propaganda began to work more differentiated with the population. For example, Russian editions in Ukraine and pro-Russian media convinced our citizens of the need for friendship, cooperation and strategic partnership between the two countries. However, the information impact on the citizens of was quite different. By actively using the mass media, in which it was hard to find more or less objective material about Ukraine for many years, the Kremlin deliberately shaped the idea of the inability of the Ukrainian state, warmed anti-Ukrainian sentiment in Russian society.

As a result of such differentiated influence, which was carried out under the leadership of the administration of the President of the Russian Federation, there was a rather different orientation of the societies of both countries. For example, according to various sociological surveys, up to 15% of Ukrainian citizens had only some negative perceptions about the Russian Federation. However, about 60% of respondents in Russia have clearly expressed a negative attitude towards Ukrainians and our country as a whole.<sup>15</sup> Many other examples and facts of Russian-Ukrainian relations and foreign policy of Russia for a long period of time should have made our citizens and the international community more confident about our strategic partner and its possible actions.

The current information policy of the Russian Federation has become the nature of a targeted information war against Ukraine: bias, distortion of facts, frankly undisguised lie, and Kremlin propaganda as part of the Kremlin's policy as a whole. The work of the media is based on the type of yellow press. A huge number of actors – citizens of Russia, Ukraine and other countries – and other specialists on the territory of Ukraine are involved in order to get the desired television picture. According to Oleksandr Levchenko, an expert in the field of information confrontation, the Russian Federation is launching against Ukraine a permanent, large-scale, long-term information campaign, which actually began with the moment when our state gained independence. This campaign is then fading out and then flaring up, depending on the composition of the government and political courses in Ukraine, but it has always lasted and continued. Also, the expert believes that the main strategic goal of the Russian Federation information campaign with regard to Ukraine is the establishment of full control over the

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<sup>14</sup> Lydia O'Neal, "Yale Professor Talks Russian Propaganda in Ukraine," *The Emory Wheel*, 9 February 2015, <http://emorywheel.com/yale-professor-talks-russian-propaganda-in-ukraine/> (accessed 25 January 2018).

<sup>15</sup> Хоружий, "Війна Росії проти України: російська пропаганда як складова «гібридної війни»."

internal and external policies of our state and the retention of Ukraine within the limits of its geopolitical influence. Towards this goal, Russia is resorting to various information operations aimed at countering European integration and advancing its own economic interests, forming the opinion of the Ukrainian people about the legitimacy of the current government in Ukraine and the feasibility of changing the territorial structure through the federalization or rejection of Ukraine's territory.<sup>16</sup>

Since the end of February 2014, an absolute majority of Russian traditional media have joined the informational and psychological struggle against Ukraine, trying to support the conduct of a military operation. Such publications as "Izvestia", "Rossiyskaya Gazeta", "Moskovsky Komsomolets", "Kommersant", "Vzglyad", as well as news agencies RIA Novosti, ITAR-TASS, ROSBALT, not only reprinted unchecked news, were also seen to create completely false messages (for example, on the transition to the side of Russia of the Ukrainian Navy "Hetman Sahaidachny", which returned to Motherland after the implementation of the anti-piracy mission in the Gulf of Aden).<sup>17</sup>

Another example was the attempt of TV channels, in particular the satellite Russia-24 and NTV World, to confirm by using a corresponding video the news about the presence of numerous refugees from Ukraine to Russia (this became especially relevant, given the prevalent information that about 140 thousand Ukrainians turned to political asylum in Russia).<sup>18</sup>

For this purpose, videos from the Ukrainian-Polish border were used; however, the appearance of photo-materials from the real Ukrainian-Russian border disavowed this news.<sup>19</sup> Also, with reference to "RIA Novosti",<sup>20</sup> the news was reprinted that there was a low turnout of conscripts in Ukraine on the "first day of general mobilization", although general mobilization had not yet been announced, and photo and video materials proving the opposite. On March 6, 2014, in Crimea, the TV channel "1+1" and the 5<sup>th</sup> Channel had been turned off. Earlier the Russian television channel "Russia-24" seized the radio frequencies of the Crimean private "Black Sea TV and Radio Company". It was also blocked by the state television and radio company "Crimea" in Simferopol by persons in a camouflage uniform without arms. Stepan Gulevaty, General Director of this TV Company, called the police, but it did not respond to the

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<sup>16</sup> "Ми перебуваємо в умовах реальної інформаційної війни з Росією," First Social, 6 March 2014, <http://firstsocial.info/news/mi-perebuvaemo-v-umovah-realnnoi-informatsiynoi-viyni-z-rosiyeyu-ekspert> (accessed 26 January 2018).

<sup>17</sup> Алена Сивкова, "Флагман ВМФ України «Гетман Сагайдачний» перешел на сторону Росії," *Izvestia*, 1 March 2014, <http://izvestia.ru/news/566817> (accessed 25 January 2018).

<sup>18</sup> "Поток беженцев из Украины значительно возрос," Interfax, 1 March 2014, <http://www.interfax-russia.ru/South/main.asp?id=477460> (accessed 26 January 2018); "Более 140 тысяч граждан Украины в Россию," RIA, 1 March 2014, <http://ria.ru/world/20140301/997697055.html> (accessed 26 January 2018).

<sup>19</sup> "Фото україно-російського кордону," Inpress, 2 March 2014, [http://inpress.ua/uploads/assets/images/lnna/%D0%B32\(3\).jpg](http://inpress.ua/uploads/assets/images/lnna/%D0%B32(3).jpg) (accessed 26 January 2018).

<sup>20</sup> "Явка в первый день мобилизации на Украине низкая," RIA, 2 March 2014, <http://ria.ru/world/20140302/997790546.html> (accessed 26 January 2018).



challenge.<sup>21</sup> The main message of the Russians is directed at four types of recipients: Russian citizens, Crimeans, pro-Russian-dominated Ukrainians and the countries watching the conflict and trying to be mediators in it:

- for the inhabitants of Crimea other messages were sent: “we do not leave ours”, “we are the people”, “restoration of justice”, “Crimea – Russia”;
- for pro-Russian-minded Ukrainians and those who are doubtful: “Ukrainian authorities are illegitimate”, “we will not leave you in a trouble”, “we are the same nation”, “banderivtsi will kill you”, “if you act – we will come to protect you, just call us”;
- for foreigners: “Ukrainian authorities are illegitimate”, “captured by the Nazis and extremists”, “the only legitimate power is President Yanukovych”; “Russian-speaking Ukraine is in danger”, “Ukraine is an unreliable partner”, “there are no Russian troops in Crimea – only self-defense”;
- to the citizens in Russia: “we are a superpower”, “we will not throw ourselves in trouble”, “the whole world is afraid of us”, “there are no Russian troops in Crimea, but they are very loved by the local ones”, “we are opposed to world evil.”<sup>22</sup>

The Russian propaganda machine is happy to use the VKontakte resource, the former owner of which did not even deny its cooperation with the FSB. Due to this, the Russian intelligence services can access the information of any user of this social network. Also, the Russian authorities traditionally use social media as platforms for trolling and discrediting activists and politicians, to create the illusion of a large number of people who disagree with the basic attitudes of social network users, to show the presence of “alternative” thoughts. Also, the community in “Vkontakte” actively is used to coordinate actions and disseminate information about rallies of the so-called “Russian spring.”<sup>23</sup>

In general, it should be noted that the impact of social media has still not been considered too large in terms of the formation of political positions. However, recent events in Europe and in the world have proven that social media can be a platform for political mobilization and the formation of political consciousness of citizens. That is why the President of Ukraine imposed a restriction on the usage of Russian social networks, which, according to expert estimates, were used by 12-14 million of Ukrainians in the spring of 2017.<sup>24</sup>

However, the spread of misinformation is not the only way of destabilizing the political situation in Ukraine and Europe. In recent years, Russian hackers have begun to actively use cyber

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<sup>21</sup> “У Криму відключили 5-ий канал і 1+1,” *Українська правда*, 6 March 2014, <http://www.pravda.com.ua/news/2014/03/6/7017872/?attempt=1> (accessed 26 January 2018).

<sup>22</sup> Назарій Заноз, “Кримська інформаційна війна,” *Zaxid*, 20 March 2014, [https://zaxid.net/krimaska\\_informatsiyna\\_viyna\\_rosiya\\_zavdaye\\_udar\\_pershoyu\\_n1305008](https://zaxid.net/krimaska_informatsiyna_viyna_rosiya_zavdaye_udar_pershoyu_n1305008) (accessed 26 January 2018).

<sup>23</sup> *Ibid.*

<sup>24</sup> Максим Саваневський, “Чому російські соцмережі треба було закрити ще 3 роки тому?,” *Watcher*, 16 May 2017, <http://watcher.com.ua/2017/05/16/chomu-rosiyski-sotsmerezhi-treba-bulo-zakryty-sche-3-roky-tomu/> (accessed 26 January 2018).

attacks toward information resources and state institutions of neighboring states. Previously, such a scenario of events could only be imagined in the Hollywood movies.

For example, on March 3, 2014, Ukrainian mass media reported massive DDOS attacks on their web resources, including Tsensor.NET, Tijden.ua, "Ukrayinska Pravda" and others. Also, the media group "1+1" reported the attack on their sites. Some government sites worked with interruptions. Thus, the official website of the Ministry of Internal Affairs of Ukraine downloaded a fortune, which revealed official information about the search for ex-president Viktor Yanukovich as well as a statement about the preparation and killing of Russian soldiers in order to solve the war against Ukraine.<sup>25</sup> The Security Service admitted that from March 20, Russian intelligence services regularly throw in various misinformation, the purpose of which was to sow panic in Ukraine, to excite, to aggravate the situation. Representatives of the leadership and diplomats of the Russian Federation in their speeches, including appearances at the UN, distributed false information. During a press conference in Moscow, on the direct question of a journalist or the use of military forces by the Russian Federation to block Ukrainian military units, President Vladimir Putin said that it was a force of "Crimean self-defence" and that the Russian Federation did not take any part in the preparation of these forces. Instead, Putin accused Lithuania and Poland of preparing militants for actions in Kiev that led to the overthrow of Yanukovich regime.<sup>26</sup> According to many researchers, cyber attacks are increasingly becoming an effective tool for destabilizing the political situation in Europe and Ukraine.<sup>27</sup>

In order to strengthen its accessibility in Eastern Europe, Russia uses a variety of media, primarily informational, where the Russian media play a major role as a means of promoting its foreign policy interests in Europe and in the world as a whole. However, the media is only a part of the Kremlin's general plan for breaking Europe, since almost all of these states can easily find political forces that propagate openly pro-Russian interests and try to influence decision-making.

In Estonia, for example, there are some pro-Russian political organizations and parties such as "The World without Nazism", "Night Watch", "New Russia", "Russian Movement in Estonia", "Russian Community of Estonia", "Russian Party of Estonia". On April 12, 2014, members of these organizations organized a rally near the Russian Embassy in Tallinn and the event itself

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<sup>25</sup> "Українські СМІ повідомляють про DDOS-атаки безграмотних хакерів з РФ," *Новости Регионов*, 3 March 2014, <https://rusevik.ru/politika/44105-ukrainskie-smi-soobschayut-o-ddos-atakah-bezgramotnyh-hakerov-iz-rf.html> (accessed 28 January 2018).

<sup>26</sup> "Путін звинуватив Литву і Польщу в підготовці бойовиків для акцій у Києві," *Українська правда*, 4 March 2014, <http://www.pravda.com.ua/news/2014/03/4/7017500/?attempt=1> (accessed 28 January 2018).

<sup>27</sup> Ellen Nakashima, "Russian military was behind 'NotPetya' cyberattack in Ukraine, CIA concludes," *The Washington Post*, 12 January 2018, [https://www.washingtonpost.com/world/national-security/russian-military-was-behind-notpetya-cyberattack-in-ukraine-cia-concludes/2018/01/12/048d8506-f7ca-11e7-b34a-b85626af34ef\\_story.html?utm\\_term=.7aafa914a137](https://www.washingtonpost.com/world/national-security/russian-military-was-behind-notpetya-cyberattack-in-ukraine-cia-concludes/2018/01/12/048d8506-f7ca-11e7-b34a-b85626af34ef_story.html?utm_term=.7aafa914a137) (accessed 28 January 2018).

was held under the slogans “Glory to the Berkut”, “Protect Russians in Ukraine and the Communist Party of Ukraine.”<sup>28</sup>

The main focus of activity of the Russian Federation in Latvia is the support of organizations and activists who are supporters of Latgalian separatism. Such structures in the country should include “Russian national-cultural society of Daugavpils”, “Latgale branch of the Russian national cultural autonomy of national minorities of Latvia”, “Antifascist Committee.”<sup>29</sup> The activity of the “Baltic Cossack District”, headed by Stanislav Dudin, deserves special attention. Representatives of this organization campaign for the so-called “Russkiy mir” and also noted in the organization of “military-patriotic” education of Latvian youth. It is also necessary to add that Moscow is now actively supporting organizations and movements whose purpose is to come to power in Latvia with the support of the Eurasian Union and an idea of Russian as the second state language. The following organizations should be included in this group: “Russian Union of Latvia”, “Latvian International”, etc. In March 2014, such citizens of Latvia organized a vote on the inclusion of Latvia in the Russian Federation on the website of public initiatives [avaaz.org](http://avaaz.org). In January 2015, the idea of creating a social network was popularized in social networks “Latgale People’s Republic.”<sup>30</sup>

The situation in Lithuania is somewhat different from neighbouring Latvia and Estonia. Since the Russian ethnic minority in the quantitative equivalent is rather insignificant, the Russian side is betting on the use of the Poles in anti-Lithuanian destructive politics. It is noteworthy that at the same time, the Kremlin emphasizes the formation of situational alliances between organizations of Polish and Russian ethnic minorities. The main flagship of the Kremlin’s destructive policy in the region is the party “The election campaign of the Poles in Lithuania” (“Akcja wyborcza polaków na Litwie”), whose leader is Valdemar Tomaszewski.<sup>31</sup> The indicated political force actively cooperates with the political party “Russian Alliance”, representing the interests of the Russian-speaking community of Lithuania.

Situation in the territory of the neighbouring with Ukraine, the Slovak Republic, is also interesting, where the Russian political presence demonstrates the dynamics of growth since 2014. The main flagships of Russian politics in the country are the right organizations and movements as well as structures that publicly advocate the development of Russian-Slovak cooperation. The following entities are the main actors of the Russian political presence in Slovakia: “The Slovak Slavic Conservatives”, the Ukrainophobic “Honorary Embassy of Novorossia”, the “Night Wolves”, and the People’s Party “Our Slovakia”, which won 8.04% in the 2016 parliamentary elections in Slovakia and received 14 mandates in the National Council of the Slovak Republic. The party leadership maintains ties with Russian politicians. According to [www.radiosvoboda.org](http://www.radiosvoboda.org), Jaromir Chiznar, the Attorney General of Slovakia, on May 25,

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<sup>28</sup> Олександр Никоноров, ““Запчели” та “Йоббіки”: З чиєю допомогою Росія “качатиме” Східну Європу,” DN DEPO Portal, 30 July 2017, <https://dn.depo.ua/ukr/dn/zapcheli-ta-yobbiki-z-chiyeyu-dopomogoyu-rosiya-kachatim-e-shidnu-yevropu-20170727613262> (accessed 28 January 2018).

<sup>29</sup> Ibid.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

2017, confirmed that the Prosecutor General's Office demanded the dissolution of the radical People's Party "Our Slovakia" for anti-democratic slogans.<sup>32</sup>

On the territory of the Czech Republic, the activity of the Russian side has been observed for many years. According to the Czech investigator Andrzej Kundra, author of the book "Putin's Agents," the number of employees of the Russian Embassy in the Czech Republic, which is quite high for a 10 million Central European country, deserves special attention.<sup>33</sup> There are also many reasons to believe that it is the Russian Embassy in Prague that serves as the main centre of the Russian residence in the Eastern European region. But it seems absurd to resort to an analysis of Russia's likely influence in the Czech Republic on the backdrop of statements by the President Milos Zeman on recognizing the annexation of Crimea as a complete fact and the call of European politicians to refrain from attempts to return Crimea to Ukraine.<sup>34</sup>

The activity of Russian special services on the territory of Hungary has led to the activation of ultra-right organizations and movements advocating revenge's slogans concerning neighbouring Ukraine, Slovakia, Serbia and Romania, on which the representatives of the Hungarian minority live. In particular, Russian special services were co-sponsored by a deputy from the ultra-right "Yobbik" party, Bela Kovac, who was accused of espionage activities in favour of the Russian Federation. As you know, it is the Hungarian government itself that is the most radicalized after the adoption by Ukraine of the new Education Law in 2017, while silencing the fact that there are no schools on its territory with any language other than the state language (compared to more than 600 schools with languages of minority ethnic groups in Ukraine).

In the past few years, the situation in Poland has considerably aggravated, where the Polish Senate recently adopted the law on the Institute of National Remembrance of Poland, which provides for criminal liability for the denial of so-called "crimes of Ukrainian nationalists" against the Poles.<sup>35</sup> In our scientific research, we will not touch upon in any way the complex issues of the past history between the Poles and Ukrainians, but only to note that the growth in anti-Ukrainian sentiment in Poland is not accidental in our opinion, and, against the backdrop of an increase of labour migration of Ukrainians, this tendency is a threat to both Ukraine and Poland. It is strange that from the moment of the collapse of the Soviet Union, the Poles actively acted as "advocates" of Ukrainians in the EU, and despite the presence of expert discussions on the complex pages of the past between the two nations, these issues became too politicized and public in the last two years. In our opinion, it plays only on the hands of Russia and destabilizes the situation in the region.

As you can see, the Russian media space is a kind of platform for the formation of public opinion of both Russians themselves and citizens of European states. The main attributes of

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<sup>32</sup> Ibid.

<sup>33</sup> Ondřej Kundra, *Putinovi agenti: jak ruští špióni kradou naše tajemství* (Brno: BizBooks, 2016).

<sup>34</sup> "Президент Чехії пропонує заплатити Україні та узаконити анексію Криму," *Українська правда*, 10 October 2017, <https://www.pravda.com.ua/news/2017/10/10/7157889/> (accessed 4 February 2018).

<sup>35</sup> "Сенат Польщі ухвалив скандальний закон, де згадано "українських націоналістів"," *Українська правда*, 1 February 2018, <https://www.pravda.com.ua/news/2018/02/1/7170210/> (accessed 4 February 2018).

the Russian media are the use of various myths, including such as: “Russia, headed by Moscow, includes the territory of the former Kievan Rus” and, accordingly, “Kyiv is also Rus” (that is the Russian city), while “Ukrainians are the same Russians who just got lost”, and they must be turned on the path of truth, “Stalin was an effective manager and leader” and those who try to blame him for the Second World War, millions of dead Ukrainians in the 1930s as well as other nations of the former USSR has no clue; “there was no Famine, it was invented by the banderivtsi”; “the USSR has never been an ally of Hitler”; “Putin is Stalin nowadays”; “the only winner in the Second World War – the Russian Federation” (not even the RFSR); “the United States is the most aggressive country in the world”; “in Europe, the gays’ are everywhere” and in general “the West will soon die”; the world’s best and genuine space in the world is “Russkiy mir”; “all Russian-speaking citizens of other states have to defend themselves from ‘fascists’”, etc.

It is worth noting that the West gradually began to understand how influential the role of Russian media could be as a propaganda tool in Moscow’s hands. In particular, EU Member States set up public organizations to protect the domestic information space,<sup>36</sup> adopt state-level laws to counter Russian propaganda,<sup>37</sup> even the European Parliament passed a resolution to combat Russian propaganda.<sup>38</sup> The document states that the Russian authorities are promoting the European Union and the Eastern Partnership countries (Azerbaijan, Armenia, Belarus, Georgia, Moldova and Ukraine). “The Russian government uses a wide range of tools, including think tanks and foundations (for example, the Russian World), special state institutions (for example, “Rossotrudnichestvo”), multilingual TV companies (for example, Russia Today), pseudo-renewal agencies and multimedia services (including radio Sputnik), international social and religious groups, social networks and Internet trolls in order to cast doubt on democratic values, to split Europe, to provide support in the domestic arena, and to create in the countries of the Eastern Partnership, the impression of the European Union is not present the attitude of their state structures,” is referred in the text of the resolution.<sup>39</sup>

The European Parliament called on the European Commission and EU Member States to increase funding for “democratic EU instruments” that support media freedom in the Eastern Partnership and Russia. In particular, the European Parliament requires additional funds for these purposes for the European Fund for Democracy, the European Instrument for Democracy and Human Rights (EIDHR), the EaP Media Freedom Watch Media Monitoring and many others.

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<sup>36</sup> Олександр Дмитрук, “У Польщі створена організація з виявлення і протидії російській пропаганді,” Громадське, 29 April 2017, <https://hromadske.ua/posts/u-polshchi-stvorena-orhanizatsiia-z-vyavlennia-i-protydii-rosiiskii-propahandi> (accessed 5 February 2018).

<sup>37</sup> “Голова парламенту Молдови підписав закон про боротьбу з російською пропагандою,” *Dzerkalo Tyzhnia*, 10 January 2018, [https://dt.ua/WORLD/golova-parlamentu-moldovi-pidpisav-zakon-pro-borotbu-z-rosiyskoyu-pro-pagandoyu-265666\\_.html](https://dt.ua/WORLD/golova-parlamentu-moldovi-pidpisav-zakon-pro-borotbu-z-rosiyskoyu-pro-pagandoyu-265666_.html) (accessed 5 February 2018).

<sup>38</sup> Ілля Коваль and Аніта Грабська, “Європарламент ухвалив резолюцію про боротьбу з російською пропагандою,” Deutsche Welle, 23 November 2016, <http://p.dw.com/p/2T7Qt> (accessed 5 February 2018).

<sup>39</sup> Ibid.

Thus, the main directions of the Kremlin's destructive policy in the countries of Eastern Europe are:

- organizational and finance support of organizations of Russian compatriots;
- usage of the factor of national minorities to exert pressure on the central government and intensify separatist processes;
- cooperation with ultra-right, ultra-left organizations and movements in order to use them in extremist activities both on the territory of their countries of origin and in neighboring states;
- an increase of presence of Russian intelligence services in order to gather intelligence information and influence the military-political and social-economic situation in the countries of the Baltic-Black Sea region.

At the same time, despite all attempts to justify its actions in the East of Ukraine and the annexation of Crimea, most researchers tend to think that Russian is still losing its war in the information space of Europe. The reason for this is not only the awareness of the EU and the Eastern Partnership countries of the threats the Russian media have on public opinion but also of concrete actions by state authorities, non-governmental organizations, special services, and certainly a high level of political culture of citizens and the professionalism of European mediators who screw up Russian fairies and began to treat Russian news resources and sources more cautiously. Obviously, Europe was not ready for the aggressive and multifaceted media policy of Russia, but the experience of Ukraine in its confrontation with the largest state of the world allows us to rethink approaches to national security including in the area of the information space, which is no less significant than the actual economic and social-cultural ties today.

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## THE EUROPEAN INTEGRATION OF EASTERN PARTNERSHIP COUNTRIES – SECURITY CHALLENGES AND OPPORTUNITIES: THE CASE OF THE REPUBLIC OF MOLDOVA, UKRAINE AND GEORGIA

*Natalia CIOBANU*

**Abstract.** In this paper the author supports the idea that the European Union is one of the key actors in the Eastern Partnership region, whose objective is the European integration – an important step in ensuring regional security and stability. In this context, the Republic of Moldova, Ukraine and Georgia capitalized the option of association in the European Union – promoter of democracy and security, in order to access the political and security area, with the purpose to reduce risks and threats to the independence, sovereignty and territorial integrity that are caused both by internal and external factors, including the globalization process. The Association Agreement, signed by these countries, provides the political dialogue with the EU to cover the security field, deepening cooperation in the defence field, promotion of security based on international formats, contribution to crisis management actions and increased cooperation in the foreign policy and security field within the Common Security and Defence Policy. Also, the author underlines the importance of the European security system in the light of its impact on the assurance and strengthening of the national security systems and of the perspectives of solving the frozen conflicts of these countries, caused by the interference of Russia.

**Keywords:** Moldova, Ukraine, Georgia, Association Agreement, Global Strategy, Eastern Partnership, frozen conflicts.

“The Eastern Partnership is first and foremost a partnership of people. It is about improving lives in all of our countries, about bringing our societies closer together. It is about standing up for the values, principles and aspirations that people in the European Union and in our eastern neighbourhood collectively share.”

(Jean-Claude Juncker, President of the European Commission)

### Introduction

The Eastern Partnership has started in 2009, as a result of a common initiative of the EU, its Member States and six partner states from the Eastern Europe and Southern Caucasus, such as: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine, that have set as an objective the consolidation of the political association and economical integration of these countries. The EU is one of the chief actors in the region of the Eastern Partnership, which has as a strategic objective such as integration in the common European space, a very important step towards security, prosperity, democracy, stability and regional stability.

Actuality and practical importance of the study consist of Moldova, Ukraine and Georgia's capacity to evaluate the option of association with the EU – promoter of democracy and security. To obtain access to the political and security space, in order to reduce the risks and threats towards independency, sovereignty and territorial integrity that is provoked not only externally but internally as well and, of course, by globalization process.

In the author's opinion, a first step towards achieving the goal of EU integration of the Eastern Partnership is the ability of the governments to assess the impact of the European Security System resulting from deepening defence cooperation, promoting security based on international formats, crisis management operations and intensified cooperation in the field of foreign and security policy under the Common Security and Defence Policy, underlined in the Association Agreements, on the national security system and on the prospects for resolving frozen conflicts generated by Russia's interference. Starting from the vision of Copenhagen School theorists, who address the notion of multidimensional security on five influential and interdependent domains (military, economic, political, social and ecological), the author reiterates the importance of balancing these dimensions for the stability and security of citizens, presenting examples in which international institutions the EU is providing assistance to facilitate the successful implementation of reforms in vulnerable sectors due to various imminent or intentional challenges.

The applied **methods** are: content analysis, capacity analysis and comparative study. Content analysis offers the possibility to substantiate some claims, using articles, provisions from various national and international documents, studies and profile reports. Capacity analysis is being conducted to assess the capacity of the Eastern Partnership countries, especially the three countries under review, to capitalize on the European Union's support for socio-political, economic, military and cultural development as well as the capacity of state institutions the assumption of commitments declared by the regional accession intention. Carrying out a comparative study highlights the major security challenges and challenges of the three countries (Moldova, Ukraine and Georgia) and the opportunities offered by the Eastern Partnership to strengthen national security systems.

## Results

After the collapse of the Soviet Union, the Kremlin continued to use all mechanisms to divide the ex-Soviet states: manipulation (media propaganda, cyber attacks and infiltrations in key state institutions), economic blackmail and ethnic tensions so as to have control over a territory targeting, shaping the so-called "frozen conflicts", a lever used to influence the general policy of these countries and fuel geopolitical interests in the world. Such areas as the separatist Transnistria in Moldova, Abkhazia and South Ossetia in Georgia and Nagorno-Karabakh in Azerbaijan, and the crisis in Ukraine generated by the annexation of Crimea and the occupation of the Eastern areas seriously affected the architecture of European security, and it faced a serious challenge for its security and stability. The European Union faces a major dilemma regarding enlargement to the East: on the one hand, the lack of a functional security

regime in the Eastern Partnership area, combined with a low level of political consolidation and insufficient capacity to cope with the challenges of both governments and responsible national institutions and, on the other hand, the presence of Russia, which considers these areas traditionally included in its area of influence, creates a problematic neighbourhood, which needs its political, technical and financial support to stimulate the economy, reform and corrupt banking system, renovate the infrastructure and provide an adequate level of welfare and social security to all members of society.

In addition, Russia, realizing that European standards will become attractive to these countries and the entire region will choose the European vector, has begun to implement measures to halt the European integration of the Eastern Partnership countries: trade sanctions, restrictions on the export of energy resources, escalation of "frozen conflicts", etc., which had the same goal: to prevent the exit from the Russian area of influence of post-Soviet countries of the Eastern Partnership and to create firewalls to hinder cooperation negotiations with the European Union. Also, as a reaction, the Kremlin has accelerated the formation of the Eurasian Union – an alternative integration space.

So, the European Union and Russia are two important players in restoring balance in the Eastern Partnership area, and only by realizing that the mobilization of interests, commitment and strengthened support in a common strategy aimed at addressing more territorial integrity issues the control of constitutional institutions in conflict regions will create a stable and secure regional security environment.

The European approach in defining the European Union's security and foreign policy priorities is set out in the strategy of "Shared Vision, Common Action: A Stronger Europe," launched in June 2016, reiterating in the European Neighbourhood Policy (ENP) towards the Eastern Partnership: EU assistance to these countries in the implementation of Association Agreements, including DCFTAs (Deep and Comprehensive Free Trade Agreements), identifying solutions for creating a single economic area with the countries implementing the DCFTAs, expanding the trans-European networks and the Energy Community; setting up cooperative relations at the societal level, strengthened through mobility (cultural, educational and research) programs and civil society platforms; supporting these countries for effective involvement in the Common Security and Defence Policy (CSDP). It also highlights the importance of a peaceful resolution of conflicts, the key elements of the European security order being respect for sovereignty, independence and territorial integrity of the states: "The EU will make a common front in order to respect international law, democracy, human rights, the cooperation and the right of each country to freely choose the future."<sup>1</sup>

In the same context, the European Parliament also proposed revitalizing the partnership by implementing the concept of "Eastern Partnership Plus ("EaP plus")", which implies inter alia the cancellation of roaming charges; increasing funding; preferential extended export

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<sup>1</sup> *Viziune comună, acțiuni comune: o Europă mai puternică. O strategie globală pentru politica externă și de securitate a Uniunii Europene*, 2016, [https://europa.eu/globalstrategy/sites/globalstrategy/files/eugs\\_ro\\_version.pdf](https://europa.eu/globalstrategy/sites/globalstrategy/files/eugs_ro_version.pdf) (accessed 1 February 2018).

treatment; participation in new programs and agencies of the European Union, etc. These countries can benefit from these options, which have made progress in promoting reforms. So, the biggest motivation for Eastern Partnership countries to continue their path to European integration is the prospect of EU membership, not just at the level of statements: “the accession of the Eastern Partnership countries remains open,” but the certainty that, depending on individual approaches and the reforms implemented in each respective country, the EU is indeed willing to initiate a process of accession negotiations.

The six countries had different positions, capacities and aspirations in policy implementation of the Eastern Partnership, adopting European rules and choosing the EU as their main geopolitical direction. According to experts, there are two blocs or one “Eastern Partnership with more gears”: three countries (Moldova, Georgia and Ukraine) have signed Association Agreements, firmly believe in their European vocation and aspire to become members of the European Union and three countries (Armenia, Azerbaijan and Belarus) considered their sovereign right to make a decision on European aspirations and did not sign any Association Agreements until now.

The proof, that these three countries have different views and perceptions about the European Union, is a poll conducted in October 2017 by the EU Neighbours East in collaboration with ACT LLC, which aims to investigate and better understand the opinion and awareness of the citizens of the Eastern Partnership countries on the European Union and its cooperation with their countries. It was found that Georgia holds the first place in the position of confidence that relations with the EU are good: 83%, followed by Moldova with 68% and Ukraine with 58%. In the same context, there is a positive impression about the EU: Georgia with 59%, Moldova and Ukraine with 43%. In all these countries citizens associate this partnership with human rights, individual freedom and economic prosperity. In terms of trust in the European Union, Georgia holds the leading position with 66%, followed by Ukraine with 58% and Moldova with 54%. Also, the citizens of these states perceive differently EU financial support: in Moldova 79%, in Georgia 58% and in Ukraine 56% of citizens believe in the efficiency of financial support offered.<sup>2</sup>

At the 5<sup>th</sup> Eastern Partnership Summit, held in Brussels on 24 November 2017, a number of priorities were formulated, to be achieved by 2020, highlighted the importance of good governance – efficient institutions, transparent and democratic responsible, which will cultivate people’s confidence in their governments; implementing reforms in public administration and the judiciary, fighting against corruption; EU cooperation and support in the field of security sector, the implementation of integrated border management, prevention of organized crime, trafficking of human beings and smuggling, combating illegal migration, hybrid threats,

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<sup>2</sup> EU Neighbours East, “Sondaj de Opinie 2017: Republica Moldova,” 31 October 2017, <http://www.euneighbours.eu/ro/east/stay-informed/publications/sondaj-de-opinie-2017-republica-moldova> (accessed 4 February 2018); EU Neighbours East, “Opinion Survey 2017: Georgia,” 5 October 2017, <http://www.euneighbours.eu/en/east/stay-informed/publications/opinion-survey-2017-georgia> (accessed 4 February 2018).

terrorism and violent extremism, including interreligious and intercultural dialogue, enhancing cyber security and cybercrime, strengthening disaster prevention, etc.<sup>3</sup>

So, from the Summit priorities, for any democratic state, the national security policy is an indispensable element in the national policy framework, an expression and an indicator of the political and cultural identity of the state. Threats and vulnerabilities to national security are in correlation with those at regional and global level, and the three Eastern Partnership countries face largely identical challenges, including a series of major problems, with a high degree of risk, including conflicts caused by the illegal presence of foreign military forces on their territories and the total lack of control in the respective areas by government; excessive dependence on Russia's energy sources; non-competitive national economy on the regional market; the development of the shadow economy due to corruption and instability in the financial and banking system, caused by the active use of offshore zones and phantom companies, tax evasion and fraud; the lack of a viable health system capable of maintaining the provision of medical services at a high level; cyber attacks; increasing the phenomenon of excessive external migration, etc. Therefore, only with the consistent and systematic efforts of the governments of Chisinau, Tbilisi and Kiev, by intensifying political, security, economic and cultural relations with the EU and other international institutions, strengthening cross-border cooperation and assuming responsibility for preventing and resolving regional conflicts can be obtained a favourable outcome of EU-supported reforms.

Association Agreements signed by Moldova, Georgia and Ukraine, once entered into force, opened new opportunities for closer cooperation in addressing the main challenges, economic integration through technical harmonization with the EU's trade *acquis*; a certain share of European Union markets is declared open to partner countries by signing a Deep and Comprehensive Free Trade Agreement (DCFTA), which removes tariff and customs barriers, giving businesses in these countries stable and preferential access to 500 million of consumers and increased trade. Implementation of these agreements is guided by association programs. One of the most important achievements is the establishment of a visa-free travel regime for Schengen space, for the holders of biometric passports in Moldova, Georgia and Ukraine, opening up new development horizons for the citizens of these countries.

The new mandate of the European Investment Bank to grant external loans provides for an increase of allocations for the Southern and Eastern neighbours by over 36%, with 5.2 billion Euros, up to 19.6 billion Euros. And in the EU budget for 2018, there are foreseen allocations of 602 million Euros for Georgia, Ukraine and Moldova; it remains the competence and willingness of state institutions and non-governmental organizations to propose competitive projects worth the EU's funding.

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<sup>3</sup> Council of the European Union, *Joint Declaration of the Eastern Partnership Summit Brussels*, Brussels, 24 November 2017 (OR. en), 14821/17, COEST 324, <http://www.consilium.europa.eu/media/31758/final-statement-st14821en17.pdf> (accessed 3 February 2018).

The EU has allocated a financial support of 36.3 million Euros to Moldova in supporting the budget. Over the last seven years, Moldova received 746 million Euros from the European Union.<sup>4</sup>

The fact that the EU is a strategic trading partner for Moldova is evident from the report of the National Bureau of Statistics, which notes that between 2015 and 2017 Moldova's share of exports to the EU Member States has increased from 62.07% to 65.68%, while Russia's share dropped from 12.43% to 10.87% (from January to November). In addition, Moldova imports more from the EU (49.77% compared to 49.46% in 2015) and less from Russia (11.58% compared to 13.12% in 2015). The largest partners of Moldova in the EU in 2017 are: Romania – export: 24.90%, import: 14.49%; Italy – export: 9.82%, import: 6.99%; and Germany – export: 6.67%, import: 8.11%.<sup>5</sup>

The same situation is visible from the data presented by Ukrstat.org – State Statistics Service of Ukraine documents publishing, in Ukraine, the largest trading partners of Ukraine were in export: Poland (2 200 010.1 thsd USD), Italy (1 929 575.6 thsd USD), Germany (1 423 735.2 thsd USD), Hungary (1 053 084.2 thsd USD), Spain (1 004 547.4 thsd USD). There is a trend for growth of exports and imports to EU countries (export: 37.1%, import: 43.7%), compared to the CIS countries (export: 16.6%, import: 21.8%). The largest investors from the EU in 2017 in Ukraine were: Cyprus – 36.3%, the Netherlands – 23.3%, the United Kingdom of Great Britain – 7.8%, Germany 6.5%, France and Austria – 4.8%.

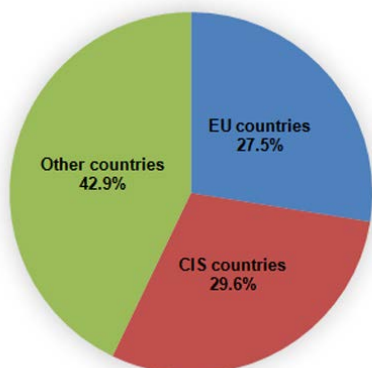
If in Moldova and Ukraine export and import trends are directed towards the EU, in Georgia, according to the data of 2017, a higher weight is maintained for the CIS countries (export: 43.3%, import: 29.6%) , compared to the EU countries (export: 23.7%, import: 27.5%).

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<sup>4</sup> Report.md, "Banca Europeană pentru Investiții va putea investi mai mult în Republica Moldova," <http://www.report.md/economie/Banca-Europeana-pentru-Investitii-va-putea-investi-mai-mult-in-Republica-Moldo-va-810> (accessed 9 February 2018).

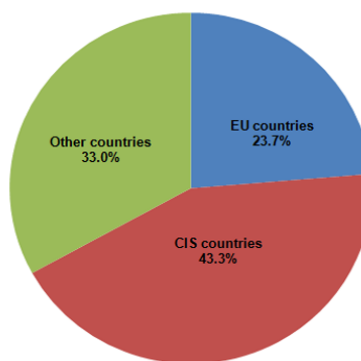
<sup>5</sup> Biroul Național de Statistică, "Comerțul exterior al Republicii Moldova în 2015-2017," <http://www.statistica.md/category.php?l=ro&idc=336> (accessed 2 February 2018).

Georgian import by country groups 2017\*



\*Preliminary data

Georgian exports by country groups 2017\*



\*Preliminary data.

Figure 1. Export and import in Georgia, in 2017<sup>6</sup>

The EU is Georgia’s largest trading partner, providing financial assistance worth over 120 million Euros each year. EU funding for Georgia over the period 2017-2020 is 371-453 million Euros. Since 2009, the EU has contributed with 35 million Euros to Georgia, which has led to 711 million Euros in lending to local companies, supporting 63 000 businesses and thus contributing to the creation of over 2 450 new jobs. The EU has also given important support to agriculture, with over 1 500 farmers’ cooperatives being created. With the help of the government to set up consultative centres across the country, the work of 250 000 farmers has become more efficient and competitive on the market.<sup>7</sup>

The National Bank of the Republic of Moldova confirms that during 2012-2017 transfers to individuals in CIS tended to decrease, while those to individuals in the EU are growing (Figure 2). Thus, during the reference period, transfers in favour of individuals in these two economic zones recorded relatively equal weights. CTR transfers were 34.9%, up 4.3% compared to 2016. EU transfers registered a 34.4% share, up 20.3% compared to 2016. The National Bank of the Republic of Moldova pointed out that the flows of the remittances depend, in large part, on the direction of the political vector of the nominated period.

<sup>6</sup> National Statistics Office of Georgia, “Georgian exports by country groups 1995-2017, Georgian imports by country groups 1995-2017,” [http://www.geostat.ge/index.php?action=page&p\\_id=134&lang=eng](http://www.geostat.ge/index.php?action=page&p_id=134&lang=eng) (accessed 4 February 2018).

<sup>7</sup> The Eastern Partnership (EaP) is a joint initiative involving the EU, its Member States and six Eastern European Partners: Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine. “Facts and figures on EU-Georgia relations,” 19 October 2016, [https://eeas.europa.eu/sites/eeas/files/eap\\_summit\\_factsheet\\_georgia\\_eng.pdf](https://eeas.europa.eu/sites/eeas/files/eap_summit_factsheet_georgia_eng.pdf) (accessed 4 February 2018).

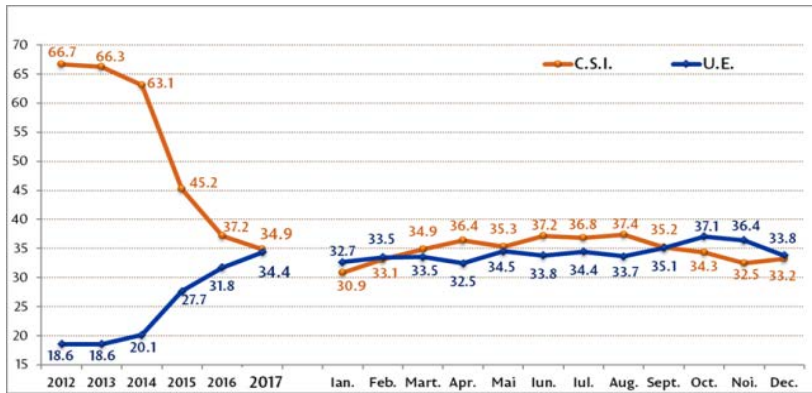


Figure 2. Dynamics of the geographical structure of foreign transfers in favor of individuals (2012-2017 yearly, 2017, monthly), %<sup>8</sup>

According to the National Bank of the Republic of Moldova data, presented by <http://bani.md>,<sup>9</sup> Russia ranks the 1<sup>st</sup> after the stock of direct investments: about 200 million dollars in 2016 and dropping to just over 70 million dollars in 2017, the largest investors being the Netherlands and Spain, followed by France, Cyprus and Romania, and Russia was just the 6<sup>th</sup>, followed by Germany, the USA, Italy and the United Kingdom (Figure 3).

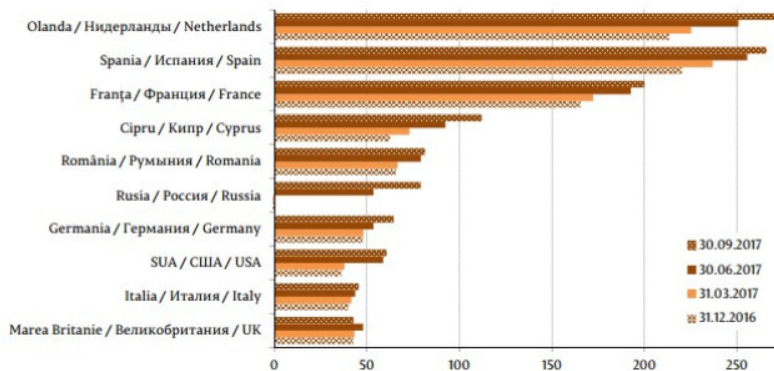


Figure 3. The main investors of the Republic of Moldova

Source: National Bank of the Republic of Moldova

<sup>8</sup> Banca Națională a Moldovei, "Evoluția transferurilor de mijloace bănești din străinătate efectuate în favoarea persoanelor fizice prin intermediul bancilor din Republica Moldova în anul 2017 (decontări nete)," Diagrama 2. Dinamica structurii geografice a transferurilor din străinătate în favoarea persoanelor fizice (2012-2017 anual; 2017 lunar), %, <https://www.bnm.md/ro/content/evolutia-transferurilor-de-mijloace-banesti-din-strainatate-efectuate-favoarea-persoanelor-9> (accessed 5 February 2018).

<sup>9</sup> Bani.md, "Rușii nu mai sunt principalii investitori ai R. Moldova! Au „zburat” de pe locul 1, fiind înlocuiți de europeni," 8 January 2018, <http://bani.md/rusii-nu-mai-sunt-principalii-investitori-ai-r-moldova-au-zburat-de-pe-locul-1-fiind-inlocuiti-de-europeni---100741.html> (accessed 4 February 2018).



To mention that the most important and largest institutional investor in Moldova is the EBRD, with a total of 1.2 billion Euros allocated from the start of its activity on this market in almost 120 projects in the industry, agriculture, financial services, energy or infrastructure, in particular restructuring of the banking sector, strengthening energy security, supporting private businesses and promoting more efficient public utilities and better infrastructure.

The EBRD, together with the International Monetary Fund, the EU and other key partners, work together to restore transparency and good governance in banks to provide more funding to Moldova's businesses, as a proof of providing 130 million Euros to support the private sector and to develop infrastructure, although institutions in the Moldova have different problems in implementing infrastructure projects and resolving issues related to fraud in the banking sector. The largest investment projects in 2017 were an 80 million Euros loan for the interconnection of Romania and Moldova's electricity networks, a 270 million Euros project, funded jointly by the European Investment Bank, the World Bank and the EU; and a second instalment of a 52.5 million Euros loan to modernize railways. In line with the priorities set out in the recently approved EBRD strategy for Moldova for 2017-2022, commitment to the government will focus on improving the business climate and supporting public procurement reforms.<sup>10</sup>

And in Ukraine, the EBRD is the largest international financial investor, so far, since 1993 the Bank has allocated nearly 12.1 billion Euros for about 400 projects. Around 3.5 billion Euros of this amount has been offered over the last four years to develop a sustainable, competitive, integrated and well-regulated economy; strengthening the financial, energy sector, reforming justice, modernizing the medical system, electrifying and upgrading a 253 km railway line in Southern Ukraine linking the main industrial and agricultural areas of the country to the key ports of the Odessa and Mykolaiv; supporting investments in renewable energy sources, energy efficiency and energy savings, the development of green energy, etc.

In Georgia, the EBRD has supported private sector competitiveness through innovation, the development of financial markets and capital markets, expanding markets through interregional connectivity and renewable energy, resource efficiency and adaptation to climate change. Thus, the EBRD has so far funded 212 projects in Georgia.

Following the signing of the June 2014 EU-Moldova Association Agreement, which includes a Deep and Comprehensive Free Trade Agreement (AA / DCFTA), the EIB finances projects in Moldova on the basis of an EU mandate for the Eastern Neighbourhood countries, which for the period of 2014-2020, provided a total amount of 4.8 billion Euros to support projects of significant interest to both the EU and its Eastern neighbourhood in the areas of local private sector development, social and economic infrastructure and the environment. Moldova is one

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<sup>10</sup> Olga Rosca, "EBRD's 2017 investment in Moldova hits all-time high of €130 million," 21 December 2017, <http://www.ebrd.com/news/2017/ebrds-2017-investment-in-moldova-hits-alltime-high-of-130-million.html> (accessed 4 February 2018).

of the countries that benefited most from EIB lending per person in the Eastern Partnership Region: almost 700 million Euros since the signing of the first EIB loan in 2007.<sup>11</sup>

According to the data published on the EU External Action site, with the direct support of the EU, the following steps were taken in Moldova, aimed at concrete recipients: more than 225 schools, kindergartens, community centres and city halls have installed heating systems based on biomass; some 15 700 people benefited from water as a result of the construction of new drinking water supply infrastructures in the period 2015-2017, through the EU program: Erasmus+, over 900 Moldovan students, teachers, as well as 2 300 young people active in the field of youth have benefited from the opportunity to study, teach and participate in volunteer activities.<sup>12</sup> And Ukraine is one of the largest beneficiaries of the Erasmus+ Programme in the Eastern Partnership region with over 5 000 students and teachers involved by the summer of 2018. Also, through a 10 million Euros program, the EU supports the Ukrainian civilian society in strengthening its monitoring capabilities in the country.<sup>13</sup> In the period of 2015-2017, 1 700 students and teachers in Georgia studied or taught in the EU as part of the Erasmus+ Programme and in 2016 Georgia joined the Horizon 2020 research and innovation program.<sup>14</sup>

The EU participates as an observer in the 5+2 negotiations format on the settlement of the Transnistrian conflict, pleading for a comprehensive, peaceful settlement based on the sovereignty and territorial integrity of Moldova with a special status for Transnistria; supports confidence building activities between the two banks of the Dniester through political and financial support for joint projects aimed at raising the living standards of the population. It supports the territorial integrity of Georgia within internationally recognized borders, as well as the peaceful resolution of conflicts in separatist regions Abkhazia and South Ossetia. The EU also supports the territorial integrity of Ukraine, condemning the serious violations by the Russian Federation of Ukrainian sovereignty and territorial integrity, applying diplomatic restrictions and economic sanctions in response to Russian aggression.

## Conclusion

Conflict resolution in these regions requires dialogue-oriented cooperation and compromise between all actors involved to identify positive solutions to the interests of all parties. The refusal to recognize the importance of interdependence between attitudes blocks communication and constructive discussions, although a possible confrontation between the EU and the Russian Federation on the frozen conflicts is unlikely; a high-level political dialogue

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<sup>11</sup> Olga Rosca, Dušan Ondrejčka and Victoria Onofreiciuc, "EU bank and EBRD support gas interconnection between Moldova and Romania," 19 December 2016, <http://www.ebrd.com/news/2016/eu-bank-and-ebrd-support-gas-interconnection-between-moldova-and-romania-.html> (accessed 4 February 2018).

<sup>12</sup> The Eastern Partnership (EaP) is a joint initiative involving the EU, its Member States and six Eastern European Partners: Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine, "Facts and figures on EU-Moldova relations," 19 October 2016, [https://eeas.europa.eu/sites/eeas/files/eap\\_summit\\_factsheet\\_moldova\\_eng.pdf](https://eeas.europa.eu/sites/eeas/files/eap_summit_factsheet_moldova_eng.pdf) (accessed 4 February 2018).

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

on these countries that host ethnic-territorial conflicts in a form of bilateral political cooperation is welcome, as the perpetuation of frozen conflicts, an obvious finality, further aggravates the political, economic and social developments of the Eastern Partnership states, and their instability has transnational repercussions. But the idea of a possible collaboration between these two powerful global competitors is a phantasmagorical one, since the strategic interests and the willingness to engage is totally opposed: the EU respects their sovereign right, Russia traditionally considers them in its "sphere of influence" and any other chosen vector, rather than the pro, is a serious threat to its geostrategic interests, immediately fortifying its presence in the respective regions. So, I reiterate that the EU's success in securing its borders to the East, which is one of the basic objectives of the Eastern Partnership policy, depends, on the one hand, on the Russian Federation's willingness to engage and, on the other hand, is the capacity and responsibility of governments in Chisinau, Tbilisi and Kiev to properly assess the priorities citizens aspire to in the dialogue with the EU.

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*Viziune comună, acțiuni comune: o Europă mai puternică. O strategie globală pentru politica externă și de securitate a Uniunii Europene.* 2016. [https://europa.eu/globalstrategy/sites/globalstrategy/files/eugs\\_ro\\_version.pdf](https://europa.eu/globalstrategy/sites/globalstrategy/files/eugs_ro_version.pdf) (accessed 1 February 2018).

## THE FUTURE OF THE EASTERN PARTNERSHIP IN THE EUROPEAN SECURITY ARCHITECTURE: THE ROLE OF THE REPUBLIC OF MOLDOVA

Mihaela STICEA

**Abstract.** The European security architecture has evolved considerably over the last decades, strengthening the role of the European Union as a global player and security provider, as a result of its enlargement process and the establishment of security and defence structures. Nowadays, the Eastern Partnership is one of the key tools in contributing to the community security by effectively bringing Eastern partners closer, seeking to contribute to stability of the EU's borders while enhancing good neighbourly relations and effective cooperation among partners. This paper addresses the current European security order, focusing on challenges and opportunities of the future role of the Eastern Partnership in a multilevel security system and the contribution of the Republic of Moldova to it.

**Keywords:** European Security, Eastern Partnership, European Neighbourhood Policy, Republic of Moldova.

In the context of a globalized and strongly interdependent world, the opportunities for a regional integration of sovereign states have been multiplied. But we cannot consider it just as an opportunity; the roots of its origins define it as a condition for survival, development and competition of different social and political communities. Nowadays the implementation of a coherent public action no longer requires the activity of single, relatively homogeneous and centralized political-administrative elite, but it involves more actors and new forms of multi-level coordination. This mechanism perfectly reflects the nature of the European Union.

With the redrawing of its external borders as a result of its expansion to central and Eastern Europe in 2004, the European Union has taken a significant step forward in promoting the security and prosperity of the European continent.<sup>1</sup> The emergence of new neighbours was perceived by the European Union as a source of new opportunities but also new challenges that determined the creation of the European Neighbourhood Policy in order to facilitate the creation of privileged economic and political relations with the Mediterranean, Eastern Europe and from the southern Caucasus states.

But in this case, values and interests are two sides of the same coin. H. Moroff emphasizes the turbulent character of the European neighbourhood with low-living standards and a deep economic and political transition, a situation that can easily encourage the formation of non-democratic regimes.<sup>2</sup> The EU's ability to provide security to the Member States cannot be conceived without good neighbourhood relations in the geographical proximity. The promotion

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<sup>1</sup> Beatricia Revenco, Eugen Osmochescu and Iulian Rusu, *Dreptul UE* (Chişinău: Institutul Naţional al Justiţiei, 2010).

<sup>2</sup> H. Moroff, "Europa lărgită – conceptul de vecinătate al Uniunii Europene," in *Republica Moldova și integrarea europeană*, eds. Arcadie Barbăroşie and Valeriu Gheorghiu (Chişinău: Institutul de Politici Publice, 2003).

of the rule of law and transparency, the development of open markets and economic integration result in fact from an interest in building political and economic stability by creating a “health cordon” from external dangers. At the same time the ability of being an actor of change and prosperity and the interdependence between the Union and its neighbours turns the European Union into a superpower not only on the continent but also around the world.

Pursuing this goal the European Union proposes to define together with the partner countries a set of priorities that will bring them closer. The involvement of neighbours in negotiation processes offers a possibility to shape their domestic agendas and to integrate these priorities into action plans that cover a number of key areas and define specific actions, as political dialogue and reform, trade and measures preparing partner countries for a progressive participation in the EU internal market, justice, energy security, environment, research and development. With this concept the European Union aims to disseminate its political, legal and economic “rules of the game” and thus to realize a step by step integration of the region. The European Neighbourhood Policy has been criticized and underestimated by both community and state politicians but in the absence of an allergen all states, including Moldova, accepted the community offer with high hopes in terms of rapid integration in the EU.

On 3 December 2008, the European Commission forwarded to the Member States and the European Parliament its vision on the Eastern Partnership, an initiative aimed to strengthen the eastern European dimension of the ENP: Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine, arrange their political association and economic integration in order to get a more stable, prosperous and secure neighbourhood and to create a “ring of friends” that could legitimately become candidates for membership one day.

The EU offered an increased economic integration and convergence with EU laws and standards through Association Agreements with comprehensive free trade arrangements, increased citizen mobility through gradual steps towards full visa liberalization as a long-term goal, cooperation on energy, border management including aid for institution-building and regional cohesion.<sup>3</sup> Especially the Visa liberalization is seen as crucial by all partner countries as it provides benefits to ordinary citizens and boosts genuine integration. But in comparison with the enlargement process, the Eastern Partnership has proved to be a distinct policy, with a palpably geopolitical character in an area of interest where the European Union is becoming more involved in contradiction with other major powers: Russia, Turkey and Iran. The eastern border is vital for defending the community from various asymmetrical problems such as illegal immigration, illicit arms trade, drug smuggling and organized crime. Soon the European Union instead of a “ring of friends” got a “ring of fire” at its borders.

After nine years of existence, the Eastern Partnership is subject to internal, external pressures and requires a new impetus. Referring to the same patterns on democratization, stability, integrity and economic growth used by the EU in this area, Arkady Moshes used the following metaphor: “Ukraine today is like a Jewish student in Soviet university where he had to know

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<sup>3</sup> “The Future of the Eastern Partnership: Challenges and Opportunities,” FRIDE Report, 2010, [http://fride.org/download/2010-02-24\\_Conference\\_Eastern\\_Partnership.pdf](http://fride.org/download/2010-02-24_Conference_Eastern_Partnership.pdf) (accessed 10 February 2018).

the subject in an absolutely perfect way just to get a B, i.e. a prospect of EU membership was never among the proposed incentives. As it turned out Ukraine was never good enough to get a C and was expecting to get an A (a prospect of EU membership)."<sup>4</sup> From Vilnius to Riga the European Union failed to establish a differentiation in the socio-political approach of the EaP states and neglected to use its Common Foreign and Security Policy as a way to openly engage them in the security architecture. Moreover, the declaration of the European Commission President, Jose Manuel Barroso that "the Eastern Partnership is not an instrument for enlargement of the European Union, but it is an instrument of rapprochement with the European Union" continues to ring out loud and clear across the EaP states. And in the meaning time, the continuous assertive actions against individual EaP partners showed the existence, from Russia's perspective, of a direct competition in the post-Soviet space and the interest to maintain its 'zone of influence' through soft and hard power tools.

The relevance of the EaP policy has always been determined by the geopolitical realities, in particular by the EU and Russia mutual interdependence. After 2008 the Russian foreign policy is defined by special dynamics, with the Kremlin starting a real course of integrationist projects in its immediate neighbourhood. For example, the Customs Union of Russia, Belarus, Kazakhstan was inaugurated in 2010, the Eurasian Union project was announced in 2011 and a common economic space between members of the Customs Union entered into force in 2012. In addition, in 2009, the Russian President, Dimitri Medvedev, promulgated an amendment to the national defence law that allows Moscow to intervene with the armed forces to "protect Russian citizens." Nowadays this amendment intervenes as an argument which claims to justify Russia's recent foreign policy but testifies in fact the awareness regarding its falling influence in the former republics and its decadent role in ensuring stability and security.

Although Russia's aggression in Ukraine is unjustified, according to the American foreign policy strategist, Henry Kissinger, "the West must understand that, to Russia, Ukraine can never be just a foreign country" and this concerns all post-Soviet countries. Russia's security is in direct correlation with the amount of external controlled territory, military and nuclear capabilities. Its choleric temperament is crucial in explaining the reaction of Russia to the "violation" of the balance of power in Eastern Europe by the European Union.<sup>5</sup> The interest in preventing a zero-sum game led to the occupation and annexation of Abkhazia and South Ossetia, the continued instigation of frozen conflicts, protests against the pro-European leadership and embargos to change their course in favour to the Eurasian Union. And varied reactions of EU Member States prove the point that a lack of political will and a single voice towards relations with Russia and the 'shared neighbourhood' makes the situation even more complicated.

In this context, the Eastern Partnership swings along containment and engagement, a position

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<sup>4</sup> Arkady Moshes, "Ukraine and Eastern Partnership," Interview on ARU TV, 2014, <http://www.youtube.com/watch?v=3j0dkdVwWPU> (accessed 5 February 2018)

<sup>5</sup> Heinrich Bonnenberg, "EU's Eastern Partnership to Blame for Crisis over Ukraine," Atlantic Community, 2014, <http://www.atlantic-community.org/-/eu-s-eastern-partnership-to-blame-for-crisis-over-ukraine> (accessed 5 February 2018)

that can be overcome only by strengthening the European Union “common voice” in the political and security field and offering the membership option to the EaP partners. The review of the Eastern Partnership and the EU Global Strategy represents a new political compass, designed after the Summit held in Brussels in November 2017, to offer the opportunity to resuscitate and revitalize the EaP. This time the EU focused on building-up trust and confidence and on a more pragmatic approach, instead of aiming to export and promote the values of democracy. The general consensus about the need to upgrade the EaP will materialize the individualisation of EU enlargement policy and achieve new goals of increasing stabilisation in the EaP region, reflected by the decision of the EU High Representative and Vice-president of the European Commission, Federica Mogherini, to put forward the Joint Staff Document “Eastern Partnership – 20 deliverables for 2020”. However, the recent policies draw the attention to the ENP limited success and level of ambition. Lowering the level of ambition in terms of democratization represents a simple acceptance of reality, in line with the “principled pragmatism” and the purpose to further developing the potential of the EaP policy to strengthen partners’ resilience, as defined in the most recent Joint Communication (“SRR policy”) of the European Union. However, resilience is a tricky concept and since the neighbours are “repressive states that are inherently fragile in the long term” that requires consideration in order to avoid the opposite result.

The EU Global Strategy sets out a new level of ambition within and between the EU institutions, EU Member States and partners. Its text states “the EU will be a responsible global stakeholder, but responsibility must be shared and requires investing in our partnership,” including for the Neighbourhood Policy, where the EU will support ascending democracies and “their success... would reverberate across their respective regions.” The EUGS paves the way for the security integration of the EaP countries into the European Union, showing a much stronger awareness of a credible military instrument. Despite the “undergoing an existential crisis”, mentioned by Guy Verhofstadt, the dynamic of the EU’s evolution on CSDP matters between 2016-2017 was extremely relevant. The EU is finally building the conditions to make full use of the tools at its disposal and the European Global Strategy or the Permanent Structured Cooperation (PESCO) aims that goal. But how can the Eastern Partnership contribute to recalibrate the European security?

Multilateral cooperation under the Eastern Partnership Panel on CSDP, launched in 2013, complements bilateral relations and allows Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine to be involved in numerous workshops, seminars, field visits and other training activities. Georgia, the Republic of Moldova, and Ukraine remain the most active partners; all three are clearly committed to closer cooperation in CSDP missions and operations. CSDP “soft and hard power go hand in hand” in four main areas:

- Cooperation with international organisations and in regional and international fora;
- Participation in CSDP missions and operations;
- Security and defence (CSDP) dialogues and seminars;
- Capacity building.



Since 2013, the EEAS's Crisis Management and Planning Directorate (CMPD) together with the European Security and Defence College (ESDC) and EU Member States have conducted more than 30 different CSDP activities for EaP partners, including outreach events in Kyiv, Tbilisi, Chisinau, Minsk and Yerevan. The EUGS, together with the revised ENP and the Joint Communication on countering hybrid threats, will offer new opportunities enabling the EU to deliver more security in the European Neighbourhood and to engage in capacity building. Partners have contributed to EU-led missions and operations, sometimes providing key enabling assets and capabilities.

The Republic of Moldova is part of this security belt and has contributed to international security missions since 1997 under the UN, Organisation for Security and Cooperation in Europe (OSCE) and especially the North Atlantic Treaty Organisation (NATO), under which Moldova sent approximately 257 soldiers in Kosovo Force (KFOR) and Stabilisation Force in Bosnia and Herzegovina (SFOR) missions.<sup>6</sup> In total, Moldova has deployed in the last 20 years around 400 personnel in international peacekeeping and security missions.<sup>7</sup> But when it comes to CSDP our efforts are limited. Even if, Moldova is both a security beneficiary, benefiting since 2005 Moldova from the EU Border Assistance Mission (EUBAM) at the Ukrainian-Moldovan border and has also participated in CSDP initiatives. With the adoption of the Law regarding the participation of the Republic of Moldova in international missions and operations, the national and international legal tools have been coordinated and Chisinau aligned its position on 63% of the EU's Common Foreign and Security Policy declarations.<sup>8</sup> However, Moldova's participation in CSDP is restrained because of the political, financial and capacity-related capacities.

Democracy cannot be exported, it can only be promoted through cooperation and it's essential to recognize that the European Union integration process has two-dimensions involving efforts and will be from both partners. Unfortunately, the Republic of Moldova has failed to make sufficient use of this opportunity but at the same time the EU's enlargement policy has lost its vigor. But the common security dimension cannot be ignored in the future, especially in the view of 17 new projects within PESCO and the adoption on February 6, 2018, of the strategy for "A credible enlargement perspective for and enhanced EU engagement with the Western Balkans" that reinforces the EaP association political discourse. Also in the context of Russia's foreign policy changing to a more aggressive tone, the fate of EaP policy might determine the EU's ability to act as an international power.

In conclusion, the need for a strong European Union has never been perceived as acutely as it is today. Challenges such as the refugee crisis, the creation of a safe environment for the Member States's economies and countering the threat of terrorism cannot be solved on a national, stand-alone basis. It is therefore high time for decisions that respond to these difficulties efficiently and comprehensively. The future of the European Union security on the

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<sup>6</sup> Ministry of Defence of the Republic of Moldova, Peacekeeping Missions webpage (accessed 10 February 2018).

<sup>7</sup> Ibid.

<sup>8</sup> Michael Emerson and Denis Cenușă, eds., *Deepening EU-Moldovan Relations – What, why and how?* (Brussels: Center for European Policy Studies, 2016).

Eastern boarder will depend on the decisions of the European leaders and how the review process of the Eastern Partnership will conclude this “journey without a map.” In this context, a new push in terms of functionality should be applied by setting differentiated policies to the Eastern Partnership countries and a strategic lifeline approach drawing a path of individual progress and perspectives. Strengthening the prominence of the European Union as a security provider will redesign the frames of the collective efforts and contribute to the future creation of an ambitious and inclusive Security Union.

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## THE SECURITY OF UKRAINE: IS ADHESION TO NATO A FINAL SOLUTION?

*Karim BELGACEM*

**Abstract.** The objective of this paper is to explore and analyse the perspective of joining Ukraine to NATO. Since 2014 and the Maidan revolution, Ukraine has lost Crimea and Donbas is still on fire. Recently the United States decided to send arms to Ukraine to defend itself. In 2017, Montenegro became the 29<sup>th</sup> country that adhered to NATO. The perspective of Ukraine's adhesion to NATO is always up for debate. From France's point of view, this option could be dangerous. For Russia, this could be considered as a declaration of war and could remind them of a former promise to extend NATO to Baltic countries. Is Ukraine's adhesion to NATO a new threat for relationships with Russia and how can the European Union and France manage this option? We will also try to put in perspective the future of Ukraine in this global perspective.

**Keywords:** Ukraine, France, Russia, NATO, danger, perspective.

### Introduction

The perspective of a Ukrainian adhesion to NATO is often evocated as a serious perspective. Since the Russian aggression in 2014 (Crimea annexation and Donbas civil war), the threat is still very real with Ukraine and Russia.

Post-Soviet countries such as Ukraine and Georgia are getting closer year after year to a NATO adhesion. If this perspective becomes reality, NATO would become a real neighbour to Russia.

Since the end of the Cold War, there was in France a permanent debate about the usefulness of NATO for population and for some specialists against the American hegemony. In the last decade, France decided to drive its own policy more closely to the United States and NATO. But the Ukrainian case put also on the spotlight the French implication in this case with the Minsk agreement "Format Normandy".

Why defending Ukraine? The answer is obvious how the country is in danger for many reasons: Russia, corruption, oligarchs... But a military question is necessary to ask.

The Orange Revolution, Maidan and a plenty of European flags in this place of freedom had proven that Ukraine wants to get closer to the West. The recent events between Ukraine and Russia gave ambition and reason to think about a NATO adhesion for Ukraine's protection and the concretisation of a real European and Atlantic Ukraine.

This perspective is possible in a long term project. But is it realistic? Would it be safer for Ukraine to join NATO and, at the same time, get in a worse relationship with Russian? Would Putin be able to bear this situation or would this decision give an opportunity to go deeper with

Ukraine's destabilisation campaign? Would this adhesion be a danger in general? In this paper, we will analyse the usefulness of an adhesion and the threat of this.

## 1. Ukraine and NATO: from 1991 until now

### *a) The story between NATO and Ukraine*

Since Ukraine's independence in 1991, the cooperation between NATO and Ukraine had begun earlier and had gone deeper with decades. In 1991, Ukraine became a member of the North Atlantic Cooperation Council (1991) and the Partnership for Peace Program (1994). In 1997, it was signed the Charter on a Distinctive Partnership, which established the NATO-Ukraine Commission (NUC) to take the cooperation forward and strengthen the relationship. This was completed by the Declaration of 2009 to complement the NATO-Ukraine through Ukraine's Annual National Program to "underpin Ukraine's efforts to take forward reforms aimed at implementing Euro-Atlantic standards."

It is logical that the support was reinforced with the Russia-Ukraine conflict. As a consequence, NATO has adopted a firm position in full support of Ukraine's sovereignty and territorial integrity within its internationally recognized borders. The Allies immediately condemned – and since then have repeatedly stated that they will not recognize – Russia's illegal and illegitimate "annexation" of Crimea in March 2014. The Allies decided to suspend all practical civilian and military cooperation with Russia, while leaving political and military channels of communication open.

NATO has strongly supported the settlement of the conflict in eastern Ukraine by diplomatic means and dialogue. It has supported the Minsk Agreements of September 2014 and welcomed the adoption of the Package of Measures for their implementation in February 2015. Allies have underlined that all signatories to the Minsk Agreements bear responsibility to comply with the commitments they signed up.

The NATO Summit in Wales (September 2014) meeting was with the newly elected President Petro Poroshenko. They decided to strengthen existing programs on defence education, professional development, security sector governance and security-related scientific cooperation, to reinforce the advisory presence at the NATO offices in Kiev and to launch substantial new programs with the help of Trust Funds – a mechanism which allows individual Allies and partner countries to provide financial support for concrete projects on a voluntary basis. Two years after this big step, during the NATO Summit in Warsaw (July 2016), the Allies and the Ukrainian President endorsed the Comprehensive Assistance Package (CAP) for Ukraine previously approved by the NUC defence ministers in June. The CAP is designed to support Ukraine's capability to provide its own security and to implement wide-ranging reforms, including as set out in Ukraine's Strategic Defence Bulletin.<sup>1</sup>

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<sup>1</sup> NATO, "Les relations avec l'Ukraine," 2 October 2017, [https://www.nato.int/cps/fr/natohq/topics\\_37750.htm](https://www.nato.int/cps/fr/natohq/topics_37750.htm) (accessed 9 February 2018).

For four years, we have seen how Ukraine is getting closer to NATO with these association programs. This tendency is logical and desirable if we look at the global context and especially if we keep in scope the Russian threat and danger. The reality is more complex and we must analyse the recent events and meetings.

### ***b) The current situation***

Every specialist and analyst can understand the motivation of the incumbent Ukrainian President for an adhesion. Recently, the Ukrainian Parliament voted to enshrine into law the country's priority of acceding to NATO. As a consequence, the Russian government declared that this perspective "threatens our security and the balance of forces in the Eurasian region."<sup>2</sup> Russia will take measures needed to rebalance the situation and ensure their own security.

The President Poroshenko initiated a genuine program of reforms and clear schedule to meet NATO membership criteria in 2020. This scenario seems to be too optimistic in regard of plenty criteria.<sup>3</sup>

First, Ukraine has to legitimately preserve its own security. But the current problem is that Ukraine is the theatre of a Greek tragedy and a game between Russia and the United States. The last one wants Ukraine in NATO to bring this institution closer to Russia. Already in 2014, the former Prime Minister Arseny Yatseniuk was seeking NATO membership and would ask the parliament for country's membership.

Within this new kind of scheme, the United States evocated the perspective of helping Ukraine with guns and war material for a potential self-defence. This scenario is a perspective of danger for international relations. Indeed, this new kind of conflict between the East and the West is also a fight about former Soviet countries destiny. There is a choice to do and a price to pay for this with consequences. Ukraine knows about this price for getting closer to Europe with Maidan and the Russian destabilisation. Just after the Donbass war, Prime Minister Yatseniuk intended to reinforce its border with Russia in the hope of cutting off alleged Russian support for pro-Russian forces in Ukraine. In 2016, he branded the project "European Rampart" with an ironic nickname "The great wall of Ukraine". But as with the Mexican wall project of Donald Trump, no wall will preserve any invasion: immigration or annexation. There is always a short-time project, decision without any diplomacy or analysis.

The Ukraine's adhesion to NATO currently seems to be like a broken down engine and without real perspective. What is the reasoning, inside or outside?

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<sup>2</sup> Tom Wheeldon, "Ukraine to start NATO talks: Russia angry, the West uncertain," France 24, 16 July 2017, <http://www.france24.com/en/20170714-ukraine-nato-talks-russia-angry-west-uncertain-relations-tension-poroshenko-putin> (accessed 9 February 2018).

<sup>3</sup> "Ukraine to revive talks on joining NATO in light of Russian threats," France 24, 11 July 2017, <http://www.france24.com/en/20170710-ukraine-seeks-path-nato-light-russian-threats> (accessed 9 February 2018).

## 2. Why shouldn't Ukraine join NATO?

### a) *The influence of the "American devil"*

Many books and articles called the Ukrainian case a fascist "coup d'état" or a war manipulated by the United States. These accusations also describe the scepticism about the usefulness of NATO these days. If we could resume in a vulgar way, NATO was created only against the USSR and is a symbol of the old concept of bipolar world.

Inside France, the global idea around 2000 was "Why does NATO still exist because the Cold War is over?" Despite this, the former French President Sarkozy decided in 2008 to get back to the integrated NATO commandment which was considered as treason against his "Gaullist family".

For some observers, the recent conflict between Ukraine and Russia gave the opportunity for NATO to have a second childhood. The accusations and allegations of the Russian expansion to Eastern Europe countries created a certain climate of paranoia with the possibility of a Russian attack against Poland and the Baltic countries. In 2014, NATO Secretary-General Rasmussen declared that "Russia is the enemy of the occidental world." The former British Prime Minister Cameron confirmed this idea with a proposition of enhancement on air forces, land forces and maritime forces.

For many decades, Ukraine has been considered as a decisive pivot in American plans and its NATO allies to install a military sanitary corridor separating Russia from Europe.

The partisans of an American manipulation accused them and its allies of supporting and driving the second colour revolution (called the "orange revolution"). During the American presidential campaign of 2008, John McCain, Barack Obama and Hillary Clinton officially supported the idea of a Ukraine and Georgia adhesion to NATO.<sup>4</sup>

The same year in December, Washington created the chart United States-Ukraine based on a strategic partnership against threats to peace and world stability. For the United States, this new chart is a mutual priority on the objective of reinforcing the Ukrainian application to NATO. An element confirmed this motivation: in 2010, Ukraine became the first NATO partner to provide a warship for the operation "Active Endeavour", a maritime surveillance and an interdiction campaign for the Mediterranean Sea inaugurated in 2001 with the activation of article 5 about mutual military assistance of NATO.

The United States considered Ukraine as a real partner, which can destabilise Russia but also the European Union. Disagreement about the Ukrainian situation is real. What to do with Ukraine? Adhesion? Non-Adhesion? What will Russia think and how will they react? Ukraine appears to be a trap for Europe. The "between the two" European position is hard to manage.

The recent new American policy with Donald Trump about "America first" is a kind of fake. We have seen with North Korea, Mexico or England that Trump is impulsive and able to provoke

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<sup>4</sup> Stephen Lendman, *Ukraine: le coup d'état fasciste orchestré par les Etats-Unis* (Paris: Delga 2015).



war just as a cowboy who would like to prove his own virility. The supposed good relationships with Russia cannot overshadow the reality of the strategic side of Ukraine.

It is obvious that Ukraine needs American protection in this global scheme but which way would be the best? Not with this kind of game as “echech et mat.”

### ***b) The risk of a Ukrainian adhesion***

In 2017, the ex-secretary general of NATO Japp de Hoop Scheffer estimated that the enlargement of NATO to include Ukraine is not still valid and the idea of an adhesion is not realistic. This declaration referred to the Ukrainian Parliament decision. He also added that NATO should strengthen its dialogue with Russia and that one is a foreground of geopolitical force.

This point of view seems to be realistic and pragmatic. If we could compare NATO to the European Union, maybe it is the good time to ask this pertinent question: should we extend the institution and why? Is it about to preserve Eastern Europe and Ukraine from a possible Russian attack or just to extend the American influence? Since the Orange Revolution, we have seen that Ukraine is more than an ordinary country which is changing itself. The issues are particular and atypical.

Ukraine was called “little Russia” as nickname in the past. Since its independence in 1991, the country is like a schizophrenic one: half to the East and half to the West. The issues with Ukraine such as gas, the Black Sea as a strategic issue, language and history would invite Western Europe countries and the United States to be more careful with Ukraine. It is a risk to force Ukraine to join NATO. How will Russia react and the risk of a real war? We all know that Russia is an important partner, but Europe has to get more implicated in this subject. Many specialists have regretted that during the Maidan events, Russia and Putin were not consulted to decide about Ukraine’s future. It is not possible to consider Ukraine’s future without Russia.

The former Ukrainian President Leonid Kuchma tried to join NATO, even before the first Maidan in 2004, only to back off later. This topic was “more about rhetoric and politics than real substance,” said Semyon Uralov, a political analyst. He also adds that “Ukraine did not really need to join NATO because it has already tuned itself into a US colony.” This subjective point of view doesn’t deny the fact that Ukraine has also another choice for its self-defence.<sup>5</sup>

If Ukraine is really defined as a special case, it could also mean a special status. This perspective could include the current partnership with NATO but with the official position of non-adhesion to the institute. Recently, Montenegro joined NATO and became the 29<sup>th</sup> member of the institution. Should it be the last adhesion or could NATO be extended further? The reality is more complex, but seems to be evident. Ukraine is too big, too strategic and its historical past is supporting a non-adhesion.

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<sup>5</sup> “Ukraine a NATO Member State? Don’t Hold Your Breath,” Sputnik News, 16 January 2017, <https://sputniknews.com/europe/201701161049641325-ukraine-nato-hopes/> (accessed 9 February 2018).

The point is not to say that Putin and Russia are angels and peaceful. But the responsibility of Europe is the ignorance of Russia about negotiations with Ukraine, and closer partnerships make them responsible of the Russian behaviour against Ukraine. Russia and Putin often remind the fact that after the collapse of the USSR, the United States promised to Mikhail Gorbachev and Boris Yeltsin that NATO will never be extended to Eastern Europe. We all know that promises are only promises.

Europe and the United States will not help to resolve the Ukrainian crisis with a NATO adhesion of Ukraine for its defence. This perspective would just put gas on the fire and force Russia to:

- Continue with the Ukrainian destabilisation in Donbas,
- Implementing the idea of Novo Russia project (Eastern Ukraine, including cities like Kharkov, Odessa and Transnistria),
- Making other provocations to the Baltic countries and Poland (Russian flyover areas in these zones),
- Making diplomatic relationships harder and without control with Russia.

Occidental countries have and must continue to be firm with Russia. But they need Russia for Syria and North Korea cases. A Ukrainian adhesion is not in the interest of Western Europe and Ukraine. Ukraine needs real defence and support from the USA and Europe, but maybe it is time, like the European Union extension, to put a limit on this kind of "thinking" and stop considering Ukraine as a new theatre of another cold war between Russia and the USA. The losers would be Ukraine and Europe.

## Conclusion

We have seen that the perspective of Ukraine's adhesion to NATO is more a danger than a peace guarantee. The United States wants to preserve a new kind of Cold War with consolidation of NATO and an extension with Ukraine. Russia would never accept this extension in its former zone.

Ukraine is more than symbolic for Russia. For a part of the Russian population, Ukraine is still a part of Russia. The United States and European countries must admit that Ukraine is a special case with nothing in common with Eastern Europe countries (like Poland or Hungary). It is the link between the European Union and Russia as it could be a special area between NATO and Russia.

The paradox of this situation is that we can't let Ukraine lie down with a potential threat from Russia. It is NATO and the European Union's duty to get involved in Ukraine's security. But we can't guarantee Ukraine's security without real diplomacy with Russia. A diplomacy not based on the game of a new Cold War as some American leaders would like to assume. Putin is not an angel, but he's not also a devil. His intelligence and tactics for a new and influent Russia in the world is working well in the Middle East and the economic sanctions imposed after the

annexation of Crimea is a failure for the United States and European countries. Putin became stronger after these sanctions.

Forcing Ukrainian adhesion to NATO could be considered as a provocation and more as a political act than a real desire to protect. There is no need to add another unnecessary conflict. ISIS, North Korea, Palestinian and Israeli conflicts are complicated enough to manage. In addition to all these, we must affirm as European citizens that we don't need other divisive situation if we really want to preserve peace and keep this perspective.

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## ARMENIA WITHIN THE COMPLEX OF “OVERLAPPING AUTHORITY AND MULTIPLE LOYALTY”: SECURITY CHALLENGES

*Tigran YEPREMYAN*

**Abstract.** The paper analyses the unique position of Armenia within the overlapping paradigms of European and Eurasian integration. It deals with the security challenges for Armenia, which arise from contradictions between integration, fragmentation and sovereign nationhood in the shared neighbourhood of the European Union (EU) and Eurasian Economic Union (EAEU). On November 24, 2017, Armenia, a member of both Russia-led EAEU and the EU's Eastern Partnership (EaP), signed an ambitious Comprehensive and Enhanced Partnership Agreement (CEPA) with the EU. Armenia and the EU managed to make the CEPA, a lighter version of AAs / DCFTAs concluded with Georgia, Moldova and Ukraine, compatible with Armenia's membership in the EAEU. Furthermore, the applicability of Cold War time Finland's Paasikivi-Kekkonen foreign policy doctrine for Armenia needs to be conceptualized, which will provide valuable insights into the security of EaP countries. Thus, via comparative case study of Armenia's way of containment and accommodation of the Russian power and its ambitious engagement with the EU, the paper will reveal the possibility of new paradigms for other EaP countries.

**Keywords:** Armenia, CEPA, European Union, Eastern Partnership, Eurasian Economic Union, complementarism, Paasikivi-Kekkonen doctrine.

### Introduction

On November 24, 2017, in the margins of the 5<sup>th</sup> Eastern Partnership summit, Armenia, on the one hand, being a member state of the Eurasian Economic Union (EAEU) and in a “strategic partnership” with Russia and, on the other hand, an active member of the European Union's (EU) Eastern Partnership (EaP), signed the Comprehensive and Enhanced Partnership Agreement (CEPA) with the EU becoming an associated country with the latter. This milestone agreement has been articulated by the ruling circles of Armenia as a successful return to the “both... and” balanced foreign policy. Some Armenian experts have even interpreted it as a rehabilitation of Armenia's long-praised foreign policy doctrine of *complementarism*.

The prevailing uncertainty among the EaP countries affirms both the EU's and Russia's changing priorities and strategies pertaining regional integration issues and reasserts changing paradigms of the integration strategies in the region. Thus, a whole bunch of interrelated issues pertained to economic, political and geopolitical dimensions of EU-Russia relations with a special emphasis on their security implications for Armenia have gained steady relevance. The new game-changing initiatives of both sides need to be studied and contextualized in order to present the future of integration policies in particular. As a point of departure, the paper proceeds comparatively by elaborating and contrasting different theories and historical

logics of strategic restraint and active neutrality policy, exemplified by ancient, modern and contemporary geopolitical systems. This comparative perspective allows us to identify fundamental differences in their respective patterns of co-operation and conflict. In this context an important conceptual issue is whether a modified version of *Paasikivi-Kekkonen doctrine* can be applicable to Armenia and other EaP countries in a way that their strategic restraint and active neutrality will be inclined towards the integration with the EU in perspective.

The paper comparatively analyses the unique position of Armenia within the overlapping paradigms of European and Eurasian integration. It deals with the security challenges for Armenia, which arise from contradictions between integration, fragmentation and sovereign nationhood in the shared neighbourhood of the EU and the EAEU. At first glance it is enough to notice that the identified scope and under researched problem is quite large to be covered in a single research paper or article and is subject for further elaboration and deeper study. So, this paper aims at identifying key strategic research dimensions.

### Complementarity Doctrine: Armenia's Strategic Restraint

Since the disintegration of the Soviet Union, independent Armenia has chosen to conduct its foreign policy and relationships with Russia, the United States, the EU and Iran, i.e. the major directions of bilateral relations with global and regional powers, in a way that no conflict of interests took place. This balanced foreign policy doctrine of *complementarity*, later conceptualized by Vartan Oskanian, the former Minister of Foreign Affairs of Armenia (1998-2008), has been "a proactive diplomacy meant to be more than a balancing act or neutrality."<sup>1</sup> It aims at ensuring good relations with all the major powers and, most definitely, at opening ways to ease the burden of dependency on Russia. According to Oskanian, while pursuing its national interests, Armenia will be able to become a place of consensus, where the interests of different rival great powers will find a common ground.<sup>2</sup>

*Complementarism* has been damaged since President Serzh Sargsyan's visit to Moscow on September 3, 2013, where he surprisingly announced his virtually "overnight decision" on Armenia's *rational choice* to join the Russia-led Customs Union and to participate in the processes of formation of the EAEU. President Sargsyan rationalized his decision in a way that "our CSTO partners are forming a new platform for economic cooperation. I have said on many occasions that participating in one military security structure makes it unfeasible and inefficient

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<sup>1</sup> Khatchik Der-Ghougassian, "Farewell to Complementarity: Armenia's Foreign Policy at a Crossroad," *The Armenian Weekly Magazine: Armenia's Foreign Policy in Focus*, March 2014, <https://armenianweekly.com/2014/04/01/farewell-to-complementarity-armenias-foreign-policy-at-a-crossroad/> (accessed 30 January 2018).

<sup>2</sup> Vartan Oskanian, *Speaking to Be Heard: A Decade of Speeches* (Yerevan: Civilitas Foundation, 2009), 19-23 [Վարդան Օսկանյան, *Անավարտ Տասնամյակ. ելույթների ընտրանի* (Երևան: Միվիլիթաս հիմնադրամ, 2009), 19-23]. See also Vartan Oskanian, *Through the Road of Independence: the Big Challenges of the Small Country – From the Minister's Diary* (Yerevan: Antares, 2013) [Վարդան Օսկանյան, *Անկախության ճանապարհով: Փոքր երկրի մեծ մարտահրավերները. նախարարի օրագրից* (Երևան: «Անտարես» հրատարակչություն, 2013)].

to stay away from the relevant geo-economic area. It's a rational decision and it is in the interests of Armenia. This decision doesn't preclude our dialogue with the European structures. In these years, Armenia through the assistance of our European partners has implemented serious institutional reforms. And in that sense, today's Armenia is a more efficient and competitive state than she was years ago. We are determined to continue the reforms."<sup>3</sup> On pre-September 3, 2013, the Armenian political discourse on integration preference has been represented as a unique Armenian penchant for Euro-integration in the near future and strategic partnership with Russia within the frameworks of the Commonwealth of Independent States (CIS) and the Collective Security Treaty Organization (CSTO). Armenia was negotiating the Association Agreement (AA) and the Deep and Comprehensive Free Trade Agreement (DCFTA) with the EU for more than three years, which was intended to be signed at the EaP Vilnius Summit in November, 2013. After the declaration of intention of joining the Russia-led Customs Union, the Armenian president emphasized that it was not a "civilizational choice" as Armenia continues aspiring "to have the closest possible and widest possible relations with the EU, and to be close to the EU... We will continue to develop in parallel relationships and interests with our key partners."<sup>4</sup>

Even after the announcement of joining the EAEU, the Armenian leadership continued to rely on "both... and" complementary approach meaning that Armenia is ready to be with both the EU and Russia. Such kind of foreign policy formula would work in favour of Armenia, if both the EU and Russia did not oblige Armenia to concretize its integration preferences. As for alternative working formula for Armenia, the European leaders demanded the approach of "either...or." In such circumstances new ideas about the farewell to the Armenian foreign policy doctrine of *complementarism* started to be included in the Armenian and international political and academic discourse. Hence, after Serzh Sargsyan's decision of joining the Russia-led Customs Union a problem arose whether Armenia would be able to continue the logic of complementarity.<sup>5</sup> As from one side, Yerevan failed to convince Moscow that within the doctrine of *complementarism*, Armenia's Association with the EU would not damage the Russian-Armenian strategic partnership and, on the other side, Armenia's foreign policy makers failed to assure Brussels that Armenia's accession to the Customs Union within the same doctrine will not harm its relations with the EU. Overall, Yerevan failed to convince the both sides that despite the different tariffs and regulations Armenia's membership both in the DCFTA and the Customs Union will serve as a facilitator of mutually beneficial economic

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<sup>3</sup> Office of the President of the Republic of Armenia, "The RA President Serzh Sargsyan's Remarks at the Press Conference on the Results of the Negotiations with the RF President Vladimir Putin," Press Release, 3 September 2013, <http://www.president.am/en/interviews-and-press-conferences/item/2013/09/03/President-Serzh-Sargsyan-press-conference-working-visit-to-Russian-Federation/> (accessed 30 January 2018).

<sup>4</sup> Office of the President of the Republic of Armenia, "Statement of Serzh Sargsyan the President of the Republic of Armenia in the Parliamentary Assembly of the Council of Europe," Press Release, 2 October 2013, <http://www.president.am/en/statements-and-messages/item/2013/10/02/President-Serzh-Sargsyan-participated-at-the-session-of-the-PACE-speech/> (accessed 23 January 2018).

<sup>5</sup> Tigran Yepremyan and Narek Mkrtchyan, "On Reasons behind Armenia's Integration Choice: EU vis-à-vis Russia-Led EEU," in *EU Relations with Eastern Partnership: Strategy, Opportunities and Challenges*, eds. Carlos E. Pacheco Amaral et al., 174-195 (Chişinău, Chernivtsi, Tbilisi: Print-Caro, 2016).

activity. As Khatchik Der-Ghougassian assumes, an Argentine-Armenian scholar of international studies, the Eurasian project “would not be a Soviet Union resurrected, rather the attempt to institutionalize the Russian zone of influence on its “near abroad”... This proactive diplomacy [complementarity] will not end, but... the Eurasian prospect of the Russian zone of influence in its near abroad has put serious limitations on its implementation.”<sup>6</sup>

Soon after the *Euromaidan*, escalation of crisis in Ukraine and the annexation of Crimea by Russia, the EU changed its approach towards the Euro-association path for Armenia and created new environment through which Armenian foreign policy makers could make it believable that complementarity is still on agenda. On this matter Armenia relied on its *special relations* with France, which prior to that had strongly supported Armenia’s full membership in the International Organization of Francophonie (Organisation Internationale de la Francophonie (OIF) in 2012.<sup>7</sup> In May 2014, President Francois Hollande of France at the press conference during his state visit to Armenia stated, “France will support Armenia in its relations with the European Union for the benefit of Armenia’s association... In case of Armenia, we should find a specific solution to this issue... France is standing beside Armenia.”<sup>8</sup>

The EU has demonstrated that it perceives Armenia as geostrategically important for Europe even within the Russia-led EAEU with ever present non-democratic member states. On December 7, 2015, EU High Representative and Vice-President Federica Mogherini with Armenian Foreign Minister Edward Nalbandyan announced the launching of negotiations for a new agreement between the EU and Armenia. Particularly, Mogherini remarked, “This will allow us to turn the page on the uncertainties created back in 2013. The work done by Armenia and the EU negotiators in the past, during more than three years of hard negotiations, will not be lost. That will be our common ground... We aim for a comprehensive framework agreement covering political, economic and sectoral cooperation and taking into account Armenia’s more recent commitments, derived from its participation in the Eurasian Economic Union.”<sup>9</sup>

Thus, *complementarism*, the foreign policy doctrine of synchronous engagement with Russia and the West has been Armenia’s key foreign policy paradigm since its independence, which has allowed Armenia to combine strategic partnership with Russia, good partnership with the US and the NATO, closer approximation with the EU and good neighbourly relations with Iran.

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<sup>6</sup> Der-Ghougassian, “Farewell to Complementarity: Armenia’s Foreign Policy at a Crossroad.”

<sup>7</sup> Ministry of Foreign Affairs of the Republic of Armenia, “Armenia became full member of the International Organization of the Francophonie,” Press Release, 14 October 2012, [http://mfa.am/en/press-releases/item/2012/10/14/mem\\_oif/](http://mfa.am/en/press-releases/item/2012/10/14/mem_oif/) (accessed 3 February 2018); “Armenia takes pride in the special relations with France: Armenian President,” ARMENPRESS, 24 April 2015, <https://armenpress.am/eng/news/803237/armeniya-gorda-osobenniy-mi-otnosheniyami-s-francieiy-prezident.html> (accessed 30 January 2018).

<sup>8</sup> “Joint Press Conference Delivered by President Serzh Sargsyan and French President Francois Hollande,” Interviews and Press Conferences of President of the Republic of Armenia, 13 May 2014, <http://www.president.am/en/interviews-and-press-conferences/item/2014/05/13/President-Serzh-Sargsyan-press-conference-with-the-President-of-France/> (accessed 20 January 2018).

<sup>9</sup> European External Action Service, “Introductory remarks by High Representative/Vice-President Federica Mogherini at the launching of negotiations for a new agreement between the EU and Armenia,” Statement, 7 December 2015, [http://eeas.europa.eu/statements-eeas/2015/151207\\_03\\_en.htm](http://eeas.europa.eu/statements-eeas/2015/151207_03_en.htm) (accessed 2 February 2018).



The signing of Armenia-EU CEPA in the margins of the 5<sup>th</sup> EaP Brussels summit on November 24, 2017, has become an important milestone for success of Armenia's "both... and" approach within the doctrine of complementarity.

### Parallel 1: Kingdom of Greater Armenia between Rome and Parthia

The tradition of Armenian "both... and" approach between the competing great powers goes back to the times of rivalry between the Roman and Parthian Empires. For centuries, the Euphrates River made up the border between the Greco-Roman West and the Eastern civilizations including Persia, India and China. The process of exchanging technologies, economic goods, arts, cultural and civilizational values and trade was taking place across that frontier. The local nations, among them also the Kingdom of Greater Armenia, were intensifying the global processes between the two worlds.<sup>10</sup>

Since the 3<sup>rd</sup> century BC, Greater Armenia had been an integral part and one of the core kingdoms of the Hellenistic world. After the Armenian-Roman Treaty of Artaxata in 66 BC, between the Armenian King Tigranes the Great (95-55 BC) and prominent Roman general Gnaeus Pompeius (106-48 BC), Greater Armenia became a "friend and an ally of the Roman people" (Latin: *amicus et socius populi Romani*). In this regard, the Treaty of Artaxata was of exceptional importance for the eastern partnership of Rome. According to the Roman law and custom of definition of a "friend" and an "ally", the Romans considered the Armenians as a part of the "civilized world" and a nation equal to them.<sup>11</sup> During the course of time, *Pax Romana* (Roman Peace or Roman world order) became a territorially bounded civilization comprising also Greater Armenia and South Caucasus and leaving outside the so-called "world of barbarism." This kind of physiological and political division of *oecumene* (the known world or the inhabited world) by the Romans represented the area of successful Roman globalization in contrast to the otherness (outside world). Thus, the Peace of Artaxata defined the status of Greater Armenia in the system of the Roman order.<sup>12</sup> Since then the Euphrates River became a frontier of civilizations between the Roman world and the East.<sup>13</sup> Later in the first half of the 1<sup>st</sup> century AD Rome took control over Greater Armenia by nominating client kings.

The situation changed as a result of the so-called Ten Years War (54-64) between Rome and Parthia for domination over the region, when the new King of Parthia, Vologeses I (51-79)

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<sup>10</sup> Albert Stepanyan and Lilit Minasyan, "Great Armenia and Euphrates Frontier in the 60s AD (Conflict, Ideas, Settlement)," *Journal of Armenian Studies* 1, 1 (2013): 14.

<sup>11</sup> Albert Stepanyan, *The Trace of History: Deeds, Writings, Essence* (Yerevan: Printinfo, 2014), 122-123 [Ալբերտ Ստեփանյան, *Պատմության հետազոծություն: գործք, գրույթ, իմաստ* (Երևան: Փրինթինֆո, 2014), էջեր 122-123]; Lilit Minasyan, "Artashat Treaty 66 BC: From the History of Armenian Diplomacy," *Nairi. Almanac: Collection of materials on Armenia and the Armenian Diaspora* 6 (New Novgorod: DECOM, 2013): 119-124 [Лилит Минасян, "Арташатский договор 66 г. до н.э.: Из истории армянской дипломатии," *Наури. Альманах: Сборник материалов об Армении и армянской диаспоре* 6 (Н. Новгород: ДЕКОМ, 2013): 119-124].

<sup>12</sup> Minasyan, "Artashat Treaty 66 BC: From the History of Armenian Diplomacy," 119-124.

<sup>13</sup> Stepanyan and Minasyan, "Great Armenia and Euphrates Frontier in the 60s AD," 14-18.

decided to restore the former power and security of his Empire. His foreign and security policy included the establishment of a defence league under Parthian leadership, comprising the key countries of the region – Greater Armenia, Atropatene, Adiabene and Caucasian Albania. The *Transeuphratean league* had its council with “an equal voice” for every participant in decision-making procedure.<sup>14</sup>

In 54, Vologeses I raised his younger brother Tiridates on the Armenian throne without the Roman consent. In response to this the Roman Emperor Nero (54-68), supported by the Roman allies Commagene and Iberia (Georgia), sent legions to Armenia headed by general Corbulo, and then general Paetus. A proposal was made to King Tiridates of Greater Armenia (54-88) to stop his membership in the Transeuphratean league and become a Roman client king.<sup>15</sup> After refusal the war relations continued and finally a compromise was found in 64 by the Treaty of Rhandaia. According to this peace treaty, King Tiridates from Parthian Arsacid royal house would remain on the Armenian throne, but the right of his coronation was given to the Roman emperor. Hence, King Tiridates with his retinue and three thousand Armenian cavalymen made a nine months long voyage and was coronated in Rome in 66.

Thus, the balance was restored. As professor of ancient history Albert Stepanyan outlines, “Tiridates “carried his friendship” from eastern peripheries to the center of the Roman world... conflicting sides – Rome and Parthia – recognized the rational compromise as a desirable alternative to war. A unique mode of international relations was established: carrying on his membership in Transeuphratean league, the Armenian king entered into friendly relations with Rome and was recognized *amicus populi Romani*. The semiotic code of this new position of Greater Armenia can be formulated in the form of an algorithm of equivalent elements – both... and (both Parthia ... and Rome).”<sup>16</sup>

## Parallel 2: Finland’s Paasikivi-Kekkonen Doctrine

The Armenian complementarity doctrine of strategic restraint and active neutrality has also parallels with Cold War time Finland’s Paasikivi-Kekkonen doctrine. The foundations of Finland’s Paasikivi-Kekkonen foreign policy doctrine, associated with names of Finnish Presidents Juho Kusti Paasikivi (1946-1956) and Urho Kekkonen (1956-1982), were laid down by the *Finno-Soviet Pact of Friendship, Cooperation, and Mutual Assistance* on April 6, 1948. The agreement served a basis for Finland’s mutually trusting relations with the Soviet Union and came to an end in 1992. Finland recognized the Soviet Union’s “legitimate security interests” assuming mutual assistance obligations and secured itself from a “communist revolution.”<sup>17</sup> This agreement ensured Finland’s survival as a sovereign liberal-democratic and

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<sup>14</sup> Ibid., 15.

<sup>15</sup> Ibid., 16-24.

<sup>16</sup> Stepanyan, *The Trace of History: Deeds, Writings, Essence*, 118-120.

<sup>17</sup> Vesa Vares, “Finland between East and West,” University of Tampere, 12 September 2012, <http://www.uta.fi/yky/en/studies/materials/index/Finland%20between%20East%20and%20West.pdf> (accessed 2 February 2018). See also Vesa Vares, “The Western Powers and Finland during the Cold War: What was “Finlandization”?” *Arhivele*

neutral borderland state with a strategic location between the West and the Soviet Union. The latter pragmatic elaboration of Paasikivi-Kekkonen doctrine even enabled Finland of being active rather than a passive neutral and simultaneously to remain outside the clashes of great-power interests throughout the Cold War.<sup>18</sup> Finland managed to maintain its societal structure, multi-party parliamentary system, free elections and free press. In terms of trade, economic and social relations Finland step by step became more integrated to the West. President Kekkonen advanced the idea that Finland could act as a political and economic “bridge builder” between the Soviet camp and the West by keeping trusting relations with both sides.<sup>19</sup> Remarkably, the well balanced foreign policy of active neutrality enabled Finland to become a common ground for key bridge-building initiatives, such as for the Conference on Security and Co-operation in Europe (1973-1975), which resulted the successful signing of Helsinki Final Act including the Declaration on Principles Guiding Relations between Participating States on August 1, 1975, in Helsinki, Finland.<sup>20</sup>

The realization of Paasikivi-Kekkonen doctrine was labelled with a pejorative term of *Finlandisation*, a West German and American term expressing critics towards Finland's position for “undue surrendering of own independence.” Later the term has received its broader and general meaning and has been used in political and scholarly debate to refer to a smaller country not willing to challenge a neighbouring great power and accommodating its interests in international affairs.<sup>21</sup>

Notwithstanding some negative effects, one can indicate that the case of Finland was an apparent success story, at least from the perspective of post-Soviet and post-communist Europe. After the collapse of the Soviet Union, Finland revived its European aspirations with more enthusiasm and became an EU member in 1995. Remarkably, even after the EU membership Finland continues its good neighbourly relations with Russia and the idea of becoming a NATO member is not popular. The case of Finland is best applicable for Armenia, as it has the potential and, more importantly, is willing to keep mutually trusting relations with both the EU and Russia as a political and economic bridge-building ground between the European and Eurasian integration projects.

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*Totalitarismului* 3-4 (2011): 147-163; Eric Solsten and Sandra W. Meditz, eds., *Finland: A Country Study* (Washington: GPO for the Library of Congress, 1988); *Agreement of Friendship, Cooperation and Mutual Assistance concluded between Finland and the Soviet Union*, 1948, [http://www.mannerheim.fi/11\\_pres/e\\_yya.htm](http://www.mannerheim.fi/11_pres/e_yya.htm) (accessed 3 February 2018).

<sup>18</sup> Harald Haarmann, *Modern Finland: Portrait of a Flourishing Society* (Jefferson, North Carolina: McFarland & Company Inc. Publishers, 2016), 96.

<sup>19</sup> Paasikivi Society, “The Paasikivi Policy and Foreign-Policy Thinking,” <http://www.paasikivi-seura.fi/123> (accessed 3 February 2018).

<sup>20</sup> OSCE, *Conference on Security and Co-Operation in Europe Final Act*, Helsinki, 1975, <http://www.osce.org/helsinki-final-act?download=true> (accessed 3 February 2018).

<sup>21</sup> Tuomas Forsberg and Matti Pesu, “The “Finlandisation” of Finland: The Ideal Type, the Historical Model, and the Lessons Learnt,” *Diplomacy & Statecraft Journal* 27, 3 (2016): 473-495.

## Armenia between the EU and EAEU: Security Challenges

On November 24, 2017, Armenia, an EAEU member, signed the Comprehensive and Enhanced Partnership Agreement (CEPA) with the EU, in fact, becoming an associated country with the latter. Uncommonly, Armenia and the EU managed to make the CEPA, a lighter version of AAs/DCFTAs concluded with Georgia, Moldova and Ukraine, compatible with Armenia's membership in the EAEU. President Donald Tusk of the European Council in his closing remarks after the 5<sup>th</sup> EaP summit in Brussels emphasized that the EaP was launched to bring the "European neighbours from the East closer to the EU. This required a more strategic and comprehensive approach towards the region, which had become the EU's immediate neighbourhood after the 2004 and 2007 enlargements. And we did this with a new ambitious offer of political and economic integration... In short, we are reuniting Europe step by step. Later today, we will be signing an ambitious new Comprehensive and Enhanced Partnership Agreement with Armenia."<sup>22</sup>

The Treaty of formation of the EAEU was signed on May 29, 2014, in Astana. The EAEU, which has come into effect since January 1, 2015, has five member states including Russia, Belarus, Kazakhstan (three founding members), Armenia and Kyrgyzstan. This economic union consolidates a market of 182.7 million people with a combined GDP of about 3 trillion US dollars and covers 14% of the world's firm land. The EAEU offers to facilitate the four economic freedoms: free movement of goods, services, capital and labour with an objective to create harmonized and coordinated economic policy in the selected sectors. The Russia-led EAEU aims at transforming economic relations in the post-Soviet space and providing an alternative to the EU in their shared neighbourhood. The law of the EAEU is based on the principle of equality of all member states, which is reinforced with the union's institutional structure. The Eurasian Economic Commission (EEC) is the executive and coordination body of the EAEU. Since 2016, Tigran Sargsyan, Armenia's former Prime Minister (2008-2014), has been the Chairman of the board of the EEC. Notwithstanding its formal egalitarian design, the Eurasian integration project has been virtually viewed as a vehicle serving Russia's geopolitical objectives in strengthening its global position, while some see a possibility of diffusing tensions between the EU and Russia via EU-EAEU cooperation.<sup>23</sup>

The EU-Armenia CEPA, i.e. the *Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part and the Republic of Armenia* also intends to facilitate the economic freedoms in selected sectors, to start dialogue on visa-free regime and to bring closer Armenia

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<sup>22</sup> General Secretariat of the Council of the European Union, "Remarks by President Donald Tusk after the 5th Eastern Partnership summit," Statements and Remarks 698/17, 24 November 2017, <http://www.consilium.europa.eu/en/press/press-releases/2017/11/24/remarks-by-president-donald-tusk-after-the-5th-eastern-partnership-summit/> (accessed 5 February 2018).

<sup>23</sup> Rilka Dragneva and Katarzyna Wolczuk, "The Eurasian Economic Union Deals, Rules and the Exercise of Power," Research Paper, Chatham House, Royal Institute of International Affairs, Russia and Eurasia Programme, May 2017, 2-7.

to the EU by enhancing the movement of goods, people, services and capital.<sup>24</sup> Overall, the EU-Armenia trade currently accounts around 23.6% of Armenia's total trade. Moreover, the EU is the biggest export market for Armenia with a 26.7% share in total Armenian exports. Despite Armenia's accession into the EAEU, the EU remains the second-biggest source of Armenian imports with a 22% in total. Armenia has been benefiting from the EU's Generalised Scheme of Preferences plus (GSP+) scheme of preferential imports from Armenia into the EU.<sup>25</sup> Furthermore, the EU-Armenia trade cooperation part of the newly signed CEPA aims at fostering sustainable economic growth, job creation and improving conditions for economic approximation.

The EU High Representative for Foreign Affairs and Security Policy and Vice-President Federica Mogherini, who signed the CEPA on behalf of the EU, remarked that "This agreement... will strengthen our cooperation in many different fields such as energy, transport and environment, and lead to increased mobility. It will also lead to an improved business environment and to new opportunities in trade and investments. This agreement is also the first of its kind, as it is concluded with a partner country which is at the same time a member of Eurasian Economic Union and in the Eastern Partnership."<sup>26</sup> Mogherini stated that the CEPA "will allow us to strengthen our cooperation on security matters... It has been a long-term objective of ours to have an ambitious agreement in place that better reflects the priorities of our partnership with Armenia, to address the challenges we face and to make the most of the opportunities available to us through even stronger cooperation."<sup>27</sup>

The CEPA, an impressive document with 386 articles and 357 pages, aims to intensify the EU-Armenia political dialogue and to set a strong basis for the continuation of socio-economic and political reforms in several concrete ways including creation of a better trade, investment and business climate with better regulatory environments.<sup>28</sup> Particularly, the CEPA's preamble states, "taking account of the strong links between the Parties and the values that they share," it aims "to promote close and intensive cooperation based on equal partnership within the

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<sup>24</sup> Council of the European Union, *Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part and the Republic of Armenia, of the other part*, Interinstitutional File: 2017/0238 (NLE), JOIN(2017) 37 final – ANNEX 1, Brussels, 25 September 2017.

<sup>25</sup> European Commission, "Armenia – Trade picture," 14 November 2017, <http://ec.europa.eu/trade/policy/countries-and-regions/countries/armenia/> (accessed 5 February 2018); European Commission, Directorate-General for Trade, "European Union, Trade in goods with Armenia," 16 November 2017, 8, [http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc\\_113345.pdf](http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113345.pdf) (accessed 5 February 2018).

<sup>26</sup> European External Action Service, "Remarks by HR/VP Federica Mogherini following the signing of the European Union-Armenia Comprehensive and Enhanced Partnership Agreement (CEPA) with Edward Nalbandian, Minister of Foreign Affairs of Armenia," Press Release, 24 November 2017, [https://eeas.europa.eu/headquarters/headquarters-homepage/36208/remarks-hrvp-federica-mogherini-following-signing-european-union-armenia-comprehensive-and\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/36208/remarks-hrvp-federica-mogherini-following-signing-european-union-armenia-comprehensive-and_en) (accessed 6 February 2018).

<sup>27</sup> European External Action Service, "New Agreement signed between the European Union and Armenia set to bring tangible benefits to citizens," Press Release, 24 November 2017, [https://eeas.europa.eu/headquarters/headquarters-homepage/36141/new-agreement-signed-between-european-union-and-armenia-set-bring-tangible-benefits-citizens\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/36141/new-agreement-signed-between-european-union-and-armenia-set-bring-tangible-benefits-citizens_en) (accessed 6 February 2018).

<sup>28</sup> *Ibid.*

framework of the European Neighbourhood Policy (ENP) and the Eastern Partnership as well as within the this Agreement; recognising... the importance of the partnership priorities in strengthening relations between the European Union and the Republic of Armenia and in helping to move forward the reform and approximation... thus contributing to enhanced political and economic cooperation.”<sup>29</sup> The agreement seeks to open “a visa-liberalisation dialogue”, to enhance the energy security and the development of infrastructure, to facilitate “market integration and gradual regulatory approximation with the key elements of the EU *acquis*... to support the efforts of the Republic of Armenia to develop its economic potential via international cooperation, including through the approximation of its legislation to the EU *acquis*.”<sup>30</sup> Hence, Armenia agrees to foster the approximation of its legislation to that of the EU, as well as to approximate its economic and financial regulations and policies to those of the EU. The EU and Armenia agree “not to discriminate between imported products and like domestic products, in accordance with Articles I and III of the General Agreement on Tariffs and Trade 1994 (GATT 1994).”<sup>31</sup> The EU-Armenia cooperation and joint actions at regional level will include arrangements such as the Transport Corridor Europe-Caucasus-Asia (TRACECA) and other initiatives.<sup>32</sup> Besides the political and economic approximation provisions, the CEPA also concerns the comprehensive and enhanced cooperation in the sphere of foreign and security policy, including “the common security and defence policy.”<sup>33</sup>

The EU-Russia “contested neighbourhood” widely comprises the EaP area, six countries, four of which – Armenia, Georgia, Moldova and Ukraine – are closer to the EU, than the two others Belarus and Azerbaijan. Armenia has a unique position in the “contested neighbourhood” with its “both... and” approach, which is driven by its specific national security interests. Russia is concerned over the loss of influence and strategic presence in its “near abroad,” while the EU is increasing its presence in its Eastern Neighbourhood with deep approximation and active integration policies with four EaP countries. Particularly, the EU’s EaP initiative is perceived by Kremlin as a constraint to its interests and designs in the region. The rivalry between the two big power centres and its security implications for the “contested neighbourhood” reached its apogee over Ukraine, which became known as the “Ukrainian crisis.” As Ademmer, Delcour and Wolczuk outline, “the EU’s and Russia’s foreign policies camouflage the complex and multiple cross-cutting influences exerted on the neighborhood countries. This is especially so with regard to sector-specific developments. The “contested neighborhood” consists of states with limited capacity to steer and regulate domestically and a fusion of political and economic

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<sup>29</sup> Council of the European Union, *Comprehensive and Enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part and the Republic of Armenia, of the other part*, 5.

<sup>30</sup> *Ibid.*, 8, 14, 24.

<sup>31</sup> *Ibid.*, 30, 34.

<sup>32</sup> *Ibid.*, 41-42.

<sup>33</sup> *Ibid.*, 15.

actors, both of which substantially shape the neighbors' receptivity to EU and Russian influences."<sup>34</sup>

Apparently, besides opportunities, there are also new security challenges for Armenia within the context of continuous rival in the contested neighbourhood between the two big power centres and their unequal relations with a small state. Unlike the other two founding members of the EAEU, Belarus and Kazakhstan, Russia has strong geopolitical intentions regarding the Eurasian integration project. For Russia the access to the small market of Armenia is not economically beneficial, as the Eurasian integration is presently costing Russia more than the desired benefits. In the context of Eurasian economic integration, economic motivations for Russia appear as secondary.<sup>35</sup> Dragneva and Wolczuk argue that Russia's main benefits from the EAEU are political rather than economic, as the EAEU accounts only 5% of Russia's total trade.<sup>36</sup> So, through its Eurasian integration project Russia aims to support its regional and global geopolitical agenda.

In contrast to other EAEU member states, Armenia does not have a common border with either Russia or any other Union member countries, which poses some economic security challenges. Apart from this, the two from three founding members of the EAEU, Belarus and Kazakhstan, openly and constantly are acting against the national interests of Armenia in regard with the conflict over Artsakh Republic (former Nagorno-Karabakh Republic, an unrecognized de facto state). Noteworthy, the process of disintegration of the Soviet Union started from Nagorno-Karabakh yet in 1988, when mass movement of Armenians in Nagorno-Karabakh demanded reunification with the mainland Armenia.<sup>37</sup> The conflict escalated into a full scale war between Armenia and Azerbaijan lasting until 1994.

In May 2014, during a Eurasian summit in Astana, Kazakhstani President Nursultan Nazarbayev, as a favour to his comrade Azerbaijani President Aliyev, even suggested to clearly define that the Republic of Armenia will enter into the Customs Union with its borders excluding Artsakh Republic, which is known to be part of the Armenian economy.<sup>38</sup> This suggestion, although was not officially denied, of course, could never be implemented either and will not as a matter of vital national security for the Armenian side. This episode showed apparent application of double standards even prior to the establishment of the EAEU. As a matter of fact Kazakhstan does not recognise either the annexation of Crimea or Abkhazia and South Ossetia, but certainly could not suggest such conditions to Russia in the regards of these regions.

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<sup>34</sup> Esther Ademmer, Laure Delcour and Kataryna Wolczuk, "Beyond Geopolitics: exploring the impact of the EU and Russia in the "contested neighborhood"," *Eurasian Geography and Economics* 57, 1 (2016): 2.

<sup>35</sup> Sean Roberts, Anais Marin, Arkady Moshes and Katri Pynnöniemi, "The Eurasian Economic Union: Breaking the pattern of post-Soviet integration?," FIIA Analysis 3, Finnish Institute of International Affairs, September 2014, 13.

<sup>36</sup> Dragneva and Wolczuk, "The Eurasian Economic Union Deals, Rules and the Exercise of Power," 6-7.

<sup>37</sup> Georgi M. Derluguian, *Bourdieu's Secret Admirer in the Caucasus* (London and New York: Verso, 2004), 186.

<sup>38</sup> Naira Hayrumyan, "Nazarbayev Statement Fallout: Sargsyan criticized for delayed reaction to Kazakh leader's remarks," ArmeniaNow, 2 June 2014, [https://www.armenianow.com/commentary/analysis/54850/armenia\\_analysis\\_sargsyan\\_nazarbayev\\_eurasian\\_union](https://www.armenianow.com/commentary/analysis/54850/armenia_analysis_sargsyan_nazarbayev_eurasian_union) (accessed 7 February 2018).

Furthermore, Armenia's membership in the EAEU complicates the "brotherhood relations" of Kazakhstan, a key member of the Cooperation Council of Turkic-Speaking States (CCTS), with Turkey and Azerbaijan, both of which have tense relations and closed borders with Armenia. Accordingly, Armenia's membership in the EAEU is based on its bilateral relations with Russia. Eventually, in the absence of clear economic and political criteria and motivation for the Eurasian integration, Armenia's accession into the EAEU was driven solely by Kremlin's pressure aimed to secure its presence in the South Caucasus as a key zone of influence.<sup>39</sup>

Despite its membership in the Russia-led CSTO, Armenia has deep military and security ties with the Western security structures. Armenia has close and active cooperation with the NATO, as well as a range of bilateral military cooperation with the United States, France, Germany, Greece and Italy. Hereby, Armenia has also succeeded in restoring a strategic balance in the military security sector actively participating in the NATO's Partnership for Peace program and significantly contributing to the Western security and peacekeeping operations and deployments in Kosovo, Lebanon, Afghanistan and Iraq. Thus, Armenia has been positioning itself as no longer a "consumer of security," but a "contributor to regional and international security." Moreover, Armenia's "strategic alliance with Russia with a pro-Western orientation" and good neighbour relationship with Iran has contributed the enhancement of its strategic significance to the rival powers. In doing so, Armenia has become more innovative at maximising its strategic options in overcoming its insecurity. As the Armenian-American analyst Richard Giragosian puts it, "in what became known as a policy of "complementarity", Armenia sought to enhance its security by pursuing a "small state" strategy designed to maximise its options and expand its room for manoeuvre amid much larger competing regional powers."<sup>40</sup>

## Conclusion

Hence, the position of Armenia with its "both... and" integration approach, approximation with the EU and strategic partnership with Russia is more secure, and it leaves Armenia with a capacity for strategic restraint and active neutrality. Furthermore, the policy transfer from the EU to Armenia will be unconstrained in wide range of areas, which are not formally incompatible with the EAEU regime.<sup>41</sup> The CEPA's importance even goes beyond the Armenia-EU relations empowering best use of complementarity doctrine with bridge-building initiatives between the two integration projects, reconciling and complementing interests of various competing great power centres. Virtually, the CEPA enables Armenia to act as an efficient economic and political bridge between the EU and the EAEU.

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<sup>39</sup> Roberts, Marin, Moshes and Pynnöniemi, "The Eurasian Economic Union: Breaking the pattern of post-Soviet integration?," 14.

<sup>40</sup> Richard Giragosian, *Armenian National Security: Drivers and Determinants of a 'Small State' Strategy* (Tbilisi: Caucasus Institute for Peace, Democracy and Development, 2016), 4-6.

<sup>41</sup> Ademmer, Delcour and Wolczuk, "Beyond Geopolitics: exploring the impact of the EU and Russia in the "contested neighborhood"," 12.



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**PART IV**

**TRANSNATIONAL COOPERATION**



## SOCIALIZATION PRACTICES AND DYNAMICS OF (IN)SECURITY IN EU-RUSSIA-NEIGHBOURS ENERGY RELATIONS<sup>1</sup>

*Maria Raquel FREIRE*

**Abstract.** This paper looks at socialization/resistance dynamics between the European Union (EU), Russia, and the countries in their neighbourhood with a focus on energy issues. The paper argues that energy constitutes a key area in EU-Russia-neighbours relations and could set the basis for an energy regime contributing to energy security in the Eurasian space. However, logics of resistance have prevented this regime to take shape. Two main sets of reasons contribute to explain this: the first are procedural reasons related to how energy security is perceived and dealt with by the different parties; the second are process-related reasons based on the politicisation of economic dynamics which have led to competitive and cooperative approaches in energy relations. The paper argues that despite the socialization of policies and practices between the EU and Russia relations are still informed by different economic paradigms with implication in the lack of agreement on a legally-based energy security regime.

**Keywords:** energy security, socialization, European Union, Russia, neighbourhood.

### Introduction

This paper looks at socialization/resistance dynamics between the European Union (EU), Russia, and the countries in their neighbourhood with a focus on energy issues. The paper argues that energy constitutes a key area in EU-Russia-neighbours relations and could set the basis for an energy regime contributing to energy security in the Eurasian space. However, logics of resistance have prevented this regime to take shape. Two main sets of reasons contribute to explain this: the first are procedural reasons related to how energy security is perceived and dealt with by the different parties and how divergence on issues such as reciprocity and diversification prevent agreement on an energy-regime; the second are process-related reasons based on the politicisation of economic dynamics, which slip into discourse, perceptions and action. These politicisation processes have led to both competitive and cooperative approaches in energy relations, becoming part of the foreign policy tool kit of the actors involved. The paper argues that despite the socialization of policies and practices in different areas in EU-Russia relations, and of the sharing of a common normative basis on energy, EU-Russia-neighbours dealings are still informed by different economic paradigms that shape political relations, with implication in the lack of agreement on a legally-based energy security regime.

The paper starts by looking at the role of norms and socialization in discourse and practice, highlighting the dynamic nature of norms and their function as guiding rules for expected

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behaviour. Socialization might imply either adaptation or contestation, resulting in cooperative procedures or conflicting approaches, respectively. Having this in mind, the paper proceeds to look at EU-Russia relations in the procedural and process-related terms identified, which imply both material and non-material dimensions. It then takes a closer look at the relevance of the EU and Russian normative approaches to relations with the neighbours. Whereas the Eastern Partnership (EaP)<sup>2</sup> seeks to project the EU neoliberal model as a formula to bind these states closer to the EU; the Russian model of relations with its near neighbours also seeks the same objective. The way socialization in EU-Russia energy relations takes place has influence in the way relations with the neighbourhood will take place. The chapter concludes by highlighting that despite energy security emerging in the agenda of the EU, Russia and the neighbours as a central issue, the perceptions and approaches developed have not been sufficiently cohesive to promote an energy-security regime in the Eurasian space.

### Norms' socialization and practices of resistance

Norms can be defined as "collective expectations about proper behaviour of actors with a given identity."<sup>3</sup> Norms have a dynamic nature which informs processes of socialization and resistance, meaning that the actors might socialize, adapt, accept a certain norm, or resist, contest, and reject that same norm. Norm diffusion as a process through which norms 'travel', but which does not assure adoption and implementation in the 'destination', allows for these differentiated responses to take place – acceptance/resistance, adaptation/contestation. The theoretical insights on how norms 'travel' have evolved reflecting this dynamics of socialization and resistance, and denying the process as having only one direction. This means the approach of conversion of norm-takers by norm-makers' imposition is too simplistic. Norms' socialization is not just about one-direction processes; rather it involves the norm-makers and the norm-takers in dynamics not only of absorption and adoption, but also of resistance and contestation, allowing even reinterpretation.<sup>4</sup> In this way, norm-takers might become norm-makers, or just reinterpret norms differently, challenging the dominant view of the

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<sup>2</sup> The Eastern Partnership countries are Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine.

<sup>3</sup> Ronald L. Jepperson, Alexander Wendt and Peter J. Katzenstein, "Norms, Identity, and Culture in National Security," in *The Culture of National Security. Norms and Identity in World Politics*, ed. Peter J. Katzenstein, 54 (New York: Columbia University Press, 1996). See also Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52, 4 (1998): 887-917; Simon Koschut, "Transatlantic conflict management inside-out: the impact of domestic norms on regional security practices," *Cambridge Review of International Affairs* 27, 2 (2014): 339-361.

<sup>4</sup> Laura Reidel, "Beyond a state-centric perspective on norm-change: a multilevel governance analysis of the retreat from multiculturalism," *Global Governance* 21 (2015): 319; Gregorio Bettiza and Filippo Dionigi, "How do religious norms diffuse? Institutional translation and international change in a post-secular world society," *European Journal of International Relations* 21, 3 (2015): 623; Jeffrey Checkel, "Norms, institutions, and national identity in contemporary Europe," *International Studies Quarterly* 43, 1 (1999): 83-114; Jeffrey Checkel, "International Institutions and Socialization in Europe: Introduction and Framework," *International Organization* 59, 4 (2005): 801-826; Peter J. Katzenstein, "Introduction: Alternative Perspectives on National Security," in *The Culture of National Security. Norms and Identity in World Politics*, ed. Peter J. Katzenstein (New York: Columbia University Press, 1996).



norm-maker.<sup>5</sup> For example, the western neoliberal principles have in many instances 'travelled' as the ones to prevail, such as visible in certain dimensions of the EU discourse and practice regarding relations with its neighbours in the Eastern Partnership, or in Russian policies on state capitalism towards its near neighbours. The principle of norms' socialization on the basis of acceptance and adaptation is too limited in explaining socialization dynamics in these relations, as further analyzed in the text with regard to energy relations.

When we look back in time at relations between the European Community and the Soviet Union, energy always had a central place, with pipelines cross-cutting ideological and political borders. The transnational nature of the system that developed became "a self-reinforcing process"<sup>6</sup> allowing for the development of trust and, as a consequence, further investment on infrastructures on the basis of new agreements. Opportunities were created from difference, and economic goals overcame political dynamics. On the process, the issue of dependence was a latecomer to the shaping of gas policies, highlighting how at the early stages energy relations between the then Soviet Union and the European Community were based more on a "soft power" approach than a deliberate political strategy.<sup>7</sup> The states in the post-Soviet space were also closely tied in a web of oil and gas pipelines,<sup>8</sup> to a certain extent still applying today, managed by Moscow. Despite an increasing trend, particularly after the end of the Cold War to politicize energy security, the fact is that the economics of energy have always been the fundamental element in the equation. "[E]nergy is business: it is primarily about prices, profits and recoument of projects."<sup>9</sup>

The evolution in the debate about norms points to the fact that diffusion can take place in different formats, both cooperative and competitive, such as rewards and coercion. The case of Russia-neighbours relations in energy terms is a good example. In fact, dynamics of cooperation and contestation run side-by-side. For example, the cuts in energy supplies from Russia to Georgia and Ukraine show the coercive side of it, whereas subsidized prices to Armenia and Belarus highlight the rewarding side of it. Moreover, context and different dimensions of power are also fundamental elements in the norm diffusion process,<sup>10</sup> highlighting the complexity of relations between Russia and the EU as well as between these actors and the countries in the shared neighbourhood.

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<sup>5</sup> This theoretical framework draws from Maria Raquel Freire, "Russia's Energy Policies in Eurasia: Empowerment or Entrapment?," in *Russia and Its Near Neighbours: Identity, Interests and Foreign Policy*, eds. Maria Raquel Freire and Roger E. Kanet (Basingstoke: Palgrave MacMillan, 2012).

<sup>6</sup> Per Hogselius, *Red Gas: Russia and the Origins of European Energy Dependence* (Basingstoke: Palgrave, 2013), 6.

<sup>7</sup> Ibid.; Maria Raquel Freire, "Review of Per Hogselius, *Red Gas: Russia and the Origins of European Energy Dependence*. Basingstoke: Palgrave, 2013," *The Slavonic and East European Review* (2014): 586.

<sup>8</sup> Randall Newnham, "Oil, carrots, and sticks: Russia's energy resources as a foreign policy tool," *Journal of Eurasian Studies* 2 (2011): 135; Thijs Van de Graafa and Jeff D. Colgan, "Russian Gas Games or Well-oiled Conflict? Energy Security and the 2014 Ukraine Crisis," *Energy Research & Social Science* 24 (2017): 60.

<sup>9</sup> Nikolay Kaveshnikov, "The Issue of Energy Security in Relations between Russia and the European Union," *European Security* 19, 4 (2010): 585.

<sup>10</sup> Stephan Engelkamp and Katharina Glaab, "Writing Norms: Constructivist Norm Research and the Politics of Ambiguity," *Alternatives: Global, Local, Political* 40, 3-4 (2015): 203.

The whole chain of producers and suppliers, transit countries and consumers must be taken into account when looking at how context and power frame these relations. Energy security is not just about demand and supply, it must take into account all actors directly or indirectly affected by energy relations, the different contexts where these take place and the power dimensions associated with them. Russian and western meaning-attribution is not always coinciding, thus the reinterpretation and delocalization of norms has impact in relations and in the broader configurations of European security. In the context of the EaP, socialization represented the dominant mechanism for normative change. The underlying rationale is the creation of a sense of belonging through integration processes that would allow for norms' adaptation bringing the EU and neighbouring states closer in political, economic and other terms. This embodies the principle that norms can socialize.<sup>11</sup> Russia's relations with its near neighbours did not follow a too different pattern in terms of the wish to socialize these countries in the normative framework promoted by Moscow, assuring they keep close to Russia. In both cases it is evident the neighbourhood is heterogeneous and individually these countries materialize their agency also in their capacity to resist and/or adapt to socialization practices, as evidenced regarding energy issues.

It seems thus contradictory. When energy could constitute a resource fostering cooperation and regional integration in Eurasia, it has been revealing more an obstacle than an opportunity. In fact, integration would seem the logical solution to many of the problems that underlie energy issues, responding to the (inter)dependence linkages that are clear in the current international energy setting. However, regional integration processes have been regarded as EU-centric or Russia-centric. With regard to energy security, attempts at promoting an integrated dialogue between the EU and Russia have proved limited, not so much arising from totally different normative contexts, but more from perceptions about self-positioning in the energy security landscape. In fact, the "EU and Russia both try to establish an international/regional regulatory regime that would answer their purposes; they seek to reduce external dependency by diversifying energy import/export; they aim to establish control over important external assets like deposits or access to final consumers; they strive to reduce their risks and increase revenues; and they use the energy sector as an important source of tax money required to meet social obligations and further economic development."<sup>12</sup> However, what could constitute a source of cohesion has been revealing limits, with reinterpretation of procedural and process-related aspects from this long to-do list. The socialization of energy in a security-regime, which would seem the best option for all players – producers, transit countries and consumers – as providing for reliability in terms of demands and supplies, and stability in the sharing of benefits and risks, has been facing resistance. Political measures controlling supply, prices' increase or decrease, reliability of flows across different countries, are just some examples.

These out-of-the-normative-framework politics contribute to insecurity on energy policies and practices. What then explains the difficulty in getting to an agreed energy regime that might be

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<sup>11</sup> Checkel, "International Institutions and Socialization in Europe."

<sup>12</sup> Kaveshnikov, "The Issue of Energy Security," 601-602.

applied to the Eurasian space? Two main elements are highlighted here: first, how energy security is perceived by the different parties, with a mostly common normative framework for the EU and Russia, but different interpretations about the liberal market's role – the EU neoliberal model which does not necessarily mean no state control from EU Member States *versus* Russia's state capitalism implying a combination between market elements and state control. The procedural dimension of the energy frameworks in the EU and Russia translated into concrete material issues, such as reciprocity and diversification where prevailing disagreement has prevented accord on the design of an energy security regime. Second, how process-related elements regarding the politicisation of energy issues have concealed to some extent the dominant economic explanation of energy relations, subsuming the economic rationale to politics. This points to two related questions: how politics of incentive and coercion play in energy terms, so energy is used as a foreign policy instrument to pressure or reward states, and how the politicisation of energy-related issues ends up contributing to energy insecurity instead of building a more integrated and cooperative framework. These issues will be further analysed in the next sections.

### Energy (in)security in EU-Russia relations: building barriers or bridges?

Oil and gas are sources of substantial revenue for Russia. "Russia's oil production increased for the eighth consecutive year, growing by 2.2% in 2016. Russia remained the world's largest oil and gas exporter in 2016."<sup>13</sup> Russia exports 42% of its gas and 32% of its oil to the EU. But Russian gas is only 6.5% of primary energy consumption in EU countries,<sup>14</sup> which dismisses the common overdependence argument. In this regard, Kratochvíl and Tichý argue that "it seems that the energy interdependence between Russia and the EU is to some extent asymmetrical in favour of the EU as Russia is more dependent on the EU energy market than the EU is on the Russian energy supplies."<sup>15</sup> But more relevant than the amount of energy supplied/consumed are the economic provisions that regulate these deliveries and their political background. This points to the idea that "the EU is a monopolistic client to a great extent than Russia is a monopolistic supplier."<sup>16</sup> The normative dimension is here important as it helps framing energy politics, in both the EU and Russia. Whereas the EU follows the neoliberal model, Russia struggles between trends of market liberalization and internal state control. Moreover, it is extremely dependent on fluctuations in energy prices as its economy is over dependent on fossil resources, leading to its labelling as a 'petrostate',<sup>17</sup> "It has been estimated that a \$1 change in the world price of oil causes Russia's GDP to rise or fall about

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<sup>13</sup> BP Statistical Review – Russia, <https://www.bp.com/en/global/corporate/energy-economics/statistical-review-of-world-energy/country-and-regional-insights/russia.html> (accessed 3 January 2018).

<sup>14</sup> Andrey Vavilov and Georgy Trofimov, "European Challenges: Competitive Pressure, Gas-Market Liberalization, and the Crisis of Long-Term Contracting," in *Gazprom: An Energy Giant and Its Challenges in Europe*, ed. Andrey Vasilov, 153 (Basingstoke: Palgrave Macmillan, 2015).

<sup>15</sup> Petr Kratochvíl and Lukáš Tichý, "EU and Russian Discourse on Energy Relations," *Energy Policy* 56 (2013): 391.

<sup>16</sup> Kaveshnikov, "The Issue of Energy Security," 598.

<sup>17</sup> For example, Newnham, "Oil, carrots, and sticks"; Van de Graafa and Colgan, "Russian Gas Games."

0.35%.<sup>18</sup> This has an immediate and direct impact in Russia's policies, including those of subsidizing 'allies' and selling energy at world market prices to 'enemies'.<sup>19</sup>

The privatization processes of the early 1990s switched resource power from the state to businessmen.<sup>20</sup> By the end of the 1990s the state controlled about ten per cent of Russia's oil, not having a dominant position in the sector. Regarding gas the scenario was different as Gazprom was dominant in the market and the state kept control of 38% of the company. Nevertheless, this meant decisions were increasingly made according to economic calculations, not political reasoning.<sup>21</sup> With Putin this scenario changed. Under the motto economic power for state purposes, and in a favourable economic context, the Kremlin regained control of oil and gas assets.<sup>22</sup> The Yukos affair set the tone for a "new energy order,"<sup>23</sup> and despite the government not controlling the oil industry, private companies have been abiding by the Kremlin rules.

In November 2009, the Russian government approved the "National Energy Strategy Until 2030", envisaging to raise the production in oil and gas whereas reducing Russian consumption of energy through investing in energy-efficient techniques. The language changed slightly from the previous version, from 'energy safety' to 'energy security', and became more precise in its reference to 'efficiency'. It better reflects "security of demand" as a concern, including "external factors like volatility in process, competition in world markets, transit dependency and politicisation of energy issues."<sup>24</sup> Then Prime Minister Putin remarked that the levels of consumption of fossil energy should remain high, since "unfortunately, or fortunately, neither solar energy nor firewood nor dried manure will be able to replace hydrocarbons in the next 15 to 20 years."<sup>25</sup> The role of energy in Russian politics has been double: on the one hand it has empowered Russia, not only internally but also regarding its positioning internationally; on the other hand it has entrapped Russia in complex dealings both at home and in its relations with other actors, particularly in its neighbourhood.<sup>26</sup>

As for the EU, energy politics are in-between attempts at designing a common approach to international energy dealings and some of the Member States' preference for bilateral agreements. The latter is illustrated for example by the Nord Stream gas pipeline linking directly Russia to Germany. Moreover, while internally the drive is to consolidate a liberalized electricity and gas market, externally the goal is to enhance energy security by means of

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<sup>18</sup> Newnham (citing EIA), "Oil, carrots, and sticks," 136.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Ibid., 137.

<sup>22</sup> Karen Smith Stegen, "Deconstructing the 'Energy Weapon': Russia's Threat to Europe as Case Study," *Energy Policy* 39 (2011): 6510.

<sup>23</sup> Kaveshnikov, "The Issue of Energy Security," 595.

<sup>24</sup> Ibid., 587.

<sup>25</sup> "Russian Energy Strategy based on Growth of Global Demand – Putin," Ria Novosti, 10 February 2010, <http://en.rian.ru/russia/20100210/157837247.html> (accessed 3 January 2018).

<sup>26</sup> Freire, "Russia's Energy Policies in Eurasia."

diversifying transit routes and suppliers.<sup>27</sup> In this regard, the readings about diversification policies in Russia and the EU are divergent. The former talks about diversification of routes as a way to reassure supplies' fulfilment in the EU space; the latter introduces diversification in a defiance tone towards Russia, understanding that reliance on a limited number of producers is dangerous.<sup>28</sup>

Both the EU and Russia share the understanding that deeper integration is beneficial, reinforcing energy security in the Eurasian space. The definition of a legal normative framework is understood as the way forward. But whereas the EU has been taking on a position of dominance in energy terms, Russia sees relations as interdependent. According to Russian sources, despite the EU being more technologically developed and making more investments, this does not mean it is less dependent on Russian energy. So, while the EU wants Russia to accommodate norms-wise, Russia understands any integration process cannot be simply based on norms transfer to Russia; it has to be a negotiated process.<sup>29</sup> This divergence illustrates well how norms diffusion is not necessarily a one-way process, and how resistance dynamics might result from understandings about unbalanced treatment, just as in the case of Moscow's perceptions about the EU's positioning. It seems the parties have been walking through barriers more than bridges in energy-related terms. This divergence has been most clear in the context of the Energy Charter Treaty (1994) and in the difficulties in defining a legal framing for energy relations. Moreover, it has spilled over to relations in the neighbourhood.

The EU acts mainly as a "regulatory state", seeking through norms to alter the behaviour of economic agents to its favour.<sup>30</sup> Thus, mechanisms of rule diffusion can be indirect in the sense that if there is no socialization through adaptation the loss might be bigger than the gain. As for Russia, the importance of regulation rests with assuring it keeps its "producer market" status, which generates competition among consumers, and therefore is favourable to Moscow. The regulatory environments in Russia and the EU have similar features, with differences relating more to the nature of energy industries than to political or value choices.<sup>31</sup> The main difference to be noted is the fact that Russia besides being a transit and consumer country is also a producer. The EU is just a transit and consumer country. This fundamental difference has led to disagreement on various issues, including the interpretation of the 'reciprocity clause': for the EU it would mean access to Russian energy fields, but Russia's access to EU deposits is mostly irrelevant. Thus, reciprocity in market access would translate not in a mutually comparable gain, but instead provide EU capital with an incomparable advantage.<sup>32</sup> Moreover, the EU energy market is not as liberal as it is presented with state

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<sup>27</sup> Kratochvíl and Tichý, "EU and Russian Discourse," 392.

<sup>28</sup> *Ibid.*, 395.

<sup>29</sup> *Ibid.*, 394.

<sup>30</sup> Andreas Goldthau and Nick Sitter, "Soft Power with a Hard Edge: EU Policy Tools and Energy Security," *Review of International Political Economy* 22, 5 (2015): 944.

<sup>31</sup> Kaveshnikov, "The Issue of Energy Security," 585.

<sup>32</sup> *Ibid.*, 599.

regulation covering a wide range of crucial business activities.<sup>33</sup> This specific reciprocity clause does not provide the text of the Energy Charter Treaty with a balanced approach to energy relations. In Russia's view, the Treaty seeks to impose a paradigm that goes against state capitalism. While the EU focuses on the critique of Russia's refusal to open its energy market to Western investors, the Russian discourse underlines the limited access of Russian energy companies to the EU's internal energy market.<sup>34</sup> The clash of paradigms is probably not so much an ideological matter, but rather the result of different economic interests based on the nature of the energy markets in Russia and the EU.<sup>35</sup> In July 2009 Russia stopped the ECT's provisional application and it ended up never ratifying it.

### **Economization and politicization of energy in the shared neighbourhood**

Relations between Russia and the EU have influence in the neighbouring countries. These share with the EU the status of transit and/or consumers. In the case of the EU the policies of socialization have sought to bring the EaP countries closer to EU rules and procedures in economic and political terms. The frames for reference are EU-based and the socialization process takes place in a context where Russian politics cannot be disregarded. In fact, Russian politics have led to practices of socialization by these countries in EU norms, driven 'negatively' by the motivation of keeping distance from Russian potential influence and pressure. In parallel, relations between Russia and the EaP countries have combined the subsidies logic with moves to a market-oriented model with the application of world market prices for energy, which means a substantial change from Soviet practices. And the Russian focus on European markets remains despite the agreements Russia has been negotiating with China, such as the signing of a 400 billion dollars gas energy deal in May 2014, or with Turkey, such as the Blue Stream pipeline. This agreement allows Russia to build on investments already made within the framework of the South Stream project and to refrain from investing in Ukraine as a transit country, adding further pressure to the country's economy. In this way, Russia is playing a dual game. On the one hand, it is consolidating ties with Turkey, which in the current context of tensions with relations with the EU contributes to reinforcing Russian politics in the enlarged Eurasian area. On the other hand, by changing the route of the gas pipeline to a new drawing, Russia is gaining new leeway towards Ukraine, using energy as a pressuring tool over the authorities in Kiev.

When energy security loosens its economic shell to become a politicized issue, one of the main arguments is that competing cooperative and uncooperative approaches will run and dictate the state of relations. These are the result of rewards or punishment by Moscow regarding neighbour's compliance with its own state capitalism regime: the so-called 'petro-carrots' (rewards to Armenia and Belarus) and 'petro-sticks' (punishment to Georgia and

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<sup>33</sup> Ibid.

<sup>34</sup> Tatiana Romanova, "Russian Energy in the EU Market: Bolstered Institutions and Their Effects," *Energy Policy* 74 (2014): 51.

<sup>35</sup> Tom Casier, "Russia's Energy Leverage over the EU: Myth or Reality?," *Perspectives on European Politics and Society* 12, 4 (2011): 505.

Ukraine). Thus, Russia benefits from “asymmetrical independence” with its neighbours, with their dependence on Russian resources making it easy for Moscow to use energy resources as a form of pressure on these governments.<sup>36</sup> However, these trends are not linear as by imposing market prices on some of these states, Russia is also losing leverage over them. Also, not all the countries in the EaP recognize Russia the influence role it seeks, by pursuing multivectorial policies that diversify their foreign policy relations, and by not endorsing the Russian narrative on areas of influence.

Ukraine has been an important transit country with the main Russian gas pipeline running through the country. After the ‘Orange Revolution’ in Ukraine and as part of Russia’s ‘gas weapon’ strategy, the decision was to adjust prices to world market standards that implied a final price almost five times higher. Gazprom also asked Ukraine’s payment for its accumulated debt for gas service.<sup>37</sup> Some Russian commentators remarked the cut off on gas supplies to Ukraine was “retribution for the Orange Revolution.”<sup>38</sup> In the end the price of gas doubled, showing Russia’s leverage and imposing a heavy burden on the Ukrainian economy.<sup>39</sup> In 2004 80% of gas exports to Europe came via Ukraine.<sup>40</sup> At the time of the proposal to sign the Association Agreement with the EU, in November 2013, Gazprom offered a 33% discount per 1 000 cubic meters, from \$402 to \$268.5. After Crimea’s annexation, in April 2014 discounts were not applied anymore. This raised the issue of the reliability of framework agreements, as norms seem to follow the understanding that if you abide by the regime you are rewarded, if not, you have to bear the burden of non-compliance. The latter translated into a price increase of 80%, to \$485 per cubic meter, the highest price practiced in Europe.<sup>41</sup> Russia has an interest in diverting gas transit from Ukraine, diminishing Kiev’s leverage as a transit country. Ukrainian pipelines are aged and in need of high maintenance, offering neither security nor economic reliability. Nevertheless, and as of 2015, the Ukrainian transit pipelines remained essential for EU-Russia gas trade. They offer a larger capacity than the Nord Stream and the Yamal pipelines and several EU countries are dependent on the Ukrainian corridor for their gas as their sole supplier. As it is well-known, whereas oil is more easily transported through different means, natural gas is not so easy to replace in terms of infrastructure requirements. Despite the war in Ukraine, the gas flows kept running with EU mediation and support through provision of financial guarantees in 2014 and 2015.<sup>42</sup> But it has become clear that “the EU’s regulatory power is not sufficient to alter Russia’s behaviour in the Ukraine, whether in the form of using gas prices to extract political concessions or actually annexing a part of the country.”<sup>43</sup>

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<sup>36</sup> Newnham, “Oil, carrots, and sticks,” 135.

<sup>37</sup> *Ibid.*, 140.

<sup>38</sup> Yasmann cited in Newnham, “Oil, carrots, and sticks,” 140.

<sup>39</sup> Newnham, “Oil, carrots, and sticks,” 141.

<sup>40</sup> Van de Graafa and Colgan, “Russian Gas Games,” 60.

<sup>41</sup> For more details on this see Van de Gaafa and Colganb, “Russian Gas Games,” 61.

<sup>42</sup> Marco Siddi, “The EU’s Gas Relationship with Russia: Solving Current Disputes and Strengthening Energy Security,” *Asia Europe Journal* 15, 1 (2017): 111.

<sup>43</sup> Goldthau and Sitter, “Soft Power with a Hard Edge,” 961.

Georgia suffers more from a Russian cut in supplies given its small size and limited role as a transit country, meaning that the costs for Moscow arising from energy cut-offs are reduced. In 2006 Georgia suffered unexplained explosions in sections of its gas pipelines, which happened again in 2008 at the time of the war in Georgia, with several sections of the BTC damaged. The context was relevant, after the 'Rose Revolution' set a western-oriented course in Georgian foreign policy. Back in 2006 Tbilisi agreed to a price increase as imposed from Moscow, at first doubling the price, but ending up in raising it to full market prices (from \$63 in 2005 up to \$235 per thousand cubic meters).<sup>44</sup> In opposition to this trend and underlining its power position, Russia has been subsidizing energy to Abkhazia and South Ossetia, further widening the contrast between energy prices in Georgia and in these territories.

In face of this scenario where EaP countries are clearly in the middle way between the EU and Russia, with the first not being an energy supplier, "reading the energy market as what it really is – a market ruled by economic and financial supply-and-demand rules, fair competition and transparent regulation – has proven the most efficient strategy to uphold geopolitical meddling from major energy suppliers, including Russia. Compliance to the EU regulatory framework is the best way for Ukraine, Moldova and Georgia to regain energy autonomy, and thus to minimize Russia's political leverage."<sup>45</sup> This approach points to compliance with norms because of the fear of retaliation, meaning socialization is pursued through adaptation, though induced by a negative motivation. It also shows how much economic-driven the energy issue is and the least politicized it becomes the less burdensome it also becomes.

## Conclusion

This text sought to explore why energy relations, which are recognized by all parties in the Eurasian enlarged space as mutually beneficial, have not provided ground for a more cooperative approach, leading to the definition of an energy-security regime. Two main sets of reasons helped explain the lack in agreement. On the one hand, the procedural aspects related to the conceptualization of the normative guidance for energy security, built on very different economic energy sectors in the EU, Russia and the neighbours. On the other hand, the process-related dimension of the politicization of energy issues and how this has been leading to rivalry and uncooperative practices. Nevertheless, and despite the identified difficulties in finding the basis for agreeing on a legal common energy framework, some aspects prevail that might keep the door open for small steps in the direction of regime-building. First, Russia has not really substantive alternative clients to the EU market. The new deals with China and Turkey are insufficient to invert the current state of affairs, with most pipeline networks still going westwards.<sup>46</sup> Second, sanctions do not apply to gas, and regarding the oil sector they only apply specifically to unconventional oil – thus, the main

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<sup>44</sup> Newnham, "Oil, carrots, and sticks," 142.

<sup>45</sup> Dorin Dusceac, Nicu Popescu and Victor Parlicov, "EU-Russia and the Energy Dimension of the Eastern Partnership," *CES Working Papers* 3, 2 (2016): 266.

<sup>46</sup> Casier, "Russia's Energy Leverage over the EU: Myth or Reality?," 500.



impact of the sanctions on energy matters is that they deprive Russia from western investment. This strategy for running business as usual regarding energy could offer a window of opportunity to redefine principles and procedures in a more cooperative way. In fact, the drop in prices of oil since mid-2014 from over \$110 to less than \$50 in May 2016 has been putting more pressure on the Russian economy than the sanctions imposed by the EU and the United States in the context of the war in Ukraine. Third, it seems clear that the EU's policy of socialization in energy terms has followed different patterns from those of Russia. For Russia this is understood as norms' imposition in an uneven and unequal way. As for the EU it sees Russia as also imposing conditions on its neighbours. These practices have been restricting the development of new joint projects that could provide for the basis of an energy security regime, bringing more security to energy relations in Europe. This is not an easy target to achieve. This does not mean however it should be dismissed as a target to be followed.

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## THE EUROPEAN UNION AND ITS EASTERN PARTNERSHIP: ENERGY SECURITY CHALLENGES

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**Abstract.** The aim of this article is to analyze whether the Eastern Partnership objectives in the area “Connectivity, energy efficiency, environment and climate change” (20 Deliverables for 2020: Bringing tangible results for citizens) will impact the European Union energy security. The authors put forward the hypothesis that, given current internal challenges for maintaining the EU’s energy security (including security of energy resources supply) and work on the European Commission’s so-called “Winter package”, the implementation of the objectives of the Eastern Partnership in the area of energy weakens already difficult to achieve activities aimed at guaranteeing the EU’s energy security. For this reason, the article attempts to define contemporary challenges for the European Union energy security, with particular emphasis on the obligations arising from the implementation of the Eastern Partnership objectives.

**Keywords:** Eastern Partnership, EU energy security, EU climate and energy policy, Winter package.

### Introduction

**R**egional economic integration in Europe was accompanied by efforts aimed at creating a common energy policy. Its basic aim was to ensure safe energy supply to each country. The direction of these efforts varied depending on the international situation. The first and second oil crises made it necessary to guarantee safe oil delivery and boosted the search for alternative cost-effective energy sources. Conflicts between Russia and Ukraine brought to the fore the necessity to debate the safety of gas exports. On the other hand, reactor failures in Chernobyl and then Fukushima sparked a debate on the safety of nuclear power stations.

Solutions to the conflict and crisis situations in the energy sector were provided by the climate-energy policy of the European Union complemented by numerous strategies and measures. These focus on guaranteeing the safety of supply, increased competition and sustainable development. Additionally, the European Union’s measures are accompanied by environmental protection campaigns especially focused on preventing its degradation.

As a consequence of new the criteria, the EU’s energy economics priorities became: the liberalization of the electrical and gas energy markets, safety of supply to internal markets,

changes to the structural types of energy delivery systems taking into account their impact on the environment, and the development of research and modern energy technologies.<sup>1</sup>

The Eastern Partnership (EaP) was launched in 2009 as a joint policy initiative. It aims to deepen and strengthen relations between the European Union and its six Eastern neighbours: Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine. Before the last EaP Summit in November 2017, the EU revised the 20 key deliverables for 2020 for the Eastern Partnership ("Eastern Partnership – 20 Deliverables for 2020. Focusing on key priorities and tangible results").

Preliminary analysis of the above mentioned issues allows to put working thesis that, given current internal challenges for maintaining the EU's energy security and work on the European Commission's so-called "Winter package", the implementation of the objectives of the Eastern Partnership in the area of energy (20 Deliverables for 2020: Bringing tangible results for citizens) weakens already difficult to achieve activities aimed at guaranteeing the EU's energy security. For this reason, the article attempts to define contemporary challenges for the European Union energy security, with particular emphasis on the obligations arising from the implementation of the Eastern Partnership objectives.

## Problem formulation and methods

This article is an attempt to find answers to the following questions: How is the term energy security understood in literature on the subject and in the European Union's legislation? What are the threats to the energy security in the European Union and what are the challenges which have to be identified in order to guarantee energy security for the European Union Member States? What are the main objectives of the Eastern Partnership in the area "Connectivity, energy efficiency, environment and climate change"? Will the implementation of the Eastern Partnership in the scope of the above mentioned area weaken or strengthen the implementation of the EU climate and energy policy and thus its energy security?

To accomplish the objectives of the article, the analysis is divided into four parts. At the beginning, selected definitions of energy security have been presented. The second part describes EU threats and challenges facing energy security from a theoretical and practical perspective. The third part is an attempt to describe the Eastern Partnership objectives in the area "Connectivity, energy efficiency, environment and climate change."

The analysis in this article is based on the study of literature, the legal regulations and the European Commission's documents. The research tools used in this article include the study of literature, descriptive analysis and comparative analysis (quantitative analysis).

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<sup>1</sup> Grażyna Wojtkowska-Łodej, "Zmiany na polskim rynku energii w warunkach członkostwa w Unii Europejskiej," in *Polska. Raport o konkurencyjności 2014. Dekada członkostwa Polski w Unii Europejskiej*, ed. Marzena Weresa, 323 (Warszawa: Oficyna Wydawnicza SGH, 2014).

## Definition of energy security

There is a wide range of energy security definitions introduced in literature on the subject.<sup>2</sup> The main division in understanding the place of Energetics in the politics of modern countries is the separation of an economic-based approach from a politically-strategic (geopolitical) approach. Economists think that energy security as such is a myth and any potential dangers are associated with a shortage of fuels and disruptions in supply. They treat the markets as the main regulators of these issues. On the other hand, foreign policy analysts reason that energy security is a factor in national security and should therefore be studied from a political, as well as an economic point of view.<sup>3</sup>

The definition of energy security is contextual and dynamic in nature. The scope of energy security has also expanded, with a growing emphasis on dimensions such as environmental sustainability and energy efficiency. Significant differences among studies are observed in the way in which energy security indexes are framed and constructed. These variations introduce challenges in comparing the findings among studies.<sup>4</sup>

Energy security is also described as a one of the main targets of energy policy. It is hard to measure and difficult to balance against other policy objectives. The confusion about energy security is also reflected in political actions. But the common concept behind all energy security definitions is the absence of, protection from or adaptability to threats that are caused by or have an impact on the energy supply chain.<sup>5</sup>

In a very general sense, energy security can be described as a state in which there are no threats.<sup>6</sup> Another definition identifies energy security as a “dynamic process in which an important role is played by global and regional trends as well as specific actions in energy politics.”<sup>7</sup>

There are also definitions of energy security that describe it as “multidirectional activities (policies) of state and industry on a global and regional scale, whose goal is to ensure sufficient levels of available energy raw materials, especially oil and gas.”<sup>8</sup>

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<sup>2</sup> Benjamin K. Sovacool and Ishani Mukherjee, “Conceptualizing and measuring energy security: A synthesized approach,” *Energy* 36 (July 2011): 5343-5355; Bert Kruyt, D. P. van Vuuren, H. J. M. de Vries and H. Groenenberg, “Indicators for energy security,” *Energy Policy* 37 (March 2009): 2166-2181.

<sup>3</sup> Marcin Kaczmarek, *Bezpieczeństwo energetyczne Unii Europejskiej* (Warszawa: Wydawnictwa Akademickie i Profesjonalne, 2010), 13.

<sup>4</sup> Beng Wah Ang, Wei Lim Choong and Tsan Sheng Ng, “Energy security: Definitions, dimensions and indexes,” *Renewable & Sustainable Energy Reviews* 42 (February 2015): 1077-1093.

<sup>5</sup> Christian Winzer, “Conceptualizing Energy Security,” *Energy Policy* 46 (July 2012): 36-48.

<sup>6</sup> Katarzyna Żukrowska, “Pojęcie bezpieczeństwa i jego ewolucja,” in *Bezpieczeństwo międzynarodowe. Teoria i praktyka*, eds. Katarzyna Żukrowska and Małgorzata Graćik, 21 (Warszawa: Oficyna Wydawnicza SGH, 2006).

<sup>7</sup> Kamila Pronińska, “Bezpieczeństwo energetyczne Unii Europejskiej w warunkach kryzysu finansowego,” in *Bezpieczeństwo ekonomiczne w perspektywie politologicznej – wybrane problemy*, eds. Krzysztof Książkowski and Kamila Pronińska, 55 (Warszawa: Dom Wydawniczy Elipsa, 2012).

<sup>8</sup> Adam Chmielewski, *Bezpieczeństwo energetyczne państwa. Geopolityczne uwarunkowania* (Warszawa: Wydawnictwo M. M., 2009), 10.

A review of the literature on the subject leads to the conclusion that the most relevant group of definitions are those that take into account energy security in the context of a dynamic process involving many stakeholders. This process is related to the management of energy demand and supply, and the energy needs of the entities primarily by ensuring the continuity of the energy supply.

### EU threats and challenges facing energy security

Literature on the subject mainly distinguishes between the physical and economic threats to energy security<sup>9</sup>:

- physical, e.g. short-term or even permanent, breaks in energy supply from one source or one region,
- economic, e.g. dependence on energy prices,
- other, such as high environmental protection demands, which influence the production, usage and supply of oil.

Besides physical, economic and environmental threats facing energy security, it is also necessary to mention the political threats arising from the global international situation and the loss of influence of some countries over the transport and distribution infrastructure of energy.

A more detailed division of the energy security threats, but one that still fits within the above framework, takes into account the following situations<sup>10</sup>:

- the threat of a terrorist cyberattack, which would disrupt the normal functioning of the energy infrastructure,
- the threat of the depletion of energy carrier resources and loss of production capacity of power plants, and the degradation of the mining and industrial infrastructure.

This background brings to light additional challenges, namely the consequences of the greenhouse effect, or factors arising from the global financial-economic crisis.<sup>11</sup>

Another division distinguishes between short and long-term threats and challenges for energy security.<sup>12</sup> The short-term ones are associated with the functioning of industrial transport infrastructure and cover: lack of supply caused by accidents, political problems, terrorist attacks, weather conditions and grid failures. The long-term threats are concerned with geological risk (depletion of resources), technical risk (problems with mining and distribution

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<sup>9</sup> Paweł Czerpak, "Bezpieczeństwo energetyczne," in *Bezpieczeństwo międzynarodowe. Teoria i praktyka*, eds. Katarzyna Żukrowska and Małgorzata Graćik, 121-135 (Warszawa: Oficyna Wydawnicza SGH, 2006).

<sup>10</sup> Paweł Soroka, *Bezpieczeństwo energetyczne: między teorią a praktyką* (Warszawa: Dom Wydawniczy Elipsa, 2015), 46-49.

<sup>11</sup> *Ibid.*, 56-59.

<sup>12</sup> Marcin Kaczmarowski, *Bezpieczeństwo energetyczne Unii Europejskiej* (Warszawa: Wydawnictwa Akademickie i Profesjonalne, 2010), 18-19.



systems caused by insufficient investment and bad technical condition), economic risk (caused by differences between demand and supply, fluctuation of the prices of energy raw materials, etc.), geopolitical risk (suspension of supply due to political reasons or civil war), environmental risk (environmental pollution caused by activities in the energy area, acceleration of climate change, accidents).

The divisions presented above do not exhaust the debate, which concerns threats and challenges to the energy security of the European Union. Due to the changing EU internal situation and the processes taking place in the global economy, this debate will be ongoing. However, it is worth noting that the potential threats and challenges facing EU energy security will appear in connection with breaking the following EU energy security barriers: political, economic, technical and social. These are the driving forces behind the development of the EU climate and energy policy, the primary objective of which is to guarantee energy security.

Bearing in mind the above theoretical concepts, this article assumes a division of threats and challenges for the energy security of the European Union into threats and challenges internal to the Union and those classified as external. The first group includes: the lack of a common climate and energy policy strategy within the European Union, and due to that, the lack of solidarity between Member States and no single internal energy market because of the incomplete building of an energy union. External threats to the energy security of the EU that derive their origin from the current EU energy situation are: the share of particular fuels in the overall energy balance and dependence on fuel imports. Additionally, another external threat to EU energy security is the potential geopolitical problems preventing the import of oil and gas. The external challenges facing EU energy security are in turn the set of consequences arising from these threats.

Ensuring the energy security of the European Union has become the primary, if not the most important, objective of the EU's climate and energy policy. The European Commission started formal work on the climate and energy package in 2007 and 2008. This was the beginning of the creation of a fully comprehensive European Union action strategy in the field of energy and climate policy. The presented documents tried to take into account, as far as possible, the desired directions and objectives of both the European Union and the Member States. In one of the documents, the European energy policy's basic assumptions were defined as: counteracting climate change, limiting the Union's vulnerability to external factors resulting from dependence on fuel imports and supporting employment and economic growth, which will ensure the security of energy supply to consumers at affordable prices (energy security).

The climate and energy package includes specific objectives (3x20% package) for reducing greenhouse gas emissions, increasing the share of energy from renewable sources in final energy consumption and increasing energy efficiency. These objectives have been modified many times, namely the quantitative thresholds necessary to be achieved in the following decades. In 2014, the framework of the new European energy policy was adopted, based on the EU climate and energy package up to 2020. Currently, works on the so-called "Winter

Package”<sup>13</sup> are still under way. It includes eight proposals to facilitate the transition to a ‘clean energy economy’ and to reform the design and operation of the European Union’s electricity market.

The Member States were obliged to meet the above mentioned objectives, but were left free to determine possibly higher national targets. In addition, under the Treaty on the Functioning of the European Union, shaping energy policy remains the responsibility of the Member States, which is a contradiction and constitutes a threat to the implementation of the above mentioned objectives.

### **The Eastern Partnership objectives in the area “Connectivity, energy efficiency, environment and climate change”<sup>14</sup>**

Within the revised in 2017 framework (“Eastern Partnership – 20 Deliverables for 2020. Focusing on key priorities and tangible results”), all partners have decided to focus on achieving the 20 deliverables for 2020 in four key priority areas: stronger economy, stronger governance, stronger connectivity and stronger society. Implementation of all four priority areas requires contemporary cooperation, but the analysis focuses on the third area “Connectivity, energy efficiency, environment and climate change,” which is the most important one for the EU energy security. The main goals within that area are<sup>15</sup>:

- to extend transport interconnections between the EU and the Eastern partners, development, regional economic integration and people’s mobility;
- to increase energy supply security;
- to enhance energy efficiency and the use of renewable energy, to reduce energy dependency and to reduce greenhouse gas emissions;
- to support energy, environment and climate action, to make Partner Countries less exposed to external risks, and to help them develop sustainable and low-carbon economies that attract investment, as well as address environmental challenges and promote sustainable development.

Progress on the extension of TEN-T core networks, including road, rail, ports and airports, and inland waterways, will be supported by a long-term investment action plan that aims to complete the TEN-T network by 2030 and towards the signature of Common Aviation Area Agreements.

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<sup>13</sup> Jan Rosenow, Richard Cowarta, Edith Bayera and Mariangiola Fabbrid, “Assessing the European Union’s energy efficiency policy: Will the winter package deliver on ‘Efficiency First?’,” *Energy Research & Social Science* 26 (February 2017): 72.

<sup>14</sup> European Commission, “Eastern Partnership – 20 Deliverables for 2020. Focusing on key priorities and tangible results,” [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/eap\\_20\\_deliverables\\_for\\_2020.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/eap_20_deliverables_for_2020.pdf) (accessed 21 January 2018).

<sup>15</sup> *Ibid.*, 3.

The security of energy supply will be increased through enhanced gas and electricity interconnectivity among Partner Countries and between them and the EU (the EU4Energy initiative). Increased energy security should also be achieved through the proposal in the framework of the Energy Community and under the EU4Energy aim, which will help to improve the availability and quality of data for consumers, investors, researchers and policy makers, including improved management, analysis and the translation of data into policy decisions.

The next steps will cover energy efficiency and the improvement of the use of renewable energy, and the reduction of greenhouse gas emissions in line with the Paris Agreement on Climate Change. This is planned to be done by aligning financial instruments with plans and Partner Countries' national policies in this area; coordinating with IFIs as outlined in the implementation of the Sustainable Energy and Climate Action Plans (SECAP) through the Covenant of Mayors Programme; implementing SMEs support for sustainable efficiency, ensuring synergies between EU4Business, EU4Energy and EU4Innovation; unlocking finance for green investments through blending facilities; supporting the preparation of national mid-century, long-term low greenhouse gas emission development strategies, as well as the establishment of national emissions monitoring, reporting and verification.

Adaptation to climate change will be supported by improving water resources management and trans-boundary cooperation, mainstreaming environmental goals, into development and sectoral policies and plans, developing sounder environmental governance, enhancing environmental awareness, improving the sustainable management of key natural resources and promoting climate change resilience.<sup>16</sup>

## Conclusions

Conclusions based on the analysis which was carried out have been divided into theoretical and practical areas.

An analysis of the literature regarding energy security leads to the conclusion that more efforts to create a full theory of energy security are vital. This is due to lack of knowledge in the generalization of energy security into clearly defined categories and precise definitions showing the mechanisms, principles and accuracy of processes and activities in this field. It can therefore be agreed that "despite the many schools of thought, energy security is rarely analyzed from a theoretical perspective."<sup>17</sup> A review of the literature on the subject leads to the conclusion that the most relevant group of definitions are those that take into account energy security in the context of a dynamic process involving many stakeholders. This process is related to the management of energy demand and supply and the energy needs of the entities primarily by ensuring the continuity of the energy supply.

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<sup>16</sup> Ibid., 34-41.

<sup>17</sup> Marek Rewizorski, Remigiusz Rosicki and Witold Ostant, eds., *Selected aspects of energy security of the European Union* (Warszawa: Difin, 2013), 72.

The European Union energy security is one of the goals of its climate and energy policy. The currently set targets for the EU climate and energy policy should be reached by 2020, 2030 and 2050. They cover further greenhouse gas emission reductions, an increase in the share of renewable energy, improvement of energy efficiency and an increase in the share of energy interconnections. The taken actions are part of the international climate agreement reached at COP21 in Paris in 2015.

The conducted analysis based on the debate in the literature on the subject leads to the conclusion that the most important challenge to guarantee the EU energy security is the full implementation of the EU climate and energy policy objectives. This is a particularly difficult task, because the implementation of individual objectives of the EU climate and energy policy is conducted in various countries in various areas. Bearing in mind the changes taking place in the European Union and in the international environment, it should be assumed that in the longer term there will be further diversification of national energy policies based on national interest and not on the interest of the entire European Union.

The EaP “Eastern Partnership – 20 Deliverables for 2020. Focusing on key priorities and tangible results” consists of four key priority areas: stronger economy, stronger governance, stronger connectivity, stronger society. It should be emphasized that their implementation requires simultaneous cooperation in each of the four areas. However, due to the specific research framework, the analysis was focused on the most important one from the point of view of the EU energy security, namely the third area: “Connectivity, energy efficiency, environment and climate change” (extension interconnections between EU and the Eastern Partners, development, regional economic integration and people’s mobility; increase of the energy supply security; enhancement of the energy efficiency and the use of renewable energy to reduce energy dependency and to reduce greenhouse gas emissions; the support to energy, environment and climate action).

It is also worth emphasizing that the above mentioned areas overlap with the EU energy security barriers: political, economic, technical and social. Bearing in mind the current implementation of guaranteeing the energy security of the European Union, it seems that the implementation in the area EaP of “Connectivity, energy efficiency, environment and climate change” will also slow down the development of EU climate and energy policy and will become another barrier to its full implementation.

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## THE EUROPEAN UNION WATER INITIATIVE AND ITS EASTERN EUROPE, THE CAUCASUS AND CENTRAL ASIA COMPONENT: IN SEARCH OF WATER SECURITY BY LOOKING AT THE EU WATER POLICY AND LAW MODEL

*Paulo CANELAS DE CASTRO*

**Abstract.** Water is required for human endeavours as well as for the sustenance of the environment. Access thereto as well as, more broadly, the issues of the management of water resources are therefore growingly perceived worldwide as a new type of security issues, fundamental problems that human communities have to address capably in order to be resilient to the challenges they face. Reconciling different uses of water resources such as drinking water and sanitation, agriculture, food production, industry and energy, are major water security challenges in the Eastern European countries as have already been and still are prominent concerns in their EU partners. Some international rivers shared by a few of the Eastern European partners of the EU in particular are already mentioned in international security documents produced by relevant international organisations as hotspots for likely difficulties in the organization of riverine communities and the international relations of the States involved. It seems undeniable that tensions and conflicts over access to water and its quality are likely to become more frequent and could endanger stability and security in the Eastern European region, as happens in other parts of the world. This could also have a direct bearing on the social and economic interests of these countries and their communities, as, more vastly, on the international peace and security in the region, including the EU. Climate change only intensifies the concern over the management of water resources in the coming times, as it adds to the seriousness of the matter. The whole Eastern Partnership has therefore been called to tackle these momentous challenges. A departing certitude is that the answers for such diverse issues involved in the concept of water security have themselves to be complex. They may only be found through comprehensive responses which take into account the close links with climate change, food security and energy, as they must bring together a range of actions and actors at different levels of governance. Through its EU Water Initiative, the European Union has been proposing that this calls for holistic, integrated water resource management, at national as well as transboundary level. A concrete objective of this water diplomacy undertaken by the EU in regard to the Eastern European partner states is the one of promoting collaborative and sustainable water management arrangements and to encourage and support regional and international cooperation in the context of agreed policies and programmes. In particular, the EU encourages the promotion of international agreements on water cooperation, like the relevant UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki 1992) and the United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses (New York 1997) as important instruments to promote equitable, sustainable and integrated management of transboundary water resources in the region to be complemented by local basin agreements. For this policy of promotion and contractualisation of water cooperation, the EU predicates itself on the long tradition of cooperation and vast experience and knowledge of the management of transboundary waters in Europe. These proactive (international) partnerships are also to be replicated in very diverse social networks in the different countries themselves for ensuring the peaceful, sustainable and equitable access and management of internal

water resources. The adaptation to so far-reaching and complex new methods of managing water resources is said to bear the reward of positive answers to the challenges of water security. However, more immediately they gave rise to a number of new legal instruments, both nationally and internationally, as well as new social partnerships and administrative practices that call for a comprehensive review, which is the condition for finally assessing whether in engaging in this proposed rethinking of water management, a true paradigm shift in the sector, the Eastern European countries are indeed becoming more resilient for the challenges of water security that lie ahead.

**Keywords:** access to water, climate change, cooperation, Eastern Partnership, environment, EU Water Initiative, integrated water resources management, sustainable development, water diplomacy, water security.

## Introduction

**W**ater is essential for human life, nature and the economy. It is permanently renewed but it is also finite and cannot be made or replaced with other resources. Freshwater constitutes only less than 2% of the water on the planet and competing demands may lead to an estimated 40% global water supply shortage already by the close to come year 2030.<sup>1</sup>

## The development of EU water policy and law

In Europe and throughout the world, protection and sound management of freshwater resources are vital tasks for the future and sustainable development of populations. Pollution from agriculture, industry and urban settlements continues to contaminate water sources, threatening human health and the environment. Other human actions involving land and water courses' changes, like the erection of a dam, also impact the ecosystems of rivers, lakes, ground waters as well as coastal waters and inland wetlands. These are problems shared by European societies irrespective of the national jurisdiction and very frequently also have a prominent international dimension. The EU Water Framework Directive adopted in 2000 is a groundbreaking piece of legislation designed to address these problems through an innovative integrative management aimed at obtaining a "good water status" for the European water bodies as well as rationalizing and bringing to new heights previous policy and law experiences in the sector. In the vicinity of a second cycle of river basin management planning, it seems possible to credit it for important progress in water management, not least in regard to the then neighbouring candidate countries, now full Member States of the EU. It remains however doubtful that the realization of these hopes across the EU has been fully achieved. Moreover, climate change brings new threats. Better water management thus remains a key challenge to the EU. It is even more so for the EU's neighbours, particularly in Eastern Europe. In the wake of this reform of the EU's water policy and law, the new instruments of the EU Water Initiative

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<sup>1</sup> 2030 Water Resources Group, *Charting our water future: Economic frameworks to inform decision-making*, 2009, <https://www.mckinsey.com/business-functions/sustainability-and-resource-productivity/our-insights/charting-our-water-future> (accessed 9 February 2018).



together with the National Policy Dialogues purport to induce similar reforms in water management in the latter Eastern European countries and to promote transboundary water cooperation. If successful, these should reflect in the enhancement of the regional integrative vision underlying the reforms and contribute to not only a better environment and sustainable development but also ultimately to peaceful human security in the larger European setting.

Competition for water resources in the countries of Eastern Europe, the Caucasus and Central Asia is intensifying, driven by the growing demands from agriculture, energy producers, industry and cities. This reinforces the need to adequately protect freshwater resources. This concern becomes even more compelling in a context where climate change is creating uncertainty about future water availability. Ensuring that these competing demands are met requires a robust policy framework and appropriate investments.

The European Union has consistently been supporting these efforts. This it does on the basis of its good experiences of water management and internationally recognized principles of integrated water resources management (IWRM). These principles are embodied, inter alia, in the European Union (EU) Water Framework Directive<sup>2</sup> and related legislation, in the United Nations Economic Commission for Europe (ECE) Convention on the Protection and Use of Transboundary Watercourses and International Lakes and its Protocols, particularly the Protocol on Water and Health, and in the guidance provided by the Organization for Economic Cooperation and Development (OECD) to transform these principles into efficient policy instruments.

The conceptual and normative framework for this relationship of the European Union with these countries is primarily the European Union Water Initiative (EUWI). The European Union Water Initiative (EUWI) was launched at the World Summit on Sustainable Development in Johannesburg in 2002. The original overriding aim of the EUWI was to support the achievement of the water-related late Millennium Development Goals (MDGs). These included targets for the integration of sustainable development principles into country policies and programmes (goal 7) and a reversal of the losses of environmental resources (target 9). It also comprised an ambitious target to halve the proportion of the population without sustainable access to safe drinking water and basic sanitation by 2015 (target 10).

A key operational tool of the EUWI is the main piece of EU water legislation governing water management also in an international context promoted by the European Commission: the Water Framework Directive (WFD), which was adopted in October 2000.

In response to concerns by European citizens, the European Commission in promoting the adoption of the WFD aims primarily at getting Europe's waters cleaner so as to obtain an ecologically good status for its bodies of water, while getting the citizens involved.

Specifically, the WFD's water protection goal aims at:

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<sup>2</sup> Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy, OJ L327, 22 December 2000.

- expanding the scope of water protection to all waters, including surface waters and groundwater;
- achieving “good status” for all waters by a set deadline: there are a number of parameters or objectives (ecological, chemical, quantity) which define whether the quality of water is protected. All these objectives must be observed for each river basin and converge towards the “good status” of all water bodies;
- managing water based on river basins: the natural geographical and hydrological unit is considered the best model for a single system of water management;
- proposing a “combined approach” of emission limit values and quality standards;
- getting the prices right: the rationale is that adequate water pricing acts as an incentive for the sustainable use of water resources and thus helps to achieve the environmental objectives under the Directive;
- getting citizens involved more closely. There are two main reasons for an extension of public participation: first, decisions on the most appropriate measures to achieve the objectives in the river basin management plan will involve balancing the interests of various groups; second, the implementation of decisions is likely to be more effective and lasting if endorsed by the public;
- streamlining legislation and construing a coherent system of law dedicated to governing water management: the framework directive approach streamlines the Community’s water legislation by replacing several pieces of legislation, which were repealed. It also gave rise to the adoption of further pieces of more specific water-related legislation, which complements and improved this overall body of law governing water management in the EU;
- instilling international coherence by seeking to have its neighbours adopt similar standards and policies, particularly in regard to river basins shared with non-EU member States. This is again based on the EU Water Framework Directive (WFD). Whereas it was designed for the reality of the European Union and its Member States, it proved to stand as a model for water legislation and water policies. It thus came to be equated as a framework for water reform policies in EU Member States but also beyond.

### **Implementation of the Water Framework Directive and related EU water legislation**

Very realistically, this very elaborate and complex as well as ambitious legal edifice on water management in the EU was complemented by a Common Implementation Strategy, designed to support the Member States and Norway’s implementation of this body of law, so as to help the States conveniently addressing the challenges involved amongst which the diversity of departing administrative cultures, legal and institutional settings, factual reality in regard to the bodies of water as well as climatic profiles.

Irrespective of this strategic clairvoyance and the significant means and efforts devoted towards the implementation of this ambitious body of law, periodical assessment thereof led to the EU acknowledge that as much as many progresses have been accounted for over the years of implementation of this legal construction, much also remains to be done for the EU to fully protect European water resources and return those which fail to evidence a good water status to the objectives that this key classification conveys.

A document that captures this ambivalent picture is *A Blueprint to Safeguard Europe's Water Resources*. The Rationale for the Blueprint is precisely twofold: if the EU's water policy, particularly as it was spurred by the Water Framework Directive already in the 21<sup>st</sup> century, has been considerably successful in helping to protect the European water resources, it is also commonly recognized that the status of EU waters is not yet good enough. The Blueprint to Safeguard Europe's Water Resources aims precisely to tackle the obstacles which hamper action to safeguard Europe's water resources and is based on an extensive evaluation of the existing policy.

For meeting these overall goals, the Blueprint is based on a wealth of information and analysis which includes the EEA State of Water report,<sup>3</sup> the Commission assessment of the Member States River Basin Management Plans (RBMPs) and Review of the Policy on Water Scarcity and Droughts,<sup>4</sup> and the Fitness Check of EU Freshwater Policy.<sup>5</sup> Moreover, it is accompanied by an Impact Assessment.<sup>6</sup> The Blueprint was also based on extensive public consultations both in the framework of its development and under the Fitness Check which has involved the general public, stakeholders, Member States as well as other EU institutions and bodies.<sup>7</sup>

The Blueprint recognises that the aquatic environments differ greatly across the EU and therefore does not propose any one-size-fits-all solution, which is in line with the principle of subsidiarity. Instead, aiming at the future, it emphasises key themes which include: improving land use, addressing water pollution, increasing water efficiency and resilience, and improving governance by those involved in managing water resources.

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<sup>3</sup> See *The Blueprint to Safeguard Europe's Water Resources*, 2012, <http://www.eea.europa.eu/themes/water/publications-2012> (accessed 10 February 2018).

<sup>4</sup> Commission report on the Implementation of the Water Framework Directive (2000/60/EC) – River Basin Management Plans and Commission Communication on the Report on the Review of the European Water Scarcity and Droughts Policy, adopted together with this Blueprint.

<sup>5</sup> Commission Staff Working Document on the Fitness Check of EU Freshwater Policy.

<sup>6</sup> Commission Staff Working Document – Impact Assessment, accompanying the Communication 'Blueprint to Safeguard Europe's Water Resources,' which includes a full list of the studies that have fed into the Blueprint.

<sup>7</sup> European Parliament resolution of 3 July 2012 on "The implementation of EU water legislation, ahead of a necessary overall approach to European water challenges," <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2012-0273&Language=EN&ring=A7-2012-0192> (accessed 10 February 2018). See also the opinion of the Committee of the Regions (30 June 2011) on "The role of local and regional authorities in sustainable water management," [http://www.toad.cor.europa.eu/ViewDoc.aspx?doc=cd%5cenv-v%5cdossiers%5cenv-v-008%5cEN%5cCDR5-2011\\_REV2\\_PAC\\_EN.doc&docid=2770279](http://www.toad.cor.europa.eu/ViewDoc.aspx?doc=cd%5cenv-v%5cdossiers%5cenv-v-008%5cEN%5cCDR5-2011_REV2_PAC_EN.doc&docid=2770279) (accessed 10 February 2018) and the opinion of the European Economic and Social Committee (15 June 2011) on the "Integration of water policy into other EU policies," <http://www.eesc.europa.eu/?i=portal.en.nat-opinions.18788> (accessed 10 February 2018).

By the time, the Blueprint assessment was done (2012), the EU water policy had already successfully contributed to water protection over approximately four decades of this policy.

As a result, currently Europeans can safely drink tap water and swim in thousands of coastal areas, rivers and lakes across the EU. Pollution from urban, industrial and agricultural sources is regulated and this has brought about significant improvements in the quality of European waters, particularly by reducing an excess of nutrients. As a result, iconic fish species such as salmon and sturgeon have, in some places, returned to European rivers, after decades of disappearance therefrom.

In 2000, the EU Water Framework Directive (WFD) came to address for the first time in a comprehensive manner all the manifold and complex challenges faced by EU waters, making it clear that water management is much more than just water distribution and treatment (the goals of water policy until then). It involves land-use and management that affect both water quality and quantity; it requires coordination with spatial planning by the Member States and integration into funding priorities. The WFD established the objective to achieve good status by 2015, a deadline which was approaching when the Blueprint assessment was made. The EEA State of Water report and the Commission assessment of the Member States' RBMPs developed under the WFD concur that the objective was going to be achieved in slightly over half (53%) of EU waters. One of the main normative messages deriving from the Blueprint for the future was therefore that major additional action was and is still required to preserve and improve EU waters.

The main causes of outstanding negative impacts on water status are interlinked. These include climate change; land use; economic activities such as energy production, industry, agriculture and tourism; urban development and demographic change. Pressure from these causes takes the form of pollutant emissions, water over-use (water stress), physical changes to water bodies and extreme events such as floods and drought, which are set to increase unless action is taken. As a result, the ecological and chemical status of EU waters is threatened, more parts of the EU are at risk of water scarcity, and the water ecosystems – on whose services European societies depend – may become more vulnerable to extreme events such as floods and droughts. It is essential to address these challenges to preserve European resource base for life, nature and the economy and protect human health.

The EU needs to focus on green growth and become more resource efficient (including water) to achieve a sustainable recovery from the economic and environmental crisis that it experienced so acutely until recently, adapt to climate change and build resilience to disasters. Tackling these challenges holds significant potential to boost the competitiveness and growth of the European water sector, which includes 9 000 active SMEs and provides 600 000 direct jobs in water utilities alone. There is also potential for green growth in other water-related sectors (water-using industries, water technology development etc.) where innovation can increase operational efficiency.

Sixty per cent of the EU's territory lies in transboundary river basins. The hydrological cycles are so interconnected that land use in one country can affect precipitation beyond its borders.

Moreover, the European market, EU common policies and Member States' policies all have significant impacts on water status.

It is on the basis of the above considerations that the Commission proposed the Blueprint to Safeguard Europe's Water Resources. Its long-term aim is precisely to ensure the sustainability of all activities that impact on water, thereby securing the availability of good-quality water for sustainable and equitable water use. This goal is already enshrined in the WFD in various ways. The Blueprint is intended as a means to help achieve the aforementioned goal by identifying obstacles and ways to overcome them.

Although the Blueprint objective is not new, it is the first time that so much information has become available on water status throughout the continent, particularly thanks to the development of RBMPs under the WFD and the above-mentioned assessments. These and the views expressed by stakeholders converge in showing that the current EU legal framework on water is extensive, flexible and essentially fit to address the challenges faced by the aquatic environment. However, there is a need for better implementation and increased integration of water policy objectives into other policy areas, such as the Common Agriculture Policy (CAP), the Cohesion and Structural Funds and the policies on renewable energy, transport and integrated disaster management. The reasons for the currently insufficient levels of implementation and integration are complex and have been analysed in the accompanying impact assessment. They consist of a series of water management problems related to the insufficient use of economic instruments, lack of support for specific measures, poor governance and knowledge gaps. Only in a minority of cases have gaps been identified that would require the completion of the current framework by new action of a legislative/legal nature.

Clearly, the success of the approach proposed by the Blueprint will depend on Member States' willingness and action to involve stakeholders and follow up to the Commission's proposals to improve implementation of existing legislation. In this respect, the WFD Common Implementation Strategy (CIS), involving all Member States and relevant stakeholders, should continue to play a positive role in WFD implementation. The Blueprint tries to build on the CIS, where possible, to create ownership and facilitate implementation of the Commission's proposals. However, relying on the CIS does not imply that the Commission will give up its enforcement role with respect to water legislation. Depending on the progress made by the Member States to address their implementation shortcomings, infringement cases may become necessary. Legislative initiatives may need to be considered.

The Blueprint further addressed the problem areas identified and suggested ways forward in relation to land use/ecological status, chemical status and water pollution, water efficiency, vulnerability and cross-cutting issues, bearing in mind that these are all inter-connected aspects of water management and that the proposed measures would therefore contribute to multiple goals.

## Outlook for the Future

As a consequence of the assessment made of the state of the implementation of the Water Framework Directive as well as that of the European water resources, the Blueprint has thus set out key actions that need to be taken by water managers and policy makers to address the challenges faced by the aquatic environment.

It was in particular found that it is possible and necessary for Member States to improve implementation of the WFD and reduce hydromorphological pressure in the EU Member States river basins by restoring river continuity, for instance by using green infrastructure. This can also reduce the EU's vulnerability to floods and droughts. Under the CAP, the Cohesion and the Structural Funds, as reflected in the MFF there is scope to fund the take-up of green infrastructure. CIS guidance could also be developed to support this objective. Additionally, over-allocation of water must be corrected and the needs of nature must be better respected. The Commission will work within the CIS process to develop a shared understanding of this concept and ways to calculate it. During work on the Blueprint, the Commission has also developed with the EEA water accounts that will enable water managers to have a more realistic picture of water availability at river basin or sub catchment level.

These tools, once refined in the CIS process, will enable much improved water allocation. Diffuse and point-source pollution still threaten the status of EU waters, despite the progress achieved under legislation on nitrates, waste water treatment, industrial emissions, priority substances and plant protection products. Fuller implementation of this legislation is necessary and the Commission committed to continue its enforcement action. EU financial support is available but it can only complement, not replace, Member State and private-sector long-term investment plans in these areas.

Water efficiency can help reduce water scarcity and water stress problems. Water pricing based on volumetric metering is a powerful tool to increase water efficiency but, despite the legal requirements under the WFD, it is not used to its full extent. The Commission will continue to enforce requirements while working in the CIS to improve the methodology for an adequate cost-recovery that includes environmental costs. In addition, the Commission proposes that the CIS develop a common methodology for water efficiency targets, which, where relevant, should be integrated into RBMPs. Water efficiency improvements are particularly urgent in specific sectors. In agriculture, the Commission's proposal on CAP pillar II (rural development) envisages support for improving irrigation efficiency, if a reduction in water use is implemented. For buildings, the Commission proposes to include water-related products in the Eco-design Working Plan, in the scope specified in this Plan, a cost-efficient solution that could have major co-benefits for energy reduction.

The Commission will consider developing a regulatory instrument setting EU-wide standards for water re-use, thereby removing obstacles to the widespread use of this alternative water supply. This would help alleviate water scarcity and reduce vulnerability.

A range of cross-cutting instruments will support the implementation of the measures planned in the Blueprint. Amongst these, the Innovation Partnerships on Water and on Agricultural

Productivity and Sustainability will support the testing and dissemination of innovative solutions by helping to match innovation supply with demand. The hydro-economic model developed will help water managers assess the cost-effectiveness of the measures included in their RBMPs. Developing WISE and making it more interoperable will make it easier for decision makers to access essential information. A peer-review system will be available to facilitate mutual learning in the development of the RBMPs. Not less importantly, the Commission could make country-specific recommendations for Member States as part of the European Semester process, to identify economic and water environment win-win actions. Moreover, implementation and monitoring of the Blueprint proposals will rely, where relevant, on the WFD CIS in which the Commission will present them and follow them up. The Commission will develop and regularly update a scoreboard to check progress on implementation. The WFD must be reviewed and possibly revised by 2019. When preparing this review, the Commission will take stock of the state of implementation of all aspects in the Blueprint and, if necessary, propose amendments of the Directive to facilitate the achievement of its objectives. Such amendments could turn into legally binding requirements of some of the non-binding proposals contained in the Blueprint, should the voluntary approach prove insufficient.

The Blueprint has set out clearly the goal and development path for EU water policy. Getting there is a matter of political will and stakeholder commitment in the years to come.

### **From Local to Global: the EU Water Initiative (EUWI)**

The primary focus of the Blueprint, as the WFD before it, is on Europe's waters. Water is a local issue, but it is also a global problem interlinked with many issues such as food security, desertification, climate change, impact of natural and man-made disasters etc., which all have significant economic, social and security dimensions. The EU is engaged in many of these areas following on from its commitments under Agenda 21, the three Rio Conventions (on desertification, climate change and biodiversity), the Millennium Development Goals (MDGs) relating to water and now the 2030 Sustainable Development Goals (SDGs), the Johannesburg Plan of Implementation and the Rio+20 conference. This engagement will continue to be a high priority for the EU.

The world has met the 2015 MDG target of halving the proportion of people without sustainable access to safe drinking water in 2011, but many African countries remain off track as regards access to water. The world is still far from meeting the MDG target for sanitation access as currently 2.5 billion people lack improved sanitation.

Population growth and the competing needs of water users will result in an increase of global water demand of 35-60% by 2025. This could double by 2050.<sup>8</sup> These trends will be exacerbated by climate change, with serious implications for food security.

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<sup>8</sup> 2011/2012 European Report on Development, [http://ec.europa.eu/europeaid/what/developmentpolicies/research-development/erd-2011-2012\\_en.htm](http://ec.europa.eu/europeaid/what/developmentpolicies/research-development/erd-2011-2012_en.htm) (accessed 10 February 2018).

Given the new thrust of EU development policy<sup>9</sup> and the priorities and strategies of partner developing countries and regions, the focus of water management in EU development cooperation should be on the following aspects:

- Access to safe drinking water and basic sanitation services, which was declared a human right by the United Nations in 2010 and reaffirmed in the Rio+ 20 Declaration in 2012.<sup>10</sup>
- Water for economic growth and sustainable development. The EU will pay particular attention to the allocation and use of water in economic sectors, sustainable agriculture and the nexus water-agriculture-energy-environment.
- Water governance: An effective institutional setting leading to good water governance at river basin level is the key to achieve the Rio+ 20 Declaration commitment to 'significantly improve the implementation of Integrated Water Resources Management (IWRM) at all levels as appropriate.' Adequate governance and sustainable water management at regional and transboundary levels also contribute to ensure peace and political stability via the water and security nexus.

There will also be a need for coordination mechanisms between EU partners and partner regions. Additionally, EU support to partner countries and regions should draw on the experience and knowledge gained in EU water management, particularly in the implementation of the WFD. These dimensions of the EU water policy influence on the outside world shall in particular build on the so-called EU Water Initiative (EUWI).

The European Union Water Initiative (EUWI) currently supports the achievement of the water-related Sustainable Development Goals (SDGs) adopted on 2015 for the time period running until 2030 and, drawing on the WFD model, most importantly takes a partnership approach with national governments, donors, the water industry, NGOs and other stakeholders.

A key operational tool of this EUWI is, again, the Water Framework Directive (WFD), precisely because this legislation and the corresponding implementation experience are deemed to be a valuable model which can be tailored to respond to local conditions and priorities.

One of the departing rationales of the EUWI is indeed that WFD policies can be tailored to respond to local conditions and priorities.

### **The EUWI for the Eastern Europe, the Caucasus and Central Asia (EECCA) region**

The EUWI also applies to Eastern Europe, the Caucasus and Central Asia (EECCA), the EECCA region, covering 12 countries, including the former Soviet Union, where the OECD and UNECE stand implementing partners of the EUWI in the EECCA region.

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<sup>9</sup> Agenda for Change – COM (2011) 637 final, adopted on 13 October 2011.

<sup>10</sup> See <http://www.uncsd2012.org/index.html> (accessed 10 February 2018).



It is on this basis that countries of Eastern Europe, the Caucasus and Central Asia (EECCA) are also expected to be able to benefit from adopting a range of relevant measures. This is the more relevant as most of these countries generally united with the EU through the Neighbourhood Policy additionally have many problems in common with regard to water management: the EECCA component of the EUWI is thus envisaged as a promising conceptual, policy, legal framework for undertaking several much needed water policy and legal reform goals across the region. And indeed Countries of Eastern Europe, the Caucasus and Central Asia (EECCA) are currently adopting a range of policy and legal as well as institutional reforms with regard to water management in cooperation with the EU under the EUWI. Moreover, the EUWI EECCA component is financially supported by the European Union and other donors.

### **Major issues addressed and Key objectives**

The substantive Major issues and the Key objectives of the EUWI reform programme can be summarily said to be threefold further developed into more specific goals for each:

#### 1. Water resources management:

- Improving the institutional and regulatory framework with a view to approximate to the WFD and related legislation (other directives, Water Convention): development of water strategies, laws, regulations, particularly based on IWRM principles;
- Managing water in a way that contributes to water-, food- and energy security, and economic development;

#### 2. Water supply and sanitation:

- Issues of drinking water quality (adaptation to UNECE – WHO Protocol on Water and Health);
- Ensuring access of the poor to essential water services as a basic human right;
- Improving the institutional and regulatory framework;
- Encouraging investment in water supply and sanitation and ensuring financial viability of utilities;
- Safeguarding public health Issues of drinking water quality (UNECE – WHO Protocol on Water and Health);

#### 3. Transboundary co-operation:

- Contributing to peace by developing inter-state co-operative structures for water management;
- National policies for management of transboundary waters (particularly in line with the UNECE Water Convention);

- Adaptation of the water sector to climate change.

### **EUWI's Organisation and implementation: strategic partnerships with other International Organisations (OECD and UNECE)**

For this ambitious, diversified substantive programme, and recognizing the magnitude of the task involved, the European Union has organizationally identified the OECD and the UNECE as strategic partners for the implementation of the EUWI in the EECCA region. The partners co-operate closely on the many interlinked areas of work.

In particular, the OECD is the key strategic partner for pursuing the two first enunciated objectives of the EUWI, i.e. water supply and sanitation (WSS) as well as water resources management and financing. The OECD thus focuses on the economic dimension of water resources management: managing water as a driver for growth; making the best use of economic instruments for water management; and enhancing the financial sustainability of water supply and sanitation services. The OECD's contribution is provided within the framework of what used to be the Task Force for the Implementation of the Environmental Action Programme (EAP Task Force), which was created by environment ministers in 1993 to guide reforms of environmental policies in the transition economies. The EAP Task Force was renamed as GREEN Action Programme in 2016.

The UNECE is the other key strategic partner for this endeavour, focusing on the third main objective of EUWI that of work on Integrated Water Resources Management (IWRM), and cooperation on transboundary Waters. The UNECE is thus the strategic partner for including the sensitive issue of transboundary river basin management. For that, it contributes to the approximation of the EU acquis, building on the 1992 Water Convention and its 1999 Protocol on Water and Health.

The implementation of the EUWI in EECCA relies on National Policy Dialogues (NPDs), as the main operational instrument; they stand in such context as part of the Water Convention programme of work, but they are designed, more generally as overarching tools for pursuing the three goals directing this process: those of IWRM and WSS and water management. With these NPDs the EUWI crucially takes a partnership approach with national governments, donors, the water industry, NGOs and other stakeholders. Indeed, the NPDs are conceptualized as the platforms where key stakeholders meet to discuss and advance policy reforms, NPDs being much more a policy process rather than a technical project. These NPDs prepare national, government policy documents and facilitate their implementation. NPDs are fed by robust analytical work and international good practice. As previously mentioned, they are also jointly facilitated by the OECD and UNECE.

For the coordination of all this, still organisationally, the process relies on the EUWI EECCA Working Group. This Working Group consists of representatives of all partner countries (EECCA countries and their partners supporting the reform of water policies). Each national delegation is usually led by a senior official, typically the Deputy Minister for Environment or of

Water Resources of each of the countries represented. High officials of different Ministries and sectors of economy (water, industry, agriculture) also compose the NPD Steering Committee. Moreover, other stakeholders like NGOs, private sector, academic organisations and international organisations as well as donors active in the region area are involved as well. An EU Member State, Romania, acts as Chair of the EECCA Working Group. The Working Group meets once a year, to set priorities, review major EU and EECCA developments regarding water management policies and share the experience of partner countries and information about relevant projects.

### **Major outcomes of the European Union Water Initiative in Eastern Europe, the Caucasus and Central Asia countries**

The European Union Water Initiative has been active since 2006. Work under the EUWI EECCA is demand driven, covering a range of topics generally related to the reform of water policies in EECCA, the major issues being, as previously noted, the ones of strengthening water legislation based on IWRM principles; issues of drinking water quality; policies for management of transboundary waters; adaptation of the water sector to climate change.

Generally, the following cross-cutting generic outcomes seem to deserve to have been obtained:

a) Transparency of decision-making:

Transparency and stakeholder consultation in policymaking and basin management are key principles of IWRM and clearly adopted in the EU WFD. The EECCA National Policy Dialogues (NPDs) have parallelly been highly effective in instilling these principles in the EECCA region. NPDs are precisely platforms where stakeholders meet to share information, discuss policy options, and propose decisions on water policy reforms. Supporting documentation is made publicly available, including meeting agendas, technical reports and records of decisions made. Stakeholder meetings are used to disseminate information and discuss priorities of water policy reforms with a wider audience.

b) Co-ordination across government institutions:

Another essential principle of IWRM is to move away from isolated actions and to foster coherence and consistency across policies that affect water demand and water availability. EECCA NPDs typically convene representatives from a wide range of government ministries and agencies (e.g. those responsible for policy in the areas of water, economic development, finance, agriculture, energy, housing, health) as well as NGOs, allowing for truly integrated decision making on cross-cutting policy issues. In some cases, governments have adopted this model of intersectoral co-operation for policy discussions in other fields.

c) Resilience to political change:

EUWI NPDs have proven to be resilient processes for policy reform despite political instability in some countries. This has been achieved through the long-standing engagement of the

diverse stakeholders and several layers of administration involved. Fact-based, non-partisan analyses and recommendations developed by the OECD and UNECE have been instrumental in this resilience. The whole exercise is based on the WFD and related EU Directives providing a set of principles and policy objectives which are relevant in the EECCA. EUWI NPDs have supported convergence with such principles and objectives which guide the reform of water policies in the region.

d) Coordination of international organisations and donors:

NPDs have also become a platform for donors' exchange of information and coordination on water-related projects. Representatives of EU Member States and international organisations are invited to present and share their work in the region. Such coordination supports the planning of activities, avoids duplication of work and ensures efficient and effective use of available funds. It also ensures sharing of best practices and promotion of the EU *acquis* across the region.

Overall, the analysis of the work undertaken in this dozen of years of implementation of the EUWI evidences concrete progress towards these goals of sounder river basin management, economically sound and financially realistic water policies and more participative water governance. Such progress contributes to the implementation of water supply and sanitation services, water-, food- and energy security, and environmental performance.

On a more specific country basis, and taking into consideration parameters such as transboundary water management; national strategies on water and nexus; development of RBMPs; economic and financial dimensions of WRM; WSS and Water and Health, it is possible to highlight the following specific achievements in the context of national policy dialogues facilitated by the OECD and UNECE.

## Armenia

The NPD, started in 2006, enjoys a high engagement level by officials in the Ministry of Environment and the State Committee of Water Systems. Armenian legislation on IWRM has been steadily converging towards the EU *acquis*. The NPD process had a key role through the development of policy packages. In particular, a National Financing Strategy for rural WSS was developed in order to achieve the MDGs in Armenia. Policy reforms were endorsed to close the financing gap for the sustainable operation and maintenance of existing services. Targets were agreed for infrastructure investment to expand services.

Plans for the future included the drafting and formal adoption of national targets in accordance with the Protocol on Water and Health. Additionally, a comprehensive assessment of selected economic instruments for water management identified the essential pre-requisites for a corresponding reform.

## Azerbaijan

The NPD was launched in 2010. The National Water Strategy was drafted and approved in 2016. In 2015-2016, national targets under the UNECE-WHO / Europe Protocol on Water and Health were drafted. A benchmarking study on water utilities has strengthened the capacity of authorities to monitor the performance of the water supply and sanitation sector, thus contributing to improved policy making in the WSS sector.

A bilateral agreement with Georgia on joint management of the transboundary Kura river basin was negotiated, the developments thereof having been reported and discussed at the NPD Steering Committee meetings.

A pilot project was completed for testing the approach of water-food-energy-ecosystems nexus in transboundary Alazani river basin, shared by Azerbaijan and Georgia.

Recommendations were made for institutional reform with respect to WSS in rural areas.

A pilot River Basin Management Plan (RBMP) was developed for the Marmarik river basin in line with the principles of IWRM and the EU WFD, establishing the processes and institutions required.

Recommendations were developed to reform the current economic instruments for water management and introduce new ones. Water abstraction fees for the fishery sector have already been reformed.

In regard to plans for the future, and as a result of the National Water Strategy, work on water-sector legislation followed. Also, water diplomacy between Azerbaijan and Georgia continued through an assessment of the potential economic benefits of enhanced transboundary co-operation and through negotiations on a bilateral agreement.

In 2016 the national targets under the Protocol on Water and Health were formally adopted.

Transboundary water management and reforms that will facilitate investment in water infrastructures and water services seem to stand as promising avenues for further work.

## Georgia

The NPD started in 2011, having institutional reforms for IWRM in the view of approximation of EU water legislation, including the preparation of a National Water Law; ratification of the UNECE-WHO/Europe Protocol on Water and Health and adoption of national water and health targets; and strengthening transboundary water co-operation with Armenia and Azerbaijan as priority areas of work.

One of the key achievements of this NPD is a national water law which introduces the river basin management approach (in line with the EU WFD) and clarifies the roles of state institutions. Several bylaws for practical implementation of new water law were also approved. A review of economic instruments for water management was also conducted.

The plans for the future comprehend continuing the process of legal approximation with EU water legislation in accordance with the EU-Georgia Association Agreement, signed in 2014 and support to water diplomacy with neighbouring Armenia and Azerbaijan through an assessment of the potential benefits of enhanced transboundary co-operation, including the development of economic instruments.

## **Kazakhstan**

The NPD started in 2013, counting the following main activities: accession to the UNECE-WHO/Europe Protocol on Water and Health and setting of national water and health targets; sustainable business models for WSS in rural areas and small towns; increasing contribution of multi-purpose water infrastructure (MPWI) to economic development, water, food and energy security; state support to agriculture, rural development and water intensive industries impacting the water sector; strengthening bilateral co-operation with neighbouring countries on the use of transboundary watercourses.

Its key achievements have been the State Programme for Water Management to 2040, providing a set of targets and priority activities; the OECD-Kazakhstan co-operation programme signed in 2015, including two water projects that inform the NPD; a Kazakh-Russian bilateral committee on transboundary waters, supported by UNECE, which decided to launch a joint assessment on Ural river and Kigach tributary of Volga river.

Plans for the future comprehend taking water as a key pillar of the Kazakh Green Economy Concept. The OECD will advise on options for reform of state support to agriculture, rural development and water-intensive industries impacting the water sector; and on options for increasing the contribution of MPWI to economic development, water, food and energy security; and a joint Kazakh-Russian assessment and strategy for rational use of water resources in the transboundary Ural river and Kigach tributary of Volga river.

## **Kyrgyzstan**

NPDs started in 2008, with strategic financial planning for WSS to achieve original MDG targets; implementation of IWRM principles, including the use of economic instruments; support to basin planning and for establishment of basin councils with a pilot in the Chu basin; improving coherence between the water and other sectoral policies (agri-food, energy); and setting and implementing targets in context of the UNECEWHO/Europe Protocol on Water and Health as the priority areas of work and main activities.

These NPDs led in particular to a national financing strategy for urban and rural WSS being developed, including an agreement on targets and policy recommendations to achieve the MDGs for WSS; and to recommendations for reform options for economic instruments for WRM. Following the recommendations of the NPDs, the government added clear WSS development targets to the National Strategy for Sustainable Development. The Government also established a single body responsible for urban and rural WSS. Additionally, the NPD also

inspired the first formal state programme for WSS development. Of relevance it was also the setting up of the River Basin Council for the transboundary Chu basin. Moreover, the first components of the river basin management plan have been drafted through the NPD. The National Water Council was established and it approved the country's basin boundaries in February 2013. Studies on application of modern water-saving irrigation technologies were conducted in 2014-2015 by national and international experts leading to the formulation of a set of practical recommendations. Targets on water and health were equally set and adopted in 2013, providing a reference for other countries in the region.

Plans for the future focus on continuation of work will to support the Chu River Basin Council and preparation of the basin management plan; work on methodologies for setting charges for the use of surface water resources and water bodies and the monetary evaluation of damage to surface water resources will continue with support from OECD; implementation of projects aimed at greater levels of water security through reform of rural WSS and improving coherence between the water and agri-food policies; and the adoption of a plan for implementation of the national water and health targets.

## **Moldova**

The NPD, started in 2006 holding the adoption and implementation of IWRM and the principles of the EU water legislation; setting and implementing of targets under the UNECEWHO/ Europe Protocol on Water and Health; development of a strategic financial plan and a mid-term action plan for WSS; work on sustainable business models for sanitation in small towns and villages; development of a strategy to adapt WSS to climate change; establishment of a sound economic regulatory system and improving domestic financial support mechanisms for WSS as priority areas of work and main activities.

One of Moldova's key achievements in this context was the implementation of the first Action Plan within the framework of the European Neighbourhood Policy (ENP). Moldova proved to award particular importance to convergence of the environmental and water legislation and it was precisely in the context of the NPD that the new water law, which enforces the principles of the EU WFD, was discussed and thence adopted by the Parliament in 2011. A Government Order was also produced on the establishment of river basin management authorities and river basin councils as well as on wastewater discharges from municipal sources. Additionally, national targets under the Protocol on Water and Health were adopted by Government Decision. A National Financing Strategy for urban and rural WSS was also developed. It was translated into a mid-term Action- and Investment Plan. Several institutional changes unfolded such as the creation of an independent regulator for WSS, and actions to overcome over-fragmentation of WSS services. The Strategy also facilitated a significant increase in government and external funding for WSS. Sustainable business models for sanitation in small towns and villages were recommended; as there also were recommendations on improving domestic financial support mechanisms for WSS.

Plans for the future in Moldova focus on the implementation of national targets on water and health and the operation of the Clearing House for information on water and health. Support is also to be provided for the approximation of EU water legislation according to the EU-Moldova Association Agreement, signed in 2014. The national NPD also aims at assisting the Government of Moldova in establishing a sound economic regulatory system for WSS to be conducted with support from the OECD.

## **Russia**

The NPD started in 2010 focusing mainly on a review of the legal, institutional and regulatory framework for private sector participation (PSP) in WSS as well as on a review of the economic instruments for water resources management at the federal and sub-sovereign levels.

Due to the vast size and institutional complexity of the Russian Federation, a special approach was used: to test how the NPD process can support the reform of water policies at sub-sovereign level, a pilot region of Buryatia was chosen. In 2015, recommendations on improving the use of economic instruments for water management in the Republic of Buryatia (Lake Baikal basin) were developed through a policy dialogue with a view to better integrate environmental performance and economic development in this republic. One of the key achievements occurred in 2010 when this national policy dialogue was instrumental in reaching a shared understanding among Russian authorities on the framework conditions needed to attract private operators and investors in the water sector. This proved influential in changing the legal framework, in particular the Federal Law on concession agreements; the new Federal Law on water supply and sanitation; and a shift to performance-based contracts in the water sector.

## **Tajikistan**

The NPD was launched in 2009 focusing on a programme for water sector development based on IWRM principles including basin management and on the Water Supply Programme for 2000-2015, including the reform of water pricing. Strengthening of transboundary water co-operation with Kyrgyzstan and Afghanistan accounted also as a priority issue.

As for key achievements, the NPD, the development of the Water Sector Reform Programme 2016-2025 for Tajikistan accounts as one of the main ones. The aim of the programme is to create a framework by 2020 for the transition to water resource management according to the basin principle and to clarify the competencies of different national institutions. Separately, a Programme for Development of Irrigation and Melioration Sector was also prepared in 2015-2016. Furthermore, the NPD acted as an umbrella process for transboundary water diplomacy to advance the co-operation with Afghanistan and the management of a transboundary basin with Kyrgyzstan in the Isfara basin. In the same vein, targets have been drafted for the application of the Protocol on Water and Health.



The plans for the future in this country comprehend a new Water Code as well as changes in other relevant legal acts. The economic regulation for WSS is also targeted, as is the development of the strategic plan for the irrigation sector in order to combine food and water security, and achieve financial sustainability.

## **Turkmenistan**

The NPD having been launched in 2010, convergence of national water management legislation and processes with the EU WFD, including the principles of IWRM and river basin management was elected as main priority together with the review of existing national legislation and the development of a new National Water Code, with a view to adopting the standards of the Water Convention.

As a main result of this process, in August 2012, Turkmenistan acceded to the Water Convention and in 2013 the inter-ministerial expert group started drafting a National Water Code in order to enact necessary legal changes in line with the Water Convention and principles of IWRM, eventually adopted in the National Water Code.

The next steps would be to join the Protocol on Water and Health and the Convention on the Transboundary Effects of Industrial Accidents and the Protocol on Water and Health and to design a roadmap for implementation of the IWRM principles in Turkmenistan with the assistance of UNECE.

## **Ukraine**

The NPD started in 2007, focusing on the development and implementation of water legislation according to the 2014 EU-Ukraine Association Agreement and the strengthening of the legal and institutional framework for water management in order to adapt it to climate change. This main orientation covered activities of water diplomacy in the transboundary Dniester river basin shared with the neighbouring Republic of Moldova, activities which were conducted in co-operation with OSCE and UNEP. Sustainable water management, safe drinking water and adequate sanitation under the UNECE-WHO/European Protocol on Water and Health were equally selected as main areas of action in the context of the NPD. Addressing the over-fragmentation of water supply services, and identifying the necessary reforms and barriers to their implementation ranked equally as high priority together with the consolidation of the WSS sector.

In spite of the NPD in Ukraine having been severely affected by the unstable political environment and subsequent changes in government personnel, significant achievements were nonetheless reached with the adoption in 2008 of the State Programme on Flood Protection in the basin of the rivers Dniester, Prut and Siret and the bilateral agreement signed with Moldova on water co-operation. Additionally, in 2009, the State Programme on Water Sector Development up to 2020 was adopted, addressing climate change adaptation issues and the implementation of river basin management principles. National targets were also

drafted under the Protocol on Water and Health with reference to the work in other EECCA countries such as the Republic of Moldova.

The plans for a future still impacted by the political instability in the country comprehend the deepening of water co-operation with Moldova as well as the adaptation to the Protocol on Water and Health and the geographical organisation of water supply and sanitation services.

### **European Union Water Initiative and Integrated Water Resources Management**

More structurally, there is an outstanding continuing action towards the application of the Integrated Water Resources Management (IWRM) principles in the countries of Eastern Europe, the Caucasus and Central Asia, in line with the international commitments of these countries in the area of water management and protection, namely, again the EU Water Framework Directive and its daughter directives, as well as the 1992 ECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention), which lays down the principles for IWRM and transboundary cooperation, together with the Water Convention's Protocol on Water and Health, which takes a broader approach to protect human health and well-being by better water management, building on IWRM principles.

Five principles, in particular, reflect the basic conditions to be put in place in the target countries of Eastern Europe, the Caucasus and Central Asia in order to enable IWRM: those of river basin management, coordination of authorities; transparency and public participation; sustainability; and appropriate financial sustainability of water management and the use of economic instruments.

In the whole, however, it is fair to say that countries in Eastern Europe, the Caucasus and Central Asia have in general been taking steps towards creating an enabling environment (policy, legal and institutional framework) for the introduction of these IWRM principles of water management, in particular the principle of managing water resources at the basin level. Some countries have progressed more, including Armenia, Kazakhstan, Kyrgyzstan, Moldova and Ukraine, while the process is in earlier stages in countries such as Azerbaijan, Georgia, Tajikistan and Turkmenistan. There are, however, promising examples of rapid progress once water sector reforms, especially in protection and management of waters, become a political priority.

The harmonization of national legislation with the environmental and water legislation of the EU and accession to the ECE Water Convention have been important drivers in several countries. The NPD process has helped the countries of Eastern Europe, the Caucasus and Central Asia to understand and apply IWRM principles and to maintain regular multistakeholder discussions to develop and improve national water policies, as well as transboundary water cooperation.

However, significant challenges for countries in Eastern Europe, the Caucasus and Central Asia to reach the point where all types of water are managed according to the river basin

management principles in accordance with the WFD philosophy and the one of the Water Convention's still remain.

In particular, it may first be pointed that while the work to introduce basin water management has started in the EECCA region, much needs to be done with regard to establishing the legal and institutional frameworks for basin management and transforming those frameworks into practice.

Second, if it may generally be said that the need for coordination between different sectors on water use issues is reflected in national legislation across the region and in particular horizontal coordination bodies and mechanisms are usually part of the national legislation; their effective functioning remains, however, a challenge. While achieving institutional stability is one of the prerequisites to reaching fruitful vertical and horizontal coordination, ensuring the continuity of reforms, financial stability and adequate human resources to do so remains a recurrent challenge.

Third, while access to information on water is generally capably organized, public participation and the involvement of stakeholders in the decision-making process on water management issues remains insufficient. The participation of the public in water resources management is provided for in the national legislation in the majority of the target countries; however, the regulations laying down the practical procedures to implement public participation are largely missing.

Fourth, it remains undisputable the weakness of conservation of water-dependent ecosystems and protection of water quality in the region. To protect the ecosystems of rivers, a minimum ecological flow must be guaranteed. However, in semi-arid areas the observation of minimum flow remains difficult. There are references to water management in national strategies on climate change adaptation only in a few countries, and such linkages have yet to be developed in others. Water quality monitoring systems are underfunded and new areas, such as ecosystem and biological monitoring, need to be introduced.

Fifth, the situation in regard to economic instruments (including abstraction charges, pollution charges and tariffs for water services) is also unsatisfactory. Certainly, they can incentivise efficient water uses and help allocate water where it creates most value for the community, thus contributing to (green) growth. They can lower the need to augment supply and to invest in new infrastructure, thus saving scarce financial resources. They can also generate revenues for service providers. However, while such instruments are generally mentioned in the national legislation of the target countries, they will only deliver if properly designed and effectively implemented. This calls for strengthened capacity to monitor water use and enforce water-related regulation. Artificially low water tariffs hurt the poor, as they prevent the development of reliable public services. Affordability issues are a serious concern in all the countries of the EECCA region. They are better addressed through targeted social measures than through cheap water for all.

## **The regional dimension of water diplomacy under the European Union Water Initiative in Eastern Europe, the Caucasus and Central Asia**

The overall picture of the influence of the EU water policy and law would not be complete without a reference to the implementation of the EUWI in the EECCA region which relates to water diplomacy. Mainly at stake is transboundary co-operation based on the principles of the UNECE Water Convention and on the OECD's work on related issues. EECCA countries share a common legacy and a number of policy challenges regarding cooperative water management.

The UNECE Water Convention and the other complementary legal frameworks have helped the neighbouring countries in the region to co-operate better in the management of shared water resources and cooperation in climate change adaptation. Besides, generalizing to some of the EECCA countries the adoption of the Water Convention, the process has given rise to important cases of co-operation between Azerbaijan-Georgia (Kura and Alazani), Moldova-Ukraine (Dniester), Kazakhstan-Kyrgyzstan (Chu and Talas) and Kazakhstan-Russia (Ural and Kigach tributary of Volga) and there are joint projects under way on other transboundary rivers, including the Debed basin between Armenia and Georgia. Depending on the situation in a concrete transboundary basin, developing bilateral agreements, establishing joint basin organisations, and/or region-wide exchange of experience may be a reality in the near future. In 2014-2016, UNECE has already conducted nexus pilot assessments for Alazani basin in Caucasus and for Syr Darya basin in Central Asia to test a methodology which could lead to improved joint understanding and balance with regard to water use between sectors and riparian countries. The OECD is developing tools to support making and implementing decisions on water, food and energy security at the national level. Depending on interest, practical implementation may follow.

### **Conclusion**

While much remains to be done and old (institutional and legal adaptation and development; Transboundary water diplomacy) as new challenges of sound water management (e.g. managing water for inclusive green growth; the water-energy-food security nexus and related SDGs) still look momentous and call for continuing resolve and enhanced audacity in furthering the individual and cooperative work in the framework of the EUWI, it seems undeniable that by turning to the EU policy and law on water management in seeking inspiration for addressing their own problems the EECCA countries have progressed much towards gradually solving them and reaching water security in an era of global water scarcity.

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## CROSS-BORDER EMPLOYMENT IN EUROPEAN BORDER REGIONS: A SECURITY ISSUE OR A DAILY REALITY IN THE BIHOR – HAJDÚ BIHAR EUROREGION

*István POLGÁR*

**Abstract.** Through the EU enlargement, several socio-economic and political transformations took place, especially in the border areas. The main question in Central Europe related to the role of country borders is focused on the character of these borders. Are these borders separating or integrating? The main goal is to make Member States able to manage new regional development opportunities and handle potential tensions in border regions. All this can be achieved through comprehensive cooperation that transcend political, economic and cultural dividing lines and that address socio-economic disparities, political tensions and potential conflicts of interest. The new research perspectives contributed to the fact that borders are now largely understood to be multifaceted social institutions, rather than simple markers of state sovereignty. Geographic labour mobility within EU member countries – both in terms of trans-national migration as well as cross-border commuting – has remained at a relatively low level until now. Nowadays, labour mobility has an important role in border regions and in cross-border cooperation. Whereas much research activity has been devoted over the years to different kinds of migration, the other type of geographic labour mobility, cross-border commuting has been to a much lesser degree object of research studies. The paper explores the significance of the state border in the daily life of the borderlanders, the inhabitants from the Hungarian-Romanian border, focusing in details on data collected from the Bihar – Hajdú Bihar Euroregion.

**Keywords:** migration, labour, employment, cross-border, euroregion.

**T**he European model and its institutionalization by creating the European Union was both Europe's answer to material and moral disaster caused by the Second World War and the project meant to promote freedom, prosperity and justice, including social justice too.

Having in view these objectives, which have never been subsequently amended or abandoned, the European Union has built a set of functional values, among which freedom has taken the role of polarizing all normative and institutional approaches of the European Union.

As the EU takes on new members and its external boundaries gradually shift, socio-economic and political transformations are taking place at the borders that not only adumbrate new regional development opportunities but also many potential problems and tensions. In an enlarged Europe there are necessary long term commitments to support local and regional initiatives of cross-border cooperation.<sup>1</sup>

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<sup>1</sup> Alexandru Athanasiu, "Foreword," in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, eds. Adrian Claudiu Popoviciu and Dana Cigan, 7-8 (Bucharest: C. H. Beck, 2013).

It is obvious that migration is not a modern-era phenomenon; it is the 21<sup>st</sup> century's globalization that has rendered it a truly global topical issue. On a relatively small scale, one of the priorities of the European Union is to remove barriers to professional mobility issuing from its on integration processes as long as workers mobility is essential for the proper operation of the internal market itself. The EU aims to raise public awareness of this right and to support jobseekers in their search at regional level through the European employment service network; the vast job database and the EURES portal are in the forefront of the EU's efforts to promote work mobility. Facilitating mobility also helps out the labour markets and therefore the workers who choose mobility should not be penalized as a consequence.<sup>2</sup>

The mobility of labour both in the way of trans-national migration and cross-border commuting has been identified as a key element for the achievement of the revised Lisbon strategy and the implementation of the European Employment Strategy. Meantime there is a broad political consensus, also on national and regional level that the compensation of the lack of competence, qualification and the demographic change is a highly crucial challenge to ensure future competitiveness and prosperity. For the EU-27 as a whole, cross-border labour mobility is likely to offer a number of advantages by allowing a more efficient matching of workers, skills with job vacancies and facilitating the general upskilling of the European workforce.<sup>3</sup>

The topic of labour market mobility is of a particular importance in border regions as it is part of the every-day life of citizens to cross the border either to get to their work places or for leisure purposes. The problems related to different social security and tax regulations are particularly challenging in border areas that are confronted with complex and steadily changing legal, administrative, social and economic conditions. Information on standard solutions is in this case not sufficient as individual situations require individual information and advice.<sup>4</sup>

If the free movement of persons is one of the four pillars of the European Union (EU), then we can say that the worker is one of the most important integrating factors of the European project. The structural development cannot be done unless by a unique, unitary and social vision upon the legislative assembly that norms the worker and his family. In the context of social and economic development of border areas, of deepening policies determined by Schengen, the border worker is a determining factor in the cohesion of the border area.<sup>5</sup>

In the process of EU integration the Hungarian-Romanian state border is becoming even more permeable as well. Despite the fact that Romania is not a member of the Schengen

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<sup>2</sup> Claudia-Ana Costea, "The Free Movement of Workers, Challenges and Trends," in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, eds. Adrian Claudiu Popoviciu and Dana Cigan, 13-16 (Bucharest: C. H. Beck, 2013).

<sup>3</sup> European Commission, DG Employment and Social Affairs, *Scientific Report on the Mobility of Cross-Border Workers within the EU-27/EEA/EFTA Countries – Final Report*, Brussels, 2009, 7.

<sup>4</sup> Association of European Border Regions, *Overall Report on Information services for cross-border workers in European border regions*, Gronau, 2012.

<sup>5</sup> Adrian Claudiu Popoviciu, "The Frontier Worker. Romania-Hungary Study Case," in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, eds. Adrian Claudiu Popoviciu and Dana Cigan, 25-27 (Bucharest: C. H. Beck, 2013).

Agreement, crossing the borderline between the two neighbouring countries is much easier than a few years earlier. The growing permeability of European borders contributes to the unification of the economic potentials of the neighbouring areas supplying benefits on regional and local level.

Even if Hungary joined the European Union on 1 May 2004 and Romania on 1 January 2007, by the common European destiny of the two states, they are obliged to achieve a strengthened partnership focused on increasing their welfare and harmonious economic development.<sup>6</sup>

The border between Romania and Hungary has a total length of 448 km, of which 415.9 km land and 32.1 km river (the Mureş, Criş, Someş rivers).<sup>7</sup> On the Romanian side there are four counties, Satu Mare, Bihor, Arad and Timiş, and on the Hungarian side there are Szabolcs-Szatmár-Bereg, Hajdú-Bihar, Békés and Csongrád. All 8 counties are classified as NUTS III and are integrated in 4 regions of level NUTS II.<sup>8</sup> The Romanian-Hungarian Border covers the South-Eastern and Eastern part of Hungary and the North-Western and Western part of Romania. The eight counties have a total surface of 50 454 km<sup>2</sup>, of which 43.7% Hungarian and 56.3% Romanian area. The Hungarian territory is 23.7% of the total surface of Hungary and the Romanian part is 11.9% of Romania. The total population in 2004 was more than 4 million, of which slightly less than half lives in Hungary, and slightly more than half lives in Romania.<sup>9</sup>

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<sup>6</sup> Idid.

<sup>7</sup> National Institute of Statistics, *Statistical yearbook 2011, Geography, Meteorology and Environment*, 11, [http://www.insse.ro/cms/files/Anuar%20statistic/01/01%20Geografie\\_ro.pdf](http://www.insse.ro/cms/files/Anuar%20statistic/01/01%20Geografie_ro.pdf) (accessed 19 February 2018).

<sup>8</sup> The counties Szabolcs-Szatmár-Bereg and Hajdú-Bihar belong to Észak-Alföld Region; the counties Békés and Csongrád are part of Dél-Alföld Region; counties Arad and Timiş belong to West Region; counties Satu Mare and Bihor are part of the North-West Region. For further details it can be seen: Eurostat, *Regions in the European Union, Nomenclature of territorial units for statistics, NUTS 2006 /EU-27*, [http://epp.eurostat.ec.europa.eu/cache/ITY\\_OFFPUB/KS-RA-07-020/EN/KS-RA-07-020-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-RA-07-020/EN/KS-RA-07-020-EN.PDF) (accessed 19 February 2018).

<sup>9</sup> *Hungary-Romania Cross-Border Cooperation Programme 2007-2013*, [http://www.huro-cbc.eu/en/programme\\_area](http://www.huro-cbc.eu/en/programme_area) (accessed 19 February 2018).

Figure 1. The location of counties along the Romanian-Hungarian border



Source: <http://www.huro-cbc.eu/en/download>

The issue of the border is becoming an interesting phenomenon for the European continent struggling to reduce social and economic disparities. The concept of working across the border, working abroad, but living at home is relatively young in the Eastern European countries.

The economic development of Romanian cities was heavily driven towards a massive industrialization, most of the time against its natural course or history. The forced industrialized process created mammoth state owned companies that employed large number of workers. The collection basin of the work force was mostly from the inhabitants of that certain city or its surroundings, depending on the size of the company, the collection area for labour force being sometimes 60-90km but always stopping at the national border. As it was the case with many Romanian cities, Oradea, located at 5 km from the national border with Hungary, had gone through the same socio-economic development process developing 3 main categories of industries: aluminum production industry, chemical industry (paint and other chemical based products) and construction of agricultural machines and parts.

The economic environment of the city absorbed most of the available work force and imported part of the necessary higher skilled work force. Due to the Communist regime and its tight locked border policy the frontier worker concept would have been limited to a worker living in a region that was located next to a national border. The only scattered cross-border

phenomenon found in various border regions in Romania, Oradea included, was related to small scale commerce across the border restricted to a limited number of persons usually middle and high members of the society generally linked in some way to the Communist regime. The cross border exchange in the western part of Romania, Oradea in particular, until the 1990s was limited to small border exchanges mainly related to consumer goods inaccessible in one of the two countries.<sup>10</sup>

The fall of communism brings into broad day light, for the first time in decades, the concept of diversifying the one's offer and possibilities in obtaining the usual necessities. In the case of Bihor county (north-western part of Romania) and its neighboring Hungarian county Hajdú-Bihar, the frontiers began to lose their attribute as impenetrable and dangerous physical barriers towards a somewhat better living and a more liberal society.

The frontier has gone through a lot of changes in terms of understanding the space of a culture, race, religion, city or nation. Growing from physical walls, intense militarized areas to a formal understanding of regions with no physical boundaries or restrictions of any kind, the frontier or the border has been an area of the utmost importance to the different branches of science. The border region is the collision point of cultures, religions, languages, administrations, legislations and economic influences. All these factors have substantial contribution to the phenomenon of people working in or over the border region.<sup>11</sup>

The Romanian-Hungarian border is located in a category of borders where we can find a free flow of goods and persons, even if Romania is not yet a member of the Schengen area. In this case the labour-mobility in some cases is still under control.

At the Romanian-Hungarian border there is still a permanent customs control, personal being present in the customs points. The control point has changed and is now common, customs officers making up joint teams reducing thus the control point from two to one. This ensures a more flexible flow of persons over the national border. The customs control in case of persons is quickly processed even if the customs officers still request the traveling documents.

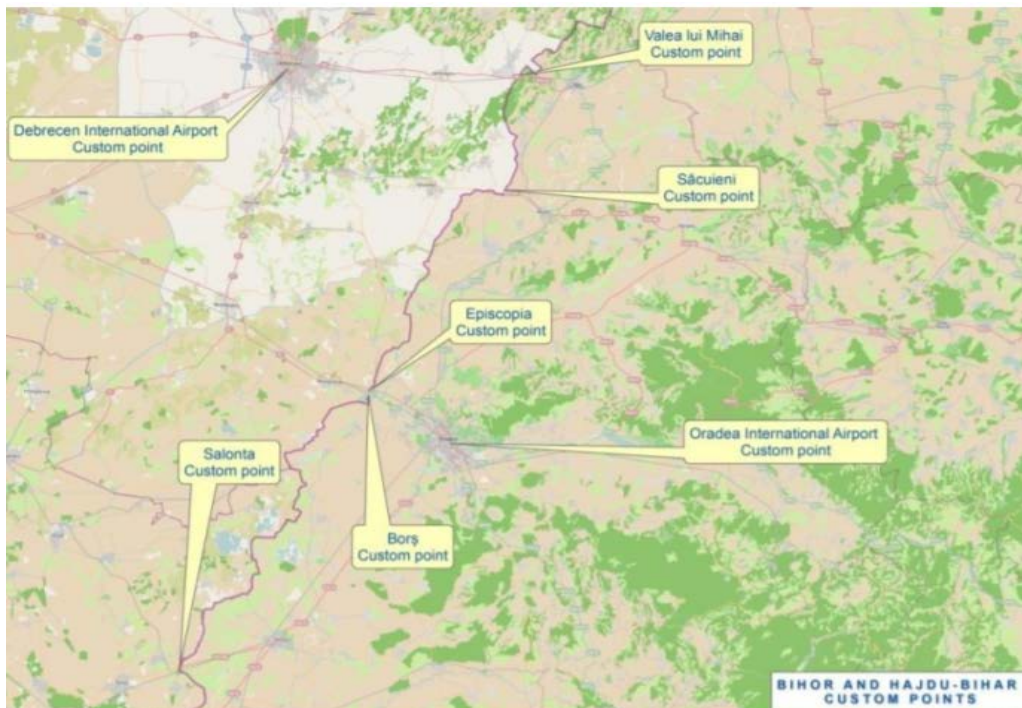
This is an important aspect when analysing the frontier worker phenomenon in the area of Bihor and Hajdú-Bihar counties. The border activity, even if it functions under national and international laws, is adapted to a certain context and cultural relation. It is important to mention that due to cultural differences and/or recent history the idea and the existence of the frontier workers may be a taboo subject.

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<sup>10</sup> István Süli-Zakar, "Successes and Failures in the CBC History of East Europe (Retrospection to the three decades of my CBC activities and researches)," *EuroTimes* 21 (2016): 183-190.

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

Figure 2. Map of the Bihor and Hajdú-Bihar custom points



Source: ArcGis base map edited for the purpose of this paper

The most important and transited customs point in Bihor county is Borș border point. Being a border point on E60, a major European road, this is one of the most important customs points in Romania. E60 is the correspondence of National Road 1; the most transited and busy road in Romania according to the traffic study of the National Road Authority (CNADNR).<sup>12</sup>

The other customs points are low transit areas with a micro regional impact in terms of person mobility. These aspects are very important when considering labor force mobility over the border. Being a big customs point, Borș, is obviously the first choice for most of the traffic entering the country, but also the chosen point for possible frontier workers because of distance and cost efficiency reasons.

The other customs points presented in figure 2 are located at a consistent distance from Oradea, the main economic center that may absorb the border workers.

In the opposite way frontier workers that would consider the opposite development pole, Debrecen, have two possibilities: Borș and Valea lui Mihai customs points. In this case even if the map presents a more direct route through Valea lui Mihai, the facts present that a crushing percentage of people from Oradea a surrounding area have chosen Borș as the main exit point

<sup>12</sup> The data from the Pre-feasibility study for construction of a Metropolitan Ring Road for Oradea Metropolitan Area, Official letter of the regional point of the National Road Authority, 2016, 245.

to Debrecen. This is mainly caused because of road and customs infrastructure. The main customs point (Borş) benefits from a 4 lane road that eases traffic inflow and a big number of customs officers that will process a large number of vehicles hourly. These assets will cause in some points waiting times or a longer route for a frontier worker, for whom the time and economic efficiency are essential.

### The prototype of the border worker

In order to establish a common level of understanding while analysing cross-border issues, a definition of basic terms is essential. Although often subsumed under one coherent paradigm "mobility of workforce," cross-border commuting as a social phenomenon has to be considered as quite different from trans-national migration.<sup>13</sup>

There are different kinds of cross-national workers, mobility generally subsumed under the designation of job migration, but we can declare that cross-border commuting between neighbouring countries takes place within smaller geographical areas and in short, regular periods up to a weekly level, migration mainly describes a wide-ranging process of permanent relocation of workers residence with a view to improve both the income and the standard of living.<sup>14</sup>

Because there are a multitude of definitions for the term "cross-border commuter," therefore, a unified description of cross-border mobility is only possible to a limited extent. Using the EU terminology, cross-border commuters or cross-border workers are characterized on the basis of two criteria, a political and a temporal one.<sup>15</sup>

Leaning on these principles, cross-border commuters are workers including the self-employed who pursue their occupation within the territory of a Member State and reside in another neighbouring Member State.

Compared to the place of residence, nationality cannot be taken as a significant indicator classifying cross-border workers, because there are cases where workers from one country move to a neighbouring state by reason of lower costs for renting and living and commute back to their home state virtually as in-commuting nationals.

Basically, the border worker or cross-national worker is mainly summarized by a short definition: national of country A, living in country A, but working in country B. In general terms this is the most common form of a border worker. This aspect is found and valid in most of the areas where the phenomenon of working abroad but living at home happens.<sup>16</sup>

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<sup>13</sup> European Commission, DG Employment and Social Affairs, *Scientific Report on the Mobility of Cross-Border Workers within the EU-27/EEA/EFTA Countries – Final Report*.

<sup>14</sup> Ibid.

<sup>15</sup> Kent Eliasson, Urban Lindgren and Olle Westerlund, "Geographical labour mobility: Migration or commuting?," *Regional Studies* 37 (2003): 827-837.

<sup>16</sup> Ibid.

## Factors for the movement of the border worker

There are a various number of factors that contribute to the mobility across the border. We can speak of factors that are perceived and generated at the level of individuals (real estate prices, shopping prices etc.) and factors that generate mobility or support it.<sup>17</sup>

This last category is generally governed by local or national authorities that want and invest in creating a more familiar space in border areas. Nevertheless private companies can also be part of this category by creating cross border services and service infrastructure.

One of the preliminary needs, when speaking of the frontier worker, is a certain familiarity with the border itself and with the neighboring culture. Going from a physical boundary and insurmountable obstacle to a psychological barrier is the evolution of the border in most cases. Even if the European Union is the integrated border land area, the border retains in a mental perspective the former barriers and contributes to a cross-border immobility situation.

The cultural differences and what people see as an acceptable unfamiliarity are the key ingredients for increasing the cross-border mobility.<sup>18</sup>

The border activity between Bihor and Hajdú-Bihar in terms of border mobility has a particular history. Immediately after 1989 and also before, the majority of traffic was towards Hungary. This is because of the fact that the neighboring country is the natural course towards Western Europe, because of its proximity to western cultures and values it was to a certain extent more relaxed concerning public policies and public availability of goods. In the 1990s there was a huge volume of border traffic driven by commercial or shopping purposes from Romanian settlements to Hungarian commercial area. The same situation happened after 2005 but in the opposite way. Due to price reorganization after joining the European Union in 2004, Hungarians living near the border reoriented towards the Romanian market.<sup>19</sup>

## Conclusions

Starting from the observation that apparent abolishing of borders has not lead to the expected cross-border interaction and that borders are not only tangible barriers and other concepts and factors like cultural differences, previous historic happenings and lack of infrastructure can be a trigger or a stop button for the border worker phenomenon.

Cross-border marketing, evolution of economies, better understanding markets have limited a lot the unacceptable, the unfamiliarity and contributed to transform unfamiliarity as an

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<sup>17</sup> Oscar J. Martinez, *Border People. Life and Society in the U.S.-Mexico Borderlands* (Tucson: University of Arizona Press, 1994), 73-150.

<sup>18</sup> Martin van der Velde and Bas Spierings, "Consumer Mobility and the Communication of Difference: Reflecting on Cross-border Shopping Practices and Experiences in the Dutch-German Borderland," *Journal of Borderlands Studies* 25 (2010): 191-205.

<sup>19</sup> Mihai Jurcă, "Frontier worker. Isolated Phenomenon or Regional Economic Asset," in *The Frontier Worker – New Perspectives on the Labor Market in the Border Regions*, eds. Adrian Claudiu Popoviciu and Dana Cigan, 25-27 (Bucharest: C. H. Beck, 2013).



acceptable barrier, therefore creating and supporting the border movements from Bihor and Hajdú-Bihar.

In order to get the people mobile, especially across borders, there should be a reason to do so, in other words, some kind of attracting force is needed. Efforts for stimulating and enhancing European integration have not reached their set bar.

Cross-border programs and development are relevant to the extent that they do not consider the borders as almost exclusively barriers that have to be overcome. What has to be done is to make the inhabitants of the border-regions aware of these differences along the border and consequently of each other. The other side should stay and/or be made relevant and attractive. In that case people should be encouraged to change their mental disposition towards the border, or to be more precise, towards the other side. To consider the other side, including its differences and unfamiliarity, it is as relevant as it is a necessary, albeit insufficient, precondition for interaction.

Freedom in all its forms, freedom of movement of persons, goods, capital, services, in time has integrated a double function, on the one hand, a fundamental value that has established all other organizational principles of the European Union and, on the other hand, an essential premise in improving the normative framework of the European Union. Of course, freedom is neither at community nor at individual level a value by itself, not even a negation of national identity or any other human needs.<sup>20</sup> The European Union must not be built as a model of social and political organization upon the ruin of the nation states. On the contrary, the European model founded on the basic value of freedom is enhanced by rejoining freedom with social solidarity and human rights.<sup>21</sup>

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<sup>20</sup> Alexandru Athanasiu, "Foreword," 7-8.

<sup>21</sup> Anthony Giddens, Patrick Diamond and Roger Liddle, *Global Europe, Social Europe* (Cambridge: Polity Press, 2006).

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## ROMANIA'S MAIN HARD AND SOFT SECURITY CHALLENGES IN 2018: PRESENT AND FUTURE APPROACHES TOWARDS THE DESIRED STABILITY AND PROSPERITY

*Mihai SOFONEA*

**Abstract.** 2018 is to be seen as a difficult year for the European Union in both terms of unity and common trust facing security challenges that could undermine its stability and prosperity. The environment and the geopolitical contexts seem to be a constant challenge for the states that require adaptability in order to maintain peace and calm in the region, for themselves and the surrounding neighbours. Both hard and soft security challenges require diplomacy, fast action, financial and human resources, strong regional and international partnerships, confidence and mutual trust to deal with. Cyber-security, terrorism, organised crime, illegal migration, are just the tip of the "security iceberg" Romania has to manage. The aim of the paper is to provide a diagnosis at the beginning of 2018 regional security context Romania is part of. Also, through the SWOT analyses, the article offers the most probable solutions Romania will have to follow in order to solve the main security issues identified as priorities for the near future. Finally, the main trends for the future of the European Union and NATO are not to be neglected in the provided analysis.

**Keywords:** regional security, European Union, Romania's national security, NATO, security challenges.

### Regional Context

Romania's geographic position has always been in terms of interests and nowadays geopolitics an interest concerning the proximity of east and west influences towards areas like the Caucasus, the Middle East and the Balkans.

The year 2004 is a limestone once Romania gets into the North Atlantic Alliance (NATO) in shaping the long term relationships with Russia, the region becoming "a battleground" for the security and prosperity issues of Romania and its new partners.

By having a look upon the future of the Black Sea Region and its surrounding nation states it is crystal clear to see the degree of uncertainty we are facing from this year on. One of the uncertainty factors is Crimea, the Russian outpost in the Black Sea.

Crimea is to be seen as a potential military fortress when its position in the Black Sea provides Russia a perfect playground to displace its military capabilities (S-300 missiles) that could reach (in an eventual strike) Romania's soil.

The balance of power in the Black Sea is changing in Russia's favour. Moscow is enhancing its Black Sea fleet and will possess a stronger navy than Turkey, in the coming decade, if its plans for expansion and modernization are fully realized. Moscow seeks supremacy in the Black Sea

in order to restore its Eurasian dominion by projecting power toward all littoral states, as well as toward the Balkans, the Eastern Mediterranean and the Middle East.<sup>1</sup>

Romania's military capabilities remain weak, as the country has a relatively modest defence budget. The modernization program launched in 2007 has largely stalled. Military inadequacies are evident in Romania's artillery, anti-tank weaponry, ground air-defence capabilities, coastal defence capabilities and anti-landing logistical support. Romania's vulnerabilities also include limited naval capabilities to secure the Danube Delta and Black Sea and limited investment in technological innovation. The country is also struggling to control corruption, increase transparency and fix its weak regulatory framework – all of which have inhibited large investments in the military industry and continue to obstruct technological development.<sup>2</sup>

### The Strength – Regional Cooperation

Individually, NATO's frontline member states are relatively weak when compared to Russia. Collectively with their neighbours and other NATO allies, they are strong. Robust solidarity among allies is therefore one of the most effective ways to deter aggression or revisionist probes. This requires Black Sea states to develop a common security strategy buttressed by regular military cooperation. Romania or Bulgaria could become convening countries for NATO littoral states and partner countries.

NATO partner countries, particularly Moldova, Ukraine and Georgia, must be engaged in the process of enhancing Black Sea security. The latter two states can offer harbouring capabilities for NATO forces. Engagement with Moldova could include constant air patrolling of the Romanian-Moldovan frontier, common training with Moldovan military forces and the mobilization of Romanian-Moldovan task forces trained to tackle outside-inspired insurgencies in regions bordering Romania.<sup>3</sup>

Like in 2008, when Europe was shaken by another crisis, after NATO had announced that Ukraine and Georgia could be admitted in principle, Russia had stepped on the pressure on the Caucasian state through the breakaway regions of Abkhazia (which had formerly had a Georgian majority population) and South Ossetia (where there was still a substantial Georgian minority). Georgia's President Mikhail Saakashvili, determined to join NATO, bolstered by the support of more than three quarters of the vote in a referendum on membership, and desperate to "solve" the territorial disputes which the alliance had set as a condition of membership now made a fateful decision. In August 2008, he launched a full-scale attack on South Ossetia, giving Moscow the pretext to respond with a "humanitarian intervention" to protect the civilian population.<sup>4</sup>

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<sup>1</sup> Janusz Bugajski and Peter B. Doran, [Moscow's Black Sea Ambitions] "Black Sea Imperatives," Strategic Report 3, Center for European Policy Analysis, November 2016, 2.

<sup>2</sup> *Ibid.*, 16.

<sup>3</sup> *Ibid.*, 33-34.

<sup>4</sup> Brendan Simms, *Europe. The struggle for Supremacy, 1453 to the present* (London: Allen Lane, 2013), 522.

In its foreign policy, Russia represents a crudely utilitarian partner for an American grand strategy of pushing globalization's advance: willing to use force in international crises, but exceedingly business-like – sometimes to a brutal fault – in its economic diplomacy, it views any state as both partner and competitor. With a complete lack of emotion, Moscow pragmatically sees America for what it truly is right now: militarily over-extended, financially overdrawn, and ideologically overwrought. Even after its conflict with Georgia, Moscow wonders openly why Washington would choose Tbilisi's maniac nationalism over its cool Machiavellianism. In the end, Putin & Co. see the same multipolar world that Washington, in its recent failures, has finally come to recognize, and welcomes it for the opportunities to make Russia once again powerfully relevant in global affairs.<sup>5</sup>

By being a part of NATO, Romania has marked one of its main objectives after the falling of the communist regime. Thus, Romania has earned the most powerful warranty in its modern history regarding the national security. Nowadays, Romania still aims to consolidate its institutions that operate in the field of internal affairs and national security, its social and economic strength, following the exit of a long term "transition". These efforts are made not only to sustain the internal welfare of the country but also to respect the promises made to our allies and partners.

The National Security Strategy comes to support the latest mutations in the dynamics of security involving Romania's view of sustainable stability in the region. The latest version of the Strategy (2015-2019) was adopted by the common chambers of the Parliament on June 23, 2015, the President of Romania, Klaus Johannis making a special underline of the phrase "a stronger Romania in Europe and in the world." By underlining this phrase the meaning was to further sustain and improve the national commitment to consolidate the strategic partnership with the United States of America, with NATO and the European Union as well. Not to neglect it is strengthening of relationships with the states that are on the Eastern Border of NATO and the EU and a further intense cooperation in the Black Sea Region. Thus, the involvement of all political parties in Romania to increase up to 2% the defence budget from now on makes Romania also a security guard in the regional security landscape.

### **Hard Security Weakness? – Patriot Missile System**

What may be an element of strengthening the defence capacity of Romania may also be seen, in terms of an unfortunate military conflict with Russia, as a sign of vulnerability as the Patriot missile system Romania wants to operate may be obsolete for the late Russian military findings.

Even if the system is not designed to attack any close neighbour of Romania, not even Russia, but to be seen as an element of defence, the Patriot Missile System and the "Shield" hosted at

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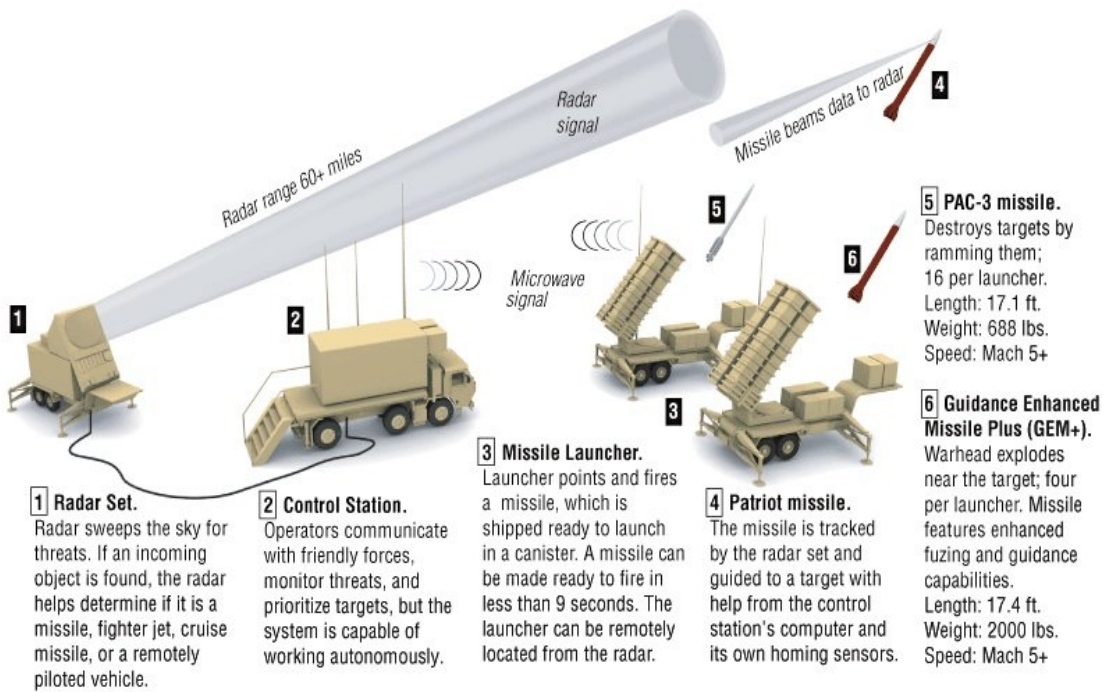
<sup>5</sup> Thomas P. M. Barnett, *Great Powers, America and the World after Bush* (New York: G. P. Putnam's Sons, 2009), 230.

Deveselu may become a target in an eventual future military strike. Thus, the way it operates is crucial for the understanding whether it is or not vulnerable (as presented in the Figure 1).

The Patriot System operating in Saudi Arabia was used in December 2017 to intercept a missile and failed to destroy the warhead that exploded close to the airport in Riyadh as told by some American experts, quoted by “The New York Times”. Most part of the experts is active at the Middlebury Institute of International Studies in Monterey (California). Thus, as said, the Patriot System launched five interceptors that failed to completely destroy the target missile.<sup>6</sup>

Figure 17. How Patriot Missile Works

**Patriot Air & Missile Defense System: How Patriot Works**



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**Soft Security Weakness – Late Immigration Trends in Romania**

By using the data provided by the Romanian Border Police, the number of illegal immigrants that have been placed under custody at the border has dropped lately to 100 cases

<sup>6</sup> “Rachetele Patriot, mai puțin eficiente decât se credea – experți americani,” *Economica*, 5 December 2017, [http://www.economica.net/rachetele-patriot-mai-putin-eficiente-decat-se-credea-experti-americiani\\_147124.html#ixzz58fQzEkbA](http://www.economica.net/rachetele-patriot-mai-putin-eficiente-decat-se-credea-experti-americiani_147124.html#ixzz58fQzEkbA) (accessed 20 January 2018).

<sup>7</sup> *Ibid.*

(15.11.2017-18.12.2018). 72 illegal immigrants were caught entering Romania's border and 28 leaving Romania.

The total number of immigrants that have tried to pass the border by force from the beginning of 2017 is about 3 690 persons.<sup>8</sup>

The total number of immigrants that have been placed in Romania was on 24.01.2018 of 728 (683 from Greece and 45 from Italy) being the same from the mid October 2017.

The European Commission published (on January 24, 2017) a set of instruments to be used at a national and regional level, to elaborate strategies and integration projects for the migrants.

One of the long terms priorities is the admission of migrants, the education, the labour force, the housing problems and access to public services.<sup>9</sup>

Immigration may be seen as a right of movement by many immigration supporters, but in reality it's a two edge blade mainly because the social actors involved in the migration process are not familiar with the country culture they reach, with the local traditions, face discrimination, rage and often end in the hands of organised crime and terrorist organisations. By its simple presence an immigrant is seen as a form of "alien" since the real integration process of such a social actor takes years, decades or even two or three generations.

Romania, nowadays, is not prepared to face such a long term commitment with the immigration waves that may arrive since this commitment in integration terms require dedicated work and well spent funds to reach the desired goal.

### **The Opportunity – Enhancing Soft Security Instruments, Reinforcing Eastern Frontier**

Better use can be made of the North Atlantic Treaty. Article 5 (collective defence in the event of war) is the document's best-known position. However, similarly structured mechanisms can be arranged between individual allies without formally invoking Article 5 under an overt attack. In addition, when defending soft-power interests, Article 4 (diplomatic consultations) is under-utilized. Also valuable there are provisions under Article 2 (economic support) and 3 (self-help and mutual aid). Without having to draw upon the entire alliance, Black Sea member states can make better use of these clauses to protect against the wide array of non-military dangers.<sup>10</sup>

NATO's Black Sea states need to strengthen their internal institutions to combat corrosive and destabilizing Russian influences. This includes combating official corruption, countering blatant disinformation, protecting against security service infiltration and guarding against politically

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<sup>8</sup> Poliția de Fronțieră Română, "Date deschise," <https://www.politiadefrontiera.ro/ro/main/n-date-deschise-17/> (accessed 10 January 2018).

<sup>9</sup> European Commission, "Managing migration along the Central Mediterranean Route – Commission contributes to Malta discussion," Press Release, 25 January 2017, [http://europa.eu/rapid/press-release\\_MEX-17-146\\_en.htm](http://europa.eu/rapid/press-release_MEX-17-146_en.htm) (accessed 11 January 2018).

<sup>10</sup> Bugajski and Doran, "Black Sea Imperatives," 35.

tainted economic influences. The diversification of energy sources and suppliers would also decrease dependence on Moscow and curtail the latter's political interference. Economic development is crucial, as this would help shield each society against Russia's disinformation, political penetration and populist appeals to sectors of society that have not benefitted significantly from EU membership.<sup>11</sup>

National specializations need to be better leveraged. For instance, Constanta (Romania) and Batumi (Georgia) could play major roles as ports in trade and economic investments. Greater investments can also be allocated to cyber security, taking advantage of Romania and Bulgaria technological prowess. NATO's Humint Center of Excellence in Oradea, under the umbrella of SACT, can be integrated in this process. More resources are needed for cybernetic military activities, whereby the Romanian and Bulgarian militaries will be better trained and prepared to participate in joint NATO endeavours to combat cyber-attacks.<sup>12</sup>

Elsewhere inside the EU, a revised Eastern Partnership (EaP) needs to be promoted in order to strengthen the prospects of eventual EU integration for Ukraine, Georgia and Moldova, and enhance stability by stimulating regional economic development. Romania should assume a stronger role in supporting an EaP that would intensify economic and political ties between its eastern neighbours and the EU. A modernized and updated EaP can also include mechanisms to address Russia's disinformation offensive that exploit social, ethnic and religious tensions throughout the region. Such soft-power defences can help neutralize Russia's soft-power offensives.<sup>13</sup>

Apart from the potential military escalation in southern Ukraine and in the Black Sea, Russia's soft power and subversive actions in both Ukraine and the Republic of Moldova eat away at the root of EU efforts for modernization and further integration of the two countries. Romania has been particularly deeply invested in supporting the democratic consolidation of Moldova and more recently the reform process in Ukraine. Russia's imperialistic tendencies and subversive actions in the region undermine Romania's efforts to stabilize its neighbours and foster democratic and prosperous vicinity. This has triggered a comprehensive approach by Bucharest to defining national security: Romania's new National Security Strategy mentions frozen conflicts and destabilizing actions (by Russia) in its immediate vicinity as among the main security environment and a heightened apprehension about how tensions in Romania's neighbourhood affect its own security and stability. Responding to these challenges will require a diversity of approaches, ranging from diplomatic and political soft power to hard security cooperation.<sup>14</sup>

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<sup>11</sup> Ibid.

<sup>12</sup> Ibid., 36.

<sup>13</sup> Ibid.

<sup>14</sup> Iulian Fota, "High tide, Romanian Security on Europe's Frontline: U.S. – Romania Initiative Defense and Security Working Group," Center for European Policy Analysis, January 2016.



## The Threat – Militarization of the Black Sea

Following Russia's annexation of Crimea in 2014, the Black Sea Basin gained an unprecedented geostrategic eminence in the context of transatlantic security. The Kremlin has declared that Crimea will be strengthened as Russia's main staging area for the Black Sea and the Balkan region, including the staging of nuclear weapons. The Russian arsenal in Crimea is likely to grow. Although the Black Sea Fleet is obsolete in terms of hulls, its missile capabilities and those of the combined armed network of planes deployed in the Black Sea is formidable. Moreover, up to 30 new ships are supposed to join the fleet by 2025. By 2020, Moscow plans to spend 2.4 billion dollars to modernize its navy and the Black Sea Fleet stationed in Crimea. The purpose of this modernization is to build a combined arms force that can deny NATO access to the Black Sea and at the same time project power outward into the Mediterranean, thus threatening not only the Balkan states but also the Middle East and Mediterranean interests of NATO.<sup>15</sup>

With volatile neighbours and limited ability for power projection outside of periodic NATO Black Sea exercises – the Montreux Convention limiting the stationing of allied ships in the Black Sea – Romania could suffer a hard blow. Romania is unprepared to face a heavily militarized Black Sea, endangering energy and commercial routes and the regional balance of power.<sup>16</sup>

Apart from the offshore energy resources Romania is currently exploring in the Black Sea, one potential ramification of the security crisis could be restricting the markets between the Black Sea ports on the Danube (Sulina, Chilia and the Danube-Black Sea canal) and non-EU nations, in particular Turkey. A stretching of the conflict in eastern Ukraine towards Odessa and finally the Ukrainian side of the Danube Delta could choke this critical artery and cause important losses for the countries using the Danube as a trade access point to the heart of Europe.<sup>17</sup>

## The Opportunity and the Vulnerability – the “New Democracies”

New democracies that lack strong political institutions may be especially vulnerable. In any of the cases of a political system in the process of changing, if the old security forces have been discredited and eliminated with the fall of the old system, terrorists could have some important temporary advantages. Even if the weaker authoritarian system or systems undergoing transformation are not the targets of terrorist attacks as such, they could still be chosen for attacks against embassies or symbolic targets of other countries since their security apparatuses could be quite weak. Ineffective security arrangements in democracies and

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<sup>15</sup> Stephen Blank, “Moscow Begins Building a New Black Sea Fleet,” *Eurasia Daily Monitor*, 22 September 2014.

<sup>16</sup> Fota, “High tide, Romanian Security on Europe's Frontline: U.S. – Romania Initiative Defense and Security Working Group,” 5.

<sup>17</sup> *Ibid.*, 6.

weaker authoritarian systems have, in fact, been considered to be a permissive cause (rather than an underlying cause) of increased terrorism.<sup>18</sup>

There are some additional reasons why democracies or weaker authoritarian systems might be chosen for attacks. Terrorist groups seek an audience and it is imperative that knowledge of the actions reaches that audience. If the group is attempting to reach potential supporters among citizens living abroad in exile or the population of the home country, information on the attack has to be disseminated. A totalitarian or strong authoritarian system might be able to repress or control the news if the attack occurs within its own boundaries, limiting the effective influence of even successful terrorist actions.<sup>19</sup>

All over the world media produce a number of stories about terrorism attacks, activities, leaders, since "terrorism has been the main event of the twenty-first century." Meditation of terrorism has become one of the most difficult and contradictory professional activities for journalists and media organizations, since it has to include conflicting positions, values, traditions and experiences, to encompass interests of competing powerful forces, to find an uneasy balance between freedom of expression, objectivity and social responsibility, information security, protection of audiences from damaging psychological impact.<sup>20</sup>

Not surprisingly, the "war on terror" in the Russian media has become a reflection or even an indicator of genetic processes that mirror the nature of media-society and media-power relations as well as the character of journalism in post-Soviet Russia.<sup>21</sup>

Globalization will continue to generate instability in societies. There will be winners and losers because of the changes, and the losers will be tempted to resort to violence. The various types of terrorism involve many cases of reaction to globalization. Although Huntington's clash of civilizations does not explain all outbreaks of terrorism, it does appear on the mark as a factor for some outbreaks such as the conflicts in Bosnia, Chechnya, the activities of Al Qaeda and others.<sup>22</sup>

As regards Moldova, by one side the instability of Romanian politics seems less appropriate for a solution on this topic. By another side, Moldova is affected by the separatist eastern part (Transnistria) of the country, the proclaimed Nistran Moldavian Republic (1990). Since then, the population living there benefits of the sustained of the 14<sup>th</sup> Russian Army. Even if the July 1992 brought a cease, the region is uncontrolled by the Government of Moldova. Transnistria is an example of frozen conflict in the area, a space of smuggling, organized crime, a sort of "black hole".

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<sup>18</sup> James M. Lutz and Brenda J. Lutz, eds., *Global Terrorism*, Third Edition (New York and London: Routledge, 2013), 44-45.

<sup>19</sup> *Ibid.*, 45.

<sup>20</sup> Des Freedman and Daya Kishan Thussu, eds., *Media and Terrorism Global Perspectives* (New York and London: Sage, 2012), 189.

<sup>21</sup> *Ibid.*, 201.

<sup>22</sup> J. M. Lutz and B. J. Lutz, eds., *Global Terrorism*, 299.

In fact, the Russian politics in Moldova may be placed under a general trend of Russia taking back its former power in the region. The Kremlin wants by these actions to admit and impose an uncontested area of regional power at the Eastern European Union's border.<sup>23</sup>

### Another Threat – Information War

The Kremlin uses disinformation campaigns, incitement to violence and hate speech to undermine neighbours, break Western alliances and, in Ukraine, pave the way for kinetic war. The aim is to destroy trust, sap morale, degrade the information space, help destroy public discourse and increase partisanship. Russia's tactics drag on Soviet traditions of "active measures" and "dezinformatsiya". But in an age of transnational broadcasting and a global internet, the potential for sowing chaos, distrust and polarization has become much greater. As we consider responses, it is important to appreciate that:

- Today's media and information environment is deeply fractured. Each echo chamber has its own dynamics. During the Cold War, it was enough to win the argument in a limited information space. Now it is necessary to communicate in different ways with different people, even with different countries;
- Kremlin uses a conspiratorial discourse and a strategic use of disinformation to trash the information space, break trust, increase polarization and undermine the public space for democratic debate;
- Today Kremlin focuses on exacerbating existing fissures in the West, using anti-immigration, anti-US or anti-EU sentiments to further its own goals.<sup>24</sup>

### The "Good" and the "Bad" – The Moral Theory: A Way of European Action?

For a better understanding of the "clashes" that take part in area surrounding Romania it's important to have a glimpse of some referential theories that might provide an explanation of the "what is going on."

Most moral theories, whether they are consequentialist or deontological, are normally thought to have two components: 'a theory of the good' and 'a theory of the right'. A theory of the good, sometimes called "value theory", is simply a view about what is good or valuable, or what properties we want to realise in our actions. Such properties can include "goods" like happiness, welfare, pleasure and self-improvement. The other component of most moral theories is a "theory of the right", which is a view how agents should respond to whatever goods they value. What actions should people and institutions undertake in order to realize these values or goods? Consequentialism and deontology are theories of the right, in that they

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<sup>23</sup> Pierre Verluise, *După douăzeci de ani de la căderea zidului. Europa reconfigurată* (București: Cartier, 2009), 184.

<sup>24</sup> Edward Lucas and Peter Pomeranzev, "Winning the Information War, Techniques and Counter-strategies to Russian Propaganda in Central and Eastern Europe," Center for European Policy Analysis, August 2016, 43.

prescribe how actors ought to respond to particular goods of values, whatever they may be. Consequentialism posits that morally right action is that which produces the best consequences in terms of a specified good; whereas deontology, without ignoring consequences entirely, suggests that in most situations we ought to act in a way that avoids offending the good.<sup>25</sup>

John Locke emphasized the twin concepts of individual liberty and popular sovereignty, which formed the basis of the liberal insight that democratic states tend toward peace – the so-called democratic peace theory (DPT). While Kant's formulation of the DPT is by far the most well-known, it has been revised substantially over the centuries, though it basically argues that liberal states with "republican constitutions" will gradually establish peace with one another by means of law-governed international organization that "maintain itself, prevents wars, and steadily expands." Today, this has largely been revised to simply say that democratic states tend not to go to war with one another. Though the reason for this are still debated, the European Union is often referred to broadly as a contemporary example of Kant's "pacific federation."<sup>26</sup>

## Conclusion

Today's main security issues in the Eastern Border of the European Union and NATO are a complex mixture of geopolitics, economic, social, cultural and information related issues. By being so complex, the security and the predicted welfare stability (including here also the peace itself) is hard to get and easy to break. Metaphorically speaking its "crystal made", one powerful rising of a "voice" and it may be broken forever.

In this paper I am aware that I only provided a glimpse of the "security iceberg" Romania and the region is trying to manage but knowing the complexity of the subjects I presented for each of them even thousands of papers might not arrive to a conclusion since the dynamic of the issues represent a constant vector of change...

Having such a delicate context for peace and security in the region one should be aware of the fact that good diplomacy, cooperation and communication, it's a must nowadays to find solutions to the problems that rise day-passing.

Now, Romania is a member of the European Union and NATO and struggles to have a better position in the region using the "power of example" for its neighbours that are not yet part of the EU and NATO. The image provided by Romania itself is a powerful tool to change old habits of people that still don't believe in "the West"; a part of these people live in Ukraine and Moldova, our close neighbours. Thus, remembering an old popular saying that "you can't (always) chose your neighbours", I cannot see that if this is true, it's also true that you can make "life" better by communicating better with your neighbours, by building common trust

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<sup>25</sup> Eric A. Heinze, *Global Violence Ethical and Political Issues* (New York and London: Routledge, 2016), 15.

<sup>26</sup> *Ibid.*, 37.

among your neighbours, a trust that can go beyond the “informal” and may take the forms of a Treaty, a paper signed cooperation or why not a common economic and security cooperation.

In this complex spectrum of issues what Romanians, Black Sea riverine states, and close neighbours see, is the “mighty Russian bear” that is making its way into the “European Forest” using its economic and military weight in order to impose its image and make better use of strategic influence. Let’s not forget that in a healthy forest the bear has its right to live and grow but the quality of interactions with other actors of the “forest equation” is important. What I really want to underline is that all of us (the non-Russians), in this world should be aware that non-communication and non-cooperation with Russia will not lead to anything good for the region. Better understanding of the neighbours culture and soft power leverages used to promote or to gain a better image in our own society’s eyes have to be a must to engage in diplomacy with one-another, Russia making no difference at all.

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## EFFICIENCY OF COOPERATION AND INTELLIGENCE SHARING AMONG LAW ENFORCEMENT AGENCIES IN THE EUROPEAN UNION IN THE FIGHT AGAINST TERRORISM: SHARING IS CARING?!

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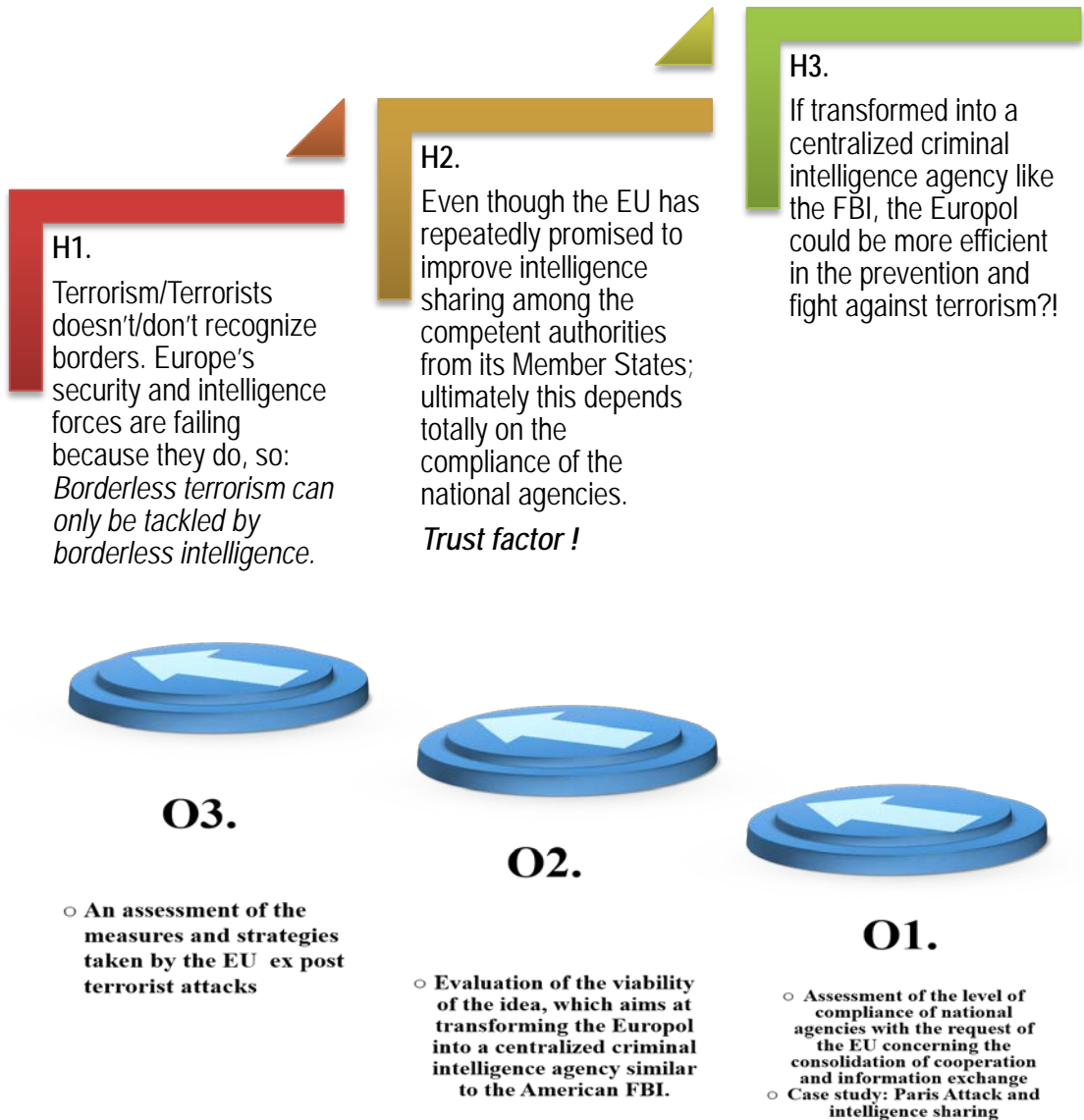
**Abstract.** Due to the fact that recently the EU has become a target of various terrorist attacks committed mostly by radical jihadist groups, within this article we propose to evaluate the efficiency of intelligence sharing among the competent law enforcement bodies from the EU Member States and the Europol in the fight against this highly malicious phenomenon. Using the Paris terrorist attacks as our case study we shall reveal whether it had existed a productive exchange of information amongst the authorities in charge as requested by the EU's supranational institutions on so many occasions. We shall further test the validity of the idea of turning the European police agency, the Europol into a pan-European central intelligence agency similar the American FBI from the perspective of the intergovernmental versus supranational nexus.

**Keywords:** counter-terrorism, FBI, trust, intelligence sharing, Europol, European Counter Terrorism Centre.

### Introduction

Terrorism is not a novel phenomenon in the EU and unfortunately it has increased in the past years, and also the future looks pretty grim as it shows a sharp upward trajectory. Terrorism represents a threat not only to the security and wellbeing of the people, but also to the core values which define the European Union as a whole and has a demoralizing effect on citizens and governments. Hence, its prevention has become a matter of uttermost importance and, accordingly, the Union has committed itself to tackle and eradicate this highly malicious phenomenon. As part of its counter-terrorism strategy, the Community has pledged to strengthen national capabilities and to enhance practical cooperation and the exchange of information between the adequate police and judicial authorities from the Member States. Regrettably, the vast majority of the actions and strategies at Community level were taken *ex post* major terrorist attacks, this denoting a serious flaw in the EU's terrorism prevention mechanism, mostly due to the lack of proper intelligence sharing. Within this article we would like to highlight that although the EU has repeatedly promised to improve intelligence sharing among the competent authorities from its Member States; ultimately this depends totally on the compliance of the national agencies. Thus, we shall assess the level of compliance of national agencies with the request of the EU concerning the consolidation of cooperation and information exchange, the trust factor playing a central role in this equation. Furthermore, it will be also evaluated the viability of the idea, which aims at transforming the Europol into a

centralized criminal intelligence agency similar to the American FBI. Our hypotheses and research objectives are the following:



### Terrorism prevention and intelligence sharing in the European Community / Union: a historical glance

Inspecting the literature work harvested in the field of cross-border police cooperation we contemplate that the first palpable initiative within the European Community concerning the



prevention of terrorist actions represents the so called 'Trevi Group', an intergovernmental meeting launched by the then members of the Community at the end of the 1970s.<sup>1</sup>

However, the roots of cross-border police cooperation and information sharing in Europe can be traced back to the 19<sup>th</sup> century, propelled by the emergence of anarchist movements targeting at the demolishing of the existent *status quo* based on an autocratic ruling system. The second half of the 19<sup>th</sup> century saw an unprecedented increase in the frequency of attacks carried out by diverse anarchist groups, thus urging the elaboration of counter-measures and actions and the set-up of some early forms of inter-state police cooperation. At the beginning, these actions were not aimed at establishing a long-term cooperation in the field of policing among the European governments, but were exclusively directed towards the annihilation of any form of anarchist/insurrectionist manifestations, perceived as a peril to national sovereignty and the prevalent authoritarian statehood. This lack of will to put the basis of a more compendious form of intergovernmental police cooperation could be held responsible for the initial failures to step up effectively against the violent operations carried out by these social agitators called *anarchists*.<sup>2</sup> In the period between March 1892 and June 1894 in Paris alone were carried out 9 bombings, demanding the lives of 9 people. Among the first cases of intelligence sharing between law enforcement units in Europe we identify the successful cooperation between the French and German police in foiling of the plan to assassinate the German Emperor Wilhelm II and Chancellor Caprivi of Germany in 1893. The attack was prevented thanks to the vigilance of the French police and the share of information with their German counterparts. Other attacks from Paris and Barcelona from the same year marked the inception of intergovernmental negotiations between the Spanish and French law enforcement agencies targeting the establishment of an international police organization for the prevention and tackling of any anarchist threats and attacks. Despite the British, Austrian and German being interested in joining such an organization, in the end the plan never came into being, restraining the anti-anarchist actions solely to some limited bilateral consultations. Another case of successful information exchange, this time between the French and Italian police forces through the medium of their consulates, unfolded the existent links between a bombing in the Italian city of Milan, a bank robbery carried out in Paris and stolen dynamites in Switzerland.<sup>3</sup>

The assassination of Empress Elisabeth of Austria by an Italian anarchist Luigi Lucheni in September 1898 bears a historical significance, as it did not only mean a savage act with a political connotation perpetrated against the autocratic House of Habsburg, but is also highlighted the need for a more efficient aplomb against the rising anarchist threat, calling for the formation of an *International Police League*. Though, this initiative didn't materialize, at least it conducted to calls of the Italian government for the organisation of an international

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<sup>1</sup> Anna Cornelia Beyer, *Counterterrorism and International Power Relations: the EU, ASEAN and Hegemonic Global Governance* (London: Tauris Academic Studies, 2010), 70.

<sup>2</sup> In the specialised bibliography many times, anarchists are labelled as the predecessors of the modern day terrorists or insurgents.

<sup>3</sup> Mathieu Deflem, *Policing World Society: Historical Foundations of International Police Cooperation* (Oxford & New York: Oxford University Press, 2002), 66-67.

conference held in Rome at the end of September 1898, gathering the political and diplomatic cream and the representatives of the police forces of the time from 21 European countries, with the clear purpose of a more proactive fight against anarchism. Among the merits of the *International Conference of Rome for the Social Defence against Anarchists* we name the conceptual framing and codification of the terms *anarchism/anarchist*, an essential step for the development of a coherent approach and the elaboration of efficacious counter measures on a European level.<sup>4</sup>

In the subsequent parts of the article we shall assess the importance of having a uniform approach concerning the definition of terrorism/terrorists at the (EU/global level) for working out of viable solutions, stressing that the prevalence of diverging views within the international community is a major impediment in regard to the successful management of terrorism. Furthermore, the representatives of the 21 European nations had pledged to introduce unanimously for the first time in their countries' legislation the prohibition of the illegitimate possession and use of explosives, membership in anarchist organizations, the dissemination of anarchist propaganda, and the providing of assistance to individuals labelled as anarchists by their respective governments. Publications with an anarchist friendly content were deemed to be heavily censored, while assassinations of heads of states/government were punishable by death penalty.<sup>5</sup> The idea to share information and set up a system which would watch over and keep track of the existing anarchists in a country via a newly established pan-European police agency was also born at the international conference held in Rome. Thus, this event, in reference to the initiation and deepening of the custom of intelligence sharing among the specialised law enforcement agencies in Europe, has a major significance. From all conference attendants, the representatives of the British crown were the only delegates refusing to implement the provisions hammered out during the conference, also rejecting the implementation of a newly developed method of identification of perpetrators of criminal acts, the so-called *portrait parle* method. This technique, otherwise known as the *spoken picture* method revolutionized the existent *bertillonage system*, invented by the French anthropologist Alphonse Bertillon, which instead of drawing the facial characteristics of a supposed criminal as genuine as possible, it had attempted to identify them by measurements expressed in numerical values of various parts of their body, eye, skin and hair colour. Under the auspices of information sharing, these numerical values were transmitted via telephone or telegraph from one state to another, this system representing the precursor of modern day databases<sup>6</sup> and secure information exchange network applications designed for the share of classified information and the storage of highly sensitive data about illegal immigrants, dangerous third country nationals, criminals and terrorists etc.

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<sup>4</sup> Ibid., 67.

<sup>5</sup> John D. Occhipinti, *The Politics of EU Police Cooperation: Toward a European FBI?* (London: Lynne Rienner Publishing, 2003), 27-29; Deflem, *Policing World Society: Historical Foundations of International Police Cooperation*, 67.

<sup>6</sup> See for example the Schengen SIS, Eurodac, SIENA, Europol Information System etc.

The Rome conference called for the further strengthening of the intelligence sharing among the involved European nations, in the same time introducing the practice of extradition of persons implicated in possible kidnappings of state leaders. As we all know, later on this provision was extended to any foreign citizen committing criminal acts on the territory of another state. This provision labelled as *attentat* or *Belgian clause* was evoked for the first time following the unsuccessful pursuit to assassinate the French emperor, Napoleon III.<sup>7</sup>

Following the pattern set after the death of Empress Elizabeth, the killing of William McKinley, the president of the U.S.A. also by an anarchist in 1901, led to the revival of the anti-anarchist provisions set by the conference held in Rome, putting the ground for another International Police meeting, this time co-organised by the German and the Russian governments in March 1901, in Saint Petersburg. The meeting gathered the delegates of ten European countries<sup>8</sup> and it was partially successful as, on the one hand, it contributed to the elaboration of a *Secret Protocol for the International War on Anarchism*, but, on the other hand, it was marked by the protesting absenteeism of the US government, which was unwilling to participate at the meeting, and the refusal of the French-British delegates to sign the protocol. Though, the disavowal to sign the agreement didn't mean the total lack of will to cooperate with their respective counterparts in matters related to police cooperation against anarchists.<sup>9</sup>

The idea to establish an international police organisation without any political intent was born at the International Criminal Police Congress held in Monaco in 1914, convened for the purpose of crime prevention in the participating countries. As many of the preceding meetings, this congress had also failed to set up the long-desired institutional basis for successful cross-border cooperation, mostly due to the absence of technocrats, in our case the representatives of the law enforcement agencies from the European countries, their place being taken by politicians and attorneys. The police organisation, which today, in common knowledge is enshrined as the Interpol, was founded in the interwar period in 1923, as a resolution of the International Police Congress organized at Vienna. Initially it numbered 34 nations among its members, its institution being of a major historical importance, as it emerged as an autonomous initiative of the delegates of the law enforcement agencies originating from Europe and beyond, not that of some diplomatic busy bodies.<sup>10</sup>

When the idea of a *United Europe* had taken roots at the beginning of the 1950s, the extension of collaboration in the field of law enforcement was not foreseen in the founding treaties,<sup>11</sup> restraining cooperation in policing and judicial matters solely to the organization of intergovernmental meetings and clubs (such as the Bern, the Vienna or Pompidou). As noted earlier, at the European Community level, the first genuine initiative targeting the prevention of

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<sup>7</sup> Deflem, *Policing World Society: Historical Foundations of International Police Cooperation*, 68.

<sup>8</sup> Including, for example, Germany, Austria-Hungary and Denmark etc.

<sup>9</sup> Deflem, *Policing World Society: Historical Foundations of International Police Cooperation*, 68.

<sup>10</sup> Alin Ciprian Gherman, "Cross-Border Police Cooperation in the European Union," in *Analele Universității din Oradea, Seria Relații Internaționale și Studii Europene*, TOM VII, 205 (Oradea: Editura Universității din Oradea, 2015).

<sup>11</sup> Paris and Rome.

terrorism represented the so-called TREVI (Terrorisme, Radicalisme, Extrémisme et Violence Internationale) Group, owing its existence to the configuration of a common aspiration to tackle the increased terrorist threat, fuelled by the attacks carried out during the Munich Olympics in 1972.<sup>12</sup> Fear of losing national sovereignty and prerogatives could explain the tardiness of grounding cooperation in this field, also explaining why it had remained for years on the level of mere intergovernmental consultations.<sup>13</sup> Lauri Lugna provides us with an all-encompassing description concerning the setup and functioning of this group, emphasizing that it was nothing but an “intergovernmental forum for collaboration outside of the formal treaty structure and it lacked a permanent secretariat, but provided the law enforcement authorities in the European Union with a limited, yet useful way to communicate and exchange information on various transnational crimes, as well as to share best practices to combat them.”<sup>14</sup> Its constitution was technocratic in nature, as it brought together various law enforcement specialists, that is to say delegates of national police forces with the clear purpose of coordinating methods and sharing good practices in the fight against the then existent terrorist organizations, such the IRA, the Red Brigades or the Baader-Meinhof Group etc.<sup>15</sup>

The Treaty of Maastricht plays a central role in the process of European integration, not only because it created the European Union, but because it enshrined for the first time police and judicial cooperation in criminal matters in a Community Treaty under the provisions of the third pillar (Justice and Home Affairs), taking cooperation in this field from the level of interstate bargaining to that of supranational decision-making, though keeping the *intergovernmental* as the prevailing method of making decisions, the Council of Ministers having the ultimate say. Article K. 1 (9) stipulates the introduction of police cooperation for the purposes of preventing and combating terrorism within matters of a common interest. Besides rendering police cooperation under the provisions of the third pillar, Maastricht also provided for the establishment of an institutional framework, foreseeing the creation of a law enforcement agency for the EU, nicknamed Europol (European Police Office) charged with the task of improving and strengthening cooperation between the competent police authorities from the Member States in the collection, storage, analysis and exchange of information.<sup>16</sup> For our research, Europol is of an outermost importance as it represents the institutional pilaster of every common action taken in the field of counter-terrorism at the level of the Union as a whole.

Following Maastricht, the Amsterdam Treaty under the auspices of the third pillar put down the basis of an Area of Freedom Security and Justice (AFSJ), thus moving the Justice and Home

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<sup>12</sup> Gherman, “Cross-Border Police Cooperation in the European Union,” 206.

<sup>13</sup> Beyer, *Counterterrorism and International Power Relations: the EU, ASEAN and Hegemonic Global Governance*, 70.

<sup>14</sup> Lauri Lugna, “Institutional Framework of the European Union Counterterrorism Policy Setting,” *Baltic Security and Defence Review* 8 (2006): 105.

<sup>15</sup> Beyer, *Counterterrorism and International Power Relations: the EU, ASEAN and Hegemonic Global Governance*, 70-71.

<sup>16</sup> Council of the European Communities, *Treaty on the European Union*, 92/C 191/01, 131-135, [https://europa.eu/european-union/sites/europaeu/files/docs/body/treaty\\_on\\_european\\_union\\_en.pdf](https://europa.eu/european-union/sites/europaeu/files/docs/body/treaty_on_european_union_en.pdf) (accessed 10 February 2018).

Affairs activities from the third to the first pillar. The third pillar got renamed as Police and Judicial Cooperation in Criminal Matters (PJCCM), Amsterdam stipulating that ‘without prejudice to the powers of the European Community, the Union’s objective shall be to provide citizens with a high level of safety within an area of freedom, security and justice by developing common action among the Member States in the fields of police and judicial cooperation in criminal matters.’<sup>17</sup> The Nice Treaty did not bring any major modifications to the field of Police and Judicial Cooperation in Criminal Matters (it created the Eurojust), a breakthrough being accomplished by Lisbon, as it had abolished the pillar system, enabling the EU’s supranational institutions to legislate in the field of judicial cooperation in criminal matters, also empowering them to adopt various regulations and directives in the field of police cooperation in criminal matters.<sup>18</sup>

The terrorist attacks from the 11<sup>th</sup> of September 2001 acted as a trigger concerning the development of counterterrorist measures and policies not only in the US, but also on the level of the European Union, following this incident EU Member States allotting more funds to the fight against terrorism. *Ex post* this event, we witness the contouring of a common definition for the term *terrorism* on EU level<sup>19</sup> and the introduction of a *European Common Arrest Warrant*.<sup>20</sup> Amongst the elaborated measures and policies we also find the issuing of a European list of terrorist groups and the initiation of joint police exercises by the representatives of the law enforcement agencies of the EU Member States. The EU’s Common Police agency, the Europol’s powers were enhanced by the creation of a joint task-force for counterterrorism (Counter Terrorist Task Force (CTTF)).<sup>21</sup> This Task Force was formed of national liaison officers from police and intelligence services and among its duties were enumerated the collecting in a timely manner of appropriate counterterrorist information and intelligence; the undertaking of operational and strategic analysis; and finally, the drafting a threat assessment reports based on the received data.<sup>22</sup>

As money plays an essential role in supplying terrorism, in 2004 the EU adopted an *anti-laundering package* targeting to cut the financing of such activities by ensuring the total

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<sup>17</sup> European Communities, *Treaty of Amsterdam amending the treaty on European Union, the Treaties Establishing the European Communities and certain related acts*, Article K. 1, Luxembourg: Office for Official Publications of the European Communities, 1997, 16, <http://www.europarl.europa.eu/topics/treaty/pdf/amst-en.pdf> (accessed 10 February 2018).

<sup>18</sup> *Consolidated version of the Treaty on the European Union and of the Treaty on the Functioning of the European Union*, 2010/C 83/01, Official Journal of the European Union, 2007/C 306/01, 2010, [http://www.presidentcy.ro/static/Versiunea\\_consolidata.pdf](http://www.presidentcy.ro/static/Versiunea_consolidata.pdf) (accessed 10 February 2018).

<sup>19</sup> However, there’s no common universally accepted definition of the term in question.

<sup>20</sup> Nora Bensahel, *The Counterterror Coalitions Cooperation with Europe, NATO, and the European Union* (Santa Monica: RAND, 2003), 37.

<sup>21</sup> Beyer, *Counterterrorism and International Power Relations: the EU, ASEAN and Hegemonic Global Governance*, 71.

<sup>22</sup> Ruxandra Laura Boşilcă, “Europol and Counter Terrorism Intelligence Sharing,” *Europolity* 7, 1 (2013): 10.

traceability of the transfer of payments in and out of the EU.<sup>23</sup> In the same year, the EU interior and justice ministers brokered out a deal, which entered into common understanding as the Hague Programme, stressing the enhancement of cooperation in security policy and judicial matters for the upcoming 5 years, also comprising a variety of measures implemented in the fight against terrorism, such as the enabling of police authorities to request information from the offices of other Member States.<sup>24</sup> Under the Hague Programme seven objectives were established for the prevention and management of the phenomenon of terrorism in the EU<sup>25</sup>:

- the expansion of the international consensus and enhancement international efforts to combat terrorism;
- the disabling of the access of terrorists to financial and economic resources;
- the increase of the capacity within EU institutions and Member States to detect, investigate, prosecute and to prevent terrorist attacks;
- the protection of the security of international transport and the ensuring of effective systems of border control;
- the enhancement of the capability of the European Union and of Member States to deal with the consequences of terrorist attacks;
- the tackling of factors which contribute, on the one hand, to backing, and, on the other hand, to recruiting into terrorism;
- focusing on actions towards third countries where serious flaws could be detected in counterterrorist capacity or commitment to combating terrorism, with the purpose of enhancing and improving these capacities.

After the elaboration of a comprehensive and common European Security Strategy in 2003, two years later the Council of the European Union published its first *Strategy to Counter Terrorism. Prevention, protection, tracking and response* constituted the four building blocks of the strategy, in the same time acknowledging the significance of consolidating cooperation in this matter with third countries.<sup>26</sup>

The Madrid and London attacks from 2004 and 2005 had represented major turning points in the consolidation of the EU's counterterrorist policies, as these attacks showed that similar incidents could take place anywhere and anytime in the EU. The inability to prevent these attacks had also revealed the lack of proper information sharing between the intelligence services of the Member States and the Europol, despite the latter's constant demand for

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<sup>23</sup> Philippe Delivet, "The European Union and the fight to counter terrorism," Foundation Robert Schuman Policy Paper, *European issues* 372 (24 November 2015): 2, <https://www.robert-schuman.eu/en/doc/questions-d-europe/qe-372-en.pdf> (accessed 10 February 2018).

<sup>24</sup> Beyer, *Counterterrorism and International Power Relations: the EU, ASEAN and Hegemonic Global Governance*, 71.

<sup>25</sup> *Ibid.*, 77.

<sup>26</sup> Delivet, "The European Union and the fight to counter terrorism," 2.

increased intelligence cooperation within the framework and via Europol. This security deficit and lack of coordination had compelled the EU's supranational bodies to urge the initiation of a more coherent and increased exchange of information and a more thorough support from the Member States' security and intelligence services. Moreover, the *Guardian of the Treaties*, i.e. the European Commission wanted to include the mandatory transmission of counter terrorism intelligence to Europol within the newly developed Counterterrorism Strategy, but in the end the initiative couldn't be implemented due to the severe opposition of the Member States. Many of the initiatives launched by the EU supranational bodies within this field shared the same faith as the aforementioned proposal, this clearly showing that regardless the commitment of the Union the solution to the problem lies within the competence of the Member States due to the mainly intergovernmental nature of the decision-making procedure within this domain. This means that the Union can ask the authorities in charge to share information with each other and the Europol but does not have the legal means and competence to force them to do so, if they do not want to.<sup>27</sup>

In 2007 the Counter Terrorist Task Force (CTTF) was moved under the coordination of the so-called *First Response Network*, developed within the framework of the Europol with the purpose of assisting investigations in Member States in case of terrorist attacks. In 2010 as a result of an initiative launched by the Council of the European Union, the Europol's mandate was extended, such as its institutional structure, becoming a fully-fledged European Union agency. Furthermore, as highlighted earlier, the Lisbon Treaty introduced certain changes in the decision-making procedure within the field of police cooperation, allowing more decisions to be taken by qualified majority voting in the area of Justice and Home Affairs. This made possible, for example, elaboration of decisions giving green light to the collection, storage, processing, analysis and exchange of relevant information. Later, the Stockholm Programme which established the EU's priorities for the 2010-2014 period in the area of justice, freedom and security, urged the Member States to make full use of Europol, SitGen and Eurojust in the fight against terrorism.<sup>28</sup>

The fight against terrorism is being reiterated in the EU's groundbreaking document, the *Global Strategy for Foreign and Security Policy* of 2016. In this core document terrorism is being viewed as an omnipresent global phenomenon representing a major threat to the wellbeing and continuity of the EU. The strategy emphasizes on the enhancement of common efforts on defence, cyber, counterterrorism, energy and strategic communications under the framework of its first priority the *Security of our Union*.<sup>29</sup> According to the developers of the strategy, increased investments and solidarity amongst the EU Member States on counter-terrorism are the key elements needed for the prevention and tackling of this highly malicious phenomenon. Within this document, the Council impels the governments of the EU Member States to

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<sup>27</sup> Boşilcă, "Europol and Counter Terrorism Intelligence Sharing," 11.

<sup>28</sup> Ibid., 12.

<sup>29</sup> European External Action Service, *Shared Vision, Common Action: A Stronger Europe: A Global Strategy for the European Union's Foreign and Security Policy*, June 2016, 9, [https://eeas.europa.eu/archives/docs/top\\_stories/pdf/eugs\\_review\\_web.pdf](https://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf) (accessed 10 February 2018).

enhance the information sharing and intelligence cooperation amongst themselves, and also with the competent EU agencies, such as Europol. This cooperation foresees the issuing of shared alerts on violent extremism, terrorist networks and foreign terrorist fighters, as well as monitoring and removing unlawful content from different platforms of the media.<sup>30</sup> As we could notice from the word usage of the document, the share of information and intelligence is being only “encouraged” by the EU not imposed, this clearly validating our second hypothesis, according to which contrary to the Union’s commitment to enhance cooperation in these fields, this ultimately depends on the willingness and compliance of the national agencies. Moreover, we consider that with more trust, efficient intelligence and information sharing, the Paris and Brussels attacks could have been prevented. This idea shall be argued within the upcoming case study section.

### **The definition of terrorism: a paradoxical situation**

Nowadays, terrorism represents a concept of great actuality but it has been present in the international society for centuries and has a number of forms, the most diverse in the world. However, terrorism has come to the attention of specialist institutions as well as to researchers since the 11<sup>th</sup> of September 2001 attacks, when a number of security measures were taken when boarding, for example, on airplanes, all with the purpose of preventing similar events, which coincide with acts of terrorism. Once global terrorism has intensified, the Global War on Terrorism has been launched.

In the specialty literature there is a permanent dispute concerning the concept of terrorism and especially the definition of terrorism, as there is no universal definition of the term in question. Thus, we can ask ourselves how terrorism can be tackled, if there’s no uniform approach concerning its conceptual delimitation.

Starting from this dilemma, we will try to review a series of definitions for the term in question as follows:

The Council of Europe Convention on the Prevention of Terrorism (CETS No 196), adopted in 2005, does not provide a definition of terrorism, but does criminalise public provocation to commit a terrorist offence and recruitment and training for terrorism.<sup>31</sup> Resolution 1566 (2004) states that all acts “which constitute offences within the scope of and as defined in the international conventions and protocols relating to terrorism, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature.”<sup>32</sup>

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<sup>30</sup> Ibid., 21.

<sup>31</sup> Stefanie Scmahl and Marten Breuer, *The Council of Europe, Its Law and Policies* (Oxford: Oxford University Press, 2017), 680; Council of Europe, *Council of Europe Convention on the Prevention of Terrorism*, Council of Europe Treaty Series no. 196, Warsaw, 16 May 2005, <https://rm.coe.int/168008371> (accessed 10 February 2018).

<sup>32</sup> United Nations, *Security Council resolution 1566 (2004) on Threats to international peace and security caused by terrorist acts*, 2004, <https://www.un.org/ruleoflaw/blog/document/security-council-resolution-1566-2004-on-threats-to-international-peace-and-security-caused-by-terrorist-acts/> (accessed 10 February 2018).



The EU's approach is enshrined in the Council Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and the Council Framework Decision 2002/475/JHA on combating terrorism. Terrorist offences are defined as acts committed with the aim of "seriously intimidating a population, unduly compelling a government or international organisation to perform or abstain from performing any act, or seriously destabilising or destroying the fundamental political, constitutional, economic or social structures of a country or an international organisation."<sup>33</sup> The Convention on Combating International Terrorism adopted by the OIC in 1999 defines terrorism as "any act of violence or threat thereof notwithstanding its motives or intentions perpetrated to carry out an individual or collective criminal plan with the aim of terrorising people or threatening to harm them or imperilling their lives, honour, freedoms, security or rights or exposing the environment or any facility or public or private property to hazards or occupying or seizing them, or endangering a national resource, or international facilities, or threatening the stability, territorial integrity, political unity or sovereignty of independent States."<sup>34</sup>

It is rather surprising and also raises a number of questions the fact that the international community has failed to reach a consensus on a concise and comprehensive legal definition of terrorism, not even within the framework of the UN Global Counter-Terrorism Strategy. Confirming many of the issues identified earlier in this chapter, the United Nations Terrorism Prevention Branch has defined terrorism as a unique form of crime, often containing elements of war, politics and propaganda. In a report to the United Nations Office on Drugs and Crime (UNODC), Alex Schmidt proposed adopting the already agreed definition of war crimes (including deliberate attacks on civilians, hostage-taking and killing of prisoners).<sup>35</sup>

Realizing a chronological analysis to track the emergence of the term *terrorism*, we find it during the French Revolution to describe the use of force by the French Revolutionary Government to eliminate opponents and intimidate the opposition. Terrorism was also a matter of concern to the UN during the 1960s due to a series of airplane hijackings.

## **A classification of terrorism and an assessment of the jihadist terrorist attacks committed in the EU**

Concerning the classification of terrorism, we identify multiple forms of terrorism, such as:

- State terrorism, which we find during the French Revolution, which corresponds to the use of force by the government to eliminate those opposed to the system and to

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<sup>33</sup> European Commission, *EU rules on terrorist offences and related penalties*, Official Journal of the European Communities, 2001/931/CFSP, <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=LEGISSUM:I33168&from=EN> (accessed 10 February 2018).

<sup>34</sup> Ana María Salinas de Frías, Katja Samuel and Nigel White, *Counter-Terrorism: International Law and Practice* (Oxford: Oxford University Press, 2012), 158-163.

<sup>35</sup> Alex Conte, *Human Rights in the Prevention and Punishment of Terrorism. Commonwealth Approaches: The United Kingdom, Canada, Australia and New Zealand* (New York: Springer, 2010), 7-37.

intimidate the opposition.<sup>36</sup> Terrorism in France was practiced by the Jacobin and Thermidorian regimes.<sup>37</sup>

- Suicidal terrorism is that kind of terrorism through which the person who produces the terrorist act suicides in the process of attacking.<sup>38</sup> "A theory developed by Robert Pape states that a group of people occupied by a democratic power are likely to engage in suicide attacks when there are differences between the religions of the group and the occupied religious community supports altruistic suicide."<sup>39</sup> Examples of this kind of terrorism include: attacks in the US on September 11, the Hezbollah terrorist campaign in Lebanon, the actions of the Tamil Eelam Liberation Tigers (LTTE), Hamas, or the Al Qaeda Martyrs Brigade.
- Jihadist Terrorism is one of the most active types of terrorism that has spread throughout the world map and among the most active organizations we can remember AL Qaeda and the Islamic State. On the European continent, violent attacks occurred in Brussels, Nice or Berlin where they used various methods to create panic among citizens, such as explosives or vehicles. Terrorists acting on behalf of the IS proved that they are capable of planning the most complex, multi-purpose, rapid and effective terrorist attacks. The main targets of the jihadists are: hard targets (police, the military) and soft targets (a church, synagogue, mosque), the main purpose being to provoke mass victims and create panic among the population. The massive migratory waves from Syria and Iraq have been a good way to send terrorists who have proven to be the leading perpetrators of terrorist attacks, such as that in Paris 2015. Jihadist terrorist groups are exploiting the socio-economic discontent of immigrants to recruit potential IS members to be involved in terrorist attacks, as well as the admiration for martyrdom or the fact that Islam is attacked westward. Great emphasize is placed on a much more fragile category, namely women and children, who can be more easily infiltrated and participate in terrorist attacks.<sup>40</sup>

To view the magnitude of the jihadist terrorist attacks at European level, we will look at Europol data which shows us a very clear radiography in this direction. To begin with, we will look at the general data at EU level, after which we shall customize on the dimension of jihadist terrorism.

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<sup>36</sup> Paul Robinson, *Dicționar de Securitate internațională* [Dictionary of International Security] (Cluj-Napoca: Editura CA Publishing, 2010), 228.

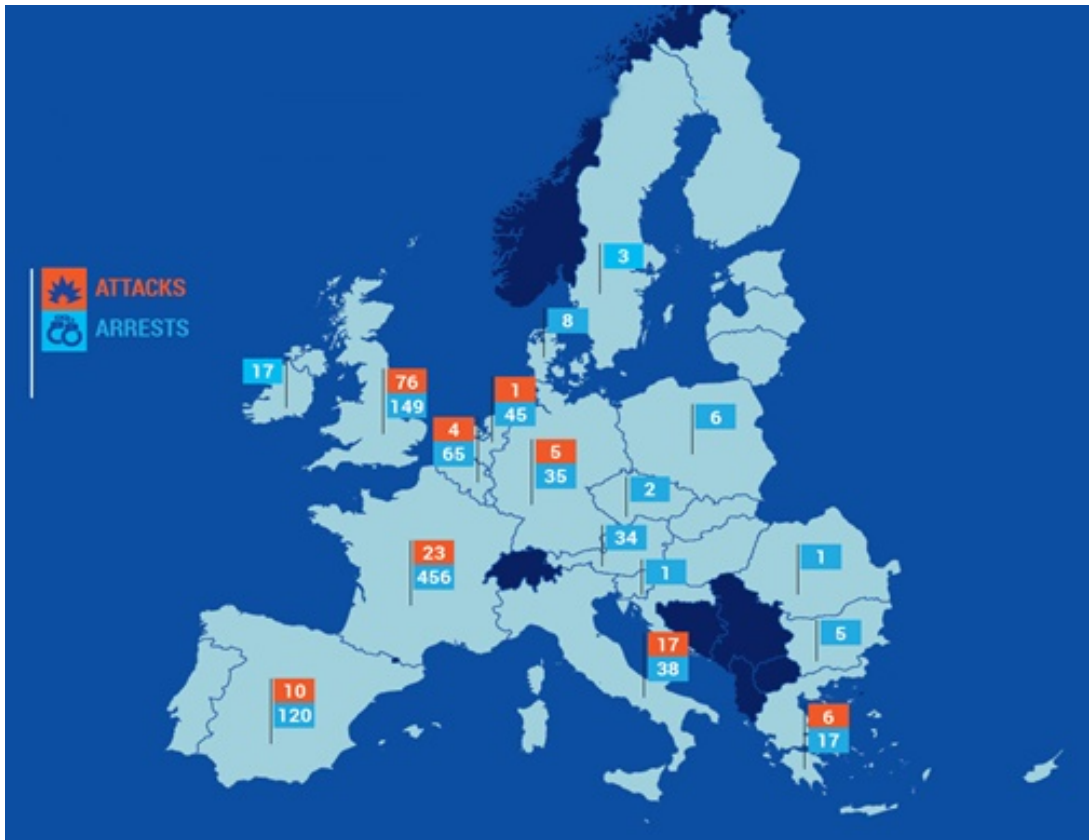
<sup>37</sup> Earl Conteh-Morgan, *Collective Political Violence: An Introduction to the Theories and Cases of Violent Conflicts* (London: Routledge, 2004), 261.

<sup>38</sup> Robinson, *Dicționar de Securitate internațională* [Dictionary of International Security], 229-230.

<sup>39</sup> Jonathan Randall White, *Terrorism and Homeland Security* (Belmont: Wadsworth Cengage Learning, 2012), 152-158.

<sup>40</sup> Europol, *European Union Terrorism Situation and Trend Report* (The Hague: European Union Agency for Law Enforcement Cooperation, 2017), 21-38.

In 2016, 142 people died as a result of terrorist attacks and 379 were wounded, but 142 terrorist attacks were baffled, according to the data reported<sup>41</sup> by the Member States.<sup>42</sup> For the year 2015 there were 150 casualties, and the number of terrorist attacks increased from 4 in 2014 to 17 in 2015.<sup>43</sup> For a broader picture of terrorist attacks and arrests in this direction at European level, we will refer to Map nr. 1, which gathers all attacks and arrests in the EU states from 2016.



Map nr. 1 Attacks and arrests of EU Member States in 2016

Source: Europol, *European Union Terrorism Situation and Trend Report*, 11.

If we look at the data from 2014 to 2016 as shown in Table nr. 1, we can see a decrease in the number of terrorist attacks from 226 to 142 and on the side of arrests from 774 arrests in 2014

<sup>41</sup> Ibid., 10.

<sup>42</sup> More than half of the terrorist attacks were recorded in the UK – 76, after which France reported 23 attacks, Italy – 17, Spain – 10, Greece – 6, Germany – 5, Belgium – 4 and the Netherlands – 1.

<sup>43</sup> Europol, *Changes in Modus Operandi of Islamic State (IS) Revisited* (The Hague: Europol Public Information, 2016), 3.

to 1 002 in 2016. Decrease in numbers related to terrorist attacks and an increase in the number of arrests, demonstrates the effectiveness of the measures taken by the bodies responsible for the annihilation of terrorism in the EU.<sup>44</sup>

	2014	2015	2016
Arrests	774	1 077	1 002
Terrorist attacks	226	193	142

**Table nr. 1 Evolution of terrorist attacks and arrests**

Source: Own elaboration, Europol, *European Union Terrorism Situation and Trend Report*.

According to the data presented in the Europol report, moving further from the judicial direction, the number of persons in judicial procedures for committing terrorist offenses in 2014, 2015 and 2016, as reported by Eurojust, in 2014 there were 444 cases; in 2015 we notice an increase up to 513 cases and for the year 2016 the peak of cases was recorded, namely 580.<sup>45</sup> This indicator also shows a sustained activity of the judicial bodies against acts of terrorism.

Turning to the dimension of the jihadist attacks for 2016, 135 people were killed in terrorist attacks, 718 were arrested for possible links to jihadism, all of which being reported to a total of 13 terrorist attacks in the following countries: France (5), Belgium (4), and Germany (4); and here a remark is that in 2016, 26% of the arrested persons were women, which represents an 18% increase compared to 2015.<sup>46</sup> From this analysis, as previously mentioned, to the extent of the involvement of women and children in jihadist terrorist acts, statistical data confirm this fact through a significant increase in the number of women involved in terrorist activities. On the other hand, we can note that the jihadist terrorist attacks predominate in the total acts of terrorism at European level.

According to another indicator, namely the number of suspects arrested for jihadist terrorism during 2012-2016, according to Chart nr. 1, we can notice a significant increase from 159 in 2012 to 718 in 2016, which confronts data at European level against terrorism and, implicitly, of jihadist terrorism which, as we have seen from the data presented, prevails at European level.

<sup>44</sup> Europol, *European Union Terrorism Situation and Trend Report*, 10.

<sup>45</sup> *Ibid.*, 18.

<sup>46</sup> *Ibid.*, 22.

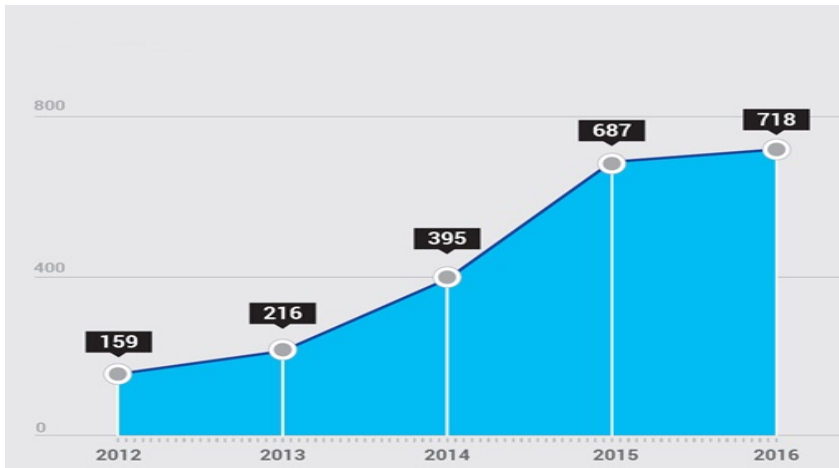
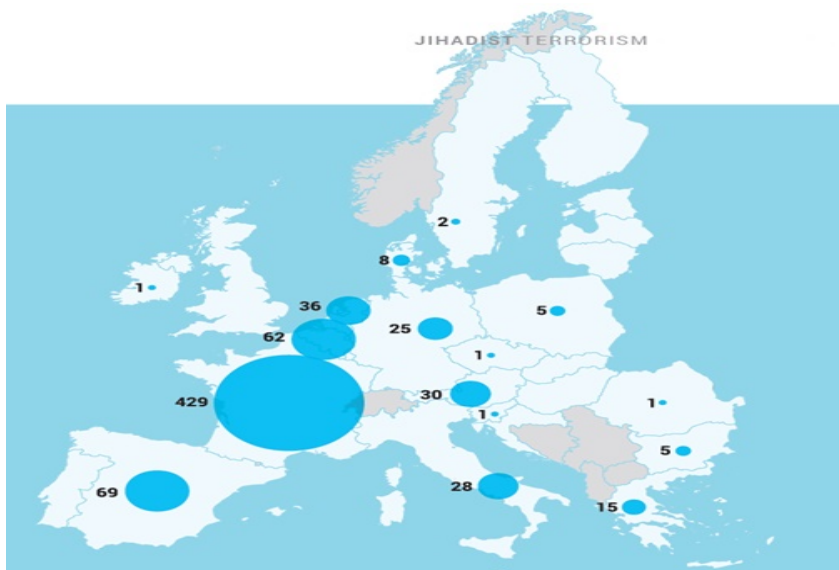


Chart nr. 1 The number of suspects arrested for religiously inspired / jihadist terrorism 2012 to 2016

Source: Europol, *European Union Terrorism Situation and Trend Report*, 23.

At the level of the European states, the indicator related to the number of religiously inspired / jihadist terrorism suspects, according to Map nr. 2, highlights a massive activity in France where we have a total of 429 suspects arrested.



Map nr. 2 Number of suspects arrested for religiously inspired / jihadist terrorism in the EU Member State in 2016

Source: Europol, *European Union Terrorism Situation and Trend Report*, 24.

In the following lines, we shall review a series of jihadist terrorist acts identified at the level of the European continent in order to highlight the magnitude of this phenomenon and how these terrorists operate<sup>47</sup>:

- On January 7, 2016, a man wearing what appeared to be a suicide jacket at the Goutte d'Or police station in Paris was shot;
- At the same time, in January, a Jewish teacher wearing a traditional dress and kippa was attacked and injured with a machete in Marseilles as he went to work, the attacker being a 15-year-old boy who arrived in France in 2010;
- On June 13, a commander of the French police and his wife were stabbed to death, their little boy being the only survivor;
- On July 26, two attackers armed with knives entered the church in Saint-Etienne-du-Rouvray (near Rouen) during the morning prayers and killed an 86-year-old priest and seriously injured a nun. The two attackers, aged 19, filmed themselves in front of the altar. The attackers were shot by the police when they left the church;
- On the evening of July 14, a 31-year-old Tunisian at Bastille in Nice, driving a truck, killed 85 people, including 10 children, and injuring 201 people at a firework show on the Promenade des Anglais;
- A terrorist attack similar to the one in Nice took place on December 19 in Berlin, Germany, when a truck was taken to the Christmas Market in the city centre to Kaiser Wilhelm Memorial Church, killing 12 people and wounding 56 people. The attacker, a 24-year-old Tunisian citizen with a criminal record in Tunisia and Italy, arrived in Europe five years ago, through the Italian island of Lampedusa, and then travelled to Germany where he applied for political asylum;
- On July 18, an Afghan refugee at the age of 17 attacked the passengers of a train heading to Würzburg with an axe and a knife seriously injuring 5 people after whom he fled, but the police followed him and ultimately killed him. The young man seems to have arrived in Germany in 2015, travelling alone as a minor;
- On July 24, a 27-year-old Syrian committed suicide and injured 12 people by detonating a backpack bomb in Ansbach near Nuremberg. The author of the attack came to Germany in 2014 and sought asylum, but his request was denied one year later; allowing him to remain in Germany because of the Syrian war;
- On March 22, Belgium was hit by two major terrorist attacks. Both attacks were coordinated and thoroughly prepared, with a high level of sophistication and logistical support. In the first attack, two suicide bombers detonated improvised explosive devices at the check-in area of the Zaventem Airport in Brussels, causing the deaths of 11 people;
- In August at Charleroi, two police officers, both women were attacked by a man with machete outside a police station. Both officers were severely injured, putting their lives at risk, the suspect being an Algerian aged 33;

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<sup>47</sup> Ibid., 22-25.

- In 2016, EU citizens were killed in IS attacks outside the EU. On January 12, 10 German tourists were killed in a bomb attack in Istanbul (Turkey), one of the seven fatal attacks in Turkey attributed to IS in 2016. On July 1, nine Italian citizens were among the victims who lost their lives in Dhaka (Bangladesh) in an attack on a bakery located in an area near the embassies, for which it was claimed that the IS would be responsible, but subsequently this supposition was challenged by the Bangladeshi interior minister who said the perpetrators were Jamaat-Mujahideen.

As we can see from the case studies presented above, the jihadist terrorist attacks have become omnipresent phenomena in the EU, taking on the most diverse forms of operation, varying from terrorist attacks with bombs, suicide attacks, trucks, white weapons or firearms to produce casualties and create panic at European level.

### **Case study: the Paris terrorist attacks, the failure of intelligence sharing and the unfolding of the measures taken *ex post* this event**

Our aim within this article is not to provide the reader with a detailed analysis of the Paris attacks, but to show that they could have been prevented with a more efficient share of information among the competent authorities from the EU Member States. According to CNN, the night that shook Paris and Europe in 2015 started with three cars rented by three different teams of terrorists making their way to the places they had chosen as the targets for their simultaneous attacks (at the national stadium where the French and German soccer teams were playing a friendly match in front of 80 000 fans including the former French president, Francois Hollande; at one of the most crowded cafe districts of Paris; and finally at the Bataclan concert hall, where an American rock band the Eagles of Death Metal was giving a concert).<sup>48</sup>

Some of the perpetrators were already known to the police: for example, Salah Abdeslam – and his brother Brahim (both born in Brussels, of French nationality) – who detonated his suicide vest outside the Comptoir Voltaire café, were in the evidence of the police, Brahim being the owner of a small Belgian café, Les Beguines from the capital Brussels in which drugs were being trafficked. Moreover, the café was situated in a Belgian neighbourhood known for gathering individuals with radical Islamist views. Brahim got into the attention of the Belgian police mainly in 2015 when trying to reach Syria in order to join the fighters of DAESH. His plans however were not crowned with success, reaching no further than Turkey, being returned to Belgium. Belgian and French authorities did not share this information to each other. Later, the Dutch traffic police pulled them over for a routine check and found on them a small quantity of hashish (not enough to detain them for drug trafficking), but released them because their names were not enlisted in their country's national information system. Both the Belgian and the Dutch authorities had failed to inform the French security agencies and

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<sup>48</sup> Paul Cruickshank, "The inside story of the Paris and Brussels attacks," CNN, 30 October 2017, <https://edition.cnn.com/2016/03/30/europe/inside-paris-brussels-terror-attacks/index.html> (accessed 10 February 2018).

Europol before the 2015 Paris incidents.<sup>49</sup> This lack of intelligence sharing even made the French police release Salah Abdeslam a day after the Paris attack. The inability of the authorities to catch him for weeks, though he was hiding in nearby Brussels also shows the existence of serious flaws within the system. This has revealed not only the EU Member States' failure to share information and intelligence with each other, but also their non-compliance with the request of the EU to register foreign fighters returning home within the Europol main crime database. Back in 2015-2016 only half of the EU member countries were honouring this request, 50% of the information related to foreign fighters originating from only 6 of the 28 Member States.<sup>50</sup> Among the perpetrators we also find another French citizen living in Belgium, Bilal Hadfi and a Belgian ISIS operator called Abdelhamid Abbaoud (believed to be the intellectual mastermind of the plot) and two Iraqi nationals, who got into Europe weeks before the event posing as refugees deceiving the representatives of the law enforcement agencies. However, France is one of the countries which registers and monitors returning ISIS fighters, amongst the persons committing the attacks there were also three French former ISIS fighters, Ismael Omar Mostefai, Samy Amimour and Foued Mohamed-Aggad, recently returned from Syria.<sup>51</sup>

Also intelligence information and DNA evidence revealed that one of the persons involved in the Brussels attacks from March 2016, Najim Laachraoui was an accomplice of Salah Abdeslam, while two of his collaborators, the brothers Khalid and Brahim el-Bakraoui were listed in the country's national system and had criminal records.<sup>52</sup>

Prior the attacks in Brussels, a Belgian representative of the counterterrorist department admitted the lack of an adequate infrastructure for the proper investigation and monitoring of hundreds of individuals suspected of having terrorist links. After the unfortunate events from March 2016 in the EU capital, representatives of the Belgian police and of the counterterrorist department openly admitted their incapability to foresee and prevent the attacks, thus urging the setup the framework of a pan-European security, emphasizing on the importance of trust and of sharing precious intelligence information.<sup>53</sup>

As we could see, all of these events have unfolded the existence of a serious *intelligence black hole* in the EU, for which also the Member States could be held responsible due to the lack of trust in their counterparts and the unwillingness to share the information with each other and the Europol.

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<sup>49</sup> Oldrich Bures, "Intelligence sharing and the fight against terrorism in the EU: lessons learned from Europol," *Vocal Europe*, 14 May 2016, <http://www.vocaleurope.eu/intelligence-sharing-and-the-fight-against-terrorism-in-the-eu-lessons-learned-from-europol/> (accessed 10 February 2018).

<sup>50</sup> Aamna Mohdin, "Terrorists don't recognize borders. Europe's security forces are failing because they do," *Quartz*, 24 March 2016, <https://qz.com/645868/terrorists-dont-recognize-borders-europes-security-forces-are-failing-because-they-do/> (accessed 10 February 2018).

<sup>51</sup> Cruickshank, "The inside story of the Paris and Brussels attacks."

<sup>52</sup> Mohdin, "Terrorists don't recognize borders. Europe's security forces are failing because they do."

<sup>53</sup> *Ibid.*



As highlighted by the Europol, figure nr. 1 shows the casualties of the Paris attacks, but also one of the immediate policy measures taken after the event, namely the setup of a joint *Taskforce Fraternité* between the French and Belgian authorities to which Europol assigned approximately 60 officers in order to give assistance to the French and Belgian authorities. According to the statistics provided by Europol, by 2017 France and Belgium under the auspices of this taskforce provided an overall of 19 terabytes of information, 2 500 SIENA messages through the Secure Information Exchange Network Application, 1 247 leads from the Terrorist Financing Tracking Programme (TFTP), 2 274 other financial messaging leads and 60 Passenger Name Record (PNR) requests.

In our opinion, one of the most significant initiatives launched by the EU, *ex post* this event, is undoubtedly the creation of a European Counter Terrorism Centre (ECTC) as a self-standing department with enhanced powers within the Europol in January 2016.

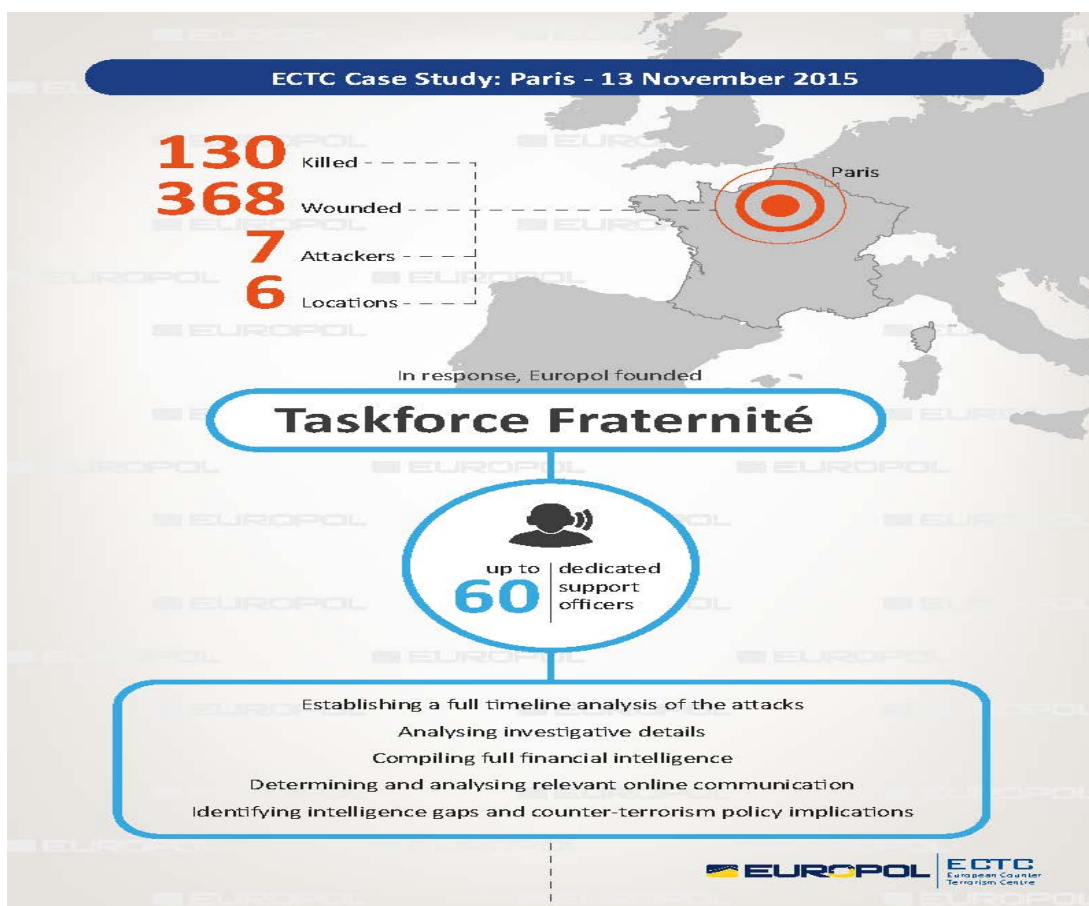


Figure nr. 1 The casualties of the Paris attacks and the measures taken afterwards

Source: Europol, European Counter Terrorism centre – ECTC: A central hub of expertise working to provide an effective response to terrorism.

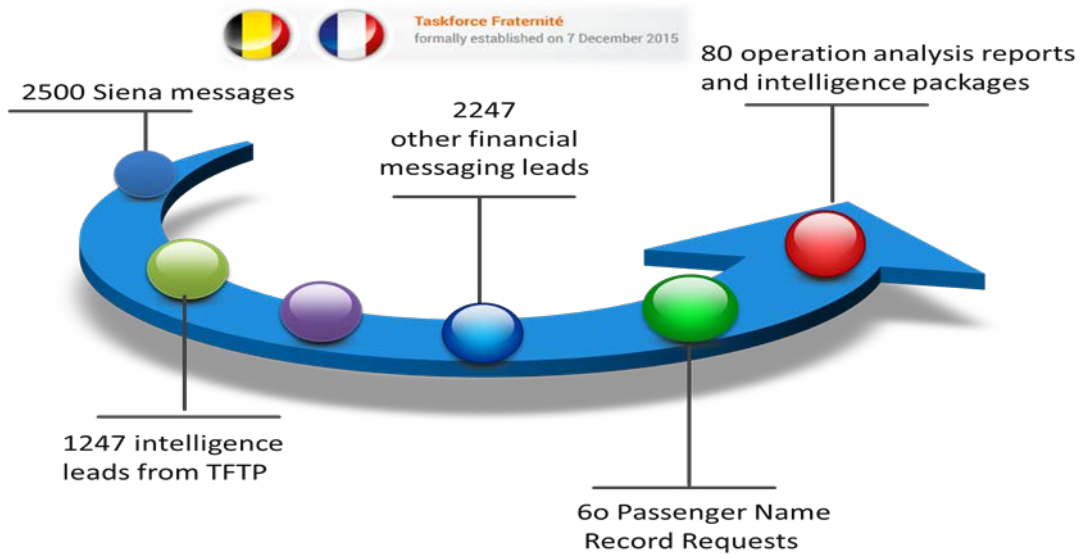


Figure nr. 2 Elaborated based on the information found at Europol

Source: Europol, European Counter Terrorism centre – ECTC: A central hub of expertise working to provide an effective response to terrorism.

INFORMATION SHARING	JUDICIAL
<p>The creation of the European Counter Terrorism Centre</p> <p>Secure Information Exchange Network Application (SIENA)</p> <p>Use of Focal Point Travellers/ TFTP More than 22.000 intelligence leads have been provided by the TFTP since 2010, 15.572 leads (from this overall number) were generated in 2015 up to April 2016;</p> <p>Europol Information System (EIS) : The EIS expands its support function as a first line investigative tool</p> <p>Taskforce Fraternité, including support to the investigation into the Brussels attacks</p> <p>Joint Liaison Teams</p>	<ul style="list-style-type: none"> <li>• Step up international judicial cooperation in terrorism cases, in particular in cases of foreign fighters.</li> <li>• EU member states should make more optimal use of the possibilities for exchange of information on prosecutions and convictions with Eurojust and increase the exchange of information with Eurojust in cases of trafficking of firearms and cybercrime.</li> <li>• Coordinate at EU level the legal challenges in the gathering and admissibility of 'e-evidence' in terrorism cases; member states should make maximal use of Eurojust tools, in particular its coordination meetings and coordination centres.</li> </ul>

Table nr. 2 Measures taken after the 2015 Paris attacks

Elaborated based on the information found at Europol, European Counter Terrorism centre – ECTC: A central hub of expertise working to provide an effective response to terrorism.

According to the director of Europol, Rob Wainwright, the ECTC was designed as a central hub mandated to efficiently fight against terrorism with the main aim of<sup>54</sup>:

- providing operational support when requested by an EU Member State for investigations;
- tackling foreign fighters;
- sharing intelligence and expertise on terrorism financing under the provisions of TFTP;
- tackling the phenomenon of illegal arms trafficking;
- the identification and removal of online terrorist propaganda and extremism;
- the enhancement of cooperation with the counterterrorism authorities from third countries.

In the following lines we have scrutinized the opinions of three leading personalities, who a year after the setup of the ECTC shared with us their opinion about the efficiency and usefulness of this intelligence hub.

Europol Director Rob Wainwright:

"The opening of Europol's ECTC was a major milestone in the fight against terrorism. After one year, we can see that the services of the ECTC are being used by the EU Member States and we recognize a marked increase in information sharing. Nevertheless the attacks in the last few months have shown that information sharing and cooperation needs to increase even more. Together with its partners, Europol is already taking measures to enhance operational cooperation and also the prevention of radicalisation."<sup>55</sup>

Commissioner for Migration, Home Affairs and Citizenship Dimitris Avramopoulos:

"The launch of the European Counter Terrorism Centre one year ago has been a shift in gears in the EU's political and operational cooperation fighting terrorism. I am pleased that there is more trust, more exchange and more collaboration between Member States. The European Counter Terrorism Centre has shown its added value in concretely supporting our Member States that suffered terrorist attacks this past year. It will continue being the epicentre of our counter-terrorism cooperation in Europe. This is why we will strengthen its capacities even more and equally count on Member States to cooperate with the Centre."<sup>56</sup>

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<sup>54</sup> Europol, European Counter Terrorism centre – ECTC: A central hub of expertise working to provide an effective response to terrorism, <https://www.europol.europa.eu/about-europol/european-counter-terrorism-centre-ectc> (accessed 10 February 2018).

<sup>55</sup> Europol, "Information sharing on counter terrorism in the EU has reached an all-time high," Press Release, 30 January 2017, <https://www.europol.europa.eu/newsroom/news/information-sharing-counter-terrorism-in-eu-has-reached-all-time-high> (accessed 10 February 2018).

<sup>56</sup> Ibid.

Commissioner for Security Union Julian King:

“One year on Europol’s ECTC has made a real difference to cooperation on counter-terrorism across Europe, helping and supporting front line efforts by national law enforcement. There’s still more to do, including improving information sharing, getting the best from existing databases and plugging gaps. This will be a top counter-terrorism priority for 2017.”<sup>57</sup>

As we could see, based on their declarations ECTC is viewed as a highly efficient entity, and although each of them recognises that there are still major challenges ahead, they all acknowledge the usefulness of this body, registering also an improvement in the field of information sharing and intelligence among the EU Member States and the Europol.

Concerning the last preoccupation on our agenda, namely the assessment of the idea of turning Europol into a central intelligence agency in order to fight terrorism more effectively and to boost intelligence cooperation, the opinions are divided and no common approach could be identified.

From a historical retrospective, the idea of creating a pan-European agency similar to the American Federal Bureau of Investigations (FBI) is not new, the former German Chancellor, Helmut Kohl militated for its creation already at the beginning of 1991. Of course, back then, this idea faced severe opposition from the EC Member States keen on maintaining their cherished sovereignty. More than two decades later, though many things have changed and the EU has undoubtedly progressed in several fields, the opinions concerning such an initiative are still divided and subject to deeply rooted discord. The terrorist acts committed on the EU soil, especially from 2015 onwards, have revived the idea of setting up such a pan-European intelligence hub, ideas, such as turning Europol into an agency similar to the FBI dominating the headlines. However, as noted earlier, opinions were highly divergent. For example, the EU’s Migration and Home Affairs Commissioner, Mr. Dimitris Avramopoulos seconds this motion, expressing his views concerning the timeliness of such an initiative. Charles Michel, the Belgian prime minister also seems to share the precedent thought, calling for the creation of a “European CIA.”<sup>58</sup> Guy Verhofstadt, former Belgian prime minister and current Member of the European Parliament seems to be also on the same track of ideas, stressing that as “terrorism is borderless, intelligence has to be borderless too” and for this it is of an outermost importance the establishment of “a European intelligence agency, because current methods of cooperation between national security and intelligence agencies have failed.” According to him there’s a “need for a European system that can ensure the mandatory exchange of information regarding terrorist threats.”<sup>59</sup>

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<sup>57</sup> Ibid.

<sup>58</sup> Maia de la Baume and Giulia Paravicini, “Europe’s intelligence ‘black hole’: Paris attacks spur calls for a European FBI, but many remain reluctant to share intelligence,” *Politico*, 12 August 2015 (Updated), <https://www.politico.eu/article/europes-intelligence-black-hole-europol-fbi-cia-paris-counter-terrorism/> (accessed 10 February 2018).

<sup>59</sup> Ibid.

As previously noted, not all the opinions are favourable, the Europol director, Rob Wainwright explaining that it would be rather difficult to transform Europol into a FBI type agency. Very keen to uphold its country's national sovereignty, the German Minister of Interior Thomas de Maizère also considers that no efforts should be directed towards the creation of a new European intelligence service. Arnaud Danjean, a former French intelligence official, now a MEP for the European People's Party lobbies for the consolidation of strictly bilateral collaboration in the field of information sharing, emphasizes that due to sensitivity of information and "a wider sharing of resources would undermine the protection of sources."<sup>60</sup> At the level of the EU Member States, Belgium, France and Italy might back up the creation of such an intelligence hub, while Germany and the United Kingdom (MI5) would find it quite difficult to extend the mandate of Europol and to give up their national prerogatives.

As noted by Mathieu Deflem, the share of information and intelligence cooperation might be troublesome, because authorities from different Member States tend to be interested in different types of information: police institutions are mainly interested in specific information about suspects in order to make an arrest, whereas intelligence agencies are very keen on gathering in general information without prosecutorial purposes.<sup>61</sup> There's also another aspect besides losing national sovereignty to the EU's supranational institutions, namely the lack of trust among the various law enforcement agencies from the Member States. First of all, there's no common pattern, in some countries security services deal with counterterrorism, while in others – police authorities. Some of them do not have high regards of the others and they mostly tend not to trust each other. As emphasized, the *trust factor* plays a pivotal role. Many times, this lack of trust is to be blamed for the rather scanty share of sensitive information, particularly with the Eastern European countries, which previously were under Communist yoke.<sup>62</sup> Bernard Squarcini, France's spy chief under former president Nicolas Sarkozy also highlighted that "with eastern European countries as EU members, no one wants to share details on sensitive operations. It's a question of trust."<sup>63</sup>

## Concluding remarks

As we have seen, the problems that we have raised within this work are very complex and without a clear finality yet. Especially jihadist terrorism represents one of the most pressing threats to the security and wellbeing of the European Union and its citizens. Information

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<sup>60</sup> Ibid.

<sup>61</sup> Mathieu Deflem, "International Police Cooperation Against Terrorism: Interpol and Europol in Comparison," in *Understanding and Responding to Terrorism*, eds. H. Durmaz, B. Sevinc, A. S. Yayla and S. Ekici, 17-25 (Amsterdam: IOS Press, 2007).

<sup>62</sup> Richard Maher, "To better fight terrorism, Europe needs more cooperation and money," *The Conversation*, 23 May 2017, <http://theconversation.com/to-better-fight-terrorism-europe-needs-more-cooperation-and-money-75190> (accessed 10 February 2018).

<sup>63</sup> Jim Brunnsden, Anne-Sylvaine Chassany and Sam Jones, "Europe's failure to share intelligence hampers terror fight: Missed warnings about Brussels highlight shortcomings," *Financial Times*, 4 April 2016, <https://www.ft.com/content/f9baf7e8-f975-11e5-b3f6-11d5706b613b> (accessed 10 February 2018).

sharing and intelligence cooperation are essential for the prevention and the efficient management of this malevolent phenomenon. The objective evaluation of the level of cooperation revealed to us the prevalence of an *intelligence black hole* in the EU, mostly due to the unwillingness of the national law enforcement agencies to share precious information with each other and the EU's police agency, the Europol. This unfolds, on the one hand, the *lack of trust* among the various decision makers and on the other hand, the primacy of the national law enforcement agencies in the fight against terrorism. We have concluded that both the Paris and the Brussels attacks could have been prevented with a more prominent share of information. However, these events took off the veil from the EU's and the Member States' Achilles heel, and since then genuine measures have been taken, among which we list, the establishment of the EU Taskforce Fraterrite, the European Counter Terrorism Centre, the SIENA Network etc. Without minimizing the positive impact of these measures, we would like to highlight the existent flaws within the system, as the vast majority of these initiatives were taken *ex post* terrorist attacks, not prior. Although, the statistics shows some improvements in the field of information sharing and the considerable decrease in the number of casualties as a consequence of terrorist attacks, and in the number terrorist acts also seem to validate this hypothesis, we must acknowledge that the vast majority of the EU Member States have stated a clear preference for bilateral cooperation, considered as the *most workable instrument* from an intelligence perspective. In overall, we must admit that although numerous Council decisions and Commission proposals include an obligation for EU Member States to share information, in practical terms, this duty has had little impact because it cannot force Member States' authorities to share more information.

Finally, though the transformation of Europol into a central criminal intelligence agency would definitively boost the fight against terrorism and could more competently prevent these actions its creation is less likely due to the lack of trust among the various authorities from the Member States and the concern for the loss of their sovereignty.

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**PART V**  
**INSTITUTION BUILDING**



## SOCIETAL SECURITY AND STATE-BUILDING IN THE REPUBLIC OF MOLDOVA: COMPLICATIONS FOR REGIONAL AND EUROPEAN CONTEXTS

*Octavian ȚÎCU*

**Abstract.** “Societal security” is the umbrella term for efforts to cope with modern security threats to society and the concept as such, which was formulated to account for the phenomenon of societal identity and cohesion as sources of instability. The present paper approaches the question of Moldova’s societal security by taking into consideration the historical implications and interferences from the various processes of state/nation-building, which have modelled recently the present shape of the Moldovan state as well as its configuration and complications in the geopolitical context. The Republic of Moldova was never an independent political entity until 1991. Its fate was inextricably linked to that of the Romanian medieval state of Moldova, of the Ottoman Empire, of the Russian Empire, of Romania and more recently of the Soviet Union. Particularly, the confrontation between the Romanian nationalism, which wanted to “return home” its lost historical province and the Russian/Soviet imperialism, which was driven by geopolitical ambitions in the region, attested after 1812 in the case of Bessarabia, is the one which left a particular legacy on the current political and national physiognomy of the Republic of Moldova and modelled competitive state and nation-building processes. Starting from this historical aspect, the present paper tries to analyse the influence of three perspectives on the state and nation-building processes in the post-Soviet Moldova and the interference for regional and European contexts: the first one is of the Romanian orientation, which sees the Republic of Moldova as the second Romanian state and its history as part of general history of Romanians; the second is a “Moldovan” one, under which Moldovans and Romanians are two different peoples, who speak two different languages, and their histories, even if they intersected in time, had different routes, starting from ethnogenesis; and the third perspective comes from the Eastern part of Moldova, where a consistent majority of Russians controlled Transnistria and considered themselves integrally as part of Russian political and cultural world.

**Keywords:** societal security, state/nation-building, European Union, Romania, Russia.

### Introduction

**A**fter the Cold War, security came back as a concept of first importance especially because of its position situated between power and peace. “Societal security” is the umbrella term for efforts to cope with modern security threats to society and the concept as such, which was formulated to account for the phenomenon of societal identity and cohesion as sources of instability. In other words, the societal security concerns the ability of a

society to persist in its essential character under changing conditions and possible or actual threats.<sup>1</sup>

The term was coined in 1991 by Barry Buzan<sup>2</sup> who argued that the societal security was one aspect in his five-dimensional approach to security theory, along with military, political, economic and environmental security. Further developing of the concept led to the establishment of the clear separation between state security and societal security: whereas state security is concerned about threats to its sovereignty, societal security is concerned about threats to a society's identity.<sup>3</sup> In this sense, societal security is dealing mainly with the preservation and affirmation of the society's identity and cohesion of society's members. Theoretically, the threats to the societal security can be exemplified as follows: identity (minorities' rights, extremism/nationalism, cultural identity, historical background, language) and cohesion (demographic patterns changes, separatism, regionalism, anarchy, poverty/economic status, migration, family and household patterns).

In simpler terms, societal security is dealing with the perception of threats and the society's reaction to the real or perceived threats to its identity and cohesion. These two types of threats to societal security could be more appropriately investigated and controlled into close relationship to the analysis of the identity (nation or civic)-building process. This is a serious argument to take into consideration since one of the most important aspects related to the threat to identity and to the societal cohesion in the newly created states after the collapse of the Soviet Union (including the Republic of Moldova) is connected to the nation/state-building process. The case of the Moldovans is the one that subscribes to this pattern, which deeply disturbs not only the internal situation in the state, but arouses a lot of complications for regional and European context.

The following reflections concerning the case of Moldova will be divided in four parts: the first one will be devoted to the general historical background of the problem, the second is concerned about the Soviet legacy, the next one presents the situation after the dissolution of the Soviet Union and the last part will take into consideration the implication of internal instability for regional situation and European context.

## 1. Historical Background

Until 1991, the actual territory of the Republic of Moldova had never formed an independent political entity. Its shape and borders are the result of successive projects of nation/state-building: from that of the medieval Moldovan state to those of the Romanian Principalities, the Ottoman and Russian empires, Greater Romania and to the affirmative nationality policies of the Soviet Union. As a result, perspectives on borders and territory in

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<sup>1</sup> O. Weaver, B. Buzan, M. Kelstrup and P. Lemaitre, *Identity, Migration and the New Security Agenda in Europe* (London: Printer, 1993), 23.

<sup>2</sup> B. Buzan, *People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era* (New York: Harvester Wheatsheaf, 1991).

<sup>3</sup> Weaver, Buzan, Kelstrup and Lemaitre, *Identity, Migration and the New Security Agenda in Europe*, 23.

post-Soviet Moldova are deeply intertwined with competing visions of national and state identity and the imaginary geography that Moldovans are attached to their republic's current boundaries. The present paper approaches the question of Moldova's societal security by taking into consideration the historical implications and interferences from the various processes of state/nation-building, which have modelled the present shape of the Moldovan state as well as its configuration and crystallisation in the geopolitical context of the "histoire dur e" (long history).

Prior to 1812, the territory of Moldova was part of the Romanian Principality of Moldova, which is said to have emerged in 1359 and which later, in the sixteenth century, came under the suzerainty of the Ottoman Empire. In 1775, the Habsburg Empire annexed the northern part of the Moldovan state and renamed it Bukovina, while the eastern part, historically known as Bessarabia, became part of the Russian empire after the Russian-Ottoman war of 1806-1812 and remained so until 1917. In 1859, the core area of the Romanian Principality of Moldova became attached to Wallachia as part of the modern Romanian state. After the Great War, Bessarabia was returned to Romania. This situation lasted until the 1939 Molotov-Ribbentrop Pact, which added the region to the Soviet sphere of influence and the subsequent occupation of Bessarabia by Soviet troops in 1940. On 2 August 1940, the Soviet Union created the Moldovan SSR, comprised of Bessarabia and the Moldovan ASSR, which had been established in 1924 within the Ukrainian SSR. With the exception of a period of temporary reoccupation by Romania between 1941 and 1944, the Moldovan SSR was part of the Soviet Union until 27 August 1991, when the Republic of Moldova, on the eve of the Soviet Union's dissolution, proclaimed its independence. The Declaration of Independence condemned the 1812 and 1940 annexations, thereby emphasising Moldova's territorial unity and historical continuity with Romania.

These territorial and political fluctuations, to which must be added the effects of Moldova's peripheral (and landlocked) location in regard to the powerful states that shaped its history, have often been portrayed as a constant shifting between the East and the West that still affects the new Republic of Moldova. In their more recent expression, they can more precisely be understood as a confrontation between Romanian nationalism, which wants its historical province of Bessarabia to 'return home', and the Russian/Soviet imperialism that were driven by geopolitical strategies aimed at controlling Moldovan territory. This confrontation has left a particular legacy that continues to shape the current political and national physiognomy of the Republic of Moldova, which was deeply influenced by the Soviet experience (1940/1944-1989).

## **2. The Soviet Nation – Building Legacy**

The Moldovan SSR was the first state in history to be formed on the basis of an ethno-political unit or nationality in Soviet parlance. Confronted with growing nationalisms, the Soviet authorities responded by systematically promoting the national consciousness of these nationalities and by creating for many of them institutional forms that are specific to

nation-states.<sup>4</sup> The logic and the content of the Soviet nation-building policy were mainly focussed on four attributes: the creation of national territories; linguistic indigenisation; the creation and promotion of native elites; and support for national cultures.

The Soviet understanding of nationhood was based on the Stalinist linkage between nationality, territory and indigenous political elite. Following Stalin's definition of the nation, the Soviet authorities promoted the idea of a nation attached to a particular territory. The major ethnic groups were assigned officially recognised territories and organised into an elaborate administrative hierarchy, in which the fifteen Soviet republics represented the highest rank of statehood accessible to a Soviet nationality.<sup>5</sup>

The case of the Moldovan SSR constituted an exception in the western part of the Soviet Union in that Soviet Affirmative Action<sup>6</sup> here aimed to create a nation where national sentiments had barely existed or only in the sense of a regionalism at a time when the territory was part of the Russian Empire or Greater Romania. Whereas other western republics had a strong sense of identity, the Moldovan SSR resembled more the republics of Central Asia in the 1920s, during the early stages of the indigenisation policy.<sup>7</sup> More particularly, the attributes of the Soviet nationalities policy were being promoted in Soviet Moldova to emphasise Moldovan primordiality and its distinctiveness from the Romania one.

According to the pattern described by George Schöpflin,<sup>8</sup> the Baltic countries, for instance, can be considered as traditional societies which preserved what they could from the past despite their Soviet experience and which only changed in largely unperceived ways during the Soviet period, while Moldovan society had been a Soviet creation *ex nihilo*, which means that it owed to the Soviet nation-building policy its very existence, its political status and even its ethnic identity.

The roots of the current Republic of Moldova go back to the Soviet Union's decision, in 1924, to establish an autonomous Moldovan SSR within the Ukrainian SSR. The MASSR was formed on the basis of what Terry Martin has called the Soviet 'Piedmont Principle': by creating a 'homeland' for Moldovans living beyond Romania's border, the Soviet leadership hoped to advance their claims on Romanian territory. Even though the Piedmont Principle played no general role in Soviet policies of nation-building, in the exceptional case of the Moldovan Autonomous SSR this principle was the main reason for the creation of the Moldovan

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<sup>4</sup> T. Martin, *The Affirmative Action Empire* (New York: Cornell University Press, 2001); R. Suny, *The Revenge of the Past: Nationalism, Revolution and the Collapse of the Soviet Union* (Stanford: Stanford University Press, 1993); Y. Slezkine, "The USSR as a Communal Apartment, or How a Socialist State promoted Ethnic Particularism," *Slavic Review* 2 (1994): 414-52.

<sup>5</sup> A. Motyl, ed., *The Post-Soviet Nations: Perspectives on the Demise of the USSR* (New York: Columbia University Press, 1992): 33-35.

<sup>6</sup> Martin, *The Affirmative Action Empire*.

<sup>7</sup> See S. Akiner, "Melting Pot, Salad Bowl – Cauldron? Manipulation and Mobilization of Ethnic and Religious Identities in Central Asia," *Ethnic and Racial Studies* 20, 2 (1997): 362-98; R. Pipes, *The Formation of the Soviet Union* (Cambridge: Harvard University Press, 1964).

<sup>8</sup> G. Schöpflin, "Culture and Identity in Post-Communist Europe," in *Developments in East European Politics*, eds. S. White, J. Batt and P. G. Lewis, 28-30 (Basingstoke: Macmillan, 1993).



### Autonomous SSR.<sup>9</sup>

The Soviet Union had never recognised the attachment of Bessarabia to Romania and, in response to it, created the Moldovan ASSR as part of the Ukrainian SSR, calling it, in the words of Volodymyr Zatonsky, “our own Moldovan Piedmont.”<sup>10</sup> Despite its small size and its dubious ethnic make-up – Moldovans represented 31.6% of the Moldovan ASSR’s population and Ukrainians 49.6%<sup>11</sup> – the newly created area received the status of an autonomous republic in view of an eventual annexation of Bessarabia.

When the Moldovan SSR was established by the Supreme Soviet on 2 August 1940, allegedly upon the initiative of a majority of the region’s working population,<sup>12</sup> it was composed of historical Bessarabia and parts, but not all of the Moldovan ASSR, as only six out of the Moldovan ASSR’s thirteen rayons were attached to it.

The Soviets did not follow any precise ethnic, historical or cultural logic in the creation of the new republic but rather used strategic considerations. As a result, three counties of the historical Bessarabia (Cetatea Alba, Ismail and Hotin) were annexed to the Ukrainian SSR in exchange for parts of the Moldovan ASSR.<sup>13</sup> In addition to destroying the territorial integrity of historical Bessarabia, Soviet officials pursued a strategy that would secure the Soviet Union’s access to the Danube River via a politically reliable Slavic republic, thereby transforming the Moldovan SSR into a landlocked entity. The Ukrainian lobby, too, played a major role in the transfer of these territories. Historical documents attest that it was Nikita Khrushchev who suggested to the Central Committee of the CPSU that the new Moldovan Soviet Republic should be created by unifying the “Moldovan population only” and not unite the territories of Bessarabia and the Moldovan ASSR.<sup>14</sup> Attaching the disputed territory between the Nistru and the Prut Rivers to Ukraine meant that Bessarabia ceased to be an officially recognised territory. It was expected that this would bar any future attempt to have the area returned to Romania.

In the long run, the unification of the two formerly distinct entities, known as Bessarabia and Transnistria or the Left and Right Bank of the Nistru River, into a territory that had never existed before in any sense, was critical for the further evolution of both the Moldovan SSR and the Republic of Moldova. It not only changed the ethnic balance in the Moldovan SSR, but the Soviet policy of colonisation generated the premises of the future Transnistrian separatism. Indeed, the powerful 14<sup>th</sup> Guards Army was installed on the left bank to guarantee national security and Soviet influence in the region. On 2 September 1990, the region, with political and

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<sup>9</sup> Martin, *The Affirmative Action Empire*, 9 and 274.

<sup>10</sup> Ibid, 274.

<sup>11</sup> Gosstatizdat, *Vsesoiuznaia Perepisi Naselenia*, vol. 4 (Moscow: Gosstatizdat, 1926), 24.

<sup>12</sup> A. V. Repida, *Formarea RSS Moldovenești* (Chișinău: Cartea Moldovenească, 1977), 246-247.

<sup>13</sup> Gosstatizdat, *Sed'maja Sessija Verhovnogo Soveta SSSR. 1-7 avgusta 1940. Stenograficeskii octet* (Moscow: Gosstatizdat, 1940), 183.

<sup>14</sup> G. Cioranescu, G. Filiti, M. Korne et al, *Aspects des relations russo-roumaines: retrospectives et orientations* (Paris: Minard, 1967), 163; A. Lazarev, *Moldavskaia Sovetskaia Gosudarstvennost' i Bessarabskii Vopros* (Chișinău: Cartea Moldovenească, 1974), 524.

military support from Moscow, proclaimed its independence as the Pridnestrovian Moldovan Republic (PMR) and ceased to take orders from the central government of the Republic of Moldova.

Since achieving sovereignty in the wake of the Soviet Union's collapse, the Republic of Moldova has been embarking upon a process of state- and nation-building. When looking at the complex realities that characterise Moldova's border and identity, the reader should therefore always bear in mind that this process as well as Moldovans' sense of state and nation is inextricably linked with Moldova's former imagined and real place within the Soviet Union. The Soviet era forms the main foundation on which independent Moldova has to build its own political and national identity.

### **3. The post-communist context**

More than two decades of the Republic of Moldova's post-Soviet history have witnessed the rise of three projects of state/nation-building with various implications for internal and external situation. All are strongly influenced by the historical discourses present at the time of the Declaration of Independence or emerging in its immediate aftermath and all refer to earlier projects of state- or empire-building. Each of these projects has been directly stimulated and influenced by actors outside the country, mainly Romania and the Russian Federation. Moldovan citizens have supported them with varying intensity and not always consistently.

#### *3.1. The Romanian option*

The first narrative has a Romanian orientation. It identifies the Republic of Moldova as a second Romanian state and its history as part of the wider history of Romanians. Accordingly, Moldova's current borders are thought to be the result of Russia's imperial policy, which led to the annexation of Bessarabia in 1812, and later of Soviet expansionist policies during and after the Second World War. Supporters of this view can be found in both Romania and the Republic of Moldova. For them, 'anti-Romanianism' and Russification were parts of Moscow's arsenal designed to ensure the denationalisation of Romanians living in the Moldovan SSR. The latter's resistance against these policies as well as the later disintegration of the Soviet Union are seen as proofs of the impossibility of 'Moldovenism', as the majority of the republic's citizens is thought to have preserved an attachment to the Romanian language and identity. The independence of the Republic Moldova has been interpreted as a step towards reunification with Romania, along the lines of what happened in Germany in 1990. Finding a powerful echo in the late 1980s and early 1990s, the arguments advanced by Romanian-oriented political leaders and intellectuals were reflected in the Republic of Moldova's Declaration of Independence, adopted on 27 August 1991. The declaration proclaimed the independence of the Republic of Moldova from the Soviet Union, condemned the annexations of Bessarabia by the Russian Empire in 1812 and by the Soviet Union in 1940

and emphasised the Romanian character of the new state.<sup>15</sup> The Romanian tricolour became the state flag, the Romanian coat of arms – the state emblem, the Romanian anthem ‘Wake up, Romanian!’ – the national anthem, and the basic unit of the national currency was named *leu*, as in Romania.

The narrative lost its political force after the 1992 war in Transnistria and with the subsequent arrival of the Moldovenisation policy, but intellectuals and large parts of the population that identify themselves as Romanians still find it attractive. ‘Bessarabia is Romanian land’ (*Basarabia – pământ românesc*) is their well-known credo. Proponents of the Romanian option perceive Russia as the historical enemy and as the main threat to the independence and territorial integrity of the Republic of Moldova. They are also very critical of the cession of the former territories of Bessarabia to the Ukrainian SSR and argue that Transnistria, never a part of Moldova in their view, should be exchanged for the southern and northern part of Bessarabia, now part of Ukraine.

While its adherents were being persecuted during the government of the Party of Communists (2001-2009), the Romanian current became once more intellectually attractive and politically powerful after the 2009 parliamentary elections and the street riots which led to the overthrow of the Communist government and the establishment of the democratic Alliance for European Integration. However, the political union with Romania is no longer on the agenda or rather has been postponed until the Republic of Moldova will eventually have joined the European Union, a goal that has become increasingly popular.

### 3.2. The ‘Moldovan’ stance

The second narrative is a ‘Moldovan’ one. Its origins go back to the Soviet ideology of the interwar period, gaining consistency in the post-war period as the official party line in both the Soviet Union and the Moldovan SSR. In this version, Moldovans and Romanians are two different peoples who speak two different languages, and their histories, even if they sometimes intersected in the past, have taken different routes since the common ethnogenesis. Considered historically obsolete when the Soviet Union collapsed, the narrative has, however, survived Moldova’s independence and even gained prominence during the Communist Party rule (2001-2009), which was justified in the name of the Moldovan statehood.

It reached its apogee in the context of the 1994 parliamentary elections and, more precisely, on 5 February 1994, when President Snegur, during the congress Our House – the Republic of Moldova, denounced the Romanian orientation and accused pro-Romanian intellectuals to deny “the legitimacy and historical foundations of the right to be a state and to call ourselves

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<sup>15</sup> *Legea privind Declarația de Independență a Republicii Moldova* [Law on the Declaration of the Independence of the Republic of Moldova] 691-XII, 27 August 1991, *Legi și Hotărâri adoptate la Sesiunea a șasea a Parlamentului Republicii Moldova de legislatura a douăsprezecea*, vol. 2, Chișinău: Cartea Moldovenească, 1992.

Moldovans.”<sup>16</sup> The former Soviet argument of a Moldovan language distinct from Romanian was reiterated and ushered in by the congress as the official ideology of the Moldovan state to be reproduced afterwards by the Democratic Agrarian Party and Communist governments. The theory of Moldovenism and the notion of a ‘secular Moldovan statehood’ promoted by the Soviet ideology and propaganda were thus adapted to new political circumstances and once more seen as central elements of state-building and the national identity.

The return of Moldovenism also had an impact on the new constitution, adopted on 29 July 1994, which replaced the anthem ‘Wake up, Romanian!’ and defined the ‘Moldovan language’ as the official language of the state. This policy of Moldovenisation continued during the presidency of Petru Lucinschi, who insisted on the idea of a ‘millennial’ continuity of the Moldovan people and state.<sup>17</sup> Its importance can largely be explained by the lacking historical legitimacy of the new Moldovan state, which has resulted in the reappearance of Soviet-style historical arguments, promoted especially by the Party of Communists. After coming to power in 2001, the Communist government took vigorous actions to formalise a Moldovan ideology, which culminated in the adoption of the ‘Concept of National Policy of the Republic of Moldova’ on 19 December 2003. The state thus attempted to assert its authority over the discourse on national identity, aimed at “continuing a centuries-old political and juridical process of the Moldovan people for statehood”<sup>18</sup> (author’s translation).

According to the Moldovenist narrative, the history of the Republic of Moldova can be traced back to the medieval Moldovan Principality of 1359 and all subsequent changes left legacies that are reflected, for instance, in the particular shaping of the Republic of Moldova’s present borders. However, this thesis is very hard to defend since the heart of the medieval Moldovan state was located in present-day Romania and the Transnistrian region was never a part of ancient Moldova.

The supporters of post-Soviet Moldovenism have frequently accused Romania of interfering in the internal affairs of Moldova and sometimes of having imperialist ambitions, while attributing a positive character to Russian and Soviet influence. They are highly critical of Romania’s hesitation to sign the main border treaty with the Republic of Moldova. Whereas the Romanian authorities consider the border a consequence of historical injustices created by the 1939 Soviet-German pact, their Moldovan counterparts, especially during the Communist governments, detect behind this statement a hidden agenda aiming at reclaiming a former Romanian province.

The idea of Moldovenism has been supported by the Russian Federation through various strategies, which remain sensitive to any attempt of rapprochement between Chişinău and Bucharest. The anti-Romanian stance of the Communist government reached its climax in the

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<sup>16</sup> I. Şarov and A. Cuşco, “Moştenirile regimului comunist în perioada postsovietică: memorie, continuităţi, consecinţe,” in *Fără termen de prescripţie. Analiza investigaţiei crimelor comunismului în Europa*, eds. S. Musteaţă and I. Caşu, 739 (Chişinău: Cartier, 2011).

<sup>17</sup> I. Frunţaşu, *O istorie etnopolitică a Basarabiei: 1812-2002* (Chişinău: Cartier, 2002), 375.

<sup>18</sup> *Legea privind aprobarea concepţiei politicii naţionale a Republicii Moldova* 546-XV, 19 December 2003, <http://www.parlament.md> (last accessed 12 November 2010).

context of the protests of 7 April 2009 when the Romanian ambassador in Moldova was expelled and Romania accused of organising these disorders “to wind up Moldovan statehood.” The rejection of neo-Communist Moldovenism by large segments of the population and an overwhelming majority of intellectuals and students can be recognised as a manifestation of Romanian identity.

### 3.3. *Transnistrian trend*

The third narrative comes from the eastern part of Moldova, from Transnistria, where a majority group of Russians identify themselves as being part of the Russian political and cultural world. *Pridnestrovie – russkaya zemlea* (“Transnistria is Russian land”) is their slogan although Moldovans, or Romanians, represent one third of the population and Ukrainians another third. The emergence of the Pridnestrovian Moldavian Soviet Socialist Republic (PMR) on 2 September 1990, supported by the Soviet power and later the Russian Federation, divided the Republic of Moldova into two parts and led to a war that both parties have interpreted as one of independence, that of Chişinău from the Russian Federation and that of Tiraspol from the Republic of Moldova.

Transnistria, over which the Republic of Moldova has no longer any control, has developed a particular perspective on Moldovan statehood. It is argued that its beginnings go back to the creation of the Autonomous Republic of Moldova within the Ukrainian SSR, since the area had never been part of the medieval Moldovan state. The Transnistrian regime therefore has refused to acknowledge any historical connection with the Republic of Moldova and claims to subscribe to the condemnation of the 1812 Russian and 1940 Soviet occupations that forms part of the Moldovan Declaration of Independence of 1991, thereby legitimising the existence of a Transnistrian state which had not been occupied. The authorities of the PMR consider themselves to be the authentic heirs of the Moldavian SSR and the Moldovenism created in 1924. They have preserved the emblem and flag of the former Soviet Republic but also introduced symbolic elements that have no historical connection with the territory, such as the image of the Moldovan ruler Dmitrie Cantemir on the Transnistrian one-hundred-ruble bill.

The authorities of the PMR see no future for a united Moldovan state and have been promoting the idea of a distinct Transnistrian people (*Pridnestrovskii narod*), made up from a melting pot of Moldovans (more than one third of the population), Russians and Ukrainians (each almost one third). The Transnistrian border and identity construction shows many affinities with the Soviet pre-war conception of Moldova: Transnistrians are distinct from Moldovans as Moldovans were held to be distinct from Romanians.

Adherents of this narrative see the Republic of Moldova and Romania, as well as Ukraine since the 2005 Orange Revolution, as the main threats to the integrity and security of Transnistria, with the Russian Federation as the guarantor of its existence. Although Russia officially recognises the territorial integrity and independence of the Republic of Moldova, it has remained the main ally of the Tiraspol administration and given it political, economical, financial

and military support.<sup>19</sup> Indeed, despite allowing Transnistria to function as a pseudo-state, the Russian Federation has been unwilling to confirm its independence. Thus, when the Tiraspol authorities, during the Russian-Georgian war, asked the Russian Federation to recognise the PMR on similar grounds as those invoked for Abkhazia and South Ossetia, Moscow rejected their demand. Russian diplomacy rather seems to pursue the Transnistrianisation of the Republic of Moldova by promoting a federal state in which Chişinău and Tiraspol would have equal status. Such a solution would ensure Russia's influence over political decisions made by Chişinău, the maintenance of its military base in Transnistria and the recognition of Russian as the official language of the new state.

Of the three projects of state- and nation-building presented above, the first and the last are radically opposed and incompatible historically, ideologically and politically. Points of convergence can be observed between the first and second projects, which plead respectively for 'Romanianisation' and 'Moldovenisation': both recognise Moldova's territorial unity but differ on the prospects of a political union. The Romanian option stresses the unity of Romanians on both banks of the Nistru River, while the second postulates the existence of a multicultural and bilingual Moldovan people. At the same time, both the Moldovan and Transnistrian projects promote Moldovan-Russian bilingualism and refer to Soviet Moldovenism. However, the Communist presidency of Vladimir Voronin demonstrated that Moldovenism could not bridge the gap between Chişinău and Tiraspol even in times of great ideological proximity.

#### 4. Neighbours and construction/deconstruction of societal security

Two states and one transnational construction have shown a strong interest in the issue of the Republic of Moldova's state/nation building processes. Romania is the historical and geographical neighbour whereas the Russian Federation has legitimised its interest in terms of the historical past and by invoking the presence of a large Russian minority. At the same time, two other important actors have voiced concerns about the future of the Moldovan state, the European Union and the United States.

##### 4.1. Romania

Romania was the first state to recognise the independence of the Republic of Moldova. The Romanian government interpreted Moldova's independence as the "proclamation of an independent Romanian state on the territories forcibly annexed as a result [...] of the Molotov-Ribbentrop pact and a decisive step toward a peaceful solving of its fateful consequences for the rights and interests of the Romanian people."<sup>20</sup>

A declaration by the Romanian Parliament of 3 September 1991 stated that "the decision of the

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<sup>19</sup> R. Vrabie, "Relațiile Republicii Moldova cu Federația Rusă," in *Evoluția politicii externe a Republicii Moldova*, ed. V. Chirilă, 79-88 (Chişinău: Cartidact, 2009).

<sup>20</sup> Ministry of Foreign Affairs of Romania, "Relațiile politico-diplomatice moldo-române," 27 August 1991, <http://www.mae.ro> (last accessed 4 December 2010).

Moldovan Parliament establishes a deep longing for freedom and independence of the Romanians on the other side of the Prut River." "The new conditions created by the Declaration of Independence of the Parliament of Moldova have opened good prospects for developing co-operation and multiple ties between the two neighbours who descend from a single trunk of the Romanian people, as it was formed historically."<sup>21</sup>

Since Moldova's accession to independence, the slogan "one nation, two Romanian states" has been part of the rhetoric employed by Romanian politicians of various political parties. In Chişinău, the Transnistrian conflict and Russia's growing influence as well as the reappearance on the political scene of the former Soviet political elite led to an exacerbation of anti-Romanian sentiments. Accordingly, the political dialogue between Bucharest and Chişinău gradually deteriorated into altercations, especially during the time when the Communist Party was in government.

Both capitals' positions during the negotiations on the Basic Political Treaty and the Border Agreement revealed a completely different understanding of the issue of statehood with regard to the Republic of Moldova. Thus, while in Bucharest's vision, the Basic Political Treaty was to establish a European partnership with Chişinău and enshrine the status of Romanian advocacy for Moldova's integration into the European Union, Chişinău wanted – at least until 2009 – an ordinary treaty of partnership and a form of collaboration that would not only avoid any reference to an historical, ethnic and linguistic unity between Moldova and Romania but expressly refer to the Paris Peace Treaty of 1947, considered a sequel of the past by Romanian politicians and "a barrier against Romanian irredentism" by the successive governments in Chişinău. Things came to a head during the rule of the Party of Communists (2001-2009). Romania considered the Peace Treaty obsolete and the resulting border demarcation a consequence of the "unjust and aggressive Molotov-Ribbentrop pact" whereas the Moldovan president Vladimir Voronin denounced Romania as the last 'empire' in Europe and exposed to the international community "the Romanian hidden agenda regarding the Moldovan state."<sup>22</sup>

Until recently, the two countries had a very different take on the issues of Moldova's European ambitions and Romania's involvement in resolving the Transnistrian conflict. With regard to the first, Bucharest emphasised the principle of "one nation, two Romanian states," while Chişinău stressed the formula "two peoples, two different states". And whereas Romania pleaded for a political solution of the Transnistrian conflict through negotiations, Chişinău wanted Bucharest to play a passive role, namely by signing the two agreements that would strengthen the international status of Moldova, the Basic Political Treaty and the Border Agreement between Moldova and Romania.

In the context of the radical political change that occurred after the 2009 parliamentary elections, the newly created Alliance for European Integration succeeded in getting the Border

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<sup>21</sup> Ibid.

<sup>22</sup> "Preşedintele Vladimir Voronin consideră că România trebuie să înceteze intervenţia în Republica Moldova," <http://www.azi.md> (last accessed 23 December 2003).

Agreement signed in November 2010, but not the Basic Political Treaty, an outcome that many political actors in Chişinău, especially the communists, have attributed to a Romanian lack of good will in regard to the future of the Moldovan state. Relations between the Republic of Moldova and Romania, including in view of Moldova's European aspirations, have, however, greatly improved and a sort of rapprochement has taken place.

#### 4.2. *The Russian Federation*

"Georgia, Ukraine, Moldova and Kyrgyzstan are lost; Abkhazia has fallen; Transnistria is under siege. Enemies have engaged in subversive activities in Uzbekistan and Kazakhstan and are approaching the gates of Belarus. Minsk is standing firm, but if it falls the road to Moscow will be widely open."<sup>23</sup> This statement by Dmitry Furman, one of the leading figures of the Russian Academy of Sciences' Institute of Europe, reflects on a common perception of the Russian political and intellectual establishment as well as the majority of Russians. Russian geopolitical discussions have always focused on the Russian Near Abroad as a place with special historical and cultural meanings for Russians, just as the West has regarded this semicircle of countries surrounding Russia of similar strategic value because of its potential for containing Russia. For Russia, the Near Abroad is not simply an area that must be controlled for strategic reasons but is also composed of territories that are intimately linked to Russia through historical, economic and cultural ties. In this sense, Russian territorial consciousness extends beyond the country's present borders and neither Russia and nor Russian identity are confined to the space occupied by the present Russian Federation. After all, Russia's international political history has always been dominated by action on her frontiers.<sup>24</sup>

In the context of post-Soviet politics, the relations between the Russian Federation and the Republic of Moldova are marked by many contradictions. As described above, Russia combines its official recognition of Moldova's territorial integrity and its involvement in the settlement of the Transnistrian question with its political, economic, financial and military support for the separatist regime in Tiraspol,<sup>25</sup> justifying its interest in the Republic of Moldova on historical grounds and by emphasising the presence of a large Russian minority there.

With the intention of safeguarding its interests, Russia has introduced two plans for settling the issue of Moldova's territorial integrity: the 1997 Primakov Memorandum (Memorandum on the principles of normalization of the relations between the Republic of Moldova and Transnistria), signed the same year by Petru Lucinschi and the Transnistrian president Igor Smirnov, and the so-called Kozak Memorandum,<sup>26</sup> which was supposed to be signed in 2003 but was rejected by the Communist government in Moldova after massive public protests and foreign pressure.

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<sup>23</sup> D. Furman, "Live History. A Silent Cold War," *Russian in Global Affairs* 2 (2006): 68, [http://eng.globalaffairs.ru/number/n\\_6573](http://eng.globalaffairs.ru/number/n_6573) (last accessed 13 August 2013).

<sup>24</sup> J. O'Loughlin and P. F. Talbot, "Where in the World is Russia? Geopolitical Perceptions and Preferences of Ordinary Russians," *Eurasian Geography and Economics* 46, 1 (2005): 29.

<sup>25</sup> Vrabie, "Relațiile Republicii Moldova cu Federația Rusă," 79-88.

<sup>26</sup> *Ibid.*, 83.



Both aimed at the federalisation of the Republic of Moldova (see above) in the expectation that maintaining a military base in Transnistria would allow Russia to exercise its influence over the new republic.

The Russian Federation's interests in Transnistria are based on the following strategic needs: to maintain the strategic positions of the Russian Federation in south-eastern Europe; to defend in Moldova the interests of the Russian minority and other nationalities that consider Russia as their historical motherland; to maintain the strategic links with Transnistrian enterprises, many of which occupy a unique position within the military-industrial complex; to solve the conflict in the interest of Russia's own stability and of the consolidation of Russia's relations with the states in the Near Abroad that have a Russian minority; to establish stable and predictable relations with Romania and to reverse its growing influence on Moldova; to discourage the EU and the United States to project stability on the Moldovan state.<sup>27</sup>

Good bilateral relations have prevailed between Moldova and the Russian Federation as long as the Chişinău leadership has been receptive to Moscow's wishes, whereas policies contrary to Russian interests have been followed by sanctions, as in 2003 when the refusal to sign the Kozak Memorandum led to gas and wine 'wars' against the Moldovan state.

The war with Georgia and the recognition of the separatist republics of Abkhazia and South Ossetia formed the first, at least partially, successful attempt by Russia to use the issue of territorial integrity in a strategy that combined the question of national security, neo-imperial ambitions and the desire of being internationally recognised as a regional and world power. But the attempt has also been seen as proof of the incapacity of the Russian political elite to transform the post-Soviet space in accordance with contemporary principles of influence and power. Should a similar scenario be expected in regard to the Republic of Moldova? The logic at work in Russian political action suggests that the Russian Federation has no other strategies at the moment than those aimed at undermining the territorial integrity of neighbouring states in order to achieve its geopolitical goals.<sup>28</sup>

Russia's attitude and behaviour towards the Near Abroad attest that the Kremlin seems content to grant the Republic of Moldova internal sovereignty and territorial integrity, as long as the latter does not become a threat to Russia's interests and challenges, the perception of the Near Abroad as Russia's vital space. Obviously, the Russian Federation uses the issue of territorial integrity to influence policy-making in the Republic of Moldova. At the same time, Russia's position on the Transnistrian question remains something of a puzzle and may have to be explained in terms of the great power game between the Russian Federation, the European Union and the United States.

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<sup>27</sup> O. Țicu, "Border and territory in the Russian history: a glance at the post-Soviet period," *Revista de Istorie a Moldovei* 1-2 (2011): 111-112.

<sup>28</sup> *Ibid.*, 113.

### 4.3. *The European Union*

The relations between the European Union and Moldova have evolved in the highly complex international environment that emerged in the early 1990s and are in several ways archetypal of the geopolitical tensions and political identity politics that have played out in both East and West since the collapse of the Soviet Union. As Şoitu<sup>29</sup> indicated, EU-Moldova relations cannot be clearly separated from the Moldova-Romania context. However, overarching processes of diffusing European Union regulations, norms and values did promote a struggle for geopolitical orientation among Moldovan political elites. Moldova thus lived through a number of alternating periods of pro- and anti-EU sentiment that was also linked to questions of Moldovan national identity. Those siding with Russian Eurasian geopolitics understood Moldova as an inherently different culture, more closely linked to the Russian and Soviet past than to the West. These elites mistrusted what they saw as attempts to create EU hegemony and weaken Moldovan sovereignty. The counterargument of EU-friendly elites, who gradually persevered after 2009, placed Moldova at the heart of Europe with close historical, linguistic and cultural links to Romania and Western nations.

The Republic of Moldova has thus, for understandable reasons, not been as coherent as the EU in defining its foreign policy priorities. Successive shifts can partly be explained by the effects of Transnistria's secession and Russia's increasingly assertive influence in the region, forcing Moldova to achieve a certain balance in its foreign relations and even to adopt at times a neutral stance to safeguard its fragile statehood.

In regard to Moldova's relations with the EU, three periods can be distinguished. The first (1991-2001) could be considered a period of missed opportunities because Moldova at the time failed to join the movement towards EU integration along with other East European countries, including the Baltic countries. The second coincides with the years in which the Communists governed (2001-2009) and the European Union introduced its Neighbourhood Policy. The increasing interest of the EU in its neighbourhood after the 2004 enlargement, together with other external and domestic factors such as the resolution process of the Transnistrian conflict, then made both parties more willing to advance their bilateral relations. The third period starts with the 2009 parliamentary elections in Moldova and the launching of the Eastern Partnership by the EU the same year. Since then, EU-Moldova relations have mostly been about Moldova's future prospects in Europe.

A few days after the fifth enlargement wave of May 2004, the EU launched its European Neighbourhood Policy, which marked a revision of its policy approach towards sixteen countries in its neighbourhood. In March 2005, the EU appointed a Special Representative (EUSR) for Moldova whose mandate was to participate in the resolution of the Transnistrian conflict. Since October 2005 the EU has the status of an observer in the 5+2 negotiation

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<sup>29</sup> C. Şoitu and D. Şoitu, "Europeanization at the EU's External Borders: The Case of Romanian-Moldovan Civil Society Cooperation," in *European Neighbourhood through Civil Society Networks*, eds. J. W. Scott and I. Liikanen (Abingdon: Taylor and Francis, 2011).

process.<sup>30</sup>

Following the signing of the Memorandum of Understanding on the EU Border Assistance Mission to Moldova and Ukraine (EUBAM) in October, the official opening ceremony of EUBAM took place on 1 December 2005. EUBAM at first received a two-year mandate, extended in 2007 for another two years.<sup>31</sup> Officials in Tiraspol perceived EUBAM as an attempt to install an economic blockade against the PMR in order to impose the Moldovan plan for reintegration.

The EU has offered to both parties, on the left and right bank of the Nistru River, the benefits of European integration and EU officials have repeatedly expressed support for Moldovan territorial integrity under the control of Chişinău. The Transnistrian question was on the agenda of several high-level meetings of European and Russian leaders between 2010 and 2012. Finally, German Chancellor Angela Merkel, during an official visit to the Republic of Moldova in August 2012, underlined her intention to provide support for Transnistria's reintegration into the Republic of Moldova and to extend the benefits of future visa and free trade agreements to the region.

Since 2009 the government of Moldova officially adopted the strong commitment to the idea of European integration and subsequent alliances (allegedly called for European Integration) were formed in order to achieve the proposed goal. In reality, the political ground of this period was marked by the rivalry between Vlad Filat (the leader of the most important pro-European party and the prime minister of the Republic of Moldova in 2009-2013) and the unofficial leader of Democratic Party, the oligarch Vlad Plahotniuc, who used political positioning for the sharing of state institutions and ministries, a fact which has gradually degraded citizens' confidence in the reform process and the idea of European integration. Between 2009 and January 2016, under the cover of the idea of European integration, the two actually divided the spheres of influence in the Republic of Moldova and turned the political scene into a personal confrontation.

As a result, from 2010, when the support for EU integration was above 60% of public and political sympathy, this idea dropped to 36% in 2017, with large support to pro-Russian projects of integration (42%) and election of pro-Russian candidate Igor Dodon as president of the Republic of Moldova.<sup>32</sup>

## Conclusion

The independence of the Moldovan state is based on the heritage of various mixed state- and empire-building processes with the Soviet nationality policy as the main foundation for national

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<sup>30</sup> V. Chirilă, ed., *Evoluția politicii externe a Republicii Moldova* (Chişinău: Cartidact, 2009), 168.

<sup>31</sup> *Ibid.*, 169.

<sup>32</sup> "Prezentarea rezultatelor studiului sociologic Vox Populi – noiembrie – decembrie 2017: 2017 în opinia cetățenilor Republicii Moldova," <http://www.infotag.md/press-conferences-ro/776639/> (last accessed 7 December 2017).

identity. In today's complex geopolitical context, this has led to diverging and conflicting trends in approaching the issue of borders, territory and state integrity, each supported by a specific historical narrative: a Romanian orientation, which sees the Republic of Moldova as the second Romanian state and its history as part of general history of Romanians; a 'Moldovan' one, according to which Moldovans and Romanians are two different peoples speaking different languages and having a different history despite an ethnic common origin and a partly shared past; and a third perspective, from Transnistria to the east, where a majority of Russians have taken control and consider themselves integrally as part of Russian political and cultural world.

Perhaps, more importantly, these projects have been directly stimulated and influenced by actors outside Moldova, mainly by Romania and the Russian Federation, and have received support of various intensity and consistence from Moldovans. All three projects are more or less incompatible historically, ideologically and politically and have led to internal political strife (and even to war and secession in the case of Transnistria). They also strongly diverge in terms of Moldova's geopolitical orientation between the West and the East.

For these reasons, the future of Moldova's political and territorial identity remains uncertain. Based on the positions taken by the various internal and external actors in the recent past and the present, several scenarios can, however, be imagined. The first one would result in a single Moldovan state that accords a large autonomy to Transnistria; the second outcome would be a confederation composed of Chişinău and Tiraspol (plus the Gagauz region), each of them with an equal status; the third would be integration of the Right Bank (i.e. the present Republic of Moldova minus Transnistria) into Romania on historical grounds that emphasise a Romanian unitary state which includes the historical territory of Bessarabia; the fourth outcome would mean the attachment of Transnistria to the Russian Federation along the lines of the two consecutive referendums voted in Transnistria, where this proposal was supported by a majority, albeit under circumstances marked by great irregularities; a fifth scenario could be of Transnistria joining Ukraine, a possibility suggested by history – Transnistria had been part of Ukraine between 1917 and 1940 – and demographic factors (ethnic Ukrainians represent 28 per cent of the region's population); sixth, Transnistria could become an independent state, as its officials and inhabitants have advocated numerous times.

However, similar historical experiences across the world, from post-Soviet cases in the Caucasus region to various examples in Africa and Asia, suggest that post-colonial or post-imperial contexts are hard to predict when a newly formed state's political and territorial identity is fragile and collides with great power ambitions of the former imperial centre.

Since 1991 Moldova has often been perceived as being caught between two civilisational models: the Western world, represented in the eyes of Moldovans by the European Union and NATO, and the Russian one, with its Community of Independent States and various Eurasian supranational political and economic unions. But the basic dilemma of finding a balance between the East and the West appears to go back to 1812. Today, it is frequently presented in terms of a strong alternative: the Republic of Moldova could become a European state with Transnistria an integral part of it as a result of European integration or a confederation of Moldova and Transnistria under Russian control that would participate in the Eurasian projects

of the Russian Federation. In both cases, the selected pattern would reflect not only the internal preferences of Moldovans, influenced by various state- and nation-building projects, but also the general context of conflicting or consensual relations between the European Union and the Russian Federation regarding this issue. For these reasons, the most likely outcome in the short and medium run seems to be maintenance of the present *status quo*.

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## RISKS AND THREATS TO THE NATIONAL SECURITY OF THE REPUBLIC OF MOLDOVA

*Simion ROȘCA*

**Abstract.** In this paper, the author analyzes the issue of security risks and threats in the Republic of Moldova through the contemplation of contemporary political processes, which, after the invasion of the Russian Federation in Eastern Ukraine, have become more tensioned, especially in Eastern Europe. The subject of research constitutes the geopolitical security issues, both regional and European ones. In order to identify the ways to solve these complex problems, the author first reflects on the notions of security, risks and threats, then makes a radiography of these risks and security threats in the Republic of Moldova, which are of two types: risks and threats of a global nature – international terrorist networks, regional and separatist conflicts, organized crime; risks and threats of regional and local nature – political, economic and social threats, conventional military threats, environmental threats. And, finally, the author analyzes and clarifies the possibilities and security options of the Republic of Moldova.

**Keywords:** risks, threats, Moldova, regional security, national security, Eastern Partnership, regional conflicts.

The process of ensuring national, regional, as well as international security is a matter of continuous concern for the international community, particularly in the context of new security developments in different regions of the world, which present a danger to the whole community and raise great concern. Therefore, researching and tackling the concept of national security has become a priority for governments, as well as an area of increased interest for the research community. The Republic of Moldova is no exception, especially as Ukraine, its largest neighbor, faces a military conflict under harsh conditions and generates consequences both at regional and international level.

Security issues are not fixed, they change over time. At the beginning of the 20<sup>th</sup> century, the most effective ways to strengthen power and security were pro-natality policies. The interwar period was marked by a partial transition from the number of the population to its quality, as a measure of power and security. After 1945, there was a change in the perception of population control policies; specialists no longer regarded them as sources of security but of well-being. During the Cold War, security was defined in military terms, and in the years to come, the security concept included other dimensions as well.

Considering the changes unfolding internationally, and the transformations that took place internally, after 1990, the security tends to accumulate new aspects, important for the existence of the states themselves. National security created as a policy attribute must be understood and developed in such a way as to define national priorities. It represents, at the same time, the essential and decisive support of politics.

During the last years, a number of events taking place at international level, have and continue to impact, either directly or indirectly, the global security environment, progressively deteriorating it and creating disagreements amongst the various actors. As a result, security on the European continent is becoming increasingly complex. For more or less explicit reasons, some states choose to take action on their own, contrary to the principles of international law. Annexation of Crimea, the armed conflict in the eastern regions of Ukraine, the war in Syria, the conflicts in the Middle East, the rise of the Islamic state grouping, and the large-scale crisis of migrants from the Middle East and North Africa have created conditions to strengthen terrorism internationally – all of these have a direct impact on regional security.

Due to its geographic positioning, the Republic of Moldova is an integral part of the Black Sea basin security architecture – an area of interest for a number of strong regional and international actors. The security architecture in the area is influenced by the existence of the “frozen conflict axis” (the regions: Transnistria, South Ossetia, Abkhazia and Nagorno-Karabakh), as well as current conflicts (the example of Ukraine). In view of the aspirations of integration in the European cultural, economic and social space, the Republic of Moldova needs to consolidate, develop and modernize its national security and defense system, taking into account the evolution of the security environment.

Although commonly used in the field of international relations, the concept of security has no a unanimously accepted definition, pointing out an ambiguity resulting from the complexity of the field, exacerbated by the fact that in the domestic political life of states, based on the circumstances, under the national security coverage a wide range of public actions and activities are taking place.

Security concepts have traditionally been associated with defense, military bodies, armaments, force ratios, strategies and tactics. In view of a number of classic definitions,<sup>1</sup> the term security may indicate the situation of a country that is protected from the existing destruction or aggression. With this vision, one can understand that military defense is only a part of what can be called security. The term security extends far beyond military affairs and may include so-called non-military aspects. Therefore, the security concept tends to become more elusive as military issues are less taken into account. In theory, the concept of security operates at all three levels of analysis – individual, state and systemic – and identifies both a level of behavior and a possible universal condition.

In the last few decades, the term of security is found in specialized papers more often associated with broader phrases, which also gives us the possibility of a minimal explanation. Thus, national security is the set of political, diplomatic, economic, military, ecological and other measures that ensure national independence and sovereignty, territorial integrity, constitutional internal order and its own system of values. This also explains the frequent use

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<sup>1</sup> H. Morgenthau, *Politica între națiuni. Lupta pentru putere și lupta pentru pace* (Iași: Polirom, 2007); John J. Mearsheimer, “Why We Will Soon Miss the Cold War?,” *The Atlantic Monthly* 266, 2 (August 1990): 35-50, <http://mearsheimer.uchicago.edu/pdfs/A0014.pdf> (accessed 25 January 2018); D. Baldwin, *Neorealism and Neoliberalism: The Contemporary Debate* (New York: Columbia University Press, 1993).

of notions such as economic security, political security, social security, ecological security, information security, food security, cultural security, military security.

In the specialized literature<sup>2</sup> both in speeches and political research, other three notions are being frequently used: sub-regional security, regional security, global security.

*Sub-regional security* designates the situation resulting from the mutual relations established by States in a relatively limited geographical area, with a certain characteristic that assures the respective territorial integrity, independence, sovereignty and protection against any threat.

*Regional (continental) security* represents the state of the continent's states in terms of respect for independence, sovereignty and territorial integrity.

*Global security* is defined as the status of the international system in which each state has the guarantee that it is protected from any aggression or other interference likely to affect its fundamental values.

Another notion to be defined is that of security policy. It designates all measures and actions undertaken in all areas of social and political life intended to optimally ensure the maintenance and consolidation of the state, the defense and promotion of fundamental interests. Security policy can also be defined as the totality of ideas, concepts, doctrines on the basis of which a government identifies and uses in practice more effective normative and action tools in individual and multilateral efforts to achieve the system for knowledge, prevention, removal and combating of any threats, vulnerabilities and risks that may endanger the fundamental features of the state: sovereignty, independence and territorial integrity.<sup>3</sup>

Different currents and schools of thought suggest different definitions of national and international security. So far, there is no unanimously accepted methodology of the concept of security, but its definition is an important subject that is also found in the official documents of several international organizations.

In 2003, the UN Secretary-General Kofi Annan organized a meeting with 16 specialists from different countries to analyze future threats to peace and security. Debates also aimed at defining the concept of security.<sup>4</sup> UN experts propose a definition of security that includes two categories of "hard" risks, such as international terrorism, proliferation of weapons of mass destruction, intra and inter-state conflicts, etc., and "soft" risks – extreme poverty, culture,

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<sup>2</sup> B. Buzan, *Popoarele, statele și frica. O agendă pentru studii de securitate internațională în epoca de după Războiul Rece* (Chișinău: Cartier, 2000); M. Zulean, "Politica de securitate națională ca domeniu al politicilor publice," in *Politica de securitate națională: concept, instituții, procese*, eds. L. A. Ghica and M. Zulean, 33-48 (Iași: Polirom, 2007); V. Varzari, *Securitatea națională a Republicii Moldova în contextul opțiunii de integrare europeană* (Chișinău: CEP USM, 2014).

<sup>3</sup> "Evoluția conceptelor de securitate," *Studii de securitate*, <https://studiidesecuritate.wordpress.com/2011/08/11/evolutia-conceptelor-de-securitate/> (accessed 30 January 2018).

<sup>4</sup> UN Secretary-General, *Letter to the President of the UN General Assembly*, 4 November 2003, <http://www.un.org> (accessed 30 January 2018).

unemployment, contagious diseases, environmental degradation, religious extremism, human rights violations, etc.<sup>5</sup>

And the EU, in its turn, transforming itself into a major actor on the international arena and promoting joint or competing initiatives with the United States, has developed a Common Foreign and Security Policy (CFSP), which includes goals, objectives, humanitarian and management actions, crisis, and conflict prevention. CFSP is established by the European Parliament, correlates with NATO policies and seeks, inter alia, to protect common values, fundamental interests, independence and integrity of states, strengthen security and promote international cooperation.<sup>6</sup>

The European Union's main instrument in relations with the countries of Southeast Europe is the European Neighborhood Policy (ENP). The main objective of the ENP is promoting security, stability and prosperity.<sup>7</sup> As the EU expanded, the countries of Eastern Europe became closer neighbors, increasingly influencing its security, stability and prosperity. In this respect, in 2009, the Eastern Partnership was launched, which aims to strengthen both the EU's relations with six Eastern European countries and its security.<sup>8</sup>

In general, some states have adopted national security policies that focus on national defense, coupled with a foreign policy geared towards military alliances or bilateral treaties of mutual assistance. At present, most states tend to place political-diplomatic actions at the forefront of securing national security, without neglecting, however, military measures that remain as last resort.

As for the Republic of Moldova, with the gain of independence, it became an actor of international relations with several important tasks ahead, the most important ones being the consolidation of statehood as well as the defense of the sovereignty and territorial integrity of the state. For the newly independent Republic of Moldova, one of the main tasks was to ensure national security and protect the independence of the state within its territory with full respect to sovereignty.

Like for most Eastern European countries, the path of the Republic of Moldova towards an open society and a competitive economy, especially in its aspects of democratization, market development and security, was heavily dependent on the security risks and threats, at all levels – global, regional and local.

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<sup>5</sup> Constantin Moștofle, Petre Duțu and Alexandra Sarcinschi, *Studii de Securitate și Apărare*, 2 (București: Editura Universității Naționale de Apărare, 2005), 15-16.

<sup>6</sup> Nicu Popescu, *European Union's Foreign Policy Change Towards Moldova* (București: NATO Studies Center, 2003), 20.

<sup>7</sup> Parlamentul Letoniei, *Relațiile UE-Moldova: Rolul Parlamentului Republicii Moldova*, 30 June 2006.

<sup>8</sup> Ibid.

With regards to *global threats and risks*, the main risks and threats that lie in both the EU Security Strategy,<sup>9</sup> and the NATO Strategic Concept,<sup>10</sup> adopted at the Washington Summit in 1999, are:

- International terrorism;
- Proliferation of weapons of mass destruction;
- Regional conflicts;
- Existence of weak state or failed states or the risk of transforming young states into such state forms;
- Organized crime.

These threats can strengthen each other and they are relevant to any type of state. Thus, international terrorism, structured in cross-border networks, represents the most serious threat to the lives and freedom of people, democracy and other fundamental values on which the democratic community of states is founded. Regarding risks and threats of regional and local nature, we can apply the security models developed by Barry Buzan, the core exponent of the Copenhagen European School, which highlights three categories of regional security risks and threats that we can identify in this area, with major implications for the main actors in the region,<sup>11</sup> especially for the Republic of Moldova, but also for our neighbors Romania and Ukraine:

#### 1. Non-military risks and threats:

- Problems of a territorial nature whose solving is delayed, thus succeeding in accentuating negative states and phenomena that can constitute danger and even threats;
- Failure to comply with international commitments, which may lead to regional tensions;
- Negative inter-state evolutions, which can degenerate into destabilizing acts, thus leading to political and military crises;
- Organized crime, trafficking of arms, drugs and people, corruption, social disorder, used by hostile forces to control and destabilize the region.

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<sup>9</sup> *Strategia de securitate internă a Uniunii Europene* (Luxemburg: Oficiul pentru Publicații al UE, 2010), <http://www.consilium.europa.eu/media/30745/qc3010313roc.pdf> (accessed 30 January 2018).

<sup>10</sup> *Noul Concept Strategic al NATO: O perspectivă parlamentară*, <https://www.nato.int/docu/review/2009/0902/090203/RO/index.htm> (accessed 30 January 2018).

<sup>11</sup> Buzan, *Popoarele, statele și frica. O agendă pentru studii de securitate internațională în epoca de după Războiul Rece*, 11-23.

## 2. Military risks and threats:

- The presence in the region of the approximately 2 000 soldiers and 40 000 tons of military equipment and ammunition belonging to the former Soviet 14<sup>th</sup> Army. Their international status remains unclear and constitutes a destabilizing factor, even if the military forces are considered to maintain peace, which would imply a high degree of impartiality;
- Local armed clashes facilitated by the existence of Transnistrian separatist forces ready to resort to military means to prevent “reintegration” into the territory of Moldova.

## 3. Asymmetric and transnational risks:

- The possibility of conflicts, favored by the structure of the population, in the context of the Transnistrian conflict, where separatist tendencies are manifested, adding Gagauz autonomy tendencies. It could result in a very dangerous situation, with the revival of the various nationalist forces in the region, which, by implication, could inflame the situation.
- Attempts to destabilize the region through terrorist actions, aiming to shake the confidence in the ability to manage the situation of both the actors in the region and especially the international and regional security organizations (OSCE).

Despite the involvement of the international community, the ongoing events indicate that regional authorities are facing the danger of triggering crises with complex implications in the foreign security environment: Moldova-Transnistria, Ukraine-Bastroe channel, Ukraine-Russia. Solving these crises depends, in particular, on the authorities’ response to these challenges. Insecurity and instability are still some of the most important obstacles to the creation of a democratic society in the Republic of Moldova, which has led to the persistence of bad social effects for the state and the civil society as a whole.

Another important factor that is worth considering in the process of determining the specificity of preserving the national security of the Republic of Moldova is the geographic location of the state. In this respect, our country is in a position of interference with three geopolitical areas: Southeast European, Central European, but also Eurasian. Therefore, one of the most important challenges in the transition of the Republic of Moldova is the reform of the security sector. Rapid geo-political changes and the proliferation of new risks and dangers affecting post-war order with its value systems make it harder for these reforms, especially for the small states that have emerged on the political map of Europe.

Another important aspect in the process of analyzing the national security of the Republic of Moldova is the reporting of the concept of security to the concept of national interest, which needs to be further identified.

In the first section of the draft National Security Strategy of the Republic of Moldova from 2016, drafted by the Commission established by the Decree of the President of Moldova N. Timofti

and promoted by the Government, it is stipulated that the Republic of Moldova is a sovereign European state, respecting the principles of democracy that needs to fulfill its role in the European security environment in order to ensure the achievement of its national interests. Further, the national interests of the Republic of Moldova are emphasized ensuring the sovereign, independent, unitary and indivisible character of the state; ensuring stable and sustainable state development; European integration; territorial reintegration; prosperity and well-being of citizens; participation in international security. And in the process of promoting the national interests we will take into account Moldova's permanent neutrality status.<sup>12</sup>

Here it is where the Strategy contradicts itself. As long as we keep ourselves under the neutrality issue, one of the main aspirations of national interest – territorial reintegration – will never be achieved. Some security experts, such as Iulian Chifu, director of the Center for Conflict Prevention and Early Warning, Romania, draw attention to the fact that the Republic of Moldova itself cannot assume its own security alone for several reasons. The most important is the existence of the Russian military troops on the national territory, the positioning of the country at the geopolitical border, as well as the current situation that excludes the possibility of a state to ensure security by itself; except for the major geopolitical powers with major military and security capabilities. That is why the solution for small states is common defense as well as common security solutions, which allows cost sharing.<sup>13</sup>

Consequently, the expert concludes that the Republic of Moldova has to choose between two possible security options, which fulfill two conditions: a) for their realization, the validated political options of the Republic of Moldova must be modified; and b) in both cases there are benefits and costs.

In the case of opting for Russia, one needs to modify the option of the withdrawal of Russian troops and of the state sovereignty and independence (i.e. fundamental defining principles of statehood). Instead, Russia does not demand any other costs for the development of the armed troops, their endowment, and their reformation; on the contrary, it will be very happy that the Republic of Moldova will not have such troops.

In the case of NATO option, the condition of constitutional neutrality must be modified, and the costs are those of reforming its own armed troops and force structures, their endowment, their compatibility with NATO criteria, and providing the necessary capabilities to defend the territory, including through joint defense with admission to NATO. In this obvious case, one needs to understand that this is a major effort for the whole society, but the effort is done for itself, for its own future, not for the Alliance.<sup>14</sup>

The choice is, therefore, between (1) the constitutionally stated neutrality, the Russian guarantees and the limitation of sovereignty and state independence, and (2) the accession to

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<sup>12</sup> *Proiectul Strategiei Securității Naționale a Republicii Moldova*, <http://particip.gov.md/proiectview.php?l=ro&idd=3446> (accessed 25 January 2018).

<sup>13</sup> Iulian Chifu, *Opțiunile de securitate Republicii Moldova*, [http://www.cpc-ew.ro/pdfs/carte\\_202.pdf](http://www.cpc-ew.ro/pdfs/carte_202.pdf) (accessed 31 January 2018).

<sup>14</sup> *Ibid.*

NATO with the modification of the Constitution, the necessary reforms to the Alliance and the common defense provided by it. We believe that the only real and responsible security solution for the Republic of Moldova, without altering its statehood and sovereignty, is joining NATO. Why? The answer is simple. The withdrawal of Russian military troops from the territory of the Republic of Moldova cannot be solved even by the UN. There have already been, similar cases, when the UN Security Council was unable to adopt any resolution on the Russian-Georgian war or the Abkhazian conflict for the simple reason that a Security Council member with veto right was involved – the Russian Federation. So, as long as the Russian Federation is a member of the Security Council, the UN will not be able to solve this problem. Respectively, the withdrawal of the Russian military troops and the territorial reintegration for the Republic of Moldova, in the current situation, will not be solved.

The analysis of the normative framework defining the security and defense sector implies the need to update the strategic documents related to the security and defense sector of the Republic of Moldova: Military Strategy, National Security Strategy, Cyber Security Strategy, etc. The lack of these documents or their non-alignment with the present status of geopolitical realities creates a gap of policy guidance for the national security insurance process. Ensuring the national security of the republic of Moldova is a pressing necessity at the moment, especially in the context of the armed conflict in the neighboring state.

Though the Republic of Moldova is now neglected, it became a convenient place for Russia to apply different destructive strategies (sanctions, security challenges, etc.), sending out signals to the EU. But the low interest for Moldova does not necessarily mean neglecting it; on the contrary, it could lead to an increase in the challenges to the security of our country. The conflict in Ukraine, with everything going on around it, requires the EU to be more effective, because this conflict takes place at its own border, and the future neighborhood policy must be very focused on the security dimension and cooperation in the energy field, which is missing in the current context.

The EU's reaction to the crisis in Ukraine has shown that Brussels has limited capabilities to analyze and forecast some of the processes in the region, and even more limitations to actually intervene in these conflicts. At the same time, it was pointed out that the relationship between the EU and the Eurasian Economic Union is not just a competition between two commercial blocs, but also a rivalry between two different systems of political and economic values. Eastern European states need to be given EU membership prospects in order not to create visible geopolitical spaces that are likely to be occupied by Russia. The situation requires Ukraine and the Republic of Moldova to deepen the process of European integration, and the signing of the Association Agreement with the EU is only a transitional phase.

In the complicated regional situation, it is important for the Republic of Moldova to strengthen its security and defense system, but also to strengthen its cooperative relations with its partners in order to increase the capacity to counteract possible threats to national security. In this regard, it is to be mentioned that the country's authorities have adopted a number of measures that are part of the necessary actions to be adopted at the central level.



For the purpose of developing a new National Security Strategy of the Republic of Moldova, taking into account the cardinal changes of the geopolitical situation in the region, it is instructive to analyze the content of the National Security Strategy of Ukraine,<sup>15</sup> approved by the state authority and promulgated by Ukrainian President P. Poroshenko. This is the first law document, which records the Russian Federation as an aggressor and threat to national security. Obviously, the Russian Federation reacted swiftly.<sup>16</sup>

The document also provides for the deepening of military-industrial and technical-military cooperation with NATO and EU Member States and the achievement of total independence from Russia in the field of weapons and military equipment production. At the same time, the National Security Strategy of Ukraine includes a reform of the public administration and intensification of the fight against corruption. Therefore, corruption becomes a threat to the security and it is important to ensure that there is a reformed institution to combat corruption, with investigative competences and a component for constitution of prosecution and referral files.

In order to deepen the cooperation with the foreign partners, the support that the Republic of Moldova receives from the North-Atlantic Alliance is particularly important. NATO officials have clearly expressed the willingness to support the Republic of Moldova in the tense situation in the region. In this respect, one can mention the first visit in the Republic of Moldova of the representatives of NATO's Partnerships and Cooperation Security Committee (PCSC) in 2015, but also the opening in Moldova of the NATO Information and Documentation Center (CID NATO) in 2007. It was created as a non-governmental institution, which aims to publicly promote the Euro-Atlantic values and principles, to support the cooperation between Moldova and the North Atlantic Alliance, to implement the objectives and activities established within the cooperation instruments Moldova-NATO.<sup>17</sup>

In conclusion, we can point out that the enlargement of the EU and NATO to Eastern Europe at the beginning of the 21<sup>st</sup> century has created favorable premises for neighboring countries to solve security issues in all areas of activity. Promoting and supporting a stable, well-governed circle of states in the EU's neighborhood by adopting major initiatives such as the SEECF, the ENP and the EaP is the European approach to expanding the area of security and welfare beyond its borders, despite the fact that the effects are less noticeable at present. In spite of important European assistance, the promotion of group interests, at the expense of the national ones, as well as the pressures of external factors hostile to democratization, all dilute considerably confidence in the commitments assumed by the Moldovan authorities and the

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<sup>15</sup> "Ucraina are o nouă strategie de securitate națională: Orientarea spre UE și NATO," Ziare, 27 May 2015, <http://www.ziare.com/international/ucraina/ucraina-are-o-noua-strategie-de-securitate-nationala-orientarea-spre-ue-si-nato-1365400> (accessed 3 February 2018).

<sup>16</sup> Adriana Matcovschi, "Patrușev: Strategia de securitate națională a Ucrainei duce la o confruntare pe termen lung cu Rusia," Agerpres, 11 August 2015, <https://www.agerpres.ro/externe/2015/08/11/patrusev-strategia-de-securitate-nationala-a-ucrainei-duce-la-o-confruntare-pe-termen-lung-cu-rusia-13-51-37> (accessed 3 February 2018).

<sup>17</sup> Centrul de Informare si Documentare NATO in Moldova, <https://nato.md/> (accessed 3 February 2018).

certainty that European investments will lead in the near future to the success of reforms aimed at strengthening national security. At the same time, the extension of the European and Euro-Atlantic structures to the East represents a unique opportunity for the Moldovan authorities to change their approach to the national security sector and turn it into a strategic priority in the process of democratic reform of the country and perpetual society modernization.

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## LEVERAGING RESILIENCE? IMPLICATIONS OF THE EU GLOBAL STRATEGY FOR THE REPUBLIC OF MOLDOVA

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**Abstract.** This paper looks to analyse the priorities set by the EU Global Strategy in relation to Moldova, with a focus on the mechanisms and instruments related to the resilience concept. By examining the key objectives of EUGS in the area of resilience and state building, this paper will evaluate the EU's potential to build up a 'more resilient' Moldova in a very challenging environment of 'state capture' and fragile democracy.

**Keywords:** EU Global Strategy, state capture, resilience, security.

*We will be guided by clear principles. These stem as much from a realistic assessment of the current strategic environment as from an idealistic aspiration to advance a better world. Principled pragmatism will guide our external action in the years ahead.<sup>1</sup>*

*It is in the interests of our citizens to invest in the resilience of states and societies to the east stretching into Central Asia, and south down to Central Africa. A resilient society featuring democracy, trust in institutions, and sustainable development lies at the heart of a resilient state.<sup>2</sup>*

### Introduction

In 2016 the European Union and its Member States founded the EU Global Strategy (EUGS) in an attempt to recast the Union's external profile, boost its global influence and potential and to become a more effective security provider and motor for development beyond its borders. By establishing the EUGS the EU set itself a 'transformational agenda.'<sup>3</sup> The EUGS is about recalibrating the EU's interests and priorities in light of new and complex realities, stressing the indivisibility of the EU's internal and external security and affirming the EU's identity, role and aspirations as being beyond those of a purely regional actor. The EUGS, and its follow-on documents, is also marked by its efforts to develop a more seamless connection

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<sup>1</sup> EUGS: European External Action Service, *A Global Strategy for the European Union's Foreign and Security Policy: "Shared Vision and Common Action: A Stronger Europe,"* 2016, 11, [http://eeas.europa.eu/archives/docs/top\\_stories/pdf/eugs\\_review\\_web.pdf](http://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf) (accessed 10 February 2018).

<sup>2</sup> *Ibid.*, 23.

<sup>3</sup> European Commission and the High Representative for Foreign Affairs and Security Policy, *Joint Communication to the European Parliament and the Council 'A Strategic Approach to Resilience in the EU's External Action,'* JOIN(2017) 21 final, Brussels, 7 June 2017, 2.

between the political, development and economic (especially trade) elements of the EU's external policies and to smoothen out inter-institutional cooperation across EU bodies, with the goal of improving overall policy coordination and effectiveness of delivery. The Global Strategy also seeks to forge a more unambiguous alignment between EU foreign and security policy objectives and methods and the UN Sustainable Development Goals (SDGs) than was hitherto the case in EU external action strategies. Providing the overarching 'concept' and 'mission' for the EUGS is the notion of 'resilience' and the idea that it is in the EU's essential or 'enlightened self' interest to help create and support resilience in states and societies. Resilience first appeared in EU external policy parlance in a 2012 communication "The EU Approach to Resilience: Learning from Food Security Crises."<sup>4</sup>

Resilience is a nebulous, yet interesting and appealing term deriving from development/humanitarian aid policy and practice, as well as social-ecological studies. At its most fundamental resilience is about the capacity of a system, whether that be a family unit, group, community, society or state to absorb disturbance, to reorganise and to adapt while undergoing change without a loss of its essential functions.<sup>5</sup> In this sense, the idea of resilience is closely linked to ideas of 'flexibility', 'hardiness' and 'buoyancy'.

Resilience (especially the lack of it) resonates loudly in the case of the EU's Eastern neighbourhood: to greater or lesser extents the states of the region are characterised by fragility, run by weak or dysfunctional public institutions that lack legitimacy and also continue to experience flawed transitions pathways and a lack of unsustainable development, evident since 1991. Crucially, all of this adds up to a situation where states and societies lack resilience and thus are insecure and vulnerable to external and internal shocks.

### **Moldova as a Captured State: A Test-Case for Building Resilience**

The current paper posits that the Republic of Moldova is fundamentally lacking in resilience, in fact it is arguably one of the most un-resilient countries in the Eastern Partnership (EaP). From an EU perspective a lack of resilience equals insecurity.

Crucially, though it has the most advanced relationship with the EU out of all in the Eastern Partnership states, the Republic of Moldova lacks resilience because it is a 'captured state', implying certain political and socio-economic conditions, endemic corruption, oligarchism and insecurities that impede the country's transition and also limit the country's capacity to

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<sup>4</sup> European Commission, *Communication from the Commission to the European Parliament and the Council "The EU Approach to Resilience: Learning from Food Security Crises,"* COM (2012) 586 final, Brussels, 3 October 2012.

<sup>5</sup> For an expansive discussion of resilience in the context of social-ecological systems see Brian Walker, C. S. Holling, Stephen Carpenter and Ann Kinzig, "Resilience, Adaptability and Transformability in Social-ecological Systems," *Ecology and Society* 9, 2 (2004): 5, <https://www.ecologyandsociety.org/vol9/iss2/art5/> (accessed 10 February 2018).

implement reforms associated with EU norms and modernisation in a sustainable way.<sup>6</sup> The notion of State Capture was developed by the World Bank in a series of studies on developments in the business environments of post-Soviet transition states in the 2000s. State Capture was used as a measure to see how far firms and private individuals were able to 'shape and affect the formation of laws, policies and decrees' in accordance with their own private business interests.<sup>7</sup>

Leitner and Meissner provide a useful overview of Moldova as a captured state. For them, Moldovan life and politics suffer from the persistence of informal practices, which act as 'compensatory mechanisms', regulating normal ways of life and bypassing official rules, laws and principles. This, they argue, is due to the fact that the state is weak in its capacities to provide for the wellbeing of its citizens and, secondly, that is not able to reward rule conformity or punish rule breaking. As a consequence, key public institutions, such as schooling and education, the judiciary, police, healthcare and the mass media tend to function according to 'principles other than those stated in law, which contributes to the spread and perpetuation of corruption.'<sup>8</sup>

Further instances of Moldova's state capture and lack of resilience can be identified as following. First, Moldova has an oligarchic system that revolves around one central oligarch who has strong vested interests in maintaining the *status quo* in order to preserve his own business and political interests. This is significant for the proposed project since a 'monopolistic oligarchic system' such as this entails a very strong concentration of power, which reinforces state capture by preventing economic and political liberalisation and pluralism. Next, Moldovan domestic politics remain heavily tainted with low public trust, contested elections, abundant scandals and corruption pervading private and public sectors. Evidence of high-level corruption in the judiciary and national banking system are particularly evident and are major contributing factors to reinforcing State Capture. Third, the past 25 years have seen Moldovan Governments and foreign policies oscillate between pro-European and pro-Russian directions and loyalties. This has had the effect of creating political instability and uncertainty,

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<sup>6</sup> The concept of 'state capture' implies systemic and widespread political corruption, a situation where the private interests of individual oligarchs or small groups palpably influence a state's institutional set up and decision-making structures to their own political or economic advantage. Crucially, this is manifest in discrete and hidden manoeuvres and deals within or amongst all organs of government across the executive, ministries, legislative and judiciary.

<sup>7</sup> See Joel S. Hellmann, Geraint Jones and Daniel Kauffmann, "'Seize the State, Seize the Day': State Capture, Corruption and Transition," World Bank Policy Research Paper 2444, 2000.

<sup>8</sup> Johannes Leitner and Hannes Meissner, eds., *State Capture, Political Risks and International Business* (Abingdon: Routledge, 2017). See also: World Bank, *Anticorruption in Transition: A Contribution to the Policy Debate*, Washington DC, 2000, <http://siteresources.worldbank.org/INTWBIGOVANTCOR/Resources/contribution.pdf> (accessed 10 February 2018); The World Bank / European Bank of Reconstruction and Development, *Trends in Corruption and Regulatory Burden in Eastern Europe and Central Asia*, A World Bank Study, Washington DC, 2011. See, for example Evgeny Yakovlev and Ekaterina Zhuravskaya, "State Capture: From Yeltsin to Putin," CEFIR Working Paper 52, 20 October 2005, <http://www.cefir.org/papers/WP52.pdf> (accessed 10 February 2018); Camelia Florela Voinea, "State Capture and Political Clientelism in Central and Eastern Europe," *SSRN Electronic Journal* XXXIX, 4 (2015): 9-31.

as well as inconsistency in trade policy for example. Moldova's incomplete transition has also been shaped by ideological debates on statehood and national identity, which have tended to distract from the process of state building. Significant delays in economic modernisation are worsened by the fact that the state and civil society is hollowed out by mass outwards migration, which also means that the country is heavily reliant on remittances, as well as international donors. Finally, what further compounds the problems associated with State Capture is the fact that Moldova is a fractured state in a 'Frozen Conflict'. The breakaway 'Republic of Transnistria', which declared its independence from Moldova, is a *de facto* state. Although it remains unrecognised in international law, the fact that it has its own government and functioning institutions, a loyal population and is financially and militarily supported by Russia means that it is another major hindrance to Moldova's pro-European transformation.

As a result of this 'state capture', Moldova has the 'classic' conditions and symptoms of a state and a society that lacks resilience, owing to a large part to the condition of state capture:

- Public institutions and policies in Moldova often fail to perform their fundamental tasks and thus lose citizen's support and legitimacy;
- People tend to depend on informal practices to 'get by', as they feel they cannot rely on state institutions;
- The political system lacks pluralism and a stable party system; democracy remains highly fragile;
- Political interests and business interests are often closely fused;
- The implementation of the rule of law remains stymied and unreliable not least because of the questionability of the independence of the justice sector;
- National assets and the media are often beholden to individual's business interests;
- Economic growth and the country's overall socio-economic development remains patchy;
- The persistence of oligarchic capitalism warps development and further weakens state institutions and the development of the business environment;
- The consistent outwards migration of young people implies that the resident populations is being hollowed out;
- Corruption persists at many levels and has become 'part of everyday life';
- National identity tends towards atomisation, resulting in a rather weak sense of what it is to be Moldovan;
- The country itself is physically fractured as a result of the break-away territory of Transnistria.

With these factors in mind, this paper will argue that the Republic of Moldova represents a pertinent case study with which to examine the validity and usefulness of the EU's Global



Strategy, its assumptions and the ways and methods it proposes to implement external action and to render the EU a relevant security provider in the Eastern neighbourhood. More specifically, Moldova is a perfect test case for the European Union's goal to create and support 'resilient' states and societies.

The paper will proceed in two main sections. First, the EUSG will be examined using the following scoping questions: What kind of security actor does the EU aspire to be? What are the EU's key priorities and interests? How does the EU define the notion of 'un-resilient' / 'resilient' states and societies and what strategies and formula are articulated to bring about the latter? The next part of the paper hones in on concrete examples of sectors where the effects of state capture palpably shape the kinds of policy outcomes that run counter to the public good, enrich the vested interests of individuals and, in turn, weaken the resilience of the Moldovan state and society. By way of a conclusion, the paper will give an overall evaluation of the implications of the EUGS for the Republic of Moldova and return to the question as to whether it can 'leverage' resilience.

### **The European Union Global Strategy – Assumptions and Implications for Moldova**

As already noted, the EUGS represents a response to a new global security environment, described in the document as a 'difficult, more connected, contested and complex world' and a time of existential crisis for the Union.<sup>9</sup> The EU's overall approach to these new realities is both familiar in the sense that it generally affirms the European Security Strategy (ESS) of 2003, but also bolder, more confident and far reaching. To begin with, in the EUGS the EU casts itself in far more certain and self-assured terms, as: A key global stakeholder and manager of the challenges and opportunities associated with interdependence; A relevant and important international actor that other states and regions look up to for solutions and inspiration; A distinctive actor able to draw on unparalleled resources and credibility to make a difference in the world; An actor guided by a strong sense of responsibility, commitment to the rule of law, principles of the United Nations and a rules-based World order; An instinctive 'multilateralist', nurturing global partnerships with international organisations and 'like-minded' states and regions; An active player in conflict resolution committed to tackling the root causes of conflict and risk; An innovator committed to working with a variety of stakeholders in the 'networked world', including civil society and the private sector.

Arguably what distinguishes the EUGS of 2016 from the ESS of 2003 is its emphasis on the idea of resilience, the necessity of 'prising open' the state to engage with non-state actors and third, its prescription element regarding the absolute necessity of bringing into a coherent strategy the full repertoire of the EU's external policies and instruments. The 'global' in the EUGS implies not just a geographical marker, but just as importantly the notion of developing a comprehensive and flexible security strategy replete with a capacity to engage not just with states, but also individuals, communities societies and regions.

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<sup>9</sup> EUGS: European External Action Service, *A Global Strategy for the European Union's Foreign and Security Policy: "Shared Vision and Common Action: A Stronger Europe,"* 7.

Resilience is one of the leading ideas in the EU Global Strategy, it is both a priority and a cross-cutting theme throughout, and provides a platform for the comprehensive and multi pronged approach that the EU is endeavouring to conceive and implement. By placing resilience-building as a core EU goal what should follow is an external action capable of bringing together all of the EU's policy instruments into an overarching and coherent strategic approach. In other words, 'resilience' necessitates the breaking down of traditional policy barriers and institutional reimits, as well as the bringing in of less obvious policies and instruments – not normally associated with foreign policy, such as youth policy, education and health, which nevertheless can have a positive bearing and feed into the job of enhancing societal and state resilience. The EUGS captures this logic, stating that the EU's role needs to be configured to be able to focus on 'military capabilities and anti-terrorism as much as on job opportunities, inclusive societies and human rights.'<sup>10</sup>

The core position of this paper is that the Eastern neighbourhood and Moldova in particular are excellent test cases for the EU's capacity to deliver on its new commitment to resilience building. If we bear in mind the basic definitions of resilience depicted earlier as being to do with a system's capacity to be able to cope with change and shocks without losing its essential functions and ideas of flexibility, hardiness and buoyancy, alongside the EU's own conceptualisation of a resilient state as one based on democracy, functioning state institutions and sustainable development, then it is not difficult to reach a conclusion that EaP states are largely un-resilient.

The EU's assumptions about how to create more resilient states and societies in the Eastern neighbourhood arguably revolve around the following:

- Authoritarian undemocratic states might be 'stable', but are ultimately fragile and insecure; democracy is the best way to counter fragility and build enduring security; States, regimes and leaders are often part of the problem and contribute to perpetuating weak resilience;
- Creating resilient states based on democracy, outwards facing economies and accountable public institutions lays the basis for state's capacities to withstand externally imposed pressures and shocks and therefore enhance regional security;
- Resilient societies are an important part of the equation; without such societies composed of engaged citizens and an effective civil society able to scrutinise governments and elites sustainable security cannot exist;
- Civil society needs further enabling as a means to ensure societal resilience and on route to sustainable democracy building and functioning public institutions and policies viewed as valuable and legitimate by citizens;
- Conditionality works: the EaP as a formula has an important role in resilience building; the strict conditionality laid out in the Association Agreements and DCFTAs represent impulses for transformation and alignment with EU norms, which help to

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<sup>10</sup> Ibid., 4.

embed resilience factors such as democracy, transparent government, independence of the judiciary etc.;

- A more joined up approach is needed, which entails the breaking down of traditional external action policy areas and instruments aligned to the UN SDGs, and to also bring on to the agenda a more diffuse range of policy areas, such as youth, education, culture and health;
- Taking a less 'linear' approach to conflict resolution; stressing instead anticipation, prevention and preparedness;
- Infrastructure, ecological and environmental vulnerabilities can get exacerbated in un-resilient states, thus a strategy for resilience building needs to involve attention to strengthening key sectors such as energy, environmental protection, roadways and transport and the agricultural / rural sectors and communities.

Whilst the EUGS provided the narrative or script the translation into an implementable strategy was provided by the joint communication on developing a strategic approach to resilience in the EU's external action.<sup>11</sup> The aim here was to create a clearer sense of how resilience can be mainstreamed across all aspects of external action to provide focus, a method of evaluation and a temporal reform time table. Again, the neighbourhood is singled out as a region where the building of resilience is crucial for the security of the region and of the EU itself and is therefore the first port of call for the implementation of the resilience building agenda set by the EUGS.

What are the most salient points and considerations from the Joint Communication and what might they entail for the Republic of Moldova? The following analysis draws from the list of ten guiding considerations presented at the end of the 2017 Communication.

#### *The EU sees that strengthening resilience is a 'means and not an end in itself'*

This would entail the EU taking account of what has already been achieved and what has not in terms of reform in Moldova; asking serious questions about the health, durability and legitimacy of public institutions and policies, especially as seen in the eyes of citizens and civil society. How well and consistent are state institutions delivering public goods and how far are they affected by the vested interests of certain groups and individuals.

#### *Understanding factors of resilience and sources of risk*

This would entail the EU acquiring a thorough understanding of the formal and informal complexities that contribute to governance and daily life in Moldova. How in cases of external

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<sup>11</sup> European Commission and the High Representative for Foreign Affairs and Security Policy, *Joint Communication to the European Parliament and the Council 'A Strategic Approach to Resilience in the EU's External Action,'* JOIN(2017) 21 final, Brussels, 7 June 2017.

shock or crisis (such as export boycotts) do state institutions and relevant Ministries cope? Equally, how do informal structures and actors acting in the grey economy for example, adapt and overcome shocks and crises – what's the level of self-reliance? The lack of relevance and value attached to some state institutions for ordinary citizens means that the EU also has to scrutinize the resilience and risk coping capacities of other 'systems', such as families and communities.

#### *Developing long term strategies and taking account of local contexts*

The main challenge for the EU in this regard will be how to strike a balance between assuming and promoting a transformation agenda (which lies at the forefront of the EUGS), whilst at the same time working with local stakeholders and state institutions that may well have vested interests in maintaining the *status quo*.

#### *Addressing resilience at multiple levels*

EU efforts will need to be re-doubled at engaging individuals and communities, especially in provincial towns and rural areas, as full stakeholders in the design, implementation and appraisal of EU policies aimed at resilience building. The case of Moldova holds great promise in this respect as long as informal practices as modes of everyday life and transactions can be somehow folded into the resilience building strategies.

#### *Resilience as a transformational endeavour and not status quo oriented*

Again, the challenge here will be to find ways to support those formal institutions that largely 'work' and to reform, if possible, those that do not; where is root and branch change needed and where are the existing institutions and policies that correspond with EU norms and thus can play a constructive role in resilience building? The EU will need to have acute powers of scrutiny when it comes to analysing the extent to which public institutions have undergone sustainable reforms and have enjoyed public trust.

#### *Identifying vulnerabilities for risk assessments*

Attention in this regard needs to be placed on identifying long term as well as more immediate sources of risk and vulnerability across a number of sectors. For example, outwards migration and the economy's reliance on remittances poses short term risks associated as Moldova is exposed to external shocks and changes in the global economy, but this also implies long term problems and vulnerabilities associated with a depleting domestic work force, an ageing population and splintered families with children often being left behind with their grandparents.

## Moldovan Realities: How Does 'State Capture' Affect the Resilience Building Process?

In 2015, in an op-ed article for the *New York Times*, the former Secretary General of the Council of Europe, Thorbjorn Jagland, has named Moldova a 'captured state,'<sup>12</sup> characterized by endemic corruption and oligarchic control over the state institutions. This comment was the first statement in which the notion of 'state capture' has been used to articulate the stagnation of Moldova's reforms on its association path with EU. In the years which followed Jagland's assessment, the concept of 'state capture' within Moldova has been explored and analyzed in various ways by political figures, independent experts and scholars, making reference to the politicization of rule of law institutions and the full control of oligarchs over the decision-making process. However, the phenomenon itself has yet to reach a full understanding among the interested public, both in theoretical and practical terms.

Given its variable-geometry and multidimensional characteristics, the concept of 'state capture' is built upon a weak operating capacity of the public institutions due to the interference of the private interests with their strategic actions. While reflected horizontally by targeting ministries and agencies, it creates undoubtedly a non-institutionalized vertical of power within the state, designed under a veil of normative democracy and balanced decision-making across the legislative, executive and judicial actors. The continuous perpetuation of state capture raises serious doubts over the legitimate government's capacity to assure the securitization of its own public goods, such as the national budget, financial flows, energy sector, economic development and infrastructure. The assessment of these sectors, together with other civil security pillars, tends to portray the (in) security implications of state capture in Moldova.

The perpetuation of private interests across key sectors of the Moldovan public administration and economy has lowered state institutions' capacity to assure the securitization of these sectors. Furthermore, since the private ownership of decision-making is highly dispersed across the governmental authorities, the rule of law institutions tend to refrain from investigating politically affiliated oligarchs to the governing party. This practice of 'double standards' is questioning the integrity of the authorities and leads towards a decrease of citizens' trust in the genuine willingness of these actors to perform their commitments. Hence, the lack of resilience arises when there is a mismatch between the use of public resources for extending one's private gains and the incumbent legal-based response from the state entities for this type of frauds.

According to the Eastern Partnership Index for 2015-2016,<sup>13</sup> Moldova has experienced after 2014 the transition from the 'success story' of the Eastern Partnership to a 'captured state', affected by multiple problems in the political and economic fields. The authors have emphasized a few systemic issues, which tested Moldova's resilience in the last years: bank fraud and financial downturn, endemic corruption and 'almost full control of key state bodies by

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<sup>12</sup> Thorbjorn Jagland, "Bring Moldova Back From the Brink," *The New York Times*, 10 October 2015, <https://www.nytimes.com/2015/08/11/opinion/bring-moldova-back-from-the-brink.html> (accessed 10 February 2018).

<sup>13</sup> Eastern Partnership Civil Society Forum, *Eastern Partnership Index 2015-2016: Charting Progress in European Integration, Democratic Reforms, and Sustainable Development*, 2017, 31.

narrow political and private interests.<sup>14</sup> While encountering a period of political stability after 2016, the Moldovan government has yet to meet its commitments taken in front of the EU partners in such fields as anti-corruption, rule of law, institution-building and the public administration reform.

One of the most relevant examples in this regard is the change of the electoral system, adopted in July 2017 by the Moldovan parliament. The voting of the mixed electoral system has raised serious concerns regarding the state of democracy and the political competition during the next parliamentary elections. Although the draft law was criticized in the report of the Venice Commission,<sup>15</sup> which elaborated a series of recommendations for the reviewing process of this law, the governmental coalition and the main opposition party have decided to partially ignore the recommendations and pass the electoral law in the parliament with a majority of 71 votes out of 101. Furthermore, the adoption of this law emphasized the limits of the EU's bargaining power in terms of political constraints. The messages from Brussels have not been well received in Chisinau and, as the Foreign Affairs Council conclusions<sup>16</sup> mention, with reference to the Venice Commission's earlier report, there is a 'risk that majoritarian candidates may be influenced by business people or other actors who follow their own separate interests.' In wider terms, this formulation refers to the possible 'capturing' of the elections and the degradation of the political competition in Moldova.

Beside the electoral system, the energy field has been influenced by the mechanisms of 'state capture' and the interference of private business. In 2015, a group of independent experts have published a resolution<sup>17</sup> for the public authorities, through which they requested an in-deep investigation of public procurement deals in the electricity sector. As their investigation has demonstrated, an import scheme of electricity has been designed by the Transnistrian and Moldovan obscure groups of interests through which they have obtained important profits and prejudiced the consumers. The scheme, called 'Energokapital', functioned between 2014 and 2016, a period in which Moldova has bought electricity from the Transnistrian region. The Moldovan authorities refrained from investigating this case and did not manifest any interest in elucidating the systemic issues on the public procurement dimension in the energy sector. Even if Moldova is a member of the European Energy Community, this country still lacks a full compliance with the Energy Community *acquis*, especially in areas of strategic interest such as the trade balance of resources.

These cases, together with previous mentioned bank fraud, are the most recent occurrences of 'state capture' in Moldova. They have negative repercussions over the EU-Moldova

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<sup>14</sup> Ibid.

<sup>15</sup> Venice Commission, *Joint opinion on the draft laws on amending and completing certain legislative acts (electoral system for the election of the Parliament)*, Venice, 15 June 2017.

<sup>16</sup> Council of the European Union, *Relations with the Republic of Moldova – Council conclusions*, 6280/18 COEST 37, 26 February 2018.

<sup>17</sup> "Criza din sectorul energetic poate fi depășită: Expertii solicită autorităților să publice mai multe documente," *Agora*, 24 September 2015, <http://agora.md/stiri/12853/doc--criza-din-sectorul-energetic-poate-fi-depasita-expertii-solicita-autoritatilor-sa-publice-mai-multe-documente> (accessed 10 February 2018).

partnership and tend to affect the resilience-building objective of the EU in the region. Moreover, while the EU is trying to encourage a more resilient public system to the external threats and challenges, some of the main risks are coming from the internal 'capturing' actors engaged in the policy-making cycle.

### **Conclusions: Can the EU Leverage Resilience in Moldova?**

The concept of 'resilience' is relatively new for Moldova and the development rhetoric used inside the country. While being relatively dependent on the external aid and the technical assistance offered by the EU and other donors under strict conditionality, this country is advised now to build its own reform agenda, capable to strengthen the level of democracy and life standards. However, this resilient strategy might fail because of an increasing degree a 'state capture', which is blocking the key reforms in judicial, anti-corruption and rule of law systems.

Beside 'state capture' in Moldova, the challenges that the EU is facing today might undermine the EU's capacity to engage in a continuous reforming process in Moldova. The exportation of resilience at the EU borders could not reach the expected results due to a lack of synergy between the EU's priorities disseminated through formal channels of communication and the national informal networks of power, which tend to promote their private interests. As such, resilience cannot arise without Moldova's commitment to fight against the oligarchic interest groups.

One of the EU's priorities for empowering the resilience in Moldova and the EaP should be focussed on strengthening the civil society sector. The institutional platforms established for developing the people to people contacts in the Eastern Partnership region together with EaP Civil Society Forum should serve as the basis for cross-border cooperation of the CSOs in this region. Furthermore, by creating a regional group of CSOs committed to investigate the phenomenon of 'state capture' and the ways to address it, the national governments could benefit of an in-deep expertise on this topic. Through debates, public pressure and thematic studies, the notion of 'resilience' could become the optimal solution for 'state capture' and generate solutions to the most pressing issues.

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## PERSPECTIVES FOR IMPLEMENTATION OF THE ANTI-BRIBERY MANAGEMENT SYSTEMS IN THE REPUBLIC OF MOLDOVA

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**Abstract.** This paper is based on the analysis of the requirements and recommendations ISO 37001:2016 “Anti-bribery management systems – Requirement with guidance for use,” carried out in the context of the national normative-legal framework regarding institutional integrity, with the formulation of findings and submitting proposals for facilitating the implementation of the anti-bribery management systems in the Republic of Moldova. The actuality and importance of the article lies in the novelty element of ISO, but also in the high level of corruption, which undermines the state structures and seriously affects the economic security of the Republic of Moldova.

**Keywords:** integrity, bribery, standard, risk assessment, compliance function, donations and similar benefits, conflict of interest.

Corruption is a big problem of the Moldovan society, this scourge “affects much to the economic security of the state, injures the human rights, undermines the state’s structures and the achievement of local progress.”<sup>1</sup>

Wishing to join the European Union, the Republic of Moldova made many efforts for connecting the internal normative framework to the European anticorruption standards. New normative acts were adopted and completed, and amended the normative acts in force. The Integrity Law no. 82/2017<sup>2</sup> is of incontestable importance because of the novelty legislation that contains provisions for building integrity in the public and the private sector.

In our opinion, it would be incorrect to regulate in detail mechanisms building integrity in the public sector, but to let in oblivion the private sector, arguing that corruption occurs especially when there is the interconnection of the public sector with the private sector, especially the segment of the official’s communication with the business environment. Thus, we will fortify only one side, of two existing, the accents being placed disproportionately in relation to the difficulties.

On this line, we identify a vulnerable area of corruption, usually set to address the shortcomings/problems through bribery. According to a study conducted by Transparency International Moldova,<sup>3</sup> “money remains the main tool for solving problems in the public

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<sup>1</sup> *Legea Republicii Moldova pentru aprobarea Concepției securității naționale a Republicii Moldova* no. 112-XVI, 22 May 2008.

<sup>2</sup> *Legea integrității a Republicii Moldova* no. 82, 25 May 2017.

<sup>3</sup> *Corupția în Republica Moldova: percepțiile și experiențele proprii ale oamenilor de afaceri și gospodăriilor casnice*, 2015, [http://www.transparency.md/wp-content/uploads/2017/06/TI\\_Moldova\\_Cercetare\\_Sociologica\\_2015.pdf](http://www.transparency.md/wp-content/uploads/2017/06/TI_Moldova_Cercetare_Sociologica_2015.pdf) (accessed 3 January 2018).

service, they are followed by relationships and gifts,” and the total amount of bribes paid by businessmen in 2015 raised to 381 million lei, in 2014 – at about 392 million lei.

The source of the matter with regard to the requirements for establishing, implementing, maintaining, reviewing and improving the anti-bribery management system can be found in *ISO 37001:2016 Anti-bribery management systems – Requirement with guidance for use*,<sup>4</sup> standard developed by The International Organization for Standardization and published in October 2016. The standard has been developed taking into account best international practices for preventing and combating bribery, being applicable to all public and private sector organizations.

The purpose of this paper is to carry out a comparative analysis of the ISO 37001:2016<sup>5</sup> recommendations, carried out in the light of the national legal framework regarding institutional integrity, with the making of conclusions and formulation of proposals for facilitating the implementation of Anti-Bribery Management Systems in the Republic of Moldova. It is worth mentioning that we will focus especially on the following mechanisms: anti-bribery policy; bribery risk assessment; anti-bribery compliance function; gifts, hospitality, donations and similar benefits; conflict of interests.

The methods of analysis, comparison, induction and deduction were used in the research of the material.

Referring to ISO 37001:2016,<sup>6</sup> we note that, in relation to the scope, the standard does not impose any limitations, this being a flexible one and can be adapted to a wide range of organizations, including: large organizations; small and medium-sized enterprises (SMEs); public and private sector organizations; non-governmental organizations (NGOs). The standard can be used by organizations from any country.

We note that the standard defines *bribery* – offering, promising, accepting or soliciting of an undue advantage of any value (financial or non-financial), directly or indirectly, and irrespective of location(s), in violation of applicable law, as an inducement or reward for a person acting or refraining from acting in relation to the performance of that person’s duties.<sup>7</sup>

As a comparison, we specify that national legislation does not provide a notion of bribery, but indirect regulations identify in the provision of Articles 324; 325 Criminal Code<sup>8</sup> – active corruption and passive corruption respectively; Articles 333; 334 Criminal Code<sup>9</sup> – giving and taking bribery respectively.

Therefore, we conclude that the subject of the standard is a limited one and refers only to the offenses of active and passive corruption and giving and taking bribery. In this regard, the

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<sup>4</sup> *ISO 37001:2016 Anti-bribery management systems – Requirement with guidance for use*, <https://www.iso.org/obp/ui/#iso:std:iso:37001:ed-1:v1:en> (accessed 15 January 2018).

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> *Codul penal al Republicii Moldova* no. 985-XV, 18 April 2002.

<sup>9</sup> *Ibid.*

standard does not extend to other corruption offenses<sup>10</sup> such as: Traffic of Influence (Art.327 CC), Abuse of Power or Service Misuse (Art.328 CC), Excess of Power or Exceeding Service Purposes (Art.329 CC), Illicit enrichment (art.330<sup>2</sup> CC) etc. This standard is applicable only to bribery, but it does not specifically address fraud, money laundering or other activities related to corrupt practices.

Please note that *ISO 37001:2016 Anti-bribery management systems – Requirement with guidance for use*<sup>11</sup> is an anti-bribery standard, not an anti-corruption one, despite the fact that it can be found in all three forms of anti-corruption: control, prevention and education.

It is important to note that bribery does not consist only of the money-giving action, but it concerns goods, services, privileges or advantages in any form whatsoever.

In this regard, the Plenum of the Supreme Court of Justice<sup>12</sup> provides the following explanations:

*Goods* – all things that are susceptible to individual or collective approximation and patrimonial rights;

*Services* include: transport, travel, insurance, communication, training, legal services, medical assistance, advertising, sexual services, etc.

*Privileges* – this category covers the exemption from obligations, the granting of rights or distinctions that are granted in special situations;

*Advantages* are a benefit, a favor, consisting of: awards, holidays, interest-free loans, career prospects, preferential medical treatment, etc.

In the sense of the above mentioned, we conclude that despite the fact that the regulatory object of ISO 37001:2016<sup>13</sup> is limited, it impresses with the variety of forms of bribery and the obvious variety of actions undertaken: request/offer, acceptance, reception/giving, extortion.

According to the “broken windows” theory,<sup>14</sup> if a building has a broken glass that is not being replaced in the fastest way, the building will have more and more broken windows until complete vandalism. So people behave according to the conditions in which they act, human conduct is the result of the environment they are in.<sup>15</sup> The “replacement of broken glass” is to be one of the prerogatives of any authority, institution, public or private organization. Standard 37001:2016,<sup>16</sup> seen only at the level of recommendations, will not produce the expected effect in the absence of well thought out, planned and realized mechanisms and activities.

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<sup>10</sup> Ibid.

<sup>11</sup> *ISO 37001:2016 Anti-bribery management systems – Requirement with guidance for use.*

<sup>12</sup> *Hotărârea Plenului Curții Supreme de Justiție a Republicii Moldova cu privire la aplicarea legislației referitoare la răspunderea penală pentru infracțiunile de corupție* no. 11, 22 December 2014.

<sup>13</sup> *ISO 37001:2016 Anti-bribery management systems – Requirement with guidance for use.*

<sup>14</sup> G. Kelling and C. Coles, *Fixing Broken Windows: Restoring Order And Reducing Crime in Our Communities* (New York: Free Press, 1996).

<sup>15</sup> Ibid.

<sup>16</sup> *ISO 37001:2016 Anti-bribery management systems – Requirement with guidance for use.*

It is clear that any organization must set up a series of measures and controls in a reasonable and proportionate manner to support the prevention, detection and treatment of bribery. ISO 37001:2016<sup>17</sup> provides the following implementation matrix of anti-bribery management systems:

1. Context of organization,
2. Leadership,
3. Planning,
4. Support,
5. Operation,
6. Performance evaluation,
7. Improvement.

As we can see, the implementation process of ISO 37001:2016<sup>18</sup> is a long-lasting one, implying the need to carry out an impressive number of complexes, mutually intertwined measures that take place in several stages and through various methods.

In order to undertake an analysis of the recommended actions for an efficient anti-bribery management system, we will opt for it to be carried out through the national legal framework for institutional integrity, in particular the Integrity Law no. 82/2017.<sup>19</sup>

From the first we find that the scope of *ISO 37001:2016 Anti-bribery management systems – Requirement with guidance for use*<sup>20</sup> is much more diverse, whereas subjects that de facto fall under the Integrity Law no. 82/2017<sup>21</sup> are only legal entities with the status of public entity and legal entities in the process of interaction with the public sector. But we have already noticed that the subject of the standard is limited and only refers to bribery, while institutional integrity itself is a much broader concept, including the anti-bribery spectrum. At the same time, it is important to note that for public entities that manage funds from the national public budget, ethics and integrity are principles of good governance.

It should be noted that a large part of the recommended measures of ISO 37001:2016<sup>22</sup> are prescribed for implementation and by the Integrity Law no. 82/2017.

According to the provisions of Article 25 of the Integrity Law no. 82/2017,<sup>23</sup> corruption risk management is one of the measures to control integrity in the public sector, responsible for the implementation of which there are the heads of the public entities. The heads of the public

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<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> *Legea integrității a Republicii Moldova* no. 82, 25 May 2017.

<sup>20</sup> *ISO 37001:2016 Anti-bribery management systems – Requirement with guidance for use*.

<sup>21</sup> *Legea integrității a Republicii Moldova* no. 82, 25 May 2017.

<sup>22</sup> *ISO 37001:2016 Anti-bribery management systems – Requirement with guidance for use*.

<sup>23</sup> *Legea integrității a Republicii Moldova* no. 82, 25 May 2017.

entities shall be responsible for applying the following integrity control measures in the public sector: managing corruption risks.

The other part *ISO Anti-bribery management systems – Requirement with guidance for use* recommends to the subjects to carry out the anti-bribery risk assessment.<sup>24</sup>

From our point of view, *bribery risk assessment* can only be performed within the risk management exercise, as an integral part of all the operational processes carried out within the enterprise, institution, organization. Furthermore, the risk of bribery is one of the specific risks of corruption, alongside the risk of overcoming service duties; the risk of illicit behaviour in the procurement process; the risk of obtaining material benefits or financial resources; the risk of deliberate disclosure or concealment of information; the risk of soliciting/receiving the gift; the risk of adopting an unjustified favorable decision, etc.

Marginalizing the risk management process only to the risks of bribery will not achieve its intended purpose, the obtained results being qualified as formal and declarative.

Risk management is one of the components of the financial management and control system, regulated by the Law on Public Internal Financial Control no. 329 /2010<sup>25</sup> and implemented by National Standard for Internal Control (NSIC) 9 Risk Management.<sup>26</sup> According to the standard, managers ensure the systematic identification, recording, evaluation, control, monitoring and systematic reporting of risks, including corruption risks, by keeping a risk register. It should be noted that the supra-legal framework extends its applicability only to the public entities that manage the resources of the national public budget.

In this context, we identify a stringent problem of the implementation of corruption risk management in public entities, namely, currently, we do not have a Methodology on corruption risk management within public entities; moreover, the Public Risk Assessment Methodology in Public Institutions, approved by Government Decision no. 906/2008<sup>27</sup> provides this prerogative to the National Anticorruption Center and is not in line with the requirements of the Integrity Law no.82/2017.<sup>28</sup>

Under such circumstances, we find some deficiencies in the implementation of the targeted control measure, with the risk of compromising integrity in the public sector. We believe that the elaboration of the Methodology on Corruption Risk Management would create clarity, especially by setting objectives, clarifying the specificities of risks and vulnerabilities to corruption, including bribery, activities vulnerable to corruption, etc.

In our opinion, the methodology will expose the characteristic features of the corruption risk areas, the specificity of the corruption risk assessment – the binomial between impact and

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<sup>24</sup> *ISO 37001:2016 Anti-bribery management systems – Requirement with guidance for use.*

<sup>25</sup> *Legea Republicii Moldova privind controlul financiar public intern* no. 229, 23 September 2010.

<sup>26</sup> *Standardul Național de Control Intern 9 Managementul riscurilor*, Ordinul Ministerului Finanțelor cu privire la aprobarea Standardelor Naționale de Control Intern în sectorul public no. 189, 5 November 2015.

<sup>27</sup> *Hotărârea Guvernului Republicii Moldova cu privire la aprobarea Metodologiei de evaluare a riscurilor de corupție în autoritățile și instituțiile publice* no. 906, 28 July 2008.

<sup>28</sup> *Legea integrității a Republicii Moldova* no. 82, 25 May 2017.

probability. Careful attention should be paid to the regulations regarding the identification of *sensitive functions* and their tracking. Each public entity, depending on the specificity of its mission, is to identify its own sensitive functions only as a result of a complex analysis, in terms of the vulnerable areas of activity, as a result of the identification of sensitive areas within the work processes carried out.

As an example, we list some vulnerable activities to corruption:

- Conformity or violation of the law, application of sanctions;
- Granting awards, rewards (payments, subsidies, awards, indemnities, sponsorships, allowances, etc.);
- Receiving payments (taxes, debts, administrative payments, etc.);
- Acquisition / management of property;
- Granting approvals, authorizations, or granting rights (licensing, driving licenses, passports, identity papers, authorizations, certificates, etc.);
- Performing control, monitoring, evaluation and counseling functions;
- Exclusive decision-making competence.

Intolerance to integrity incidents is one of the mechanisms for building institutional integrity promoted by the Integrity Law no. 82/2017.<sup>29</sup> The law establishes certain obligations of the public entity's head on the detection and sanctioning of incidents. We, however, opt for the analysis of integrity incidents, generated by the need to identify the premises / causes of the incident. On this line, we consider it appropriate for the Disciplinary Board to obtain answers to the following questions during the official investigation service inquiry:

- Who is involved? (function, tasks, duties, empowerments...), with the help of whom the act was committed?
- What was committed? (actions/inactions related to the held function or connected to the held function ...);
- When did it happen? (during work program, extra program ...);
- Where did it happen? (in the public office, in the office of the economic agent, at home etc.);
- How, under what circumstances?
- Purpose, intent, guilt?
- Causal link between the duties / mandates of the position and those committed?

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<sup>29</sup> *Legea integrității a Republicii Moldova* no. 82, 25 May 2017.



- Premises / causes of committing (legislative, organizational, maladministration, human factor, etc.);
- Role of the manager (managerial control, reporting, consultation, communication, etc.);
- How can we remove / prevent / control the findings? Etc.

We believe that the Integrity Incident Analysis Mechanism is to be part of the Methodology on Corruption Risk Management, the development of which is not delayed. Certainly, addressing the identified problems would help improve the process of identifying, assessing and analyzing corruption risks, including the risk of bribery both in the public sector and in the private sector. We note that private sector exponents can consult the regulatory and legal framework for the public sector. In addition to the above, we highlight the indisputable role of *ISO 31010:2009 Risk Management – Risk Assessment Techniques*.<sup>30</sup>

From our point of view, *bribery risk assessment is the most complicated and difficult action to implement in anti-bribery management systems*, but it is one of the most effective activities.

As mentioned above, the implementation of anti-bribery management systems implies the need to achieve a large number of complex and mutually inter-related measures. Implementation of the set of organizational and regulatory activities is possible only by nominating a person responsible for implementing and controlling their execution. ISO 37001:2016<sup>31</sup> recommends setting up the anti-bribery compliance function, in our opinion, necessary and welcome for both public and private sector exponents.

We appreciate in this context the idea that in the ISO 37001:2016<sup>32</sup> parameters, the attributions of the compliance function derive from the purpose and specifications of the anti-bribery standard. However, it would not be advisable to set up the tasks and empowerments of the function only to prevent and combat bribery. For public entities, it would be reasonable to establish ethics/integrity counselor, especially under the requirements of cultivation, consolidation, and integrity promoted by the Integrity Law no. 82/2017<sup>33</sup> and the National Integrity and Anticorruption Strategy for the years 2017-2020.<sup>34</sup>

The ethics counselor's institution was implemented in the bodies of the central and local public authorities in Romania starting with 2013, with the completion of Law no. 7/2004 on the Code of Conduct for Civil Servants.<sup>35</sup> The Romanian legislator ordered that "for the purpose of the effective application of the provisions of the Code of Conduct, it is designated a civil servant,

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<sup>30</sup> *ISO 31010:2009 Risk management – Principles and guidelines*, <https://www.iso.org/obp/ui/#iso:std:iso:31000:ed-1:v1:en> (accessed 15 January 2018).

<sup>31</sup> *ISO 37001:2016 Anti-bribery management systems – Requirement with guidance for use*.

<sup>32</sup> *Ibid.*

<sup>33</sup> *Legea integrității a Republicii Moldova* no. 82, 25 May 2017.

<sup>34</sup> *Hotărârea Parlamentului Republicii Moldova pentru aprobarea Strategiei naționale de integritate și anticorupție pentru anii 2017-2020* no. 56, 30 March 2017.

<sup>35</sup> *Legea României privind Codul de conduită a funcționarilor publici* no. 7, 18 February 2004 (republicare), Monitorul Oficial al României no. 525, Partea I, 2 August 2007.

usually within the human resources department, for ethical counseling and monitoring compliance with the norms of conduct.”<sup>36</sup>

The ethics advisor’s institution is found in the Code of Conduct for Civil Servants in the UK,<sup>37</sup> thanks to the March 2015 amendments.

In the Netherlands, the integrity counselor is responsible for coordinating, developing and implementing public policies on integrity in respective institutions. The institutional positioning of integrity counselors differs from one ministry to another.<sup>38</sup>

By the Decree of the President of the Republic of Kazakhstan no.153 of 29 December 2015, the Code of Ethics for Civil Servants and the Ethics Adviser’s Regulation<sup>39</sup> are approved. According to the Regulation, the Ethics Adviser is a public official who carries out activities to ensure compliance with professional ethics and to prevent violations of public service law, anti-corruption legislation and the Code of Ethics for civil servants in the Republic of Kazakhstan. The counselor is empowered to advise both civil servants and citizens.

The obligation to designate a responsible person within the public entities for counseling and assistance in implementing mechanisms for the cultivation and strengthening of institutional integrity and monitoring their compliance is to be ordered by the Integrity Law no. 82/2017.<sup>40</sup> In the absence of an internal control mechanism that would ensure integrity-building mechanisms, it is unlikely that things will change for the better.

With reference to the private sector, we opt for the Compliance officer function (Compliance officer), a function with far wider duties compared to anti-bribery compliance function.

To meet anti-bribery standards in the private sector, it is also recommended to implement measures to ensure integrity in the private sector in relations with the public sector, as specified in Art. 37 of the Integrity Law no. 82/2017,<sup>41</sup> namely:

The business environment’s integrity climate in relations with the public sector shall be built by:

- a) respecting the public procurement procedures;
- b) respecting the publicity limits set out for the public agents;
- c) respecting the restrictions and limitations set out for the former public agents;
- d) respecting the ethical rules in business;

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<sup>36</sup> *Legea României pentru modificarea și completarea Legii no. 7/2004 privind Codul de conduită a funcționarilor publici* no. 50/2007, 13 March 2007.

<sup>37</sup> *The Civil Service Code*, <https://www.gov.uk/government/publications/civil-service-code/the-civil-service-code> (accessed 15 December 2017).

<sup>38</sup> L. Ștefan, *Scurtă analiză comparativă a statutelor și competențelor consilierilor de etică*, [www.anfp.gov.ro/.../Scurta%20analiza%20comparativa%20-%20consilie](http://www.anfp.gov.ro/.../Scurta%20analiza%20comparativa%20-%20consilie) (accessed 15 December 2017).

<sup>39</sup> *Положение об уполномоченном по этике*, Утвержден Указом Президента Республики Казахстан № 159, 29 December 2015, [http://online.zakon.kz/Document/?doc\\_id=38035182#pos=107;-256](http://online.zakon.kz/Document/?doc_id=38035182#pos=107;-256) (accessed 15 July 2016).

<sup>40</sup> *Legea integrității a Republicii Moldova* no. 82, 25 May 2017.

<sup>41</sup> *Ibid.*

- e) implementing internal control systems;
- f) transparency of shareholders, founders, administrators, and effective beneficiaries of commercial organizations;
- g) transparency of the private sector business with the state.

The establishment of the integrity/compliance advisor in the context of the Integrity Law no. 82/2017<sup>42</sup> is of particular relevance. This function must be appropriately allocated and assigned to persons with appropriate competence, status, authority and independence, with direct and prompt access to the management body.

In conclusion: The lack of the person/subdivision responsible for assistance, counseling, monitoring the implementation of the anti-bribery standard or the integrity and anti-corruption standards in the public entities, enterprises and organizations in the private sector *will be compromised and the result obtained, being more formal and not real.*

The authority and independence of the anti-bribery compliance function is to be stipulated by the Anti-Bribery Policy, which, in accordance with ISO 37001:2016,<sup>43</sup> is to be established, maintained and reviewed by top management.

Anti-Bribery Policy sets standards of behavior that reduce bribery risk within the organization/institution. Any employee, regardless of his/her status, is required to comply with this policy and if the employee is not sure how to proceed the anti-bribery compliance function / compliance function must be addressed.

For example, Coca-Cola's Global Anti-bribery Policy was revised in June 2016 and sets establishing the limitations that must be adhered to when interacting with officials of various governments around the world. The policy provides information about anti-corruption laws to avoid unintentional violations. In the company's view, "it is vital that we not only understand and appreciate the importance of this policy, but comply with it in our daily work."<sup>44</sup> It is important to note that Coca Cola Company has developed its own Anti-Bribery Policy prior to the publication of ISO 37001:2016.<sup>45</sup>

Shortly after publishing the standard, many consulting companies have begun promoting ISO,<sup>46</sup> providing training, advice and assistance in this area. The recommendations of public authorities, especially the government of the country, are highly appreciated, thus contributing to the valorisation and promotion of anti-bribery policies.

On the UK Government's official website, we find recommendations on the content of the policy: "Your anti-bribery policy should be appropriate to the level of risk your business faces. Your policy should include: your approach to reducing and controlling the risks of bribery; rules

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<sup>42</sup> Ibid.

<sup>43</sup> ISO 37001:2016 *Anti-bribery management systems – Requirement with guidance for use.*

<sup>44</sup> Anti Corruption, <http://www.coca-colacompany.com/our-company/governance-ethics/anti-corruption> (accessed 2 January 2018).

<sup>45</sup> ISO 37001:2016 *Anti-bribery management systems – Requirement with guidance for use.*

<sup>46</sup> Ibid.

about accepting gifts, hospitality or donations; guidance on how to conduct your business, renegotiating contracts; rules on avoiding or stopping conflicts of interest.”<sup>47</sup>

As a rule, policy documents describe and analyze existing issues, identify goals for the issue, define the tools to address this issue, and the expected impact. But Anti-Bribery Policy does not replace a Code of Ethics and Conduct within the public authority/institution or private company, even though some passages will be found in both documents.

*Gifts and benefits* are among the most sensitive, discussed, and controversial issues related to the conduct of public agents. The same importance should be attributed to the regulation of the conditions of acceptance/solicitation of gifts, hospitality signs and donations for employees of private organizations.

In an attempt to untie the Gordian knot, we elucidate the existence of the following conditions for distinguishing *the thank-you gift and the bribe gift*:

- *gift* is offered on an occasion, free of charge, without waiting for a reward and generating obligations;
- *contentment gift* consists of a reward offered as a result of certain actions that have satisfied the person's requirements and embodies the existence of a causal link, post factum. It is clear that gratification is the bridge to bribes, especially in circumstances where the person offering it is firmly convinced that in the future he/she will use the services of the official/employee concerned;
- *bribery* is meant to determine behavior. Bribes are granted for a specific action or inaction related to the official/employee's service activities. The existence of a causal link between offer and outcome, in an ideal form, is the main index of the bribe, regardless of what was at the forefront of the bribe or the outcome. In this context, we infer that if a payment for certain actions / inactions undertaken in the donor's interest has been performed under the guise of a gift, the actions could be considered as giving/taking bribes.<sup>48</sup>

When we regulate the legal status of gifts, hospitality, donations and similar benefits, we should be extremely careful, not exaggerating to regulate such restrictions, by avoiding to put officials / employees in difficult situations.

For example: The Integrity Law no. 82/2017<sup>49</sup> obliges public agents to declare all polite gifts by registering them in a public register. Within the multiple trainings conducted with teachers in the country, questions persisted regarding the obligation to declare bouquets of flowers from the garden of the house offered by pupils.

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<sup>47</sup> Anty-Bribery Policy, <https://www.gov.uk/anti-bribery-policy> (accessed 2 January 2018).

<sup>48</sup> Tatiana Mostovei, “Responsabilitatea funcționarului public prin prisma deontologiei” (Teză de dr. în drept, Institutul de Cercetări Juridice și Politice al Academiei de Științe a Moldovei, 2017), 107.

<sup>49</sup> *Legea integrității a Republicii Moldova* no. 82, 25 May 2017.

Gifts, hospitality, donations and similar benefits are in a relationship dependent on personal interest, generating in some situations a conflict of interests.

While a *conflict of interests* is not ipso facto corruption, but if inadequately managed, can result in corruption, recognising that an unresolved conflict of interest may result in abuse<sup>50</sup> of public/private office.

The definition of conflict of interests offered by ISO 37001:2016<sup>51</sup> differs from the definition given by the Law on the declaration of assets and private interests no. 133/2016.<sup>52</sup> The subject category also differs. Thus, we find that a large part of the public agents with sensitive functions such as: medical workers, professors, employees Public Service Agencies, National Auto Transport Agency, State Agency for Intellectual Property etc. – they are not subjects of the cited law. In this respect, we note a stringent problem – *the lack of a mechanism for declaring and solving the conflict of interests for a large part of the public agencies with control and dispositional powers.*

Concerning the declaration of conflict of interests in the private sector, we should mention that we will find superficial regulations in this area. The national normative framework is practically not exposed in terms of defining the conflict of interests in the private sector, declaring and solving it.

We understand that the national legislative-normative framework, however much we would wish, is not capable of covering all the aspects determined by the diversity of practical situations. Referring to the particularities and the specifics of the tasks of any profession, regardless of the field, whether public or private, we mention that the requirements regarding the necessary administrative and organizational capacities and those related to the employees' professional conduct remain on the authority / institution / organization.

As a result of the study, we mention the following *findings and conclusions*:

1. The existing anti-corruption normative framework and ISO 37001:2016 complement each other, thus contributing to the elimination of gaps and blurring about the subject of strengthening institutional integrity, namely:

- ISO 37001:2016 establishes new mechanisms, such as the *Anti-Bribery Policy* and the *Anti-bribery compliance function*, which can be adapted and implemented successfully in any type of institution, organization, regardless of the type of ownership and legal form of organization;
- ISO 37001:2016 determines the need to regulate conflict of interest in the private domain of the state, the private sector and NGOs.

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<sup>50</sup> *Recommendation of the council on guidelines for managing conflict of interest in the public service*, <http://www.oecd.org/governance/ethics/2957360.pdf> (accessed 15 January 2018).

<sup>51</sup> *ISO 37001:2016 Anti-bribery management systems – Requirement with guidance for use*.

<sup>52</sup> *Legea Republicii Moldova privind declararea averii și intereselor personale* no. 133, 17 June 2016.

2. Application of ISO 37001:2016 is primarily based on the responsibility of the top-manager to mobilize subordinate staff, as only responsibility allows compliance with the rules and recommendations.

3. The familiarization and implementation process of ISO 37001:2016 is in its infancy and will be further developed by informing the subjects and organizing training to promote and raise awareness of the advantages and benefits: minimizing corruption risks; gain / maintain trust of business partners; competitiveness on foreign markets, traceability, establishment of ethical culture in business at national level, etc.

4. Obtaining a successful and measurable outcome will certainly last, but it will also materialize in growth, increasing the revenue of economic agents. At the national level we will notice the tendency of diminishing the level of the shadow economy, thus achieving a positive and accentuated evolution of the national economy. ISO 37001:2016 "Anti-bribery management system – Requirement with guidance for use" can be considered an essential factor contributing to ensuring the economic security of the Republic of Moldova.

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## MULTIPLE CITIZENSHIP IN GEORGIA – SECURITY CONCERNS VS. PROPORTIONALITY

*Gaga GABRICHIDZE*

**Abstract.** After Georgia gained its independence in 1991, it became necessary to define the rules of Georgian citizenship, including the rules for acquisition and loss. From the very beginning, Georgian legislation prohibited multiple citizenship but later an exception was introduced. Georgian law allows, under certain circumstances, multiple citizenship and flags up the rights and obligations of Georgian citizens with multiple citizenship. The paper will explore the legal bases of multiple citizenship in Georgia. Particular attention will be given over to differences between the rights of citizens of Georgia with and without foreign citizenship. Further, in connection with some restrictions imposed on Georgian citizens with dual citizenship, the analysis will address the question of to what extent security concerns play a role in defining/restricting the relevant rights and whether the legislation in this regard can be considered as consequent and proportionate.

**Keywords:** citizenship, Georgia, security.

### Introduction

**A**fter gaining its independence, Georgia has made use of its competence to confer its citizenship on persons who are genuinely linked to it by defining the rules of Georgian citizenship. Whereby, the approach towards multiple citizenship has undergone a transformation since initial introduction of rules of Georgian citizenship. While first relevant legislative acts prohibited multiple citizenship, later an exception was introduced which, under certain circumstances, allows multiple citizenship.

The article discusses the legal status of Georgian citizens who also have the citizenship of another country. With this purpose, the paper is structured in the following manner. First, the legal bases of multiple citizenship in Georgia are reviewed. Particular attention is given over to differences between the rights of citizens of Georgia with and without foreign citizenship. Further, in connection with some restrictions imposed on the political activities of Georgian citizens with dual citizenship, the analysis addresses the question of whether multiple citizenship is considered second-class citizenship. Then we go on to consider whether any discrimination is consistent with the general principles provided for by the Constitution of Georgia. In this regard, it will be analysed whether the possibility of holding political office is a right of citizens or a privilege conferred by the state upon them. Finally, it will be examined whether restrictions on holding office is consequent and proportionate.

## Legal bases of multiple citizenship in Georgia

The legal grounds for citizenship-related issues are the Constitution of Georgia and the Organic Law on the Citizenship of Georgia. The latter was adopted by the Parliament of Georgia earlier than the Constitution, in 1993. According to the original version of Article 1 of this law, a citizen of Georgia may not simultaneously be a citizen of another state. This prohibition thus introduced the prohibition on dual citizenship. Later, this prohibition found a place in the Constitution of Georgia, which was adopted in 1995. Indeed, Article 12.2 of the Constitution contained a provision with the exact same wording. As a consequence of the prohibition, acquiring citizenship of other countries became one of the grounds of citizenship loss for Georgians.<sup>1</sup>

On 6 February 2004, a constitutional amendment was adopted by the Georgian Parliament which introduced an exemption on the prohibition of dual citizenship. This was the new version of Article 12.2 of the Constitution. Article 12.2 retained a general prohibition on dual citizenship but also provided for a case in which the prohibition does not apply. In particular, the President of Georgia can grant citizenship to a citizen of a foreign country either for State interests or because of his or her special merit.

On 24 June 2004, a provision with the same wording was added to Article 1 of the Organic Law on Citizenship of Georgia. Furthermore, the procedural rules for granting Georgian citizenship were specified in the Decree of the President of Georgia of 9 September 2004 no. 388 on Establishing Rules of Granting the Citizenship of Georgia to a Citizen of a Foreign Country, which was later replaced with the Decree of the President of Georgia of 26 January 2006 no. 80 on Establishing Rules of Granting the Citizenship of Georgia to a Citizen of a Foreign Country.

On 30 April 2014, the Parliament of Georgia adopted the new Organic Law on Citizenship of Georgia, which entered into force on 19 June 2014. Upon the entry into force of this law, the 1993 law was declared invalid. However, provisions related to multiple citizenship remained the same. Based on the new law, rules for processing applications and decision-making regarding granting Georgian citizenship have been specified in the Decree of the President of Georgia of 10 June 2014 no. 237 on Consideration and Decision-Making on Matters of the Citizenship of Georgia.

This approach towards multiple citizenship has not directly been changed with adoption of the recent constitutional amendments package by the Parliament of Georgia on 13 October 2017. This constitutional revision affected the large part of the Constitution and will enter into force after the President of Georgia elected in the next presidential election (2018) will take the oath of office. It is remarkable that the new text of the Constitution refrains from mentioning the general prohibition of dual citizenship and delegate's determination of the procedure for

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<sup>1</sup> Article 32.1 (d) of the Organic Law on Citizenship of Georgia of 25 March 1993.

obtaining and losing Georgian citizenship, granting citizenship of Georgia to a foreign citizen and compelling citizenship of another state by a citizen of Georgia to the Organic Law.<sup>2</sup>

As shown above, the preconditions for granting Georgian citizenship to foreign citizens are explicitly set out in the constitution. These are, in particular: 1) having special merit in regard to Georgia or 2) State interests. Though, in exceptional cases, according to Article 35.1 of the Decree of the President of Georgia of 10 June 2014 no. 237 on Consideration and Decision-Making on Matters of the Citizenship of Georgia, Georgian citizenship may be granted to a foreign citizen on the initiative of the President of Georgia without regard to requirements set by the above-mentioned decree, the preconditions established by the Article 12.2 of the Constitution are to be met in any case.

There can be no question that the President of Georgia enjoys broad discretion in this regard. He takes a decision on the basis of the opinion provided by the Commission on Issues Relating to Citizenship of the State Services Development Agency, which is a legal entity of public law operating in the management sphere of the Ministry of Justice.

According to Article 19.7 of the Decree of the President of Georgia of 10 June 2014 no. 237 on Consideration and Decision-Making on Matters of the Citizenship of Georgia, the above-mentioned commission shall establish the existence of conditions set by Article 12.2 of the Constitution on the basis of internal belief, by taking into account important circumstances for that. Though, in practice, the commission mostly only referred to the existence of such conditions and did not explain in concrete terms on what this assumption is based. However, the statistics on the granting of Georgian citizenship as an exception, in particular the fact that more than 58 000 foreign citizens were granted Georgian citizenship between 2004-2017, gives reason to believe that the first ground for granting citizenship, namely special merit in relation to Georgia, could be of relevance in only a few cases. As to "State interests", it does not necessarily need to be individualised and can be applied more extensively. According to the report of the Commission on Issues Relating to Citizenship for 2013-2017, "state interests" include granting citizenship to persons in any manner related to Georgia. As indicated by the Commission, in the reporting period, 85% of positive conclusions issued by the Commission concerned granting Georgian citizenship to persons born in Georgia, former citizens of Georgia or family members of a Georgian citizen.<sup>3</sup>

It can be said that, in practice, the issue of granting Georgian citizenship is like an ordinary service offered by the state. Individuals can apply online and the amount of the state duty to be paid varies depending on processing time. Whereas, the applicant does not have any obligation to prove that he or she has a special merit in relation to Georgia.<sup>4</sup>

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<sup>2</sup> Article 32.2 of the Constitution of Georgia in the version of the constitutional amendments of 13 October 2017.

<sup>3</sup> The report in Georgian, <http://sda.gov.ge/wp-content/uploads/2017/10/მოქალაქეობის-საკითხთა-კომისიის-ანგარიში-2013-2017-წწ.pdf> (last accessed 31 January 2018).

<sup>4</sup> For more information on application process see: Alexi Gugushvili, *EUDO Citizenship Observatory. Country Report: Georgia*, September 2012, 15-16, <http://cadmus.eui.eu/bitstream/handle/1814/25656/Georgia2012.pdf?sequence=1> (last accessed 31 January 2018).

In summary, it can be said, therefore, that due to the generous application of the exception provided for in Article 12.2 of the Constitution, dual citizenship in Georgia is *de facto* allowed. The legal situation is curious. On the one hand, acquiring citizenship of other countries is a ground for losing Georgian citizenship. On the other hand, it is allowed to grant the Georgian citizenship to foreign citizens. Consequently, a Georgian citizen may have citizenship of another country and simultaneously retain Georgian citizenship only should he or she, first, gets citizenship of a foreign country and, as a consequence, loses Georgian citizenship and after that he or she will be granted Georgian citizenship on the basis of Article 12.1 of the Constitution. However, this situation is dealt with through a provision of Article 36.3 of the Decree of the President of Georgia of 10 June 2014 no. 237 on Consideration and Decision-Making on Matters of the Citizenship of Georgia, according to which the loss of and granting of Georgian citizenship may be performed within a single administrative proceeding.

### **Rights of citizens of Georgia with and without foreign citizenship**

Georgian legislation does not provide for any general differentiation between the rights of Georgian citizens with or without foreign citizenship. Individuals, who are Georgian citizens, may fully participate in those legal relations the participation in which is necessary to be a Georgian citizen. The only exception is stipulated in a provision of the Constitution of Georgia, which was adopted by the Parliament of Georgia as an amendment to the Constitution on 15 October 2010. Namely, according to Article 29.1<sup>1</sup> of the Constitution, the office of the President of Georgia, the Prime-Minister and the Speaker of the Parliament cannot be taken by a Georgian citizen who is the citizen of another country at the same time.<sup>5</sup> Thus, the rights of Georgian citizens with dual citizenship are limited in this respect.<sup>6</sup>

Furthermore, to some extent, the confusion is caused by those provisions of Georgian legislation, which set negative criteria of eligibility for participation in some processes. In particular, Article 45.4 of the Election Code imposes restrictions for the participation of citizens of foreign countries in the election campaign. Besides, according to Article 26.1 of the Organic Law on Political Associations of Citizens, Georgian political parties are prohibited from receiving financial and material donations from foreign citizens and stateless persons. It might be supposed and practice confirms this that, here, the prohibition is directed to individuals who have only the citizenship of a foreign country and they do not cover/limit the activities of Georgian citizens with dual citizenship.

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<sup>5</sup> This provision has been retained in the Constitution of Georgia in the version of the constitutional amendments of 13 October 2017 (Article 25.2).

<sup>6</sup> Georgia has not yet acceded to the European Convention on Nationality, according to Article 17.1 of which "nationals of a State Party in possession of another nationality shall have, in the territory of that State Party in which they reside, the same rights and duties as other nationals of that State Party."

### Holding a political office: a right or a privilege?

Does the fact that Georgian citizens with multiple citizenship cannot take the highest political offices violate the principle of equality and create discrimination? And further, the question arises whether the possibility of holding a political office is a right of citizens or a privilege conferred by the state upon them.

In this regard, at first, the Convention for the Protection of Human Rights and Fundamental Freedoms has some important provisions.<sup>7</sup> In particular, the prohibition of discrimination is contained in Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms and the right to free elections is stipulated by Article 3 of the Protocol no. 1 to the same convention.

The case-law of the European Court of Human Rights distinguishes between the active and passive right to participate in *election* processes.<sup>8</sup> The passive right as well as the active right is not absolute and the states may set restrictions with regard to eligibility for standing for election. They have wide margin of discretion in deciding this. However, such restrictions should be imposed in pursuit of a legitimate aim. They cannot be arbitrary or disproportionate.<sup>9</sup>

With regard to the passive aspect of electoral rights of persons with dual citizenship, the Judgment of the European Court of Human Rights in the case of *Tănase v. Moldova* is of particular interest.<sup>10</sup> The case was about the compatibility of those provisions of legislation of Moldova with the Convention for the Protection of Human Rights and Fundamental Freedoms according to which citizens of Moldova with dual citizenship were ineligible to sit as members of the Moldovan Parliament. The Court accepted that ensuring loyalty to the state could constitute a legitimate aim, which can justify restrictions on electoral rights. However, the Court denied the proportionality of the restriction.<sup>11</sup> Further, it should be noted that the Court also relied on the argument that the restriction “had a detrimental impact on the opposition.”<sup>12</sup> Based on the above-mentioned arguments, the Court found that there was a violation of Article 3 of Protocol no. 1 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

Taking into account the European Court of Human Rights, it can be said that the participation of persons with dual citizenship in elections to the legislature and the holding of relevant offices is a part of their right to free elections. It is not a privilege conferred on them by the state.

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<sup>7</sup> Georgia, as a member of Council of Europe, is a party to the Convention for the Protection of Human Rights and Fundamental Freedoms (ratified on 20 May 1999).

<sup>8</sup> See *Hirst v. the United Kingdom* (no. 2), Application 74025/01, European Court of Human Rights judgment of 6 October 2005; *Ždanoka v. Latvia*, Application 58278/00, European Court of Human Rights judgment of 16 March 2006.

<sup>9</sup> *Matthews v. the United Kingdom*, Application 24833/94, European Court of Human Rights judgment of 18 February 1999; *Ždanoka v. Latvia*; *Yumak and Sadak v. Turkey*, Application 10226/03, European Court of Human Rights judgment of 8 July 2008.

<sup>10</sup> *Tănase v. Moldova*, Application 7/08, European Court of Human Rights judgment of 27 April 2010.

<sup>11</sup> *Ibid.*, para. 134.

<sup>12</sup> *Ibid.*, para. 168.

Whereas, this right can be restricted by the state if there is a legitimate aim for the measure in question and if, at the same time, any restriction is not disproportionate.

As to the principle of equality, it found its expression in Article 14 of the Constitution of Georgia according to which “everyone is free by birth and is equal before law regardless of race, color, language, sex, religion, political and other opinions, national, ethnic and social belonging, origin, property and title, place of residence.” Further, there is comprehensive case law of the European Court of Human Rights regarding the prohibition of discrimination as it is embodied in Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms. In general, the Court considers a difference in treatment as discriminatory if it has no objective and reasonable justification. In other words, it is illegitimate if it does not pursue a legitimate aim or if there is not reasonable proportionality between the means employed and the aim to be realized.<sup>13</sup> The Constitutional Court of Georgia fully adopts concepts presented in judgments of the European Court of Justice in its decisions. For example, in one of its decisions the Constitutional Court considered that, in a social, constitutional and democratic state, the separation of one group from the rest of citizens and the setting for them of different, relatively adverse rules have to be done on essential, reasonable and objective grounds.<sup>14</sup>

In the case *Tănase v. Moldova*, the European Court of Human Rights considered that there was no need to examine separately issues of violation of the prohibition of discrimination as it is embodied in Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms, given the other relevant findings. If the findings did not give a reason to establish infringement of Article 3 of Protocol no. 1 of the Convention for the Protection of Human Rights and Fundamental Freedoms, the Court, taking into account the autonomous status of Article 14 of the Convention, would have to examine the violation of that article too.<sup>15</sup> However, having regard to settled case-law, it can be said that, in order to justify setting restrictions, it would also in this case be necessary to prove the existence of a legitimate aim and the proportionality of relevant measures.<sup>16</sup>

According to this, the provision of Article 29.11 of the Constitution of Georgia under which the office of the President of Georgia, the Prime-Minister and the Speaker of the Parliament cannot be taken by a Georgian citizen who is the citizen of another country at the same time might be considered as one of those restrictions that falls within the competence of states.

At this point, it should be stressed that, while Article 3 of Protocol no. 1 stipulates the right to free elections, it uses the notion of “legislature”. But can the office of the President of Georgia,

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<sup>13</sup> See *Karlheinz Schmidt v. Germany*, Application 13580/88, European Court of Human Rights judgment of 18 July 1994, para. 24; *Fretté v. France*, Application 36515/97, European Court of Human Rights judgment of 26 February 2002, para. 34.

<sup>14</sup> *Janelidze and other v. Parliament of Georgia*, Decision 2/7/219 of the Constitutional Court of Georgia of 7 November 2003.

<sup>15</sup> See the *Abdulaziz and others v. the United Kingdom*, Application 9214/80; 9473/81, European Court of Human Rights judgment of 28 May 1985, para. 71; *Karlheinz Schmidt v. Germany*, para. 22.

<sup>16</sup> See, for example, *Inze v. Austria*, Application 8695/79, European Court of Human Rights judgment of 28 October 1987, para. 41.

the Prime-Minister and the Speaker of the Parliament be regarded as “legislature” under the terms of Article 3? The European Court of Human Rights has several times noted in its judgments that the word “legislature” does not necessarily mean only the national parliament and that the word has to be interpreted in the light of the constitutional structure of the state in question.<sup>17</sup> However, while taking the decision as to admissibility of an application the Court had to decide whether Article 3 of Protocol no 1 was applicable to elections for the office of the President of Azerbaijan, that is, whether the office of the President of Azerbaijan is a “legislature” under Article 3. After examining the Constitution of Azerbaijan and the distribution of power, the Court concluded that the elections of the President of Azerbaijan could not be regarded as the “choice of the legislative” within the meaning of Article 3 of Protocol no. 1. Therefore, this article was not applicable in the particular case.<sup>18</sup>

The situation with the position of the President of Georgia is not comparable to that of the President of Azerbaijan. As the latter is empowered with very strong executive competences, the President of Georgia, while being the head of state, supreme commander and representative of Georgia in foreign relations,<sup>19</sup> has very limited competences. However, both of them may not issue any legal act, which would contradict or supersede the laws adopted by their respective parliaments. Thus, the presidential elections in Georgia are not, in any sense, legislative. The same applies to the office of the Prime Minister who is the head of the Government.<sup>20</sup> As to the Speaker of the Parliament, though he or she is a member of the Parliament and, therefore, a part of legislature, the restriction concerns not the right to stand in elections. Rather, it is about the right of taking an office in parliament, in fact, the highest office in parliament. Therefore, Article 3 of Protocol no. 1 might not be applied to restrictions stipulated in Article 12.2 of the Constitution of Georgia. As to Article 14 of the Convention, due to its accessory nature,<sup>21</sup> it is also not applicable to issues related to restrictions imposed by the Constitution of Georgia on the participation of Georgian citizens with dual citizenship in electoral processes.

In terms of these considerations, it can be concluded that holding a political office derives not from a right but, rather, it is a privilege conferred by the state.

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<sup>17</sup> See, for example, *Matthews v. the United Kingdom*, para. 53.

<sup>18</sup> *Guliyev v. Azerbaijan*, Application 35584/02, European Court of Human Rights Decision as to the Admissibility of 27 May 2004.

<sup>19</sup> Article 69 of the Constitution of Georgia.

<sup>20</sup> Article 79 of the Constitution of Georgia.

<sup>21</sup> See, for example, *Marckx v. Belgium*, Application 6833/74, European Court of Human Rights judgment of 13 June 1979, para. 32. In the decision as to admissibility of application in the case *Guliyev v. Azerbaijan* the Court noted that “Article 14 taken in conjunction with the applicant’s complaints concerning the refusal to register him as a presidential candidate..., the Court reiterates that these complaints fall outside the scope of the Convention *ratione materiae*. As such, the applicant cannot rely on Article 14 of the Convention in conjunction with these complaints, because they do not relate to his “enjoyment of the rights and freedoms as set forth in [the] Convention.”

## Proportionality of the restriction

If holding the highest political offices is a privilege conferred by the state, a question arises as to the considerations behind decisions on conferring this privilege to a certain group of persons. Georgia has declared that Georgian citizens with citizenship of another country are ineligible for the highest political offices. Does this mean that these individuals have a lesser class of citizenship?

In this regard, first of all, it should be mentioned that even when the state has the right to decide on conferring a privilege, its approach in this matter should not be of a discriminatory nature. Article 3 of Protocol no. 1 and Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms are not applicable here. But the Georgian state is still under the obligation to comply with the principle of equality as it is embodied in Article 14 of its Constitution. Besides, along with the general statement about the principle of equality provided for in Article 14 of the Constitution of Georgia, Article 38.1 of Constitution underlines the equality between the Georgian citizens. According to this Article, "Georgian citizens shall be equal in social, economic, cultural and political life irrespective of their national, ethnic, religious or linguistic belonging." As mentioned above, the Constitutional Court of Georgia deals with cases regarding unequal treatment and it applies the criteria of justification which are identical to the criteria applied by the European Court of Justice with regard to Article 14 of the Convention. In particular, there has to be a legitimate aim and the restriction should not be of a disproportionate nature.

Considering the general eligibility requirements for standing for presidential elections, we can see that, according to Article 70.2 of the Constitution of Georgia, a Georgian citizen may be elected the President of Georgia according to three conditions. He or she must be at least 35 years old; he or she must have lived in Georgia for at least 5 years; and he or she must have lived on a permanent basis in Georgia for last three years at the time of the elections. Therefore, not every citizen has the theoretical possibility to hold the office of the president but only those who meet the above-mentioned criteria. If we look at the case law of the European Court of Human Rights regarding electoral rights, states have a wide margin of appreciation regarding the conditions governing the right to stand for election. Such a requirement means that the state should pursue a legitimate aim of ensuring the proper functioning of the legislature and that the state should also be careful that it is not disproportionate.<sup>22</sup> This kind of requirement for eligibility is, for example, the residency requirement. The legitimate aim for introducing marks the interest of the state in enabling candidates to acquire sufficient knowledge of the issues associated with the tasks of the relevant political office; in this case the electorate can also better assess the candidate's personal qualifications.<sup>23</sup> Based on the

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<sup>22</sup> See *Mathieu-Mohin and Clerfayt v. Belgium*, Application 9267/81, European Court of Human Rights judgment of 2 March 1987, para. 52; *Ahmed and others v. the United Kingdom*, Application 22954/93, European Court of Human Rights judgment of 2 September 1998, para. 75; *Podkolzina v. Latvia*, Application 46726/99, European Court of Human Rights judgment of 9 April 2002, para. 33.

<sup>23</sup> See *Melnichenko v. Ukraine*, Application 17707/02, European Court of Human Rights judgment of 19 October 2004, paras. 57-58.



above-mentioned points, it can be considered that, in addition to these three requirements which limit the persons eligible for standing for presidential election, Article 29.1<sup>1</sup> of the Constitution introduces a requirement that the President must not have the citizenship of another country. Of course, in the case of a different treatment towards Georgian citizens it is necessary to have a legitimate aim for introducing this requirement.

In this context, setting such a requirement can ensure loyalty and can guarantee the security of the State. They might be threatened, if we assume that there can be a conflict of interest due to the fact that the person has legal links not only to Georgia, but also to another country.<sup>24</sup>

As mentioned above, in the case *Tănase v. Moldova* the Court accepted that loyalty to the State may constitute a legitimate aim which justifies setting restrictions on electoral rights.<sup>25</sup> This aim may be of relevance for justification purposes where restrictions on holding such offices as that of the President, the Prime Minister and the Speaker of the Parliament are imposed based on citizenship. It is obvious that this is the case where loyalty must be particularly strong.

However, in general, the European Court of Justice supports the approach not to impose general restrictions on electoral rights and discourages the state from measures, which exclude a whole group of persons from the electoral process.<sup>26</sup>

In the case *Tănase v. Moldova* the Court considered that there were other methods available to the government to ensure the loyalty of members of the parliament and protection of state security. These included, for example, sanctions for illegal conduct or conduct which threatens national interests, also security clearance for access to confidential documents.<sup>27</sup> The requirement to swear an oath was also noted as an example in the decision of the Court.<sup>28</sup>

In the same judgment the Court mentioned "special historical or political considerations" on the basis of which the restrictions might be justified.<sup>29</sup> The reasoning is that, in the first years after gaining independence, a state might need more efforts to protect its independence and security. In the case of Moldova this argument has been denied as more than seventeen years have passed since Moldova had gained independence and some five years since it had relaxed its laws to allow dual citizenship. For Georgia, it can also be said that more than twenty five years have passed since independence. Though against this, it might also be argued that the military confrontation between Georgia and Russia in August 2008 gives "special historical

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<sup>24</sup> For threats related to dual citizenship see, for example, Wolfgang Löwer, "Doppelte Staatsbürgerschaft als Gefahr für die Rechtssicherheit," in *Doppelte Staatsbürgerschaft – ein europäischer Normalfall?* Dokumentation des Internationalen Fachkongresses vom 18-20 Oktober 1989, ed. Senatsverwaltung für Gesundheit und Soziales. Die Ausländerbeauftragte, 149-174 (Berlin, 1990).

<sup>25</sup> See *Tănase v. Moldova*, para. 166.

<sup>26</sup> *Ādamsons v. Latvia*, Application 3669/03, European Court of Human Rights judgment of 24 June 2008, para. 123.

<sup>27</sup> See *Tănase v. Moldova*, para. 166.

<sup>28</sup> *Ibid.*, para. 135.

<sup>29</sup> *Ibid.*, para. 166; See also *Aziz v. Cyprus*, Application 69949/01, European Court of Human Rights judgment of 22 June 2004, para. 28.

or political considerations.” Here we must turn to Article 104<sup>4</sup> the Constitution of Georgia, which was adopted as a part of constitutional amendments on 22 May 2012.<sup>30</sup> This Article provides that not only Georgian citizens but also individuals who were born in Georgia and who have lived in Georgia for the last 5 years permanently and who have EU Member State citizenship have the right to vote and stand in parliamentary or presidential elections. In context of using “special historical or political considerations” as an argument to justify setting restrictions for dual citizens, the presence of the provision contained in Article 104<sup>4</sup> of the Constitution seems to make this argument less reliable. Article 104<sup>4</sup> does not also guarantee that a citizen of an EU Member State will not have citizenship of other countries. At least, this article does not exclude EU citizens with citizenship of a country which is not an EU Member State. In this regard, it should also be mentioned that most EU Member States allow dual citizenship in general or at least in exceptional circumstances.

Besides, it is worth mentioning that, remembering that in Georgia dual citizenship is generally prohibited, persons are only allowed to have dual citizenship if Georgian citizenship is granted to them on the basis of Article 12.1 of the Constitution. This means that these persons either have a special merit before Georgia or that granting the citizenship of Georgia to them is based on state interests. In other words, the state has the reason to have confidence in persons who have Georgian and other citizenship. As mentioned above, in praxis the competence to grant the citizenship on the basis of Article 12.1 of the Constitution is used very extensively. But taking into consideration this practice, the argument about the lack of confidence in Georgian citizens with dual citizenship seems not be persuasive.

It is also curious that, in order to qualify for holding political offices, during the period of validity of Article 104<sup>1</sup>, a person who had Georgian citizenship and the citizenship of an EU Member State could choose the option to withdraw from the citizenship of Georgia. At that point, said person would be eligible to participate in elections and to hold the highest political offices on the basis of Article 104<sup>1</sup> of the Constitution. In this case, withdrawal from Georgian citizenship would mean acquiring specific rights.

Article 14 of the Constitution of Georgia considers that the law should treat substantial equals equally and substantial unequals unequally.<sup>31</sup> It may be argued that substantial equals are Georgian citizens without citizenship of another country. They may, for example, hold the relevant office provided they meet the general requirements. As to Georgian citizens with citizenship of another country, they are citizens not only of Georgia but also of a foreign state. And foreign citizens, according to Article 47 of the Constitution of Georgia, shall have rights and obligations equal to the rights and obligations of citizens of Georgia, but with the exceptions envisaged by the Constitution and law.

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<sup>30</sup> It should be noted that these amendments were initiated in order to allow one of the leaders of the political opposition to run in the October 2012 parliamentary elections and the presidential election in 2013. Therefore, the validity period of these provisions was limited to 1 January 2014.

<sup>31</sup> Heike Cronquist vs. Parliament of Georgia, Decision 3/1/512 of the Constitutional Court of Georgia of 26 June 2012.

If we rely on these arguments, it would mean that the legal status of dual citizens is determined not on the basis of their Georgian citizenship but by the fact that they have foreign citizenship. Even if we assume that dual citizens are not substantially equal with persons who have only Georgian citizenship, a question mark will remain over aim of this kind of differentiation and whether or not it is legitimate. The main difference between these groups might be that Georgian citizens with dual citizenship, in contrast to those without dual citizenship, have a political and legal link with another country. First of all, this factor gives, once again, relevance to the issue of loyalty. But in the context of restriction for holding the offices of the President, the Prime Minister and the Speaker of the Parliament, this argument cannot be regarded as persuasive due to provisions of Article 104<sup>1</sup> the Constitution of Georgia, which were discussed above. It should be noted here that while the Constitution set eligibility requirements for EU Member State citizens, Georgian citizens with the citizenship of another country are subject to a general ban. Despite the fact that the provisions of Article 104<sup>1</sup> have a transitional character and were only valid until 1 January 2014, they allow us to dismiss the argument of ensuring loyalty with regard to the division of Georgian citizens into Georgian citizens with and without dual citizenship. They also allow us to consider the decision as to conferring privilege for holding the highest political posts as being arbitrary.

## Conclusion

Generally, Georgian legislation does not differentiate between the rights of Georgian citizens with or without citizenship of another country. However, it disqualifies those with dual citizenship from taking the highest political posts in Georgia. These persons cannot invoke the right for free elections as they are enshrined in the Convention for the Protection of Human Rights and Fundamental Freedoms as the relevant provision of the Convention are not applicable in this case. However, even if the state has legitimate discretion in establishing requirements and deciding on the conferral of privileges, the practice of conferring a privilege should be consistent. Otherwise these privileges would become discriminatory or arbitrary. Constitutional provisions, which, albeit provisionally, allow individuals who were born in Georgia and who have lived in Georgia for the last 5 years permanently and who have EU citizenship to take part in parliamentary or presidential elections and to take the political posts of President, Speaker of the Parliament and Prime Minister whereas Georgian citizens with dual citizenship are declared as ineligible, undermine the legitimacy of the whole process of differentiation and conferral of privileges.

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# THE EFFECTS OF THE EU'S SCIENTIFIC COOPERATION ON THE EASTERN PARTNERSHIP COUNTRIES: DEVELOPMENT IMPACT OF THE INTEGRATION INTO EUROPEAN SCIENTIFIC COMMUNITY<sup>1</sup>

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**Abstract.** Scientific cooperation between the European Union (EU) and its Eastern neighbours has grown rapidly since the early 2000s. This cooperation holds great promise to influence not only the science and innovation sectors, but also to affect the practices and values of research communities in the Eastern Partnership (EaP) countries, their public policies, and societies at large. In this paper we aim to assess the impact of scientific cooperation with the EU with a focus on three countries of the EaP: Belarus, Moldova, and Ukraine. We address the broader impact on the scientific community, institutions, and society by analysing new data from expert interviews. In terms of scientific output we find that while the EU has not radically transformed science in the EaP countries it might have provided it with an essential lifeline of support. We also uncover clear evidence for positive impact of cooperation with the EU on the participating institutions from the EaP countries, but very little evidence (so far) about effects on public policies or significant impact on society at large.

**Keywords:** European Union, Eastern Partnership, scientific cooperation.

## 1. Introduction<sup>2</sup>

In this paper we aim to assess the impact of international scientific cooperation with the European Union (EU) on three countries which are part of the Eastern Partnership (EaP): Belarus, Moldova, and Ukraine. Potentially, this impact is broader than purely scientific and might extend to affect the practices and values of research communities in EaP countries, public policies, and society at large. International scientific cooperation has grown very rapidly

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<sup>2</sup> The qualitative questionnaires were designed by Dimiter Toshkov, Ina Ramasheuskaya, and Tatsiana Chulitskaya with the help of Honorata Mazepus. The qualitative interviews were conducted by Ina Ramasheuskaya and Tatsiana Chulitskaya (Belarus), Tatiana Parvan (Moldova), Oleg Grytsenko (Ukraine), and Dimiter Toshkov and Suzan Saris (EU Member States). Ina Ramasheuskaya coordinated the data collection in the EaP countries and organized the analysis of the data. The bibliometric data was collected by Suzan Saris and analysed by Dimiter Toshkov. The final text was written by Honorata Mazepus and Dimiter Toshkov. We thank Antoaneta Dimitrova, Elyssa Shea, and Matthew Frear for their useful comments, as well as the audience of the EaP Plus conference in Chişinău, Moldova (30-31 May 2017).

since the 1990s.<sup>3</sup> The EU encourages and funds international collaborative research projects between the Member States and with third countries.<sup>4</sup> Scientific collaboration can have many advantages, such as pooled financial resources and ideas, developing expertise, and access to equipment.<sup>5</sup>

Already in the 1990s, scholars observed the increasing importance of the EU as a collaboration partner for candidate Member States, but also more generally for developing and advanced countries.<sup>6</sup> The question of the impact of such collaborations became a subject of scholarly investigation itself. Existing research has focused primarily on assessing the impact of international cooperation on various aspects of scientific publications, for example numbers of co-authored works and their citation rates, and on assessing the benefits in terms of academic output for different countries and within different disciplines.<sup>7</sup>

The goals of many international research projects funded by the EU are broader and include impact not only on academic communities but also on societies at large. Measuring the influence of cooperation on scientific output is challenging, but assessing the impact of international scientific cooperation more generally is an even more daunting task. There are several reasons that make the measurement of the broader impact of scientific cooperation difficult. First of all, it is hard to define and operationalize impact beyond the publication output. Second, the implementation of research findings in the economy and society can have a substantial time-lag. Third, the broader impact of cutting-edge research is often unpredictable. Finally, the influence of research projects on policy-making depends on the willingness of political actors to adopt the proposed solutions. The unwillingness or reservations of state actors to act upon scientific evidence constitutes a challenge in democratic countries and might be even more pertinent in non-democratic ones, especially in the field of social sciences.

The EU-STRAT project to which this paper contributes is particularly interested in the impact of EU scientific programmes on the long-term development of bilateral and multilateral ties between the parties involved in the collaborative projects, and the support for the emergence of democratic societies and vibrant economies in the EU neighbourhood. In this paper we build on the findings of the earlier working paper 'Science Policies and International Cooperation in the Eastern Neighbourhood of the European Union: An Overview,'<sup>8</sup> which provided an

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<sup>3</sup> L. Georghiou, "Global cooperation in research," *Research Policy* 27 (1998): 611-626; W. Glänzel, A. Schubert and H. J. Czerwon, "A bibliometric analysis of international scientific cooperation of the European Union (1985-1995)," *Scientometrics* 45, 2 (1999): 185-202.

<sup>4</sup> Glänzel, Schubert and Czerwon, "A bibliometric analysis of international scientific cooperation of the European Union (1985-1995)."

<sup>5</sup> J. S. Katz and B. R. Martin, "What is research collaboration?," *Research Policy* 26, 1 (1997): 8.

<sup>6</sup> Glänzel, Schubert and Czerwon, "A bibliometric analysis of international scientific cooperation of the European Union (1985-1995)."

<sup>7</sup> G. Bote, P. Vicente, C. Olmeda-Gómez and F. Moya-Anegón, "Quantifying the benefits of international scientific collaboration," *Journal of the American Society for Information Science and Technology* 64, 2 (2013): 392-404.

<sup>8</sup> T. Chulitskaya, H. Mazepus, I. Ramasheuskaya and D. Toshkov, "Science Policies and International Cooperation in the Eastern Neighbourhood of the European Union: An Overview," *EU-STRAT Working Paper 2* (January 2017): 6-41.



overview of the science policy in Belarus, Moldova, Ukraine, and the EU and took stock of the international projects in which the three EaP countries have been involved. The working paper identified institutions in the EU and in the EaP that collaborated in the Seventh Framework Programme for Research and Technological Development (FP7) and Horizon 2020 (H2020) programmes.

The next step in our investigation of scientific cooperation between the EU and EaP is to assess the impact of cooperation. We address the *broader* impact on the scientific community, institutions, and broader society by analysing new data derived from several dozen semi-structured interviews with policy experts, project coordinators, working scientists, and think-tank researchers in the three EaP countries *and* in the EU Member States that are or have been engaged in EU-EaP scientific cooperation.

The analysis reveals a complex and nuanced picture of the impact of the scientific cooperation of the EaP countries with the EU and Russia. In terms of broader impact, there is clear evidence for positive impact on the participating institutions from the EaP countries, but very little evidence (so far) about effects on public policies or significant impact on society at large. We discuss possible reasons for this and the barriers for realization of the full potential of scientific cooperation.

## 2. Towards Assessing the Broader Impact of Scientific Cooperation

Bibliometric analysis of publication numbers, funding, and co-authorship patterns cannot capture all aspects of collaboration<sup>9</sup> and, as a result, does not cover all dimensions of the impact. Arguably, co-publications and citations measure only the 'inside' quality of research, which reflects a "purely professional scientific view" of impact as "commonly assessed by professional peers"<sup>10</sup> in the peer-review process. On the other hand, the 'outside' quality of research "addresses the impact of science and technology on society" and "is related to the concept of quality of life and considers the achievement of various goals – economic, social, political and strategic – as well as human interests and values."<sup>11</sup> In other words, the impact of research is also understood as "the benefits that research outcomes produce for wider society."<sup>12</sup> Purely scientific excellence might not go hand in hand with societal benefits.<sup>13</sup>

Obviously, different scientific disciplines can offer different kind of social benefits. Consequently, different tools have been developed to assess the social impact in different

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<sup>9</sup> Katz and Martin, "What is research collaboration?"

<sup>10</sup> S. Lawani, "Some bibliometric correlates of quality in scientific research," *Scientometrics* 9, 1-2 (1986): 13.

<sup>11</sup> *Ibid.*, 14.

<sup>12</sup> C. Donovan, "State of the art in assessing research impact: introduction to a special issue," *Research Evaluation* 20, 3 (2011): 176.

<sup>13</sup> Lawani, "Some bibliometric correlates of quality in scientific research," 14.

fields of research.<sup>14</sup> Moreover, these tools are often flexible and leave a lot of room for interpretation of impact itself.<sup>15</sup> It is impossible to use the same standards of assessment for political science as for medicine or engineering or agriculture. Even within a field of science, there are differences in the nature of the discipline that may affect knowledge utilization. For example, a study of Australian social scientists has shown that scholars conducting education research perceive the impact of their studies in terms of uptake by policy makers and/or practitioners as higher than scholars of political science and economics.<sup>16</sup> The explanation offered for the difference in perception of the usefulness of research is that education research is oriented towards schools and local authorities from the start and therefore has conducted targeted investigations. Another possible explanation is that in the case of political scientists and economists, the research results may point to solutions that are not feasible from the point of view of policy makers. Moreover, the results of the survey with Australian academics “point to some key lessons about research quality: It is not the key priority potentially driving research use, nor is it the single most important factor in determining uptake: contacts, communication, and timeliness also matter.”<sup>17</sup>

## 2.1. Methodology and data

To address the issue of assessing the broader impact of scientist cooperation we opted for a qualitative approach. In an iterative way we (a) formed an expectation as to where and how to search for possible impact, (b) examined these expectations in interviews with experts from the field, (c) adjusted our expectation, and (d) subjected these expectations to evaluation by experts again. More formal approaches to assessing the broader impact of cooperation are possible, but there is a fundamental trade-off between breadth (scope of the evaluation) and precision. We have opted for a relatively broad and comprehensive evaluation that, however, remains by necessity unquantified and, in this sense, preliminary. We could have also relied on formal assessments of the societal impact of scientific projects from official reports, but these are not always public, come too soon to measure any real impact, and could have overestimated the impact as the researchers and other professionals writing these reports have incentives to exaggerate the likely impact. Therefore, given the state of knowledge and available data, we opted for a more exploratory approach grounded in qualitative, in-depth data rather than formalized and quantified indicators. In this way, we complement the systematic quantitative analysis presented in Part I of this paper, with insights from scholars and experts who have participated in the collaborative research projects.

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<sup>14</sup> B. Wolf, T. Lindenthal, M. Szerencsits, J. B. Holbrook and J. Heß, “Evaluating Research beyond Scientific Impact: How to Include Criteria for Productive Interactions and Impact on Practice and Society,” *GAIA-Ecological Perspectives for Science and Society* 22, 2 (2013): 106.

<sup>15</sup> M. Z. Cohen, G. L. Alexander, J. F. Wyman, N. L. Fahrenwald, D. Porock, M. E. Wurzbach, S. M. Rawl and V. S. Conn, “Scientific impact: Opportunity and necessity,” *Western Journal of Nursing Research* 32, 5 (2010): 581.

<sup>16</sup> A. Cherney, B. Head, P. Boreham, J. Povey and M. Ferguson, “Research utilization in the social sciences: A comparison of five academic disciplines in Australia,” *Science Communication* 35, 6 (2013): 780-809.

<sup>17</sup> *Ibid.*, 795.

To collect the data for the qualitative assessment, we conducted semi-structured interviews with researchers, experts, and project coordinators who have participated in the FP7 and H2020 programmes to get an idea about other dimensions of impact for scientific collaboration between the EU and EaP scholars. We were particularly interested in whether the EaP institutions gained experience in writing and managing the projects, whether the EU projects have shaped their research agendas, whether any long-term relationships between the Western and Eastern partners have been built, and whether there have been any broader implications of the projects for the industry and society. Although these interviews cannot systematically measure the scientific impact, they can capture a very important aspect, namely bottom-up insights about the role of the projects. Focusing on the perceptions and views of those who have a first-hand experience with the projects can deliver valuable information about how scholars assess the impact of the collaboration on the institutions involved and on broader society.

Moreover, by interviewing scholars and experts from the three EaP countries (Belarus, Moldova, and Ukraine) and scholars and coordinators from the EU countries, we are offering complementary Eastern and Western perspectives on the relevance and effects of international cooperation.

To sample the researchers for the interviews, we used the database compiled for the earlier working paper,<sup>18</sup> which listed institutions that have participated in EU projects involving EaP partners. This database identified 376 projects in which one or more EaP countries were involved: 95 with Belarus,<sup>19</sup> 75 with Moldova and 206 with Ukraine. To identify scholars for the interviews, from this list we have selected only H2020 and FP7 projects and chose approximately 25 projects per EaP country. In this selection, we included projects from as many disciplines as possible, taking into account that most of the projects are conducted in technical/hard sciences. As much as possible, we tried to approach participants from different types of institutions (public institutes and National Academies of Sciences, universities, and think tanks), which perform different roles in the projects (consortium members, sub-contractors etc.). We identified the names of project coordinators and searched for their email addresses using the CORDIS website and the projects' websites. We also used the snowball approach, i.e. we asked our respondents for recommendations regarding other potential interviewees.<sup>20</sup> In each country, we approached between 20 and 45 project coordinators and participants via email or by phone. Many of the identified project coordinators have been involved in more than one project and were therefore contacted only once. For several of the project coordinators, contact email addresses and phone numbers were not

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<sup>18</sup> Chulitskaya, Mazepus, Ramasheuskaya and Toshkov, "Science Policies and International Cooperation in the Eastern Neighbourhood of the European Union: An Overview."

<sup>19</sup> Our interviews in Belarus revealed that apart from participating in European projects as a partner institution, Belarusian institutions often contribute to the projects as sub-contractors. This type of participation was not included in the number of projects in our database and it brings the number of collaborative projects up.

<sup>20</sup> In Belarus, at this stage, the recommendations that we got from National Contact Point for FP7 and Horizon2020 – Belarusian Institute of System Analysis and Information Support of Scientific and Technical Sphere (BELISSA) were extremely useful.

available. Many persons contacted did not reply to the interview request and several replied negatively. In Belarus, the interviewees from the state institutions requested to see the official registration of EU-STRAT project with the appropriate state body.<sup>21</sup> Once presented with the registration document, it was relatively easy to get participants' consent for the interviews and the respondents agreed to talk, talked freely, expressed their own opinions, and made evaluations. Most of the interviews were conducted by phone (or Skype call), with the exception of Belarus, where the interviews were in most cases conducted face-to-face at locations convenient for the interviewees.

In total, we interviewed 37 participants in EU funded projects. The total duration of the interviews varied from approximately 15 to 60 minutes. We interviewed eleven participants in Belarus, ten in Moldova, and eight in Ukraine. These interviews provided insights into the role of institutions from these countries in the projects, their experience of the projects, and perceived impact on their institutions and societies. The interviews with the project participants from the EaP countries covered cooperation with Russia as well. We have also interviewed eight participants from the EU institutions who have collaborated with one or more institutions from the EaP countries. Many of the interviewees have had experience with multiple projects (for the list of projects in which our interviewees participated, see Appendix 1). These interviews present the view of the collaboration, information about the gains, barriers, and impact from the point of view of the EU scholars and coordinators. The questionnaires used for the semi-structured interviews are attached in Appendix 2.

## ***2.2. Empirical results from the qualitative interviews: The perspectives of scholars from EaP institutions***

The interviews provided us with a breadth of insights about the impact of scientific cooperation between the EU and EaP researchers. The answers of participants of the collaborative projects allowed us to draw a rather detailed picture of how they have experienced the process and how they see the influence of their work. The following sections present the results of the interviews in a systematic manner. We have grouped the answers into overarching themes that inform us about: (1) the impact of the projects on the participating institutions and their employees; (2) the broader relevance of the projects for the scientific community, society, economy, and policy; (3) the influence of the projects on the attitudes towards the EU and understanding of the EU values and rules; (4) interpersonal dynamics, barriers and problems that participants experienced in these projects; and (5) the most important scientific cooperation partners, scientific cooperation with Russia and plans for further collaboration within the EU projects. These categories of themes emerged from the direct questions that we have asked (in other words, we intended to cover this range of issues), but they also include additional spontaneous comments provided by the interviewees. We discuss these themes country by country and provide a comparative summary in the concluding section of Part II.

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<sup>21</sup> Projects that receive foreign support need to be registered with the State Committee on Science and Technology of the Republic of Belarus.

### **2.2.1. Belarus**

#### *Impact of scientific cooperation with the EU and its Member States on scientific and managerial capacity of the Belarusian institutes and their employees*

Belarusian participants of the collaborative projects emphasized several aspects of how the projects have affected their organizations. A common aspect mentioned in the interviews is the development of a network of contacts within the scientific community and with companies in Belarus and in Europe. One of the interviewees spoke about the impact of these projects on the socialization of young Belarusian scholars into the scientific community and several others mentioned access to state of the art knowledge in their disciplines, new methodologies, and procedures of research. Most of the interviewees agreed that the participation in the collaborative projects has had some impact on the use of methodology in research (or at least that an exchange of methods occurred.) Others talked about management experience and experience with event organization. Integration with other project teams demanded a consolidation of practices and put them in touch with specialists from bordering disciplines (for example, researchers doing fundamental research came in contact with engineers). Interviewees have also emphasized the importance of personal professional development thanks to the possibility of working with and learning from colleagues and experts.

Access to resources is perceived as having had the most obvious and significant impact on the institutions as well. The interviewees noted that funding coming from the collaborative projects allowed them to diversify the sources of funding of their organizations, pay salaries to employees, and purchase equipment and software.

In terms of the impact of joint projects on planning and management practices, the majority of interviewees admitted that to at least some extent they have borrowed some practices such as financial reporting, communication strategies, and time-management from their project partners. A couple of interviewees noted that they already had strict guidelines and rules in their organizations and that working according to EU standards sometimes contradicted national organizational culture and understanding of rules, including financial ones.

Regarding issues related to ethics and data management rules, half of the interviewees reported that they became aware of them, especially in the sphere of intellectual property. Only two of the interviewees, however, explicitly mentioned applying these rules in their organizational practice after the projects were completed. Others said they did not have any special ethics procedures or rules in the project.

Finally, according to the researchers interviewed, collaboration with EU projects improved the reputation and visibility of their institutes. A positive evaluation of the institutes by European partners gave them a competitive advantage. Moreover, one of the interviewees mentioned that his/her organization had learned that it was not inferior in terms of quality in comparison to the Baltic States. This organizational self-confidence can be seen as an unintended positive consequence of participation in the European projects.

*Relevance of the projects and impact on scientific community, society, economy, and policy*

Most of the interviewees see the relevance of the research themes in terms of scientific development of their country and they talked about the knowledge export and modernization of knowledge. However, they were more sceptical about the social and economic relevance of the projects, although this varied depending on the type of project. One of the interviewees noted that the improvement of the analytical competences of their organization led to better quality advice in the sphere of public policy and more adequate recommendations for political authorities. Other projects were more relevant purely for scientific development, because they tackled fundamental research questions. Others had direct practical application, for example, in the ICT field. This is also reflected in the opportunities to create or work with companies: several interviewees mentioned that companies were part of the consortia and collaboration was one of the goals of the projects. Others mentioned the potential use of the results by industry. One participant mentioned that although their project did not lead directly to cooperation with industry, people who participate in European projects can more easily find employment in business.

The relevance of the projects for the scientific community specifically seems to be appreciated more by the participants. They referred to results such as increased scientific capacity and quality, access to data, opening of new perspectives, professional growth of individual academics, and creation of islands of scientific excellence in Belarus. They stressed that local partners are perceived as equal scientific partners rather than 'third-world country' partners. Two critical comments about the impact of projects on the scientific community referred to the unequal opportunities for scholars. According to these respondents, university administrations support hard sciences more actively and in addition, Belarus is not a full member of H2020 and therefore mainly has access to mobility projects, rather than research.

A number of interviewees did not see the relevance of the projects for Belarus, either due to lack of interest on the side of the EU in Belarusian research, or to lack of implementation of European practices in Belarusian universities. Moreover, opinions about the policy impact of these projects seem to be divided. In a couple of sectors such as science policy and IT policy interviewees noted a modest change. Others said that the joint projects could have some influence because of good contacts with the authorities and membership in the National Academy of Sciences, as well as the professional reputation they had gained due to their participation in the EU projects. The other interviewees did not see or did not concern themselves with influencing policy at all.

*Influence on attitudes towards the EU and on understanding of EU values*

Discussing the effects of international collaboration on changing attitudes towards the EU and on understanding of EU values is seen as a sensitive topic. Only six out of eleven interviewees provided an answer to the question, while five of them did not give a response or avoided answering. Those who answered the question believed that an attitude change was visible among participants of the projects who were exposed to contacts and communication with

scholars from the EU. They also got a better understanding of the European organizational culture, bureaucratic requirements, and research policy.

A couple of respondents noted that there is a limited change in attitudes and understanding of the EU among policy makers, who have slowly started to open up towards the EU. One respondent emphasized the change within the National Academy of Sciences, where the institutes that collaborate with the EU have become more open and progressive. Through this channel the information about the EU projects reaches policy makers and potentially can even have influence on regional authorities who are ready to acquire new information. However, scepticism about the policy and broader social influence seems to prevail. As one of the interviewees put it, the situation (regarding a shift of attitudes in society) could change, if there was an understanding of the necessity of cooperation with the EU on the side of the state. Moreover, a couple of respondents also said that the research community in the country was too small to influence the attitudes and values of the broader public. An alternative view presented by one of the interviewees, in line with the official stance on the issue, is that Belarus already follows European values and the EU projects can only contribute to spreading democratic values further as common values.

#### *Interpersonal dynamics, barriers and problems*

Interviewees emphasized the importance of communication and the challenges of developing an efficient communication style with other project partners. They have observed that interpersonal communication helps to correct nationalistic stereotypes. Professionalism, discipline, and mutual respect were considered important to achieve this. One respondent appreciated the professional communication within EU projects and considered it a very good practice that was very easy to get used to. She/he also observed that this type of communication is not common within public institutes and among officials in Belarus. The interviewees talked about the importance of face-to-face meetings and personal connections, too. One interviewee had the experience that it is easier to communicate with Central and Eastern European partners than with Western European partners (in particular, German ones), who were less flexible in the matter of meeting deadlines and, in his/her view did not understand that the quality of research is more important than the deadlines. In general, however, the communication, although challenging, was assessed as good.

One aspect that was mentioned by two interviewees as part of the discussion of interpersonal dynamics was the inequality in payments and budget allocations between the EU and EaP partners and a lack of transparency in contract negotiations and allocation of funds. They underlined the lack of Belarusian national funding for research in comparison with other EaP countries and Russia.

The interviewees identified many barriers and problems regarding participation in the collaborative projects. The most common answers included the language barrier, the apathy of the Belarusian scientists who did not wish, or were unable, to step outside their comfort zone (and as a result often lagged behind in terms of methodological and conceptual training), and

the absence of support for applications for international projects from the Belarusian authorities and universities. Insufficient methodological and analytical skills of Belarusian academics and researchers were also named as a barrier to participation in EU projects.

The interviewees emphasized that to apply for EU projects, organizations needed to have ample resources as well as competitive scientific portfolios. However, since the funding for science and the salaries of academic staff are very limited and their administration is more oriented towards status quo preservation, Belarusian institutions do not get a chance to develop their scientific portfolio. Social sciences are in a particularly bad situation as they are not supported by the state and receive less administrative support at the university level compared to disciplines such as mathematics and physics. One of the interviewees portrayed it as a vicious circle: institutions need to have a solid scientific portfolio to be considered for the EU projects, but it is difficult to develop such a portfolio without being a part of these projects.

The international isolation of Belarus was also recognized as an obstacle in realization of cooperative projects. Nevertheless, one of the interviewees blamed the EU for only caring about securing its borders rather than other aspects of cooperation with Belarus and for being concerned mainly with Ukraine.

Another common barrier seems to also be the fact that institutions in Belarus cannot simply propose a project to the EU, but rather they have to be found by the EU partners and invited to collaborate. This limits their freedom in developing projects, but also their chances of becoming a part of a collaborative project. Moreover, institutions from Belarus sometimes participated in the EU projects as contractors rather than members of the consortia. Although they received the funding, they were not in the spotlight and their institution did not get international recognition. Nevertheless, all the scholars interviewed would like to participate in, and several are actively trying to become a part of EU projects in the future, despite their often very limited resources.

#### *Scientific cooperation: the EU and/or Russia?*

Most of the institutions represented by the interviewed scholars have participated in collaborative projects with Russian scholars. In the majority of cases, cooperation with other EaP countries happens within EU or other Western projects. Two interviewees mentioned that they had found EaP partners for cooperation within EU projects. Almost half of the interviewees did not reply to the question on which countries are the most important for their organization in terms of scientific cooperation. Two interviewees named Russia as the most important partner and one of them elaborated that this is because of their common history, economy, and existing instruments of cooperation. The increase in collaboration with Russia, however, was explained as a result of the deadlock in relations with Germany and Poland, who used to be Belarus' most important partners for bilateral cooperation within the EU. Two other interviewees believed that the EU and the West are the most important partners; one thought that although Russia is their most frequent partner, the EU is the most attractive for young scientists, and one put an equal emphasis on both the EU and Russia and Eurasian countries.



### **2.2.2. Moldova**

#### *Impact of scientific cooperation with the EU and its Member States on scientific and managerial capacity of the Moldovan institutes and their employees*

All the interviewees were very positive about the effects of participation in EU projects. They all emphasized the importance of the new contacts that they established through participation in these projects, the exchange of knowledge, experience, and methodologies, and more generally, the integration of their institutions into global research networks. Many appreciated the possibility to learn about new technologies and methods and one interviewee pointed out that being a part of the EU projects has helped them to reflect on the strengths and weaknesses of Moldovan research. Several of our respondents emphasized that the projects had long-term effects on their institutions as they initiated ongoing scientific cooperation at both a national and international level.

The interviewees were almost unanimous in their opinion that participation in the EU projects has had an influence on their method of work. Three interviewees mentioned very specific methods that they encountered and learned about, such as digital processing in holographic microscopy, automated calculation of the comparative advantage in exports with the help of international platforms, and complex macroeconomic analysis. Others also pointed out that the management of the projects, financial reporting, and time-management were new to them and different from what they were used to. In terms of planning and management, the interviewees noted that the system of setting up and conducting research projects in Moldova is different than in the EU and that they have adopted practices that enhanced the quality of their work. They learned about new, goal-oriented strategies and approaches to work. Although different projects demand different management strategies, in general the interviewees valued the experience they had gained and said they would use it when planning and managing future projects. Even where planning and management was centralized, as in the case of one of the projects that was coordinated from Paris, it was appreciated that the coordinators discussed each step of the project with the partners and valued the opinion of the Moldovan partners. One interviewee said that the project had changed his/her whole life in terms of style of work, methods, speed, communication with the supervisors, and full commitment to scientific research.

Regarding the issues of ethics and data management rules, the interviewees mentioned that they are integral part of the EU projects, so they have followed them. Moreover, although researchers are not required to follow these rules in Moldova, they try to continue implementing them in their own activities as much as possible. The aspects of ethics and good practice that several interviewees highlighted as having influenced their institutions were the policy of open access of publications, other results of the projects, gender equality and balance within the projects, and data collection (in particular the handling of survey data).

Most of the projects involved academic cooperation and were not oriented towards building links with businesses. Several of the interviewees, however, mentioned that they have developed contacts with the state industries, local companies, and NGOs. One respondent had

experienced interest from foreign companies. To what extent the projects have an impact on the links with companies seems to be highly dependent on the type and goals of each project.

*Relevance of the projects and impact on scientific community, society, economy, and policy*

The interviewees agreed that scientific cooperation with the EU is very relevant for the scientific development of Moldova. Almost all of them emphasized that the possibility of being a part of the international research community allowed them to present their work to large scientific audiences, discuss research topics that are globally relevant, find new directions for their research, and increase their didactic and scientific potential. As a result of collaboration, courses for students were organized and the institutes were capable of attracting young people. One interviewee mentioned that as a result of the project, new laboratories were opened, facilitating research on the same level as that of the EU partners. Others talked about the improved publication record of their institutes. It seems also that exact sciences experienced more impact from EU projects than social sciences.

In terms of impact on society and the economy, the views are much more divided. Half of the interviewees thought the projects they worked on were relevant to social development and half thought that they were relevant to the development of key sectors of the economy. This seems to reflect once again that different projects can both set and achieve different goals with priority still being given to the development of the scientific community.

The interviewees were relatively positive about the relevance of their projects for policies and impact they have on the policy-making. Although a couple of them mentioned that long-term effects are still to come, several had contacts with various ministries and the Academy of Sciences. Some noted that they had influenced reforms in the agricultural and educational sector, and cooperated with the Ministry for Information Technologies on the development of the 'digital single market'. Only one interviewee was negative about the cooperation with the state authorities because of their politics and bureaucracy. Nevertheless, the researchers from Moldova in general seem to be very active when it comes to participation in round tables, cooperation with different ministries, and contacts with authorities on the regional level.

*Influence on attitudes towards the EU and on understanding of EU values*

All of our respondents agreed that participation in the EU programmes translated into a broader change in understanding of European values in the scientific community. Values were considered the most important unifying factor for scientific activity. Some also saw a positive change in the attitudes and understanding among policy makers and within society. One interviewee emphasized that Moldova belongs to the European culture and that European values are not foreign to Moldovan society. Another noted that their institution had an opportunity to communicate the results of projects to broader audiences on TV and in publications. Others, however, emphasized that society should have better access to information about the projects and European funding. In general though, it is difficult to assess

the influence on attitudes towards the EU and understanding of the EU values on the basis of our Moldovan interviews. It is clear that the researchers appreciated the EU for giving them the opportunity to work on the collaborative projects, but it is not clear to what extent these projects were able to make policy makers and society appreciate and understand the EU as well.

### *Interpersonal dynamics, barriers and problems*

The comments about interpersonal dynamics were mainly positive. The interviewees appreciated finding new contacts and coming together for events and conferences, and some even said that they have built a very strong team that felt like family. Within one of the projects, participants made sure that conferences were attended by different staff every time, so everyone had a chance to experience them. Our respondents did, however, identify a couple of problems. One of the interviewees mentioned that initially the partners did not trust their institution and it took time to improve their image. Another one said that the communication was difficult as the level of partners varied and each had their own vision of the project. They also talked about the difference in values and priorities, which caused some tension within the projects and required synchronization.

There were several problems of financial nature mentioned by the interviewees. One of them was the domestic system of managing research funding. In Moldova, all the funding goes to the institutes that participate in the projects through the Academy of Sciences. This complicates the process of the distribution of resources, creates delays in the receipt of funding, and causes problems with the timely realization of project tasks. The other problem was the inequality of payment for the partners from Moldova and the EU countries. More specifically, one of the interviewees pointed out that the salary for the function of a coordinator in Moldova is lower than for an ordinary employee in an EU Member State.

The interviewees also identified structural obstacles to participation in the programmes for academic mobility and scientific cooperation with the EU. The scientific community of Moldova is very conservative, and according to our interviewees, it lags behind the Western community in many respects. The selection of cadres for participation in the projects was perceived as unfair. Another problem observed by the interviewees was the aging staff at the research institutes and an absence of young talented researchers to replace them. Also the language barrier was mentioned. Finally, lack of resources remained a serious obstacle. It prevented Moldovan scholars from participating in international conferences that are crucial for building networks, which can eventually lead to cooperation. The lack of resources also affects the situation of the researchers, who earn low salaries and are often forced to work in multiple institutes at the same time to survive. This leaves them with little time to write a project proposal or to actually participate in a project.

### *Scientific cooperation: the EU and/or Russia?*

Several interviewees or their institutes have experience in cooperating with Russia. In particular, they have cooperated within the EUinDepth project, Air-Q-GOV project, and are planning to submit proposals for the ERA.Net RUS Plus programme (FP7 framework). Others have mentioned laboratory collaboration and common workshops. One interviewee said that they used to have three projects with Russian institutions until 2009, but since then they have not cooperated with them. Moldovan institutes have also cooperated with all of the other EaP countries. Some of the collaborative work was conducted on a bilateral basis, but these countries cooperated mostly within the projects sponsored by the European Commission (e.g. AGRICIS TRADE, Air-Q-GOV, and Eastern Partnership Connect).

The interviewees see European countries as their main partners for scientific collaboration. Romania, Poland, Germany, and France were named most often as important partners for Moldovan institutes. From outside of the EU, Ukraine and Japan were also on the list. A couple of the interviewees emphasized that it is important to find the right partners for the field of cooperation and it does not matter much from which EU country they come.

All but one interviewee stated that they are planning to participate in the EU projects in the future, as they provide them with good experience, new ideas and approaches, and additional funding.

### **2.2.3. Ukraine**

#### *Impact of scientific cooperation with the EU and its Member States on scientific and managerial capacity of the Ukrainian institutes and their employees*

Ukrainian scholars who have responded to our request for an interview listed two main ways in which collaboration in the EU projects impacted their institutions. An essential impact of these projects was access to funding that is available for the institutes and their employees. Several interviewees emphasized that local funding is scarce and that therefore the EU projects are important as they allow for the purchase of equipment and support salaries. Moreover, interviewees noted that cooperation has positive effects on the scientific capacity of the institute, as scholars can update and exchange knowledge, work on actual tasks that lead to real results, and participate in conferences.

The method of work has not been affected very much by participation in EU projects, although a couple of interviewees noted the heavy bureaucratic strain of the projects: the strict system of control, and full agenda. One respondent said that their method of work was affected due to the extent that it was necessary to get to grips with European bureaucracy, which in their words, is at times worse than the Soviet one.

In terms of the impact of the projects on planning and management practices, the majority of interviewees (seven out of eight) had learned and adopted some new practices. This was possible due to communication with partners and the necessity of ensuring the smooth running of the projects. One of the interviewees noted that they experienced the EU as having a very

bureaucratic system and strict schedules, within which every moment was planned in advance. An interviewee who had experience with projects within each EU framework (FP6, FP7, and H2020) was most critical of the EU projects planning and management system. On the basis of his/her experience with project management gained in the U.S., he/she believes that the EU framework projects are seriously behind the American ones and suggested that it is due to a principally wrong approach to project organization.

Half of the respondents reported that they have become more conscious of the issues related to ethics and data management rules. A couple of the interviewees said that their practices related to the ethics and data management were not far from those required within the EU projects and a couple of them suggested they did not learn anything new.

Most of the respondents mentioned that they are either already cooperating with companies or planning to do so, so it seems that participation in the EU projects can facilitate contacts with business. This is, however, not a priority for all project participants: for example, one interviewee stated that the question of business is not at the forefront of their activities as they are a university.

#### *Relevance of the projects and impact on scientific community, society, economy, and policy*

Most of the interviewees thought that the EU projects were relevant for the development of the scientific community in Ukraine. One of the positive effects was that international scholars became familiar with the work of Ukrainian researchers. Cooperation also positively influenced specialization and strengthened scientific potential. Moreover, these projects were relevant as they introduced new materials, new ideas, and new technologies, which resulted in new patents.

In terms of social relevance, only three of eight interviewees recognized it as being valid but they did not specify exactly how the projects were relevant to society. The majority was much more sceptical and usually responded negatively or expressed doubt in social relevance.

The interviewees were more positive about the impact of EU scientific collaboration projects on the development of key sectors of the economy. Five of the respondents thought that the projects were relevant and two of them specified that their projects involved work for Ukrainian industry and could be relevant at least for the regional economies.

#### *Influence on attitudes towards the EU and on understanding of EU values*

All of the interviewees agreed that scientific collaboration within the EU projects improved the attitudes towards the EU and enhanced mutual understanding within the scientific community. They saw these projects as part of deep changes occurring among scientists in Ukraine and believe that cooperation enriched both sides. One of the interviewees mentioned that actually the attitudes towards Europe within the scientific community were already quite positive and when they were enhanced with financial support, they became even better. Another

interviewee said that it is important for the scientific community to see that Europe supports them.

Scientific influence on the attitudes of policy makers toward the EU was not perceived as high. Several respondents did not know how to evaluate it, others were critical about the understanding of the importance of scientific research by policy makers in Ukraine. One of the interviewees mentioned that in the past there used to be more interest from policy makers in scientific research and that this has recently diminished. Another respondent expressed similar views and stated that politicians did not care about natural sciences. However, one EU project participant said that it is possible that on the local level politicians' attitudes towards the EU are to some extent influenced by the projects.

Regarding the influence on attitudes toward the EU of the broader society, the answers were mixed. Four of the respondents were sceptical about this for different reasons. The projects did not get enough attention in the press and did not reach a broader audience in the first place. In addition, there were not many projects and their results were so specific that they did not reach broader society nor influence their understanding of the EU. One of the scholars pointed to the fundamental values of research, regardless of where the researcher is based. Regardless of whether research is conducted in Europe or in Ukraine, one scholar emphasized that either science is based on an objective and honest approach, or it is not science. According to this scholar, science does not have any other values besides objective truth and ethics.

### *Interpersonal dynamics, barriers and problems*

On the level of interpersonal relations, most interviewees expressed rather positive experiences. They have appreciated the personal contacts established during the projects that have survived beyond the projects' duration. Moreover, they thought that cooperation enriched both parties involved, created friendly relations, and stimulated new plans and ideas. Sometimes, the issue of language made collaboration more difficult, but did not necessarily cause interpersonal tensions. Others noted that the communication was strict, which was linked to the desire to reach the set goals. One of the interviewees appreciated the goal-oriented approach of collaborative projects and suggested that the interpersonal relations should be connected to specific project tasks. The picture that emerges from the interviewees is that communication is sometimes difficult, but in general friendly and aimed at getting things done.

Several important barriers and problems with participation were listed by the interviewees. One fundamental one, mentioned by two scholars with extensive experience with international collaboration, is the lack of interest from the Ukrainian authorities in science and lack of support at the ministerial level. As long as the authorities do not see science as useful and do not stimulate research, cooperation with the EU will be limited, researchers pointed out. Another interviewee also noted problems with discrepancies in legal regulations regarding the projects.

The low financial and research capacity of the Ukrainian institutes limit possibilities to participate in the projects. They lack funds to purchase modern equipment and to travel abroad for their research. This is perceived as a serious barrier and makes the Ukrainian scholars less competitive and less attractive for partners from the EU. At the same time, research technologies and information are becoming more expensive and less available to the Ukrainian scientists.

The interviewees also mentioned the problem of language training and lack of experience and support with writing high quality research proposals that have a chance of being accepted. The high bureaucratization of EU funding constitutes a real barrier. Moreover, the lack of links and exchanges between the separate projects is seen as an obstacle to scientific development. One of the interviewees observed that so far the approach of the EU towards Ukraine resembles that towards a country from 'the Third World'.

The interviewees did not observe a large-scale brain-drain as a result of the EU projects. One interviewee noted that even if more Ukrainians left their country to work abroad it was very unlikely that it was caused by international collaboration. They believed that the main reason for Ukrainian scholars to leave was the unbearable conditions created by the Ukrainian political authorities.

#### *Scientific cooperation: the EU and/or Russia?*

Regarding scientific cooperation with Russia, five out of eight interviewees told us that their institution has in one way or another collaborated with Russian institutes. This collaboration, however, was rather limited with the exception of space research and mostly ended after the political events in 2014. The majority of the respondents also mentioned cooperation with other EaP countries, including projects with Belarus, Georgia, Moldova, and Azerbaijan. Many of them cooperated within the framework of EU projects. All of our interviewees named the EU Member States as the most important partner countries to them and their organizations in terms of scientific cooperation. A couple mentioned the U.S. and one also mentioned Russia. In addition, there has been collaboration with fast developing countries such as Iran and China. One interviewee emphasized their institution's good relations with neighbouring countries – Poland, Romania, and Lithuania. France and Germany were also named by several interviewees.

All interviewees expressed their intention to participate in future H2020 projects. They see it as the only opportunity to get funding for science, to travel abroad for research, and to purchase equipment. They also noted, however, that the competition for participation in these projects is fierce.

### ***2.3. Empirical results from the qualitative interviews: The perspectives of scholars from institutions in EU Member States***

The interviewees from the EU institutions were asked to reflect about the role of Eastern partners in the collaborative projects that they have participated in.

#### *Setting up of the projects and recruitment of partners*

The responses showed that Eastern partners who have participated in the projects had different scope and degree of involvement in the projects. In some, they were only involved in the implementation of the projects, in others they had managerial functions and led work on particular work packages. In most cases, they were not involved in the drafting of proposals. Nevertheless, one interviewee with experience in a large number of projects, who has been involved in setting up and managing EU projects for many years, observed that the involvement of the Eastern partners at the initial stages of planning and drafting of the project proposals increased over time. Moreover, it was mentioned that there are 'pockets of excellence' in the EaP region that can develop project proposals, know well how to draft them, and are even better at it than many European institutes. One case which was highlighted as exceptional is the National Aerospace University of Ukraine in Kharkiv. Other teams (including ones from Belarus) were mentioned as excellent in terms of providing valuable research input.

The most common way of recruiting partners for the projects is through an already existing network. Several interviewees noted that they have collaborated with their Eastern partners for a long time before these projects. Other ways of finding partners are through an Internet search, a call for application, or through a particular institution that works in the field (e.g. the Black Sea Commission).

#### *Impact on the Eastern Partners*

In terms of how the interviewed scholars from Western institutions perceive the impact of the EU projects on the Eastern partners, there were several common answers focusing on the benefits and obstacles to cooperation. One answer stressed by several respondents referred to the possibility for the Eastern partners to get access to resources. Eastern institutes are often underfunded and there is no sufficient financial support for their work from the side of the government and businesses. Interviewees talked about the EU money as helping the Eastern institutions to survive and upgrade their outdated equipment. One of the interviewees mentioned that funding not only increased the capacity of an institution in terms of research and technologies but also positively influenced the atmosphere in which the employees of this institution worked. A couple of interviewees also mentioned the organization of training events and workshops in both the EU and EaP countries. One mentioned twinning projects in which EU and EaP institutes were paired, and the researchers travelled to spend time at each other's institutes. One project in particular used a strategy referred to as benchmarking, in which experts were sent to the institutes in the EaP countries and they assessed the institute to see



what could be improved in its functioning. The benchmarking has been accepted by Belarus and Moldova, but not by Ukraine. The impact of this strategy, however, is not yet possible to assess.

Apart from the financial aspect, another form of impact on the institutes is the shaping of their research agenda, resulting in the possibility to participate in more EU projects in the future. Collaboration with the EU partners also increased the awareness of the importance of scientific publications and the projects improved the publication record of the institutes from the EaP countries.

Transfer of technology has not been common according to the Western interviewees and, naturally, it is dependent on the objectives of a project. In one case, it was the Ukrainian institution that provided the technology to complete the project. Moreover, in this particular project, an impact on the Ukrainian economy can be expected, as it will result in demand for fuel that will be delivered by Ukraine.

Interviewees often struggled to assess the broader impact of the projects. In a couple of cases this is because the projects are ongoing, so the results are not yet available. Others mentioned media interest and the possibility of communicating the results to larger audiences. As expressed by one of our interviewees, one of the reasons for problems with assessing the impact is the nature of scientific work, which is a long chain of steps that add to the body of knowledge. As they mentioned, even multi-million projects follow the same logic – one step at a time. Therefore, the impact on society is often unpredictable and takes a very long time to be implemented (examples included the use of nano-particles in oncological therapy and environmental research).

In terms of a brain-drain – one potential negative effect on society – the interviewees did not observe it. Most researchers mentioned exchanges and participation in mobility programmes and workshops, but no permanent exit from local institutions.

The policy impact was mostly perceived as non-existent. A couple of interviewees mentioned a potential for influencing policy change, rather than actual change. For example, Georgian researchers are trying to implement their findings and ideas about CO<sub>2</sub> emissions, and Moldovan partners are required by the project leaders to at least inform the relevant ministries about the interesting results of their research on water management. One of the interviewees also emphasized that it is not the role of the scientific community but of the European institutions to influence politicians.

### *Barriers and problems*

There are several commonly mentioned problems that collaborators from the EU institutions noted. On the side of the EU, most of our interviewees emphasized the complexity and abundance of legal and financial rules and administrative requirements for the EU projects, which are difficult not only for the Eastern partners, but also for partners in EU countries. Many of the partners in the EaP countries do not have enough resources to cope with the heavy load

of paperwork demanded by the EU projects. The difficulty is to some extent moderated by experience with these types of projects, but the high share of bureaucratic requirements seems to be a problem of its own. The issues with obtaining visas had a negative impact on the mobility of scholars. Scholars from Ukraine in particular had experienced obstacles in travelling to their partners in the EU. Entry to Belarus had been a problem for EU researchers. The more experienced interviewees mentioned that this has to some extent improved over time.

Other barriers mentioned by the interviewees were the communication issues in terms of language (especially older staff did not have a sufficient level of English proficiency) and more closed cultures that sometimes made it difficult to get things done. Our interviewees from the EU also mentioned the difficulty in finding information about partners, specifically because of their limited online presence. This included institutional websites that were often not well developed and not available in English.

### 3. Conclusion

Overall, the picture that emerges from the interviews, both in the East and in the West, is one that portrays scientific cooperation between the EU and the EaP countries in a very positive light, with many welcome developments spurred on by participation in joint projects. The benefits, as perceived by the Eastern partners, conform with prior expectations – access to funding, participation in networks, advancement in research methodology, opportunities for the mobility of researchers, some transfer of technologies and (administrative) know-how. Therefore, the impact of the cooperation within the EU projects on participating institutions and on scientific community in the three countries is significant and positive. Moreover, the EU and its Member States are considered the most important partners for scientific cooperation. From the perspective of Western partners, the participation of institutions from the EaP countries is also seen as a success, and the quality of the scientific contributions by the EaP partners is widely agreed upon, which also translated into willingness to work together in the future.

At the same time, we find less evidence of broader societal impact or direct effects on public policies. Partly, this can be accounted for by the type of research projects that have been conducted: mainly fundamental science (prevaillingly hard science disciplines), compared to only a few projects with explicit policy objectives (other than supporting science policies in the EaP countries) and direct societal relevance. From our interviews it became apparent that societal and policy impact can be expected only from very specific research projects. As far as rules and values of scientific research can be transmitted to EaP scientific communities through collaboration in any discipline, transmission of values such as democracy, rule of law, or human rights to societies and authorities seems highly unlikely to be achieved by projects focusing on physics or chemistry. Moreover, as noted by one of our interviewees, the nature of scientific endeavour is such that one piece of research rarely brings about ground-breaking results that can have grand societal and policy impact. Hopefully, over time, more of the positive effects of scientific collaboration will become apparent. For now, it is fair to say that the impact of scientific collaboration beyond the scientific community itself is perceived as minimal.

Some of the expected negative effects of scientific cooperation with the EU did not seem to be very salient. The suspected brain-drain of qualified scientists from EaP countries to the West as a direct result of participation in joint projects was not confirmed by our interviews. This could be attributed to a variety of reasons, ranging from the advanced age of many of the project participants to the family commitments of the young scientists. The administrative burden of applying for and participating in EU-funded projects, however, was often mentioned as an obstacle to scientific cooperation.

What appears to be an unanticipated effect of scientific cooperation, one that became especially visible after a decade of intensifying cooperation, is the emergence of organizational 'islands of excellence' in the EaP countries. Some organizations have the requisite expertise and increasing experience in participating in EU-funded projects, and therefore become natural partners for further collaboration. While the accumulation of expertise and experience in certain institutions is not a problem in itself, it should not remain too concentrated in a handful of institutions that become gate-keepers to collaboration. Ideally, participation in EU projects should spread out beyond the few already established 'islands of excellence.' Otherwise, over time it will get only more difficult for newer organizations to find a way into the scientific cooperation networks and projects.

Our interview respondents suggested that the broad societal impact of scientific cooperation and the projects they have been involved in has been low, so far. There is limited evidence of the effects of their findings on societies and public policies in the three EaP countries, although researchers in Moldova were more positive about the impact on policy makers than the researchers in Ukraine and Belarus. It remains possible that scientific cooperation works as an instrument of diplomacy and socialization beyond the borders of scientific communities. More importantly, as noted by almost all interview respondents, scientific cooperation in EU-funded projects helped them and their organizations preserve organizational capacity, establish long lasting scientific networks of cooperation and keep up with developments in their fields. These are important elements of impact which should not be disregarded, even as we continue our investigation of the effects of scientific cooperation.

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## Appendix 1

(Non-exhaustive) List of the EU projects that the selected interviewees participated in:

European Union	Belarus	Moldova	Ukraine
COCONET/Marine biology (Ukraine & Georgia)	BY-NANOERA	Eastern Partnership Connect	FP7 SUAFRI-EPC
TIDE/Transport (Moldova)	ENER2I (ENERgy Research to Innovation)	HP-See Research Communities	FP7 SECURE-R2
ESSANUF/ European Supply of Safe Nuclear Fuel (Ukraine)	INNOVER EAST/ EaP cooperation on energy efficiency (Belarus, Georgia, Ukraine)	European Grid Initiative	IncoNet EaP
FP7 SCUBE-ICT (Belarus and Ukraine)	IncoNet EaP/INCO NET projects/scientific capacity building	Erasmus+	INCO NET projects
FP7 IPERA (Armenia)	STI International Cooperation Network for Eastern Partnership Countries – PLUS	PRO-METROFOOD	LIGHT-TPS
FP7 BELERA(Belarus)	Idealist201	FP7-INCO SECURE-R2I	NANOMAT-EPC
FP7 SENS-ERA (Georgia)	H2020 INTELUM	FP7-PEOPLE/ International cooperative programme for photovoltaic kesterite based technologies, head	AERO-UKRAINE

FP7 KhAI-ERA (Ukraine)	BY-NANOERA	FP7- PEOPLE/Training and collaboration on material development and process improvements in oil and sugar production	NoGAP
FP7 SUAFRI-EPC (Armenia, Belarus, Georgia, and Ukraine)	Graphene Flagship	FP7-TRANSPORT/ Tangential Impulse Detonation Engine	LIGHT-TPS
FP7 SECURE-R2I (Armenia, Belarus, Georgia, Moldova, and Ukraine)	CACOMEL	FP7-ICT European Innovation Ecosystem	DEGISCO
FP7 NANOMAT-EPC (Armenia, Belarus, Georgia, and Ukraine)	TerACaN	H2020-TWINN	POEMA
H2020 HOLO (Moldova)	FAEMCAR	AGRICIS	PICASA
H2020 INTELUM (Armenia, Belarus, Ukraine)	CANTOR	EUinDepth "European identity, cultural diversity and political change"/Promotion of the improvement of environmental indicators of small and medium-sized enterprises	INOTLES
H2020 AERO-UA (Ukraine)	NAmiceMC	Air-Q-Gov	Building capacity for University-Enterprise partnerships towards competency based training in Armenia, Georgia and Ukraine
Black Sea Horizon	BalticGrid-I	FP7 BLACK-SEA- ERA-NET	TRUST

IncoNet EaP	SCUBE-ICT	FP7-PEOPLE-2012-IRSES - Marie Curie Action "International Research Staff Exchange Scheme"	EANET
ERAnet Cofund	EGI-INSPIRE	Erasmus +/Jean Monnet actions	HUMERIA
Joint Programming Initiatives	ORIENTplus		IANUS II
H2020 Waterworks (Moldova)	GN3plus		IANUS
INNOVER EAST EaP cooperation on energy efficiency (Belarus, Georgia, Ukraine)	SECURE-R2I		ACTIVE
INCO NET projects/scientific capacity building	Horizon2020		KhAI-ERA
H2020 ERA NET/mobility (Belarus, Moldova, Ukraine)	GEANT		CORSAIR
	DphotoD		GREENCO
	METCOPH		WASIS
	Horizon 2020 SUPERTWIN		START
	MARTEC II		
	ENTIII		
	MarTERA		
	EMEurope		
	AGRICISTRAD		
	NET4SOCIETY		

	(2,3,4)		
	ENRI-East		
	HITT-2008		
	INTAS		
	New Europe		
	Barometer (NEB) Surveys		
	European Values Study (EVS)		



## Appendix 2

### *Questionnaire: interviews in the EaP countries*

1. Position (e.g. "Head of research institute, deputy head of department in university) etc.
2. Type of organization (e.g. "Institute of physics", "department of sociology in university") etc.
3. Scientific cooperation projects with the EU and its Member States (briefly)
4. What is the most important impact of scientific cooperation with the EU and its Member States on scientific capacity of your organization or you personally?
5. Were the project's themes and topics (of the project you have participated in) relevant for
  - a) scientific development of your country?
  - b) social development?
  - c) The development of key sectors of the economy?
6. How do you evaluate the impact of scientific cooperation with the EU on scientific capacity of society in your country?
7. Did the participation in a scientific cooperation project(s) influence your method of work?
8. Has the project(s) that you participated in led to cooperation between companies? Has it facilitated any new business ventures?
9. Has the project in which you participated led to the change of public policy in your country?
10. Has the project in which you participated affected your project planning and management practices? How?
11. Have you become (more) aware of issues related to ethics and data management after participating in the scientific cooperation project? If yes, has this awareness been translated into new practices and institutions (e.g. ethics board)?
12. Are there any aspects of cooperation that you would like to comment on regarding interpersonal dynamics between you/your organization and other partners from the project you have participated in?
13. Have you noticed any other indirect or unintended effects of participation in scientific cooperation projects?
14. Do you think that the influence of the cooperation programmes with the EU translates into a broader change in
  - a) attitudes towards Europe
    - a1) in the scientific community
    - a2) among policy makers

- a3) among the broader public
- b) understanding of European values
- b1) in the scientific community
- b2) among policy makers
- b3) among the broader public

15. In your opinion, what factors limit the possibilities of scientists from your country to participate in programmes of scientific cooperation and academic mobility with the EU?

16. Have you or the organization where you work taken part in the programmes of scientific cooperation or academic mobility with Russia in 2009-2016?

17. Have you or the organization where you work taken part in the programmes of scientific cooperation and academic mobility with the Eastern Partnership countries in 2009-2016?

18. Do you plan to participate in the programmes of scientific cooperation with the EU in the future? If yes, why? If no, why?

19. In your opinion, what countries are the most important to you and your organization in terms of scientific cooperation?

20. Other comments

### ***Questionnaire: interviews in the EU countries***

We are interested in your personal reflections, opinions and assessments and not in a formal evaluation of your project and its results.

1. Could you tell me your function in the project and the kind of responsibilities you have (had) for the project?
2. What was the role of the partners from the Eastern Partnership countries for the project?
3. To what extent were these institutions involved in the preparation of the project proposal? If yes, were there any specific challenges to their participation in the drafting phase?
4. Did these partners have any managerial responsibilities for the implementation of the project? If yes, were there any specific challenges to their participation in project management?
5. Did these partners lead any work packages? If yes, any specific challenges or remarks about their performance?
6. How did you get in contact with your EaP partners?
7. Have you collaborated with scientists or scientific institutions from EaP countries before? If yes, which and under what programmes?

8. In your view, what was the overall impact of the project on the participating institutions from the Eastern Partnership countries?
9. On their scientific quality and productivity?
10. On their research agenda?
11. On their access to state-of-the-art facilities and equipment?
12. On the mobility and career prospects of their researchers?
13. More concretely, any of their researchers spending extensive periods of time at the Western partners or perhaps being employed after the project completion in Western Europe?
14. Does the project have results in transfer of practices and institutions, such as ethics boards or data management plans?
15. Has the project resulted in any transfer of technologies (or new patents) to these institutions?
16. Has the project affected the values of the research communities in the EaP countries?
17. Has the project led to change of public policies in the EaP countries?
18. Has the project led to concrete business initiatives in the EaP countries?
19. Or helped the economies in some other way?
20. Would you say that the project has had an impact on the broader society in the EaP partner countries?
21. If yes, how (what mechanisms)?
22. If no, what could have produced such impact?
23. In your opinion (and, to remind, this is confidential) was the inclusion of partners from these countries a success?
24. Would you say that there are big differences in the organizational culture between West and East European research institutes (if yes, some examples)?
25. Would you say that there are big differences in the institutional setup for scientific research between West and East European countries (if yes, some examples)?
26. What makes it hard for EaP researchers and institutions to participate effectively (e.g. interference from state, or different accounting standards, or different administrative culture, or different standards of doing research, for example, norms about research ethics and integrity)?
27. Based on your experience, would you seek to do research work with partners from the Eastern Partnership countries again in the future?
28. Is there anything else that you want to share from your experience with collaborating with EaP institutions?



**PART VI**  
**SOCIETIES AND GEOPOLITICS**



## RETHINKING THE TWIN MIGRATION AND REFUGEE CRISES IN EUROPE THROUGH THE LENS OF SAFETY AND SECURITY

*Marta PACHOCKA*

*Anna VISVIZI*

**Abstract.** This paper queries the EU's response to the 2015-2016 waves of large-scale migration through the lens of safety and security. By applying this conceptual framework, it is argued that the concepts of safety and security in the EU-level discourse on migration have been largely conflated, thus fuelling a biased debate on migration in which the latter was treated as synonymous with terrorism and, overall, as a threat to security. It is also argued that across the EU the debate on migration has largely ignored the distinction between primary and secondary implications of migration. As a result, an overall confusion as to what the ramifications of migration really are prevails across the EU. This translated into ad hoc and frequently inadequate responses to migration that individual EU Member States garnered in initial stages of the migration and refugee crises. The European Agenda on Security and the EU Global Strategy highlighted the intrinsic correlation that exists between domestic and external sources of threat the European Agenda on Migration reiterated this point. This very welcome tone and focus of discussion notwithstanding, the concept of safety is absent from the debate, thus implying that the nuanced differences between safety and security have not been factored in the discussion. This has some very serious implications for the set of tools that can be used to address the plethora of migration-inflicted concerns, risks, and challenges, including the possibility of drawing from diverse policy domains and policy fields in which the EU Member States collaborate.

**Keywords:** migration crisis, refugee crisis, EU, Europe, Eastern Partnership, safety, security, European Agenda on Migration, European Agenda on Security, European Union Global Strategy, safety, security.

### Introduction

The twin migration and refugee crises that peaked in 2015-2016 revealed several shortcomings regarding the capacity of the European Union (EU) and its Member States to respond to the crises and their implications promptly and effectively. Simultaneously, the way the crises were handled demonstrated far-reaching fragmentation of attitudes among the EU Member States toward the phenomenon of migration and ways of responding to it. The relative delay in garnering a joint response to the twin crises and their implications, created a political vacuum, which translated into societies' confusion. The latter was subsequently employed by several political leaders across the EU to use migration as a resource of political competition. Following the wave of terrorist attacks in France and Belgium in 2015-2016, new dynamics was induced in popular discourses on migration, on the one hand, essentially rendering it synonymous with terrorism and, on the other hand, igniting a series of largely uncoordinated responses by the EU Member States to the perceived security challenge of migration. Even if concurrently, at the EU level these attempts were made to devise a coherent

response/framework to address the twin migration and refugee crises, it has taken some time before concrete policy measures were designed, implemented and their first results attained.

Clearly, the twin migration and refugee crises raised concerns related to questions of security and, in a much less pronounced manner, of safety. The two crises coincided as well with the revival of the debate on security in the EU. The consolidation of the shape, mission and structure of the European External Action Service (EEAS) was the key factor that allowed Federica Mogherini, the High Representative of the Union for Foreign Affairs and Security Policy and the Vice-President of the European Commission, to launch and streamline the debate. The conflicts in the EU's southern and eastern neighbourhoods and the resultant waves of migration underlined the relevance of that effort. The prospect and the fear of the ramifications of presidential elections in the United States, followed by the inauguration of Donald Trump as the US President, added a sense of new urgency in the EU-level debate on the question of security and the EU's role in the regional and global environment in which it operates. In short, security has come to be seen by the key EU-level actors, including the EU institutions, and the EU Member States as a function of two processes: the EU's ability to deal with the evolving security contexts beyond its borders and of the EU Member States membership in the North Atlantic Treaty Organization (NATO). Both questions required a definition and delineation of the conception of the EU's external context and of the EU's role in it. The Brexit negotiations and the prospect of the United Kingdom (UK) leaving the EU induced new dynamics in the debate on the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP), eventually paving the way toward the re-awakening of the Permanent Structured Cooperation (PESCO), the creation of the European Defence Agency (EDA) and the European Defence Fund (EDF). Interestingly, even if popular discourse on migration would make frequent references to migration as a source of risks and threats to security, the EU-level debate on security would remain largely immune to questions of migration.

Considering that migration has been associated with threats and challenges to security, the question is how to conceive of security in the context of the twin migration and refugee crises? How developments in the fields of CFSP and CSDP translate into the EU's capacity to deal with migration effectively? What factors act as enablers/inhibitors of the dialogue between the EU's security and migration agendas respectively? The objective of this paper is to address these issues. To this end, in the first section, an overview of the nature and scale of the twin migration and refugee crises that Europe was exposed to especially in 2015-2016 is discussed. In what follows, the implications of twin crises are examined through the conceptual framework of safety governance. In the third section, the EU-level response to the crises rooted in the European Agenda on Migration is outlined. In the next step, the EU-level debate on security is queried and major developments, such as the European Agenda on Security, and the European Union Global Strategy (EUGS), are discussed. Conclusions follow.



## 1. Overview of the nature and scale of the twin migration and refugee crises in Europe

The development of European integration and the functioning of the EU have always meant the need to face various internal and external problems and challenges of varying intensity, scope and importance at different times. The first decade of the 2000s brought the financial and economic crises in Europe, including the eurozone crisis and the Greek fiscal crisis. In the meantime, there were events that heralded another 'stress test' for the EU, its institutions, policies and foundations. The Arab spring at the turn of 2010 and 2011 followed by an increasing political instability in the North Africa and in the Middle East and a civil war in Syria are often seen as the main causes and determinants of the so-called migration crisis. However, the picture is much more complex as migrations and related issues are not one-dimensional. Instead of one crisis, the EU has been facing several crises at the same time which are interdependent and closely related. Moreover, only in relation to the area of migration one can identify at least twofold crisis or twin crises – a migrant/migration and refugee one(s), although an indication of complementary dimensions is possible, for example, such as asylum and humanitarian ones.<sup>1</sup> "The migration aspect of the crisis is about the demographic context of the ongoing situation, i.e. the scale and pace of migratory movements that are demographic processes, intensified and increased significantly since 2014. The refugee aspect of the crisis refers to the legal status of the people who are involved in these increasing migration movements. Many of them are considered as persons in need of international protection who could be granted refugee status or subsidiary protection in European countries."<sup>2</sup> Some authors highlight the solidarity crisis, which refers mostly to the way the principle of solidarity has (not) been implemented by the EU Member States on the example of relocation and resettlement schemes under the migration and refugee crises. The argument of a structural crisis in the Mediterranean basin<sup>3</sup> rooted in historical, geopolitical and economic conditions is also put forward. The EU policies towards the Mediterranean countries and the EU's external relations with them are a separate complex research puzzle. One of its components is undoubtedly migration and related issues: causes of migration, migration routes, countries of origin, transit countries, target countries, consequences of migration for

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<sup>1</sup> Cf. Marta Pachocka, "The Eastern Partnership in Times of the Migrant and Refugee Crisis in the European Union," in *EU Association Agreements with Georgia, Moldova and Ukraine: Through Cooperation Towards Integration*, eds. Carlos E. Pacheco Amaral, Vasile Cucerescu, Gaga Gabrichidze, Ioan Horga, Anatoliy Kruglashov, Ewa Latoszek and Marta Pachocka, 17-31 (Chişinău-Tbilisi-Chernivtsi: Print-Caro, 2017); Marta Pachocka, "The twin migration and refugee crises in Europe: examining the OECD's contribution to the debate," *Yearbook of the Institute of East-Central Europe* 14, 4 (2016): 71-99.

<sup>2</sup> Pachocka, "The Eastern Partnership in Times of the Migrant and Refugee Crisis in the European Union," 21.

<sup>3</sup> Cf. Artur Adamczyk, "The Mediterranean Region – Great Challenges for the European Union," in *European Union on the Global Scene: United or Irrelevant?*, ed. Bogdan J. Góralczyk, 87-108 (Warsaw: Centre for Europe, Warsaw University, 2015). For example, such a view of the Mediterranean is well reflected in the scope of the scientific conference entitled "The Mediterranean Basin – an open 'Pandora's box' for the European Union", which took place at the Institute of Political Studies of the Polish Academy of Sciences in Warsaw on 27 February 2018. See more: Centrum Europejskie UW, Aktualności, *Ogólnopolska konferencja naukowa pt. "Basen Morza Śródziemnego – otwarta 'puszka Pandory' dla Unii Europejskiej*," 19 February 2018, <http://www.ce.uw.edu.pl/ogolnopolska-konferencja-naukowa-pt-basen-morza-srodziemnego-otwarta-puszka-pandory-dla-unii-europejskiej/> (accessed 1 March 2018).

sending, receiving and transit countries, migration policies (emigration and immigration), integration and asylum policies. Some also talk about the EU political crisis in the context of such events as Brexit or the increase in anti-democratic, Eurosceptic and xenophobic tendencies in Poland and Hungary.

As of early March 2018, the migration situation in Europe and its neighbourhood is as follows. The figures presented here relate mainly to the so-called mixed migratory flows, including asylum seekers and irregular migrants, however, these categories are not disjunctive and various authors and institutions tend to use one of these terms more often. Further analysis omits comprehensive data on regular (legal) migrants included in Eurostat statistics as 'immigrants'. According to the *Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection*, the EU collects and standardizes statistical data on "immigration to and emigration from the Member State territories, including flows from the territory of one Member State to that of another Member State and flows between a Member State and the territory of a third country."<sup>4</sup> In this context an 'immigrant' denotes a person undertaking an immigration which means "the action by which a person establishes his or her usual residence in the territory of a Member State for a period that is, or is expected to be, of at least 12 months, having previously been usually resident in another Member State or a third country."<sup>5</sup> This definition focuses on long-term immigrants and is used by Eurostat.<sup>6</sup>

Assuming 2014 as the beginning of the crisis in quantitative terms, 2015 has been recognized as its peak so far. Although the population migrating to the EU fell in 2016, the situation on its external borders remained complicated, while the number of people who died or went missing while crossing the Mediterranean to Europe increased. Over the course of 2017, the number of migrants continued to decrease and the issue of the migration crisis was publicly referred to both at the level of the EU and its Member States less often. It is difficult to clearly answer the question whether this is the end of the crisis or whether new priorities have appeared on the European political agenda, such as Brexit or the future of the entire Union. Moreover, it seems that we are facing a long-term change in the demographics of Europe. Socio-economic, political and environmental factors concerning the situation in third countries overlap with this mosaic. Consequently, we can expect not so much a mixed migration crisis as to experience a gradual, structural change in the entire region, covering European, African and Asian countries.

Referring to the scale of the migration and refugee crises, it is worth recalling a few numbers. The United Nations High Commissioner for Refugees (UNHCR) informs that the number of sea

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<sup>4</sup> *Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (Text with EEA relevance)*, OJ L 199, 31 July 2007, Article 1(a).

<sup>5</sup> *Ibid.*, Article 2(1)(b) and (f).

<sup>6</sup> Cf. Eurostat, *Statistics explained, Migration and migrant population statistics*, [http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration\\_and\\_migrant\\_population\\_statistics](http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration_and_migrant_population_statistics) (accessed 1 March 2018) and Eurostat, *Database, Immigration (migr\_imm)*, <http://ec.europa.eu/eurostat/data/database> (accessed 1 March 2018).

arrivals across the Mediterranean to Europe amounted to: 216.1 thousand in 2014, 1 million in 2015, 362.8 thousand in 2016 and 172.3 thousand in 2017. At the same time, the number of people considered 'dead' or 'went missing' in the consecutive years was as it follows: 3.5 thousand, 3.8 thousand, 5.1 thousand and 3.1 thousand.<sup>7</sup> According to the Frontex – that time known as the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union – in 2015 there were over 1.8 million detected cases of illegal crossing of the EU's external borders between border crossing points, which meant a 6-fold increase compared to the previous year.<sup>8</sup> The 'new' Frontex after the reform operating under the name of the European Border and Coast Guard Agency reported above 0.5 million of such detections in 2016<sup>9</sup> and 0.2 million in 2017.<sup>10</sup> Between 2015 and 2017, both the top three main migratory corridors to the EU were monitored by the Agency and the scale of their burden in terms of number of arriving migrants changed. In 2015, these were the Eastern Mediterranean corridor (885.4 thousand detections), dominated by the influx of migrants to the Greek islands in the Aegean Sea, the Western Balkan corridor (764 thousand detections) with the majority of cases recorded at the borders of Hungary and Croatia with Serbia and the Central Mediterranean corridor (154 thousand detections).<sup>11</sup> In 2017, the number of illegal border crossings to the EU was the highest for the Central Mediterranean migration route due to the ongoing migratory pressure from Libya (119 thousand detections), followed by the Eastern Mediterranean route running from Turkey to Greece (42.3 thousand detections) and the Western Mediterranean one (23.1 thousand detections).<sup>12</sup> Obviously, these numbers are not complete: first, one person could cross the EU's external borders more than once and, second, many illegal entries into the EU's territory have not been detected and registered, and thus they are not covered by the statistics. The main nationalities of migrants detected on the EU's external borders in general and by migratory corridors have been also changing in recent years. In 2015, Syrians constituted 33%, Afghans 15% and Iraqis 6%, while not specified cases amounted to 31%.<sup>13</sup> In 2016, the share of Syrian nationals reached 17%, Afghan nationals – 11% and Nigerian nationals – 7%; cases of not specified nationalities were on the top with 20% of the detections of illegal border-crossings.<sup>14</sup> In 2017, the distribution of top nationalities was much more balanced: Syria

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<sup>7</sup> United Nations High Commissioner for Refugees (UNHCR), *Refugees Operational Data Portal: Mediterranean Situation*, <http://data2.unhcr.org/en/situations/mediterranean> (accessed 13 March 2018).

<sup>8</sup> European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), *Annual Risk Analysis for 2016* (Warsaw, 2016), 16-17.

<sup>9</sup> European Border and Coast Guard Agency (Frontex), *Annual Risk Analysis for 2017* (Warsaw, 2017), 18-19.

<sup>10</sup> European Border and Coast Guard Agency (Frontex), *Annual Risk Analysis for 2018* (Warsaw, 2018), 18-19.

<sup>11</sup> European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), *Annual Risk Analysis for 2016*, 16-17.

<sup>12</sup> European Border and Coast Guard Agency (Frontex), *Annual Risk Analysis for 2018*, 18.

<sup>13</sup> European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Frontex), *Annual Risk Analysis for 2016*, 16.

<sup>14</sup> European Border and Coast Guard Agency (Frontex), *Annual Risk Analysis for 2017*, 18.

and Nigeria each stood for 9% of the total and Côte d'Ivoire, Guinea and Morocco – for 6% each; the share of non-specified cases was not provided.<sup>15</sup>

Consequently, the number of asylum seekers in European countries increased significantly after 2014 in comparison to the previous years. According to Eurostat there were 626 960 asylum applications submitted by non-EU citizens in the EU-28 in 2014. This number rose sharply to 1.32 million in the peak year of the refugee crisis; it remained high at the level of 1.26 million in 2016 and it dropped to 704 625 in 2017. In 2015, the most asylum claims were submitted in: Germany (476 510), Hungary (177 135) and Sweden (162 450); in each case above 100 thousand. Two years later, in 2017, only two EU countries registered more than 100 thousand applications for international protection: Germany (222 560) and Italy (128 850). Germany recorded the highest number of 745 155 claims in 2016.<sup>16</sup> The so-called EU+, covering the EU, Norway and Switzerland, recorded 706 913 applications. The main countries of origin of applicants were diverse in geographical terms, i.e. Syria, Iraq, Afghanistan and Nigeria, followed by Pakistan, Eritrea, Albania, Bangladesh, Guinea and Iran. However, these are the Syrians that are the top nationality in recent years. In 2017, 40% of all the decisions on asylum issued in first instance were positive and they granted a refugee status or a secondary protection to the beneficiaries.<sup>17</sup>

## 2. Applying the safety governance framework to migration research

Migration is a complex phenomenon and so its implications are multifaceted. Although migration can be a source of opportunities, typically, depending on the level of analysis and the time frame applied, migration is considered as a source of concerns, risks, challenges and threats for diverse stakeholders.<sup>18</sup> The twin migration and refugee crises that Europe was exposed to, especially over the period 2015-2016, have been subject to several assessments. Arguably, the crises led to diverse and multivariate implications ranging from distress for migrants themselves to very serious policy considerations in the fields of immigration, asylum, and human rights. To understand what is at stake, it is necessary that a clear distinction is made between the primary and secondary implications of the waves of large-scale migrations in Europe in recent years. The primary implications can be defined as those related to the EU and national authorities' capacity to offer appropriate reception conditions, legal protection and integration tools to the incoming population. The secondary implications encompass such issues as the receiving populations' reaction to newcomers and the discursive framing of migration, including its instrumental use. Indeed, across the EU Member States, there has

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<sup>15</sup> European Border and Coast Guard Agency (Frontex), *Annual Risk Analysis for 2018*, 18.

<sup>16</sup> Eurostat, Database, *Asylum and first-time asylum applicants by citizenship, age and sex – Annual aggregated data (rounded) [migr\_asyappctza]*, <http://ec.europa.eu/eurostat/data/database> (accessed 13 March 2018).

<sup>17</sup> European Asylum Support Office (EASO), *Latest Asylum Trends – 2017 Overview*, <https://www.easo.europa.eu/latest-asylum-trends-overview2017> (accessed 13 March 2018).

<sup>18</sup> Cf. Anna Visvizi, Colette G. Mazzucelli and Miltiadis Lytras, "Irregular migratory flows: Towards an ICTs' enabled integrated framework for resilient urban systems," *Journal of Science and Technology Policy Management* 8, 2 (2017): 227-242, <https://doi.org/10.1108/JSTPM-05-2017-0020> (accessed 1 March 2018).

been a tendency to use migration instrumentally, even if – as the cases of Hungary, Poland, the UK, France and Germany suggest – for different reasons. The wave of terrorist attacks in Europe led to the emergence of a new kind of bias towards migration, essentially blending it with terrorism.<sup>19</sup> Overall, similarly as in the past, debates on risks and threats related to migration highlighted such issues as export of conflicts, drugs and terrorism.<sup>20</sup> The heated debate that the 2015-2016 wave of mass migration triggered in connection to security requires that a distinction is made between terrorism and violent extremism, on the one hand, and people in need of international protection, i.e. asylum seekers and refugees that enter Europe, on the other hand. Seen in this way, migration and the likely risks and threats related to increased migration sum up to national authorities' ability to manage migration effectively and to integrate the newcomers in the host countries' economies and societies.

Typically, discussions on security revolve around threats and consequently ways of ensuring deterrence and defence capacities of a given country and/or alliance. In this context, due emphasis is given to conventional and new threats to security and corresponding measures to address these threats, usually in a re-active manner. In line with this approach, rather than dwelling solely on threats to security we make a case for the re-introduction of the concept of risk to security, arguing that the seemingly trivial distinction between risk and threat has far-reaching policy implications. The following paragraphs shed the necessary light on this issue.<sup>21</sup>

In the risk society theory,<sup>22</sup> "risk means the anticipation of catastrophe."<sup>23</sup> It also assumes that catastrophes may be prevented by their anticipation in the present. The concept of risk, as defined in the risk society theory, offers "an image of the world that replaces the fateful catastrophe, the 'too late', by the exhortation to act."<sup>24</sup> In other words, the recognition of its existence and the identification of the specific risk enable us to undertake action to prevent it from happening; rather than reacting to imminent threats that we already face. In this view, risk prompts anticipation and prevention, whereas threat requires urgent re-action.

By distinguishing between risks and threats to security, it becomes necessary to rethink the concept of security as well. Indeed, security denotes "the absence of threat or the state of

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<sup>19</sup> Cf. Colette G. Mazzucelli, Anna Visvizi and Ronald Bee, "Secular States in a 'Security Community': The Migration-Terrorism Nexus?," *Journal of Strategic Security* 9, 3 (2016): 16-27, <http://dx.doi.org/10.5038/1944-0472.9.3.1545> (accessed 1 March 2018).

<sup>20</sup> Cf. Volker Perthes, "Germany Gradually Becoming a Mediterranean State," *Euro-Mediterranean Study Commission (EuroMeSCO) Paper* 1 (1998).

<sup>21</sup> Adapted from: Anna Visvizi, "The conceptual framework," in *Poland, the Czech Republic and NATO in Fragile Security Contexts, IESW Reports*, eds. Anna Visvizi and Tomasz Stępniewski, 13-15 (Lublin: Institute of East-Central Europe (IESW), 2016); Anna Visvizi, "Safety, risk, governance and the Eurozone crisis: rethinking the conceptual merits of 'global safety governance'," in *Essays on Global Safety Governance: Challenges and Solutions*, ed. Patrycja Kłosińska-Dąbrowska, 21-39 (Warsaw: ASPRA-JR, 2015).

<sup>22</sup> Cf. Ulrich Beck, *Risk Society. Toward a New Modernity* (London: Sage, 1992).

<sup>23</sup> Ulrich Beck, "Living in the world risk society," *Economy and Society* 35, 3 (2006): 332.

<sup>24</sup> Ulrich Beck, "Why 'class' is too soft a category to capture the explosiveness of social inequality at the beginning of the twenty-first century," *The British Journal of Sociology* 64, 1 (2013): 69.

being free from danger or threat.”<sup>25</sup> The notion of risk is better captured by the concept of safety that denotes “the condition of being protected from (...) a danger, risk, or injury.”<sup>26</sup> Clearly, the concepts of security and safety and inextricably linked together and offer matching, but not identical, approaches to risk and threat.<sup>27</sup> In the context of social and political life, ‘safety’ tends to be understood as ‘public safety.’ Interestingly, its legal definition – ascribed to the 19<sup>th</sup> century Prussian administrative courts – links it to public legal order, individual life, health and freedom, as well as the institutions of government and public goods designed to enforce public legal order.<sup>28</sup> In this view, at the conceptual level, safety is more apt to depict the specificity of the domestic context with its emphasis on public order, whereby security of the external context with its emphasis on defence.

**Table 1. Risk and threat: definitional concerns and their policy implications**

		<i>emphasis on</i>	<i>measures employed</i>	<i>objective</i>	<i>policy responses</i>	<i>regulatory options</i>
<b>risk</b>	<b>safety</b>	anticipation	pro-active	pre-empt	soft	non-intrusive
<b>threat</b>	<b>security</b>	identification	re-active	deter/defend	hard	intrusive

Source: adapted from: Anna Visvizi, “Safety, risk, governance and the Eurozone crisis: rethinking the conceptual merits of ‘global safety governance’,” in *Essays on Global Safety Governance: Challenges and Solutions*, ed. Patrycja Kłosińska-Dąbrowska, 21-39 (Warsaw: ASPRA-JR, 2015).

The really important point here is that through its emphasis on the domestic theatre, safety presupposes soft security means borne out of our thinking about public order. These policy means originate in the logic underpinning our policies of interior, at the most including policing. In contrast, security, with its focus on the external threats, typically presupposes harder and more intrusive policy measures, most closely associated with our defence policy and the military's involvement. Table 1 offers an insight into the implications of resorting to the distinction between risk and threat.

<sup>25</sup> Oxford University Press, *Oxford Dictionaries*, <https://en.oxforddictionaries.com/definition/security> (accessed 1 March 2018).

<sup>26</sup> Oxford University Press, *Oxford Dictionaries*, <https://en.oxforddictionaries.com/definition/safety> (accessed 1 March 2018).

<sup>27</sup> This otherwise very important issue on progressive ‘securitization’ of policy analysis at the expense of indifference to the definitional distinctiveness of ‘safety’ and their policy implications was elaborated in: Visvizi, “Safety, risk, governance and the Eurozone crisis: rethinking the conceptual merits of ‘global safety governance’,” 29-33.

<sup>28</sup> Werner Heun, “Risk Management by the Government and the Constitution,” in *The Law in the Information and Risk Society*, eds. Gunnar Duttge and Sang Won Lee, 17 (Göttingen: Universitätsverlag Göttingen, 2011).

### 3. The EU-level response to the twin migration and refugee crises

As we have been observing since several years now, the migration and asylum landscape in Europe does not evolve as much as it undergoes a sudden change, even a revolution, being strongly conditioned by the multidimensional situation in the region, e.g. conflicts and wars, socio-economic problems, structural crisis in the Mediterranean basin or Russia's foreign policy, especially in the post-Soviet space. This, in turn, requires far-reaching reforms of the EU policy in the fields of migration, asylum and borders, but above all, rethinking what is a step ahead – the foundations of the EU's approach to migration management followed by a comprehensive strategy.

The attempt of such an answer was the European Agenda on Migration<sup>29</sup> presented by the European Commission on 13 May 2015 in its communication to the European Parliament, the Council of the European Union, the European Economic and Social Committee and the Committee of the Regions. The document aimed at proposing the actions to be taken by the EU "to build up a coherent and comprehensive approach to reap the benefits and address the challenges deriving from migration."<sup>30</sup> As it was stressed in the introduction to the Agenda the broadly understood migration situation in Europe and in its proximity: "calls for a set of core measures and a consistent and clear common policy. We need to restore confidence in our ability to bring together European and national efforts to address migration, to meet our international and ethical obligations and to work together in an effective way, in accordance with the principles of solidarity and shared responsibility. No Member State can effectively address migration alone. (...) we need a new, more European approach. This requires using all policies and tools at our disposal – combining internal and external policies to best effect. All actors: Member States, EU institutions, International Organisations, civil society, local authorities and third countries need to work together to make a common European migration policy a reality."<sup>31</sup> Only in this one paragraph the Agenda clearly indicated key boundary conditions for an effective EU approach to the twin crises that were: the transition from dispersed national actions to joint EU response with the respect to the principle of solidarity and a cooperation of different stakeholders at various levels combining common efforts. The document covered two main groups of steps: immediate ones, concerning the emergency situation observed that time at the whole of the Mediterranean due to the growing number of migrants crossing the sea, and medium and long-term ones, referring more to the entire migration management strategy of the EU in the future. The latter approach was based on four basic pillars defined as: 1. reducing the incentives for irregular migration, 2. border management – saving lives and securing external borders, 3. Europe's duty to protect: a strong common asylum policy, and 4. a new policy on legal migration. Specific key actions were assigned both to the immediate actions and each pillar (Table 2).

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<sup>29</sup> European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – "A European Agenda on Migration"*, COM (2015) 240 final, 13 May 2015.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

Until now, i.e. as of early March 2018, the comprehensive European Agenda on Migration from May 2015 was followed by detailed measures and implementation packages (e.g. of 27 May 2015 and 9 September 2015). Of these immediate steps two were crucial and have given rise to much discussion among Member States, i.e. relocation and resettlement schemes. The purpose of the relocation mechanism was to transfer up to 160 thousand asylum seekers arriving in large numbers to the EU from the most affected EU countries such as Italy and Greece to other Member States by September 2017 in accordance with the so-called distribution key,<sup>32</sup> while the resettlement mechanism aimed at providing safe and legal transfer of an increasing number of people in need of international protection from third countries to the EU. Consequently, under this two-year European system over 22 thousand people were supposed to be resettled.<sup>33</sup> Moreover, as a result of negotiations held since late November 2015, the EU and Turkey agreed in their statement of 18 March 2016 that for every Syrian returned from the Greek islands to Turkey another Syrian national will be resettled directly from Turkey to the EU. In this way, so called '1:1 mechanism' was set up as a part of the resettlement scheme.<sup>34</sup> Since the beginning, the implementation of the Agenda and its specific actions have been monitored by the European Commission and discussed in the consecutive progress reports, allowing the assessment of the effectiveness of EU steps.

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<sup>32</sup> Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece, OJ L 239, 15 September 2015; Council Decision (EU) 2015/1601 of 22 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and Greece, OJ L 248, 24 September 2015.

<sup>33</sup> European Commission, *Commission Recommendation of 8.6.2015 on a European resettlement scheme*, C(2015) 3560 final, Brussels, 8 June 2015, [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/asylum/general/docs/recommendation\\_on\\_a\\_european\\_resettlement\\_scheme\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/asylum/general/docs/recommendation_on_a_european_resettlement_scheme_en.pdf) (accessed 1 March 2018); Council of the European Union (CEU), *Conclusions of the Representatives of the Governments of the Member States meeting within the Council on resettling through multilateral and national schemes 20 000 persons in clear need of international protection*, ASIM 62 RELEX 633, 11130/15, Brussels, 22 July 2015, <http://data.consilium.europa.eu/doc/document/ST-11130-2015-INIT/en/pdf> (accessed 1 March 2018).

<sup>34</sup> European Council/Council of the European Union, *EU-Turkey statement*, 18 March 2016, <http://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/> (accessed 1 March 2018).



Table 2: Key actions proposed in the European Agenda on Migration			
I. Immediate actions		II. Four pillars to manage migration better in medium and long-term	
<p>- A funding package to triple the allocation for Triton and Poseidon in 2015-2016 and to finance an EU-wide resettlement scheme.</p> <p>- Immediate support to a possible CSDP mission on smuggling migrants.</p> <p>- A legislative proposal to activate the emergency scheme under Article 78(3) TFEU by the end of May 2015, on the basis of the special distribution key proposed in Agenda.</p> <p>- A proposal for a permanent common EU system for relocation for emergency situations by the end of 2015.</p> <p>- A recommendation for an EU resettlement scheme by the end of May 2015 followed if required by a proposal for more permanent approach beyond 2016.</p> <p>- EUR 30 million for Regional Development and Protection Programs.</p> <p>- Pilot multi-purpose center established in Niger by the end of 2015.</p>	<p>1. Reducing the incentives for irregular migration</p> <ul style="list-style-type: none"> <li>- Addressing the root causes through development cooperation and humanitarian assistance.</li> <li>- Making migration a core issue for EU delegations.</li> <li>- An action plan on smuggling in May 2015.</li> <li>- Stronger action so that third countries fulfil their obligations to readmit their nationals.</li> <li>- Adoption of a Return Handbook and monitoring of the implementation of the Return Directive.</li> <li>- Reinforcement and amendment of the FRONTEx's legal basis to strengthen its role on return.</li> </ul>	<p>2. Border management – saving lives and securing external borders</p> <ul style="list-style-type: none"> <li>- Strengthening FRONTEx's role and capacity.</li> <li>- Union Standard for border management.</li> <li>- Strengthening EU coordination of coast guard functions.</li> <li>- A revised proposal on Smart Borders.</li> <li>- Strengthening the capacity of third countries to manage their borders.</li> </ul>	<p>3. Europe's duty to protect: a strong common asylum policy</p> <ul style="list-style-type: none"> <li>- Establishing a new monitoring and evaluation system for the Common European Asylum System and guidance to improve standards on reception conditions and asylum procedures.</li> <li>- Guidelines to fight against abuses of the asylum system.</li> <li>- Strengthening Safe Country of Origin provisions of the Asylum Procedure Directive to support the swift processing of asylum applicants from countries designated as safe.</li> <li>- Measures to promote systematic identification and fingerprinting.</li> <li>- More biometric identifiers passed through EURODAC.</li> <li>- Evaluation and possible revision of the Dublin Regulation in 2016.</li> </ul>
			<p>4. A new policy on legal migration</p> <ul style="list-style-type: none"> <li>- Modernization and overhaul of the Blue Card scheme.</li> <li>- A platform for dialogue with social partners on economic migration.</li> <li>- Stronger action to link migration and development policy.</li> <li>- Re-prioritizing funding for integration policies.</li> <li>- Cheaper, faster and safer remittance transfers.</li> </ul>
<p>Source: own elaboration based on: European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – "A European Agenda on Migration", COM(2015) 240 final, 13 May 2015.</p>			

The migration and refugee crises turned out to be a 'stress test' for the EU policy in the fields of migration, asylum and border management. It highlighted its weaknesses that need to be overcome and contributed to the discussion on revision and reforming of selected policy aspects which is well-reflected by a reform of an asylum policy, especially of the Common European Asylum System. CEAS needs to be adapted to new conditions and be more flexible. But this is only a 'partial' reform – at operational level. What could be of great importance is a discussion about major changes of the whole EU strategy of the management of international migration. It can mean the need to revise the foundations of division of competences concerning migration, asylum and borders between the EU and its Member States. Another key issue is a lack of solidarity among EU countries around which the discussion arose in the context of problems with the implementation of relocation and resettlement, among others in the Visegrad Group.<sup>35</sup> An additional issue is an integration policy at the EU level that so far is not one of the EU's common policies but linked to, for example, social policy and migration policy. One of the successful actions resulting from the European Agenda on Migration can be the Frontex's reform. The European Border and Coast Guard Agency was established on the basis of the *Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016*.<sup>36</sup> It replaced its predecessor – the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union, maintaining the same legal personality. The prerogatives and the role of Frontex have substantially changed and it remains to be seen how it will reflect on the overall capacity of the EU to manage migration and EU borders effectively.

#### 4. The EU-level debate on security and safety

As – following the migration and refugee crises – questions of safety and security have been brought to the surface of the discussion across the EU, any discussion on migration has to include that debate too. Indeed, the years 2015 and 2016 proved to be of paramount importance in the light of invigorating the EU-level debate on security. Several factors contributed to that, migration and migration-inflicted perception of risks and threats to security among them.

Driven by provisions entailed in the Lisbon Treaty and the establishment of the European External Action Service, a major overhaul in the EU's thinking about security has taken place over the past few years. Today, as in the past, security and defence remain in the sphere of

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<sup>35</sup> Cf. Marta Pachocka, "Understanding the Visegrad Group states' response to the migrant and refugee crises 2014+ in the European Union," *Yearbook of Polish European Studies* 19 (2016): 101-132; Anna Visvizi, *Querying the Migration-Populism Nexus: Poland and Greece in Focus*, IED Discussion Paper (Brussels: Institute of European Democrats (IED), July 2017), <https://www.iedonline.eu/download/2017/IED-Budapest-Visvizi.pdf?m=1500636444> (accessed 1 March 2018).

<sup>36</sup> *Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC*, OJ L 251, 16 September 2016.

so-called special competences, i.e. based on a nuanced inter-governmental framework of coordination of Member States' positions geared toward ensuring a degree of consistency. Nevertheless, the High Commissioner for Common Foreign and Security Policy succeeded in streamlining the debate on security in the EU through the process leading to the publication of the European Union Global Strategy. The publication of the EUGS coincided with the Brexit referendum of June 2016 and NATO Warsaw Summit.

The EUGS<sup>37</sup> delineated the debate about the context in which the EU is embedded and prompted the question of the EU's role in it. Prospectively, it may pave the way toward a debate on how to re-position the EU on the global stage. The wording of the EUGS reflects a new way of thinking about the EU and its role globally and tackles issues considered difficult and/or dormant until now. The EUGS stipulated changes in the Common Security and Defence Policy. Importantly, it turns the EU into an active agent of effective multilateralism that – for the sake of safeguarding its values and interests – is willing to engage beyond its territory by a variety of means. Deriving from this outward strategic orientation, an important component of the EUGS concerns the EU's relations with NATO and their prospective evolution. While the role of NATO as the primary defence framework for the majority of the EU members is emphasized, considerable emphasis is placed on the EU members' contribution to the Alliance. By so doing, some light is cast on the sensitive issue of the shape of the EU-NATO cooperation in the future.<sup>38</sup> Overall, the EUGS constitutes an important step forward for the EU in defining its role and purpose at home and abroad. Importantly, the head-on take on the EU Member States' involvement in burden sharing in the Alliance, the clear attempt to make the EU stronger, and the emphasis on the transatlantic partnership, render the EUGS a game-changer in the EU-NATO-US relationship. The reading of the EUGS would be partial if it was detached from the European Agenda on Security (EAS)<sup>39</sup> from 2015. The latter deals with issues directly relevant to security, such as smuggling of migrants, human trafficking, social cohesion and border management.

The EAS has three priorities, including to garner EU response to terrorism and foreign terrorist fighters, to pre-empt and address serious and organised cross-border crime, and, finally, cybercrime. The value added of EAS is that it sees these challenges and threats in a holistic manner, i.e. as multifaceted, interlinked and cross-border. In the context of the discussion on migration-inflicted risks and threats to security, the most important provision of EAS is that dwindling distinction between external and domestic threats is put in the spotlight. Against this backdrop, the imperative of concerted action, including the domains of Justice and Home Affairs and Common Security and Defence Policy, and efficient strategies involving the EU's

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<sup>37</sup> European External Action Service (EEAS), *"Shared Vision, Common Action: A Stronger Europe" – A Global Strategy for the European Union's Foreign and Security Policy*, Brussels, June 2016, [http://eeas.europa.eu/archives/docs/top\\_stories/pdf/eugs\\_review\\_web.pdf](http://eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf) (accessed 1 March 2018).

<sup>38</sup> *Ibid.*, 20.

<sup>39</sup> European Commission, *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – "The European Agenda on Security"*, COM(2015) 185 final, 28 April 2015.

international partners is outlined.<sup>40</sup> With regard to migration, EAS makes the following point: "One of the major problems the EU is currently facing is that criminal networks exploit individuals' need for protection or their desire to come to Europe. The more that such criminal smuggling can be stopped early, the less the risk of human tragedies as seen recently in the Mediterranean. Preventive action against the facilitation of irregular migration requires better information gathering, sharing and analysis. The key lies in cooperation against the smuggling of migrants inside the EU and with third countries. The EU should make this a priority in its partnership with third countries, offering assistance to help key transit countries to prevent and detect smuggling activities as early as possible. Reinforced action against the smuggling of migrants between the EU and key third countries will be part of the forthcoming European Agenda on Migration."<sup>41</sup>

## 5. Conclusions

The objective of this paper was to rethink the EU's response to the 2015-2016 wave of large-scale migration through the lens of safety and security. Drawing from conceptual insights developed elsewhere,<sup>42</sup> the discussion in this paper highlighted that a clear distinction between risks and threats needs to be made, and correspondingly between safety and security. In as much as risk denotes an impending threat, vigilance and anticipation create the opportunity to pre-empt it from turning into a tangible threat. In this reading, as outlined in Table 1, risk denotes anticipation and pro-active action aimed at addressing certain safety issues. Threat in turn gives us only the option of re-acting to events already taking place. Consequently, risk and threats impose diverse ways of thinking about the context in which agents operate, qualitatively varied factors influencing socio-economic stability, and, indeed, prosperity, and – as a result – different policy goals and tools needed to address those goals.

By applying this conceptual framework to query the EU-level responses to the twin migration and refugee crises, we argued that the concepts of safety and security in the EU-level debate on migration have been largely conflated, thus fuelling a biased debate on migration in which it was treated as synonymous with terrorism and, overall, a threat to security. We have also argued that in the debate on migration the distinction between primary and secondary implications of migration has been largely ignored. As a result, an overall confusion as to what the ramifications of migration really are prevailed across the EU. This was translated into *ad hoc* and frequently inadequate responses to migration that individual EU Member States garnered in the early stage of the migration and refugee crises.

Interestingly, the EU-level debate on migration and ways of responding to it unfolded in a context heavily influenced by discussion on the conceptualization of the external environment in which the EU operates and the role of the EU in that environment. As we highlighted, the

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<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Cf. Visvizi, "Safety, risk, governance and the Eurozone crisis: rethinking the conceptual merits of 'global safety governance'," 21-39.

EAS and the EUGS mirror a qualitative shift in the perception of the EU's role in the world. The provisions of EAS highlight the intrinsic correlation between domestic and external sources of threat, while also making direct leads to the European Agenda on Migration. This very welcome tone and focus of discussion notwithstanding, the concept of safety is absent from the debate, thus implying that the nuanced differences between safety and security have not been calculated in the discussion. This has some very serious implications for the set of tools that can be used to address the plethora of migration-inflicted concerns, risks and challenges, including the possibility of drawing from diverse policy domains, and policy fields in which the EU Member States collaborate. The argument in this paper responded to two interrelated imperatives, including the emphasis on definitional rigour, e.g. safety vs. security and primary vs. secondary implications of migration; the resulting policymaking implications, including unintended institutional hurdles; and the need to manage migration in Europe in a sustainable manner sensitive to the needs and concerns of the incoming and receiving societies.<sup>43</sup> Against this background, we argue that there is a need to revisit, revise and redesign national and EU-level approaches to migration and to open up our policies to tools, strategies and approaches from other policies and research domains, e.g. the use of new approach to data management, including the big data paradigm and its implications,<sup>44</sup> might prove a very useful tool in anticipating and pre-empting several risks commonsensically associated with migration.

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<sup>43</sup> Cf. Visvizi, Mazzucelli and Lytras, "Irregular migratory flows: Towards an ICTs' enabled integrated framework for resilient urban systems."

<sup>44</sup> Cf. Miltiadis Lytras, Vijay Raghavan and Ernesto Damiani, "Big data and data analytics research: From metaphors to value space for collective wisdom in human decision making and smart machines," *International Journal on Semantic Web and Information Systems* 13, 1 (2017): 1-10.

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## INTELLECTUAL MIGRATION UNDER INTERNATIONALIZATION OF HIGHER EDUCATION: THE CASE OF EAP COUNTRIES

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**Abstract.** The migration of high-skilled individuals is a natural phenomenon in terms of globalization. There are numerous reasons why well-educated individuals are leaving developing countries, which are the case of the Eastern Partnership countries. By international standards, salaries in these countries are quite low, especially for professionals, who realize that their economic well-being is much greater outside the homeland as well as professional opportunities, chances for social lift, etc. Military conflicts in sites and political instability have also contributed to the brain drain. Today under internationalization of higher education there are more and more possibilities for scholars to legally emigrate by using mobility schemes, programs and funds. Often they receive the chance to their academic career development in the hosting institutions and to accommodate in the country of destination. The value of academic mobility must not be diminishing, especially for doctoral students and young scientists, for whom mobility is an important tool for immersing into advanced research environment and diversification their research or teaching activities. However, emigration of educated individuals impacts the EaP countries' security and stability, and creates the situation to realize the phenomenon has both negative and positive aspects. The author tackles the topic by considering the problem through internationalization of higher education, related educational policies and the brain-drain.

**Keywords:** EaP countries, intellectual migration, brain-drain, higher education, internationalization.

### Introduction

Recently a plenty of analysis, surveys, research has been made on the problematic related to the intellectual migration. These works consider theoretical, and practical aspects of the phenomenon often refer to as a "brain-drain".

They deal mostly with both the outflow of the qualified personnel from developing countries to countries with developed market economies representing a significant economic and social pressure on the developing countries. The question as to how far the emigration of skilled professionals constitutes a loss for the country of emigration has become one of the most heavily discussed in economics starting from the 1990s. Twenty seven years ago the UNESCO report stated: "the migration rates of highly qualified personnel from developing countries remains high and in general these countries do not receive compensation for the losses they incur."<sup>1</sup> Years pass, yet this statement has remained actual.

The problems of the intellectual migration have attracted scientific and political attention worldwide. A great number of measures have been formulated as forms, methods and effects

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<sup>1</sup> UNESCO, "The Brain Drain Problem: Its Causes, Consequences, Remedies and the Role of UNESCO in This Regard," 1991, [www.unesco.org](http://www.unesco.org) (accessed 9 February 2018).

developed in regards to the ways of reducing the negative effects of brain-drain on nations losing their highly qualified personnel.

At the outset it should be pointed out that the phenomenon of intellectual migration can be included into the general theme of migration theories. The problematic of international migration in the social sciences inclined to the increase and decrease with various waves of emigration and immigration. This occurrence draws attention of the researchers in recent years as intellectual migration emerged in the disciplines associated with the study of politics and public administration. In 1985 Webb addresses the question of how brain drain influences the distribution of educational opportunities in developing countries. The objectives of the government play an important role in Webb's model.<sup>2</sup> The government is either concerned with the efficiency of its education system or its endowment of educated labor. Given the significant migration flows during the past years it is not surprising that migration theories tend to be dominated by economic or sociological explanations.

The research of intellectual migration leads to discussions over national identity, citizenship and rights, which are the core elements through which every policy defines itself.<sup>3</sup>

The relationship between migration, national security and foreign policy is also associated with this subject.<sup>4</sup>

This issue of intellectual migration or brain-drain is under control and examination of the major international organizations like the United Nations, OCSE, World Bank, regional Associations, specialized Agencies, regional economic organizations, intergovernmental institutions, etc.

The objective of this article is to analyze the intellectual migration from the EaP countries to developed countries in connection with educational policies and in particular with internationalization of higher education.

For understanding the nature of the highly qualified labor flows other disciplinary approaches emphasize the economic dimensions, changes in global production, and competitiveness. One of the common institutional approaches which are also connected to the study of intellectual migration and which can in particular highlight it is the need to understand international normative structures.

### Statement of the problem

There are numerous reasons why well-educated individuals are leaving the developing countries and countries under transition like those of Eastern Europe.

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<sup>2</sup> M. Webb, "The Brain drain and Educational Opportunities in Less Developed Countries," *Eastern Economic Journal* 2 (1985): 145-155.

<sup>3</sup> P. Schuck, *Citizens, Strangers and in-Between: Essays on Immigration and Citizenship* (Boulder: Westview, 1998).

<sup>4</sup> M. Weiner, *The Global Migration Crisis: Challenges to States and Human Rights* (New York: HarperCollins, 1995).

Lack of opportunities, political instability or oppression, economic depression, health risks and more contribute to human capital flight, whereas host countries usually offer rich opportunities, political stability and freedom, a developed economy and better living conditions that attract talent. At the individual level, family influences (relatives living overseas, for example), as well as personal preferences, career ambitions and other motivating factors, can be considered.

The predominant reason appears to be the much higher income they can make in the EU or elsewhere compared to in their homelands. By international standards, salaries in EaP countries are quite low for such professionals as engineers, doctors, educators, scholars. They realize their economic worth is much greater outside the homeland and are leaving massively, enticed by the greater economic opportunities elsewhere. Military conflicts in the region and political persecution have also contributed to the brain drain.

With open access to foreign media advertising the need for people with their skills, it's understandable why they often choose to leave. Upon arriving in new lands they often find that not only are their skills in demand, but also they have access to technologies their native countries could only dream of acquiring.

Prof. M. Iorgov, Head of Laboratory of Theory of Integral Systems from the Boholyubov Institute for Theoretical Physics, Kiev, Ukraine reveals that modern Ukrainian government is not interested in developing science and good education, partly because there is no research-oriented production that demands innovative scientific ideas. "In Ukraine's corrupt business environment, enterprises had no need for high-tech manufacturing, as it didn't provide any competition benefits – providing bribes to the right people was a better factor for business growth. State-level corruption means that those running the country took the simple ways to get rich, avoiding R&D and fostering new ideas."<sup>5</sup>

Data on skilled professionals leaving EaP countries present considerable discrepancies with data from receiving countries raising serious doubts about their quality.

The low quality and scarce content of information of the available data on the EaP intellectual migration phenomenon was supposed to be compensated by a stronger focus on the available literature. However, this is not the case either. Poor record keeping, inconsistent use of definitions, and other factors make it difficult to gauge the exact extent of the brain-drain, with many claiming that the official estimates are too low. The scarce statistics obtained mostly from the internet resources of the recruitment agencies, analytical groups, mass-media helped providing the following information on the general number of migrants from the EaP countries. The continuous readjustment of databases and statistics on intellectual migration flows make a statistic assessment of the brain-drain difficult to evaluate. According to the recruitment agency "Head Hunter Ukraine" ([www.hh.com.ua](http://www.hh.com.ua)) since 2013, the situation with migration in the EaP has worsened as the departures is alarming. It is said that over the past few years more and more middle managers and IT specialists have left to work in the countries of the European Union. According to the Statistics Committee of the European Union, 303 thousand Ukrainians

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<sup>5</sup> A. Shandra, "Reversing Ukraine's Brain Drain: Mission Possible?," VoxUkraine, 2016, <https://archive.voxukraine.org/2016/08/02/brain-drain-en/> (accessed 9 February 2018).

received permits for residence in the EU in 2014. Germany, Poland, Italy and the Czech Republic are leading destinations for Ukrainians.<sup>6</sup> In Moldova the migration flow is impressive. In this country the migration flow is very clearly divided into two parts: 60% to the CIS countries (usually the Russian Federation) and 40% to the EU countries (mainly Romania, and Italy).<sup>7</sup> In Georgia, according to the population census of 2014, carried out by the National Statistics Service of Georgia “Sakstat” (since 2002 more than 88.5 thousand people left Georgia most of whom are women).<sup>8</sup> The census showed that Russia was the most attractive country for leaving for the citizens of Georgia – 21.7% of emigrants left there. It is followed by Greece, Turkey and Italy, but also, the inhabitants of Georgia leave for the USA, Spain, France, Ukraine and Azerbaijan.<sup>9</sup>

According to the Eurostat resources<sup>10</sup> the number of Belarusians who obtained a residence permit in the EU countries was 80 thousand people in 2014 and 82 thousand in 2015. In the ranking of countries whose citizens have received EU citizenship in recent years, Belarus was on seventh place. Some have referred to it as a crisis, a disaster, and a serious threat to national security. According to the World Bank Migration and Remittances Factbook 2015, Armenia was ranked the 5<sup>th</sup> out of the top 10 countries with the highest rate of emigration among people with tertiary education after the former Yugoslav Republic of Macedonia, Bosnia and Herzegovina, Romania, and Albania. Current migration flows from Azerbaijan are mainly directed to the Russian Federation, the EU and the US.<sup>11</sup>

Alarming number of the EaP countries scholars leave their native places to live and work in the developed countries, according to the statistics of the independent sociological agencies. Mass departure of intellectuals from the EaP countries is observed to Russia, Poland, the Czech Republic, Italy, Romania, Turkey, Israel, the USA, Canada, Germany.<sup>12</sup> After decades of living behind the bars, raised by the communist regimes with the outside world, the EaP countries has rejoined multilateral organizations and signed agreements on cooperation in the field of education. Numerous laws and regulations were approved to stimulate international activities of the EaP countries' universities with particular focus on mobility. The higher education institutions received a right to autonomous decision to initiate partnership relations with the education institutions worldwide. Teaching staff and students have been encouraged to learn foreign languages, in most cases English in order to be capable to participate in international conferences, seminars and internships, as well as to teach and to make research abroad.

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<sup>6</sup> V. Kipen, “Experts Discussed the “Simple Things” for a Successful Migration Policy,” 2011, <http://novisa.com.ua/leksperti-obgovorili-ua> (accessed 9 February 2018).

<sup>7</sup> O. Balakirjeva and O. Valkovana, *The Problems of Employment and Youth Migration Mood* (Kyiv: Bibliography, 2013).

<sup>8</sup> National Statistics Service of Georgia, [www.geostat.ge](http://www.geostat.ge) (accessed 9 February 2018).

<sup>9</sup> MPC Migration Profiles Migration Policy Centre, 2013, [www.migrationpolicycentre.eu](http://www.migrationpolicycentre.eu) (accessed 9 February 2018).

<sup>10</sup> Eurostat, [www.eurostat.eu](http://www.eurostat.eu) (accessed 9 February 2018).

<sup>11</sup> World Bank, *World Development Report* (Washington, DC: World Bank, 2015).

<sup>12</sup> OECD, *Internationalization and Trade in Higher Education. Opportunities and Challenges*, Paris, 2004.

It goes without saying that migration of professionals is indispensable to a country's economic development. A loss of skilled human resources will ultimately have a grave impact on the economy and jeopardize development programs and dramatically hurt the EaP countries economy and its human resources. This fact represents a significant loss of economic potential for this region, taking into account that scientific and technological knowledge drive development.

Speaking about the intellectual emigration from the EaP countries, we need to draw attention at higher education system in these countries from the point of view of the proposed opportunities to educators. Nowadays across the world, higher education experience intense changes. There is no doubt that it should be viewed in the global context and but together with a local point of view. Internationalization of higher education is no longer just about international cooperation, double degree programs, international academic mobility, and the internationalization of curriculum. Now internationalization is about "brain-drain" versus "brain circulation", the internationalization of research, offering of dual degrees with foreign partners, creation of international quality assurance frameworks, creation of international rankings, increased competition for international students, and the role of recruiting agents.

The EaP countries' admission to the Bologna process has created advantageous conditions for students and teaching staff to get a pass into the civilized mainstream of international academic mobility. This provided the opportunity for their personal development, strengthening cooperation between the HEIs and research institutions at international level and within the countries of the region, improving the quality of higher education and research activity. Studying abroad is a dream for many, as it means getting to know new people, a new country, a new language. But what most people overlook is that a learning experience abroad, in a new environment, ultimately contributes to learning more about yourself and your own country.<sup>13</sup>

The numerous available opportunities meet with the increasing tendency towards internationalization: there is more and more interest of students for experiences abroad, such as periods of study at foreign universities, performing thesis abroad, double degrees, or initiatives for international cooperation.

Partnership agreements between the HEIs, numerous sponsorship Funds and Programs advertising campaign of foreign education providers at sites encouraging study abroad look appealing for youngsters and talented scholars to leave their home country for better life.

Today there is a steady tendency for increasing the number of Ukrainian students studying abroad for university degree. There are lots of attractive opportunities as to the obtaining foreign education, like:

- obtaining complete higher education in a foreign country;
- receiving a diploma simultaneously from a Ukrainian and foreign university within the bilateral agreements between universities (several universities offer their students to

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<sup>13</sup> Qualifying in Germany, *Study and Research opportunity*, 2016, [www.qualifying-in-germany.de](http://www.qualifying-in-germany.de) (accessed 9 February 2018).

gain basic Ukrainian higher education and get a foreign degree, but the quality of such education is often questionable); student internships and exchange programs;

- postgraduate 1-2 year educational programs based on students grants or at their own expense. Ukrainian students get such grants mostly from: Poland, Slovakia, the USA and Germany;
- short-term internship or targeted training for specific specialists (seminars, conferences etc.).<sup>14</sup>

Similar opportunities are open for students from all EaP countries.

Today there are more and more possibilities for scholars to legally emigrate by using the programs and funds. Often they receive the chance to their academic career development in the hosting institutions and to accommodate in the country of destination. There is quite a number of International Funds and Programs provided sponsorship for studying, teaching and research activities for academia in EaP countries, to name a few: the British Council (UK), DAAD (Germany), Alliance Française (France), Fulbright (USA), Visby (Sweden), Erasmus Mundus, Erasmus+.

In 2015 under the EU-funded projects, over 2 800 participants from Eastern Partnership countries came to study or teach in a Program Country in Europe, while over 600 students and staff went to one of the Eastern partnership countries.<sup>15</sup>

The abovementioned funds and programs recruit the applicants from all over the world, including the EaP countries, providing the selected candidates with the scholarship, covering their travel costs. The competition is usually high and the selected candidates are of high caliber. For example, the number of participants in the Fulbright Program – more than 325 000 since it started – is impressive. These participants include 122 800 from the United States and 202 600 from other countries. The alumni of the programs are remarkable, not only because of their commitment to international understanding but also because of their accomplishments beyond the program itself.<sup>16</sup>

Thousands of undergraduate and graduate students from more than 155 countries enter colleges and universities across the United States every year, hundreds of scholars arrive to the USA for a short and long term period for teaching and research. The Program encourages applicants majoring in science, engineering, and mathematics to apply for scholarships. There are strict requirements on the period of stay in the US, restricted by the type of visa, instructions and rules obliged the applicants to return home, although there are non-return or

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<sup>14</sup> L. Semiv and Y. Hvozdyvych, "The intellectual migration of the youth in Ukraine: the backgrounds for «brain circulation»," *Journal of International Studies* 5, 2 (2012): 72-81.

<sup>15</sup> Erasmus+ Project Results, 2015, <http://ec.europa.eu/programmes/erasmus-plus/news/2015> (accessed 9 February 2018).

<sup>16</sup> G. David Gearhart, "The Fulbright Program: Too Remarkable to be Cut," *The Conversation*, 5 May 2014, <https://www.chronicle.com/blogs/conversation/2014/05/05/the-fulbright-program-too-important-to-be-cut/> (accessed 9 February 2018).

cases of prolonging the stay. Cases of marriages to the citizens of the host countries are also added to the number of applicants stayed in the host countries. This statistics relate not only the Eastern Europe. Half of the foreign-born graduate students in France, the UK and the USA remain there after completing their studies. Among the doctoral graduates in science and engineering in the USA in 1999, 79% of those from India and 88% from China remained in the USA.<sup>17</sup>

The consequences for their home countries are viewed in the lack of qualified individuals in many fields of industry and public sector. Intellectual migration impacts here both the upper echelons of the services where strategic decisions are made and the lower echelons where technical equipment must be maintained. It has had a negative impact on growth, competitiveness and income convergence in the sending countries. The consequences of the outflow are very alarming – fewer businesspersons generate taxable revenue, fewer engineers design roads and other critical infrastructures, and fewer educated people are available to serve in government jobs and provide, among other functions, important civilian services, to name a few. Probably the most disturbing loss is that of present professionals and future leaders. With fewer experienced personnel to create, construct, provide foresight, the industries and services must turn to less qualified individuals, with possibly less than optimal production outcomes being the result.

This phenomenon led to the highly controversial debate provoked by the numerous cases when students, while studying in developed countries decided to stay in the host country after completion of their study program.

In contrast to the brain-drain view of highly qualified migration, one could argue that the migration of highly qualified people is mutually beneficial. For this reason, migration among developed countries is viewed as a brain exchange rather than a brain drain and a brain-gain.<sup>18</sup> The belief is that the brain drain is only of a temporary nature and is reversed fairly soon. The qualified individuals, who migrate, do so in order to obtain new skills and knowledge and experience that will be beneficial once they return to their home country. According to Easterlin (1981),<sup>19</sup> education raises the extent to which the economy is able to adopt, exploit and develop new techniques. Therefore, a large scale emigration of educated people has a negative impact on development. However, if emigration takes place in response to unemployment, the phenomenon might be positive for development because it eases the labor market conditions and reduces the likelihood of falling into a poverty trap.<sup>20</sup> Understanding the link between education, economic growth and technological changes is crucial to measure the impact of the brain-drain on a nation and to develop strategies to compensate for its potentially negative effects.

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<sup>17</sup> OECD, *International Mobility of the Highly Skilled*, 2002, [www.oecd.org/migration](http://www.oecd.org/migration) (accessed 9 February 2018).

<sup>18</sup> M. Kelo and B. Wächter, *Brain Drain and Brain Gain. Migration in the European Union after Enlargement* (The Hague: Nuffic, 2004).

<sup>19</sup> R. Easterlin, "Why Isn't the Whole World Developed?," *Journal of Economic History* 41, 1 (1981): 1-19.

<sup>20</sup> O. Stark, C. Helmenstein and A. Prskawetz, "A Brain Gain with Brain Drain," *Economics Letters* 55 (1997): 227-234.

There is an argument that “Better brain drain than brain in the drain” meaning that the intellectual migration from developing countries benefited to the global science as a whole. Research also suggests that emigration, remittances and return migration can have a positive impact on democratization and the quality of political institutions in the country of origin. Return migration can also be a boost to the economy of developing states, as the migrants bring back newly acquired skills, savings and assets.<sup>21</sup> A 2016 study reviewing the literature on migration and economic growth “shows that migrants contribute to the integration of their country into the world market, which can be particularly important for economic growth in developing countries”.<sup>22</sup> A 2013 study finds that emigration from Eastern Europe after the 2004 EU enlargement increased the wages of remaining young workers in the country of origin by 6%, while it had no effect on the wages of old workers.<sup>23</sup> Studies find that leaders who were educated in the West are significantly more likely to improve their country’s democracy prospects.<sup>24</sup>

Part of this may be motivated by the fact that there are large income gaps between better paid and more skilled occupations in the EaP countries and low paid occupations abroad. The gap is in favor of the latter, which implies that there might be incentives for an individual with relatively low migration costs to downshift or choose an occupation that is seemingly a bad match for their educational background.

The issue of intellectual migration is more likely to be an important issue in the future. Facing aging societies and shortages of skilled workers in some professions, many developed countries will have to reform their immigration laws, while developing countries will have to care about favorable conditions for their intellectual resources to live and work in their homelands.

## Conclusions

While the loss of intellectual capital from the EaP region towards developed countries is likely to continue in the nearest future, governments are challenged to find a solution to recover some of the resources they lose.

One can hardly deny that this process is connected with the opportunities open for academia via international mobility as well. The official statistical data will now display openly the real figures in this regard. At that the number of gifted students and young researchers leaving the countries of the EaP is dramatically increasing, which is reported at the academic conferences and is monitored through surveys of the independent agencies.

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<sup>21</sup> J. Wahba, “Who Benefits from Return Migration to Developing Countries?,” IZA World Labor, 2015.

<sup>22</sup> H. Rapoport, “Migration and Globalization: What’s in It for Developing Countries?,” *International Journal of Manpower* 37, 7 (2016): 1209-1226.

<sup>23</sup> B. Elsner, “Emigration and Wages: The EU Enlargement Experiment,” *Journal of International Economics* 91, 1 (2013): 154-163.

<sup>24</sup> M. Mercier, “The Return of the Prodigy Son: Do Return Migrants Make Better Leaders?,” *Journal of Development Economics* (2016): 76-91.



On the one hand, all this is the natural consequence of a positive process of internationalization that we must continue promoting, supporting and sustaining; on the other hand, having no evidence of a symmetry or at least significant bi-direction in the mobility of skilled technicians, it is also an opportunity for some inevitable consideration. However, it would be a defeat if the proper effort of the EaP countries' education system towards internationalization, necessary for a preparation that should ensure competitiveness of the graduates on an open market, would end only in order to encourage a one-way "brain-drain" towards other countries.

The only solution is to make the labor market more attractive for doctors, engineers, IT specialists, etc., at least for those who wish to come back after a few years, but here the story gets complicated. In order to deal with the issue, the government must get rid of the causes for emigration. Economy is the main reason: poverty, lack of jobs, and difficulties in starting businesses.

The principal responsibility to address such critical problems with intellectual capital loss should rest with the EaP countries' governments; however, the external assistance will remain contributory for these countries that do not have sufficient resources to adequately invest in systems of higher education and research.

In the countries of the Eastern Partnership the far-reaching changes are needed in the official policy towards science and research. The conditions are to be radically changed to make the situation more favorable for intellectual work. In addition it will be helpful for the international agencies and governments of developed countries to help these countries to reverse the brain drain.

Nowadays the EaP countries register poor returns in investing in developing human capital, especially since it is their taxpayers' money spent on it, while there are substantial flows of skilled scientific and technological capital to the developed countries. To mitigate this, countries could develop agreements whereby receiving countries limit acceptance from the region or take actions towards return-migration policy.

A new approach to the analysis of the brain-drain in the EaP countries requires an in-depth analysis of the phenomenon in the context of migration and its impact on the policies of the home country of the migrants themselves. Actionably, immigration laws should be introduced to encourage and offer dual citizenship or issuance of permanent residency to foreign graduates and hence allow for voluntary brain-circulation. For this to work however, a long-term view must be taken with an aim of primarily strengthening capabilities in the EaP countries to counterbalance losses from asymmetric brain circulation. The governments should, for instance, establish certain fund specifically for the scientific community, which could focus on innovative ways to strengthen capacity in engineering and related management skills, and on developing infrastructure, manufacturing, agriculture, mining and other industries.

This is also time for taking action to mitigate the brain-drain:

- investment in transforming universities and research institutions in order to create innovative infrastructure, upgrade facilities, to provide adequate remuneration that all together facilitates world-class research;
- provision of financial support to scientists and entrepreneurs that will target relevant research for their home countries' development priorities;
- advancement of local institutions to centers-of-excellence-status will ensure collaborative research internationally by undertaking local challenges;
- encouragement of foreign investors (in many cases addressing diasporas) towards participation in initiatives that address critical issues of brain-drain in their home countries.

The governments should invest in local institutions providing an enabling environment for skills-exchange with international institutions/persons. This includes the removal of administrative and institutional barriers, which hinder the international cooperation in education and science, the development of the national program aimed to encourage the returning process of the scientists from abroad, the establishment of good domestic conditions for returnees and periodic nationwide monitoring of the outbound flows of the intellectual capital. The governments should implement social and economic actions towards the establishment of this phenomenon.

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## MASSIVE IMPACT OF MIGRATION ON THE SECURITY OF THE EUROPEAN UNION AND THE REPUBLIC OF MOLDOVA

*Tatiana DAUD*

**Abstract.** In this paper, the author focuses on legal and illegal migration at EU level, as well as certain measures that should be taken by decision-makers to control this process. As a result, the author will present the multidimensional concept of security, the migration situation on the European continent, the concrete measures taken by national authorities to ensure the security of this phenomenon, the main policies adopted by the EU, and the latest developments at the external borders of the European Union. Now we witness a massive increase of migration dependency, but at the same time migration and migrant problems. In conclusion, the author highlights the importance of complex migration-security binomial in the 21<sup>st</sup> century, which promotes the implementation of the envisaged policies through stable and sustainable cooperation of all European Member States and the adoption of a wider security agenda.

**Keywords:** migration, national security, Eastern Partnership, European integration, threat.

### Introduction

There have been several migration waves in Europe: after the end of the Second World War; after disintegration of the ex-U.R.S.S. and after the complete disappearance of the Iron Curtain; and now it has gained a stronger connotation since the outbreak of the conflict in the Middle East, being a major political issue for most European countries, and a continuing source of global conflict and instability at the current stage. Research has demonstrated that international migration depends on the economic, social and political benefits that both the country of origin and the host country provide. Current migration has major effects on all states, including dramatic changes in all dimensions of security: political, economic, military, ecological, social or cultural.

The purpose of this study is not to find a definition of national and international security, but to explore the concept in an attempt to clarify it, identify its dialogue and contradictions, and draw a conclusion of its parts in the general picture of international relations. The study aims to identify, from a constructivist perspective, the implications of promoting the concept of international migration security.

The relevance of the chosen topic is given, on the one hand, to the fact that the European Union aims to build a multicultural European society based on the concept of human security for Europe (the European Migration Agenda 2015 – four pillars for better migration management), and, on the other hand, the management of the migration flows cannot be borne by only a few countries, the first in line from a geographic point of view, but by all EU countries. Thus, despite some harmonization measures by the European Council on the measures of the EU's Global Strategy for Foreign and Security Policy, the position of some

Member States (e.g. Great Britain) continues to evolve in the ascendant, raising a great concern at international level. From the point of view of foreign policy, the issue of migration faced by individual governments is how to benefit from international exchanges, while maintaining as much autonomy as possible.<sup>1</sup> The current state of affairs in the EU, created by migrants in difficult situations, such as the war in the country of migration, and the problems they create in their countries of residence, tend to generate conflicts. The report has the premise that the security of Europeans is closely linked and largely depends on international migration.

The study on the effects of massive migration on the security of Europe and the Republic of Moldova is justified because the reality of the moment requires it, because migration is a topic of international importance today and in the future, because migration is closely linked to factors that determine development at all levels of the country of residence and the host country. However, terrorist attacks in European countries have had and will have an impact on country security in future. Lately, especially the 2014-2016 period, massive illegal migration has been brought to the forefront of public opinion, especially through the media, and the political discussions continue around it. Not often humanitarian tragedies, such as the Mediterranean and terrorist attacks on the European continent, have kept the world's attention. Boats full of overturned migrants, migrant-suffocating metropolises are common images on the European continent. In the case of some states (such as France, Germany or Belgium), terrorist clashes or attacks with their internal components define the main feature of their insecurity, rendering national security a difficult concept to apply.

The applied **methods** are *the normative-axiological approach, behavioral method, document analysis and semi-structured observation*. *The normative-axiological approach* has enabled the elucidation of the importance of migration processes as political phenomena for society as well as for the individual. *The behaviorist method* has focused its attention on the behavior and reactions of migrants, citizens and political actors within the EU. This has led to the placement of the migration process on the European public agenda (the attempts of EU institutions to promote migrant integration policies in the host country society, but also to adopt a common migration policy for all European states, the emergence and development of anti-migration, and also the behavior of both European citizens and migrants). In addition, to investigate and verify hypotheses, a number of additional methods and techniques have been used, but which are absolutely necessary in any study, such as *document analysis and semi-structured observation* to facilitate the selection and interpretation of the obtained data.

## Research results

The sensitive subject of migration and security came up with the wave of migrants in 2015. Practically, we can say that today's reality requires individuals to migrate for whatever reason. War, a poor economic or social state towards an advanced economy can be a whole range of

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<sup>1</sup> Barry Buzan, *Popoarele, statele și frica. O agendă pentru studii de securitate internațională în epoca de după Războiul Rece* (Chișinău: Cartier, 2000), 373.

reasons for international migration. And although the migration-security dilemma is a phenomenon of systemic dimensions, the dynamics it creates stems from relations between states. Important security phenomena such as terrorism or deterrence, concepts such as security regime or security complexes simply cannot be properly understood without a full appreciation of the sources of their effects and their dynamics across multiple levels.<sup>2</sup>

International migration is theoretically controllable due to the laws of the state governing immigration, but, in practice, few countries can seal their borders<sup>3</sup> against illegal migration. Ken Booth, the international relations theorist, argues that the security concept needs to be broadened because not only the state plays a key role in ensuring security but also non-state actors such as individuals, cultural and ethnic groups, regional economic blocs, multinational corporations, non-governmental organizations. The security concept is widened both vertically and horizontally: "those strategies that are not trying to be part of the solution will undoubtedly become an increasingly important part of the problem."<sup>4</sup>

In the analysis of migration in recent years, the assessment of its effects on the security of the states, of Europe in general, taking into account the serious danger of the terrorist phenomenon, the confidence, inter-ethnic and daily conflicts between the migrants and the citizens of the host country, is strictly necessary. Among migrants and citizens of the host country there is a more circumstantial contradiction than a structural one, there will always be security contradictions. Between host societies and migrants, some contradictions are common but not inevitable. They are commonplace because there are many examples throughout history when migrants and societies do not feel well together. In this regard, former British Prime Minister Tony Blair said: "The fortunes of this century are unlikely to be the product of extremist political ideology such as the twentieth century, but they can be easily centered on cultural or religious differences." In this case, all states are affected: those of origin, transition (when it comes to illegal migration) and destinations, to a greater or lesser extent, with major effects, including for national security.

The terrorist events that took place in Madrid, London, Paris or other European countries confirmed that the terrorist phenomenon is a reality of the European world that the international law does not accept, which the European institutions condemn. The Washington Anti-Terrorism Strategy focuses on the avoidance of large and costly military interventions, and responsibilities will be shared between partner countries in combating terrorist groups without a long-standing political, military and religious project.<sup>5</sup>

Policies of legal migration include: the fight against terrorism; maximizing the positive impact of migration; European funds for the external borders, integration, return and refugees; responsibility and solidarity; the balance between the private and security; developing integrated border management in the European Union; establishing common asylum

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<sup>2</sup> Ibid., 368.

<sup>3</sup> Ibid., 104.

<sup>4</sup> Ken Booth, *Strategy and Ethnocentrism* (London: Croom Helm, 1979), 133.

<sup>5</sup> Anghel Andreescu, Dan Andreescu and Dan Bardeş, *Efectul migrației asupra securității României și a Europei* (București: RAO, 2016), 245.

procedures. The European Union is the most important of all regional structures of the world, not only from the perspective of the volume of economic and social activities, but also from the desire of several states to join this structure. Alongside the existence of a functional democracy and respect for human rights, including the rights of people belonging to other reference groups, values such as human dignity, freedom, equality, tolerance and security are instruments that characterize the EU, an open and secure Europe that is permanently in favor of citizens. In the case of disruption of public silence, we talk about legal or illegal migrants for whom armed confrontations between different rival groups are daily activities, where the state is no longer an authority, and terrorist organizations make the law. In theory, we are speaking about two different worlds, about many socio-cultural barriers that remain unchanged even after the administrative barriers are removed, but avoidance of Europeanization is more serious, which imposes certain political-social behavior in the integration process. This reasoning is based on the fact that migrants choose their destinations rationally, but nevertheless they “open” their personal preferences instead of limiting to what they find in the destination country. In this context, the UN General Assembly hosted a high-level meeting in New York on September 19, 2016, to address major flows of refugees and migrants. The General Assembly convened for the first time a meeting on major flows of refugees and migrants at the level of Heads of State and Government. The United Nations described the summit as a “decisive moment for strengthening international migration governance” and adopted the “New York Declaration”, a proposal to improve the international response on these issues.<sup>6</sup> This meeting showed a direct interest in the work of the European Parliament in the context of the current refugee crisis as reflected in its legislative work on asylum, migration and border management, and in its resolution of April 12, 2016, on the situation in the Mediterranean and the need for a global approach to migration. In October 2016, the European Agency for Border Police and Coast Guard was launched. It closely monitors the EU’s external borders and cooperates with Member States to quickly identify and address any possible threats to security at the EU’s external borders.

The issue of “migration” security is proving to be a system security issue where migrants, citizens of the country and the system all play a role and where the economic, social or environmental dimension is just as important as the political or military dimension. International migration is linked to economic security in complex ways. First of all, the migration process is subjecting economically developed countries to double pressures. As the need for a foreign workforce to compensate for empty jobs, demographic aging or very low birth rates increases, the fear of migratory events is also increasing. As regards the possible link between migrants and terrorist attacks, it tends to mistrust foreigners, especially those in the less developed Eastern countries. This is the paradox of the highly developed European countries: on the one hand, the economy needs workforce, but, on the other hand, regional and global pressure and security often have a limitation effect on migration. Some studies show that migration

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<sup>6</sup> UN General Assembly, *New York Declaration for Refugees and Migrants*, 19 September 2016, <http://www.unhcr.org/events/conferences/57e39d987/new-york-declaration-refugees-migrants.html> (accessed 1 February 2018).



contributes to higher employment rates as a result of increased productivity, and that attracting unskilled workers could lead to much higher productivity, thus raising the overall level of employment. In addition, migrant entrepreneurs have increased the level of employment in the host country. For example, according to the National Bureau of Statistics, about 19 000 of foreign citizens live in the Republic of Moldova, of which 50% came here to enter into business (farm land or bakeries), which creates workplaces for natives. Another relevant example could be Germany. It is estimated that Turkish citizens have opened up businesses and created more than 330 000 workplaces for people.<sup>7</sup> But if there is a surplus labor force on the European market, then the effect of migration will be negative. According to official statistics, in 2000 the population of the European Union numbered 377.6 million people. Of this growth, 70% is the result of the migration phenomenon.<sup>8</sup> In fact, without the contribution of migration, the EU would see a natural decrease in the short term.

Another very important aspect is that international migrants' countries of origin have changed. Statistics shows that migrants wishing to arrive in European countries predominate over the European ones. They come from Africa, Asia, or more recently from the Middle East, and the process of Europeanization is difficult, their adaptation to Western standards is lacking, sometimes even denying and violating the minimum requirements, leading to social and cultural tensions. Barry Buzan argues that "the danger of migration is mainly dependent on how the relative number of immigrants interacts with the absorption and adaptation capacities of society."<sup>9</sup> The cultural and social dimension stems from the fact that migrants often do not integrate or want to integrate into the host country society and thus threaten the social base of the country of destination, generate conflicts between the native and migrants, especially on the labor market. Problems of language, religion and cultural tradition play a fundamental role in the integration of migrants in the destination society. In this case, social cohesion should be taken into account, and the role of the migrant should neither be ignored, nor emphasized, not to provoke suspicions among the natives. At the same time, migrants should not be stigmatized for all the evils in the society. When there is war in the country of origin, and the return is virtually impossible, the integration of migrants, especially children, requires different approaches and placement centers, a concept that specifically refers to law enforcement in the host country. Another major concern for some European states is that migration is a burden on host societies because migrants benefit from public social protection services in a much larger proportion than they contribute with social taxes and payments. However, the level at which migrants contribute to the social system remains unclear, ambiguous. For example, in the UK, a study shows that foreign citizens have contributed 10% more to generating public revenues than they have benefited (migrants have paid some mandatory taxes while claiming much less benefits and services). The risk of becoming "social attractions" has prompted a large number

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<sup>7</sup> Gloria Moreno-Fontes Chammartin and Fernando Cantu-Bazaldua, *Studii cu privire la migrația internațională, Perspectivele migrației după extinderea Uniunii Europene din 2004* (Geneva: Organizația Internațională a Muncii, 2005), 62.

<sup>8</sup> *Ibid.*, 89.

<sup>9</sup> Buzan, *Popoarele, statele și frica. O agendă pentru studii de securitate internațională în epoca de după Războiul Rece*, 45.

of states to increase fees and taxes and reduce social benefits for immigrants, and after the integration process, social attractiveness is widening. However, in most cases it seems that the impact depends on the age and studies of migrants, as well as on the social insurance system. However, as most migrants in Europe are economically active, their contributions compensate, or even exceed, their expenditures.

Political threats are directed against the organizational stability of the state,<sup>10</sup> whether or not it is believed to be fighting for political power. The use of terror, such as bombing, assassinations, or armed attacks to weaken or discredit European society, threatens the citizens who are victims. The natives of the destination countries often face the risks of victimization because of the struggles of others for the nature of state policy. The political dimension of the social security of the European states stems also from the great diversity of ideas, ideologies and traditions between migrants and the citizens of the host country, which is in fact the key to justifying international anarchy. In a sense, the very existence of a particular state adopting an ideology opposed to the European one constitutes a political, cultural or social threat. The question "When does a national security issue become a threat?" depends not only on the type of threat and the perceived nature of the state, but also on the intensity with which it acts.<sup>11</sup>

In fact, the effects of labor migration in the European Union, and especially in the Republic of Moldova, cause important changes in all areas of activity. The migration phenomenon became evident in the Republic of Moldova after 1990 through a specific evolution and manifestation, due to the high unemployment rate among the population, the political and social transformations, and the value of human rights in the European states, the hospitality and the tolerance with which they were treated. Paradoxically, although there was the first wave of emigration in our country, labor movement has intensified, but Moldovan citizens know very little about the functioning mechanism of social security systems and the risks and threats to migrant workers. The deficiencies in the preparation for European life is a result of the period when citizens of the Republic of Moldova did not have access to free movement in the true sense of the word,<sup>12</sup> the existence of a small amount of knowledge in the field or even their total absence until 2003-2005 for the majority of the population has created a series of problems for Moldovan emigrants. However, the phenomenon of labor migration to the European Union is a major concern for both the Republic of Moldova and Moldovan citizens. It is estimated that the first wave of labor force emigration among the citizens of the Republic of Moldova has reached Russia and fewer in the EU, but in the last ten years the proportions have changed in favor of the European states.

Besides the *migration based on employment contract*, the *final migration* is growing (the destination countries are Canada or the United States of America). This kind of migration is advantageous for host countries, from an economic or social point of view. Migration for

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<sup>10</sup> Ibid., 126.

<sup>11</sup> Ibid., 142.

<sup>12</sup> The Association Agreement (AA) between the Republic of Moldova and the European Union was signed in April 2014.

studies is a new type of travel that is being experienced in our country. It is a legal migration, which mainly targets individuals involved in higher education or postgraduate education, and is advantageous for both the country of origin and the Republic of Moldova. To be advantageous, the legislative and executive framework should suggest various incentives for the return of migrants who have gone abroad for studies – newcomers rejuvenate the population and stimulate economic growth.<sup>13</sup>

*The temporary international migration* for the Republic of Moldova is above all a “disappearance”, and these “disappearances” have an effect at both the present stage and in the future, when individuals leave for the reunification of families. If all the citizens involved in the final migration are part of the labor force, and of the demographic indicators, the most obvious effect of the Republic of Moldova is the loss of labor force and the decrease of the birth rate. The most obvious effect of migration is demographic one, affecting the composition and size of the population both in the country of origin and in the host country. Demographic trends suggest the need to reconsider migration policies in our country, because the effect of reducing unemployment through emigration occurs with a clear consequence of aging of the labor force. Irrespective of the type of migration, young people are involved in international travel. Departures from the labor market in our country should, in theory, exert pressure on wage growth, which in turn should stimulate rather stay or return to the country.

The primary duty of each state is to protect its own citizens or, as Laurence Martin says, “security is the guarantee of future welfare.” Increased interest in labor migration has generated an increase in state interest in the social protection of Moldovan workers working abroad. In this respect, the Open Doors Day, August 18-20, for the Diaspora at the Government of the Republic of Moldova was created, where several activities were carried out: thematic seminars and consultations with the diaspora or the Diaspora Cup at Mini-football; Government Program DOR; the Diaspora Congress, which is organized by the Office for Diaspora Relations under the patronage of the Republic of Moldova’s Government. This Congress is a platform for dialogue between Diaspora representatives and the Government of the Republic of Moldova on Diaspora policies, the impact of migration on the country’s economic, social, academic and political processes, as well as on the impact of government policies on the Diaspora.<sup>14</sup> It is, however, necessary that these efforts from the executive and administrative levels continue, especially with a focus on national interest.

On the one hand, Moldovan migrants increase the labor force in Europe, with all the consequences that follow, but, on the other hand, they generate new jobs in different sectors of activity in our country. In this respect, the Ministry of Health, Labor and Social Protection has developed a list of priority occupations to fill vacant posts. Thus, there is currently a crisis of employees in 17 areas, and foreign citizens will have to complete only a residence permit and will not need to have a work permit.

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<sup>13</sup> A. Andreescu, D. Andreescu and Bardeş, *Efectul migrației asupra securității României și a Europei*, 61.

<sup>14</sup> Guvernul Republicii Moldova, “Zilele diasporei, organizate sub patronajul Guvernului,” 16 August 2017, <http://www.gov.md/ro/content/zilele-diasporei-organizate-sub-patronajul-guvernului> (accessed 3 February 2018).

In the Republic of Moldova and the EU, there is a policy plan in the field of legal migration with legislative measures in the field of labor migration. The National Migration and Asylum Strategy includes three important components: combating illegal / irregular migration, labor migration and migration and development, to be considered in a holistic way in the development of long-term migration and asylum strategies.<sup>15</sup>

Particular issues raise illegal migration, which can cause serious dangers to national and European security.

Regarding the illegal migration of the last years in the Republic of Moldova, it can be appreciated that the number of foreign citizens involved in the illegal migration has increased considerably. During 2017 border guards detained several Turkish citizens (including minors) who wanted to cross illegally the state border by swimming the Prut River to reach one of the EU's countries. The ways of committing the offenses specific to the border area occurred when leaving the country with false passports. To understand why migration and border management have an essential place on the agenda of the European states, it is necessary to take into account the attitudes and policies related to these issues in the European Union, the relations with which constituted a basic priority for Moldova. Policies on illegal migration refer to dialogue and cooperation with third countries on migration, border security, combating illegal migration and trafficking in human beings, data collection, involvement of international organizations and civil society, social integration of migrants, updating of the National Strategy in the field of migration and asylum.

## Conclusion

The complexity of migration contributes to the adoption of a multilateral approach, which takes into account a number of economic, social and political factors, thus avoiding short-term solutions developed for reasons of rapid effectiveness. The state of adoption of a broader agenda for migration security has three components: the changing priority of security issues related to migration, which is steadily increasing; terrorist attacks in 2015-2016 and social norms and changing interests. A strong international society capable of forming a stable multicultural state makes it easier to avoid unintended and unwanted side-effects of national security policy and facilitates the pursuit of common gains and the avoidance of common losses in many dimensions of economic, ecological, military, political or social policies. Thus, the recommendations for the Republic of Moldova and the EU are: creating a unique database on migrants and refugees, containing data about the employer or employment contracts and developing an electronic information exchange system between the European states; strengthening links with refugee groups, identifying needs and providing assistance; promoting legal migration and implementing long-term migration projects; increasing migrants' awareness of sustainable integration; development of the labor market, recognition of qualifications and skills; expanding and strengthening the dialogue with migrants' countries of origin to negotiate

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<sup>15</sup> Government of the Republic of Moldova, *Decision no. 655 of 08.09.2011 on the approval of the Migration and Asylum Strategy (2011-2020)*, 8 September 2011.

and conclude agreements on labor migration and social security. Cultural relations between countries can positively influence social evolution. From this perspective, the migration phenomenon, asylum and the movement of people must be addressed by EU Member States not only in a common parameter but also in a positive common vision of their policies, since migration must be dealt with by recourse to the issues of security, public order and border control of the European states. This is, of course, a huge task, of joint efforts, but to succeed, a comprehensive global migration policy is needed through slow flows to successfully integrate at agreed and negotiated Community level. Otherwise, massive migration to Europe at the current stage determines the failure of host states to achieve integration, which may be lasting.

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## SECURITY CHALLENGES OF LANGUAGE POLITICS' DISCUSSION BETWEEN UKRAINE AND HUNGARY: THE CASE OF TRANSCARPATIA REGION

Myroslava LENDEL

**Abstract.** The so called "language article" of the new Law on Education that was adopted and came into force in September 2017 caused big discussion both on the international scale and inside the Ukrainian society. In Transcarpathia region the main point of discussion was the introduction of the Ukrainian language as the main language of instruction in the schools currently functioning as the Hungarian language educational establishments. The discussion that by the logic has to be a part of the civil society agenda actually is to be positioned as the political conflict between Ukraine and Hungary that is directing its diplomacy on the defense of its ethnic compatriots. That is the main impetus to make a research of the correlation of the real educational intentions of the Ukrainian Hungarians and the political rhetoric used by Budapest, and of the security challenges caused by this conflict for the Central European region and the whole EU.

**Keywords:** language, law on education, Ukraine, Hungary, Transcarpathia region, ethnic community, security challenges.

### Presentation of the problem

The factor of integral Central European space determines the formation of common threats to the region's security. A part of them is not visualized or not perceived in the capital cities. Especially the Transcarpathia region of Ukraine, taking into consideration the fact that it borders or has close historical ties with Central European countries it is linked by the mirror border territories not only by the development opportunities but also by the set of homogeneous security challenges. Besides energy dependence, threats of social and economic peripheralization of Central European bordering territories, different population attitudes to Ukraine-Russia crisis and other geopolitical conflicts, the most important challenges to the stability in the above mentioned borderland are connected by the ethnopolitical diversity of the region.<sup>1</sup>

The greatest challenge for maintenance of the existing *status quo* in Central Europe is the policy of Hungary, which follows – in the open official format – the strategy of protection by all possible means of the interests of Hungarians living in the Slovak Republic, Romania, Ukraine and Serbia, and in the concealed one – the aspiration to unite Hungarian community within the territories, existing at the end of World War I, suggesting autonomy ideas for its implementation.

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<sup>1</sup> Myroslava Lendel, "Security Challenges to Central European Bordering Territories: View from the Transcarpathian Region of Ukraine," *Securitologia* 1, 21 (2015): 61-73, <http://cejsh.icm.edu.pl/cejsh/element/bwmeta1.element.desklight-c24f6607-faf6-431e-8e77-6b3963ab3a5f> (accessed 10 January 2018).

In its relations with neighboring countries official Budapest holds to the set number of diplomatic theses and political priorities. In particular, it is specific about the need to protect the collective rights of Hungarians, living in other countries, providing the citizenship to those, who can prove their ethnic Hungarian origin, which means obtaining political rights; an establishment as well as the organizational and financial support of ethnic parties, claiming their representation in government bodies, including national parliaments and governments; propaganda of autonomy on the bordering territories, especially on the eve of elections.

In view of the fact that Transcarpathia region is inhabited by more than 150 thousand representatives of Hungarian community, Hungarian "soft expansion" in Ukraine has the same formats as in the case of Central European countries, such as the Slovak Republic and Romania. At the same time, taking into consideration the vulnerability of Kyiv due to the military conflict with Russia, economic crisis, increase of social and psychological tension, resources and instruments to ruin the ethnopolitical stability are even more diverse. It is the establishment of Prytysianskyi autonomous district, which would be inhabited by 110-120 thousand ethnic Hungarians; to obtain Hungarian citizenship, one must prove his/her Hungarian origin or the citizenship of close ancestors, language competence; the concession of political rights to Hungarians, living in other countries, in order to expand the electoral resource of the ruling party FIDESZ, separatist tendencies, not concealed on the territory of Transcarpathia by the representatives of other parliament "Jobbik" party.<sup>2</sup>

All these challenges to the ethnopolitical stability of Ukraine could have been considered not menacing if some Hungarian political forces did not support Russia in its military and political conflict from Ukraine. The representatives of the political party "Jobbik" acted as observers in March, May 2014 referendums, held in Crimea and Donbas. The same year the Prime Minister of Hungary V. Orbán declared compliance with the illiberal state model, established on the values of nationalism, factual approval of Russia's foreign policy, promulgation of the slogan about the "turn to the East" and open criticism of European sanctions against Moscow. At the same time, the pressure of Germany and the US, the position of European solidarity as to the development of mutual sanctions politics against Russia, and the aspiration to diversify the sources of raw materials supply made the politics of Hungary from 2015 more moderate and concurrent with the Brussels consensus though challenged by migration crisis and the debate on the level of democracy inside the country.

In 2017 the language question, especially the various polarized positions of the parties concerning the correlation between the state language (Ukrainian) and the language of the national minority (Hungarian) became one of the most important ethnopolitical questions in Transcarpathia for the development of the relations between Ukraine and Hungary. Its 'trigger mechanism' was the discussion of the project of the Law of Ukraine 'On Education' and, particularly, the fact that it was approved by the Parliament on September 5. The discussion of the contents of the 'language' article 7 took place not only among the socio-political leaders of

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<sup>2</sup> Frank Markovic, "Behind the V4's Different Position Towards Ukraine and Russia," *Visegrad Insight*, 12 September 2014, <http://visegradinsight.eu/divided-more-than-united12092014> (accessed 10 January 2018).



the Hungarian minority of Transcarpathia and the representatives of the Ministry of Education and Science of Ukraine, which was regarded as a main developer of the law, and other ethnical and social groups within the region, but between the official Kyiv and Budapest, which was traditionally a protector of the ethnic countrymen. The precedent of the various positions, which were taken by the central authorities and local authorities in relation to the language question, presents the greatest danger to the stability in Ukraine. A new line of the conflict in the political-managerial mechanism of Ukraine contributed to the manipulation by the public opinion, which in its turn, does not contribute to the informational security. The occasional unhidden effects of the manipulation of the mass media on the perception of each other by neighboring societies may be proved by more rigid, sometimes intolerant checks of Ukrainian citizens on the border with Hungary, plots in the Hungarian media about the expected closure of Hungarian schools and, at the same time, the 'separatists' labels used by some Ukrainian media about the Hungarian Transcarpathians or the entire population of the region as a whole.

The aim of the present paper is the determination of the threats to security of Ukraine, which were caused by the differences in perception of the 'language' article of the Law 'On Education' by different social and political actors, factors, which contributed to the development of the conflict, and the chances to neutralize the security risks in the short-term perspective.

## Methodology

Conceptual fundamentals of security – national and international as a phenomenon of the internal and foreign policy, public phenomenon – are multidimensional. For the needs of the present article the definition, which is instrumental among the researchers and the governors of the USA, particularly concerning the definition of the national security of this country is used. Thus, the former Minister for Defence of the USA Harold Brown defines national security as the ability to preserve the nation's physical integrity and territory; to maintain its economic relations with the rest of the world on reasonable terms; to protect its nature, institutions, and governance from outside; and to control its borders.<sup>3</sup>

Among the variety of the other aspects of the national security, the analysis of which is not the subject of the present research, for the polyethnic countries particularly those, that border with 'maternal states' emphasize the ethnic (ethnopolitical) dimension. Its task is the provision of the stability of the socium, state, interstate relations, and the region as a whole. It is worthy to mention that we analyze ethnopolitical stability as the safeguarding of sustainable relations among the countries, territories of which are inhabited by the same ethnic communities. Doubts as to the frontier inviolability and sometimes even declarations of intentions to

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<sup>3</sup> Cynthia Ann Watson, *U.S. National Security: A Reference Handbook*, Second Edition (Santa Barbara, Denver, Oxford: ABC-CLIO, Inc., 2008).

encroach territorial integrity of the neighboring country are explained by the politicians, who represent the “mother” country, chiefly by “ethnic injustice.”<sup>4</sup>

Therefore, the ethnopolitical stability or, in other words, the preservation of the sustainable relations between the states, at the territories of which the same ethnic communities live, is perceived as an element of the international regional stability. The conflicts, which have been developing during a long period of time – in natural and imported way – in Crimea and in Donbas, together with other factors resulted in the international crisis around Ukraine. In the case of the Ukrainian-Hungarian border regions, the researchers have a unique opportunity to analyze the ongoing and to predict possible challenges, which – in case of absence of the adequate answers – as real threats may destroy the ethnopolitical stability in the bilateral relations in this region of Europe as a whole.

Again, without going into details of the analysis of the conceptual differences between the terms used in the studies, let's emphasize the fact that security refers to an absence of objective dangers, i.e. of security ‘threats’, ‘challenges’, ‘vulnerabilities’ and ‘risks’, and of subjective fears or concerns, and to the perception thereof. From a realist perspective, objective security is achieved when the dangers posed by manifold threats, challenges, vulnerabilities, and risks are avoided, prevented, managed, coped with, mitigated and adapted to by individuals, societal groups, the state or regional or global international organizations. From a social constructivist approach, security is achieved once the perception and fears of security ‘threats’, ‘challenges’, ‘vulnerabilities’ and ‘risks’ are allayed and overcome.<sup>5</sup>

In order to define the factors which have an influence on the dynamics of the ‘language’ question development between Ukraine and Hungary, we will deal with the disputes between different social-political actors in Transcarpathia region and beyond it, the chronological analysis of the of the public claims made by the governments’ officials, the politicians of the state and regional level, the leaders of the public organizations of various ethnic and cultural directions. This will contribute to the definition of the possibility to reach the compromise in the language issue between the conflicts’ sides.

## Results

In the period 2014-2015 the neighboring Central European countries, including Hungary, supported the territorial integrity within the context of Crimea annexation and the war in Donbas in their official statements. Particularly, in December 2014 the Prime Ministers of the Visegrad 4 countries at the meeting in Bratislava estimated the policy of Russia as the one that

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<sup>4</sup> Stelas Aslanov, “Ethnopolitical Stability: the Ethnic Aspects of Phenomenon,” *Science and Education: A New Dimension. Humanities and Social Sciences II* (4), 23 (2014), [http://seanewdim.com/uploads/3/2/1/3/3213611/aslanov\\_s.a.\\_ethnopolitical\\_stability\\_the\\_ethnic\\_aspects\\_of\\_phenomenon.pdf](http://seanewdim.com/uploads/3/2/1/3/3213611/aslanov_s.a._ethnopolitical_stability_the_ethnic_aspects_of_phenomenon.pdf) (accessed 9 February 2018).

<sup>5</sup> Hans Günter Brauch, Úrsula Oswald Spring, Czeslaw Mesjasz, John Grin, Patricia Kameri-Mbote, Béchir Chourou, Pál Dunay and Jörn Birkmann, eds., *Coping with Global Environmental Change, Disasters and Security: Threats, Challenges, Vulnerabilities and Risks*, Hexagon Series on Human and Environmental Security and Peace, vol. 5 (Berlin-Heidelberg-New York: Springer-Verlag, 2011).

violates the sovereignty and territorial integrity of Ukraine. Later on, the other statements concerning the need for compliance with norms of international law by Russia were made. At the same time, the official policy of some of them or the activity of the separate political forces are inherent tendencies, which may be regarded as security challenges for Ukraine, which are not obligatory related to the geopolitical strategy of the Russian Federation. However, they may also be understood as the one, which uses the weak points of the state institutes of Kyiv in course of military and political confrontation, economic crisis, caused by the lost control over some parts of the territories, low investment attractiveness of the country, which is in a state of war and did not manage to overcome the problem of corruption.

In particular, the constitutional priorities of the foreign policy of Hungary include the protection of rights of the Hungarians abroad, especially in the format of the encouragement of creation of the national and territorial autonomies or asymmetric decentralization. Since the end of the 1990s in a course of bilateral negotiations with Kyiv in the activities of the Ukrainian parties, which represent the interests of the Hungarians within the region and – unofficially – Budapest – the Democratic Party of the Hungarians of Ukraine, apart, a more radical Society of Hungarian Culture of Transcarpathia regarded the question of formation of the Prytyssa District in Transcarpathia arose. This region would include the territories where Hungarians live compactly. Since 2010 this proposal is regarded in the context of the gaining by a large number of the region inhabitants (about 94 thousand people as of February this year.) of the citizenship of Hungary. Obviously, this number will only increase. At the present stage Budapest is objectively interested in the implementation of the descentralization in Ukraine, as far as it will contribute to the unification and increase in the authorities of communities, which – probably – will compactly unite the representatives of the Hungarian minority on the border regions of Transcarpathia region.

Hungary uses for the promotion of its interests concerning the expansion of the rights of the Hungarian minority on the territories not only the potential of the Hungarian parties – Political Party «KMKS» Party of Hungarians of Ukraine (hereinafter – KMKS), the Democratic Party of Ukraine (hereinafter – DemPU), but the general Ukrainian forces. In particular, Budapest applies the strategy of 'soft force' in relation to Ukraine, by spreading its cultural influence on the youth and the intellectuals, by supporting the activity of the Ferenc Rákóczi II Transcarpathian Hungarian College of Higher Education in Berehovo, the other educational institutions, by providing financial bonuses to the salaries of the teachers in schools and kindergartens encouraging them to gain the citizenship of Hungary, which is regarded as the best guarantee of their safety under conditions of the Ukrainian-Hungarian conflict. The projects developed by the institutions of the Transcarpathia region are namely financed within the framework of the Eastern Partnership Program other international strategies and programs.

At the same time, Hungary, despite the active trade relations with Russia, energy dependence, the commitment to the "non-liberal" style of government of Putin, the xenophobic policy on migrants from the South, officially adheres to the position agreed with other European countries regarding security in Eastern Europe. This gives grounds for concluding that Hungary, despite the radicalism of the right-wing parliamentary forces, in particular, the Jobbik

party, will not violate international law in relations with Ukraine, but will use diplomatic, political, economic and cultural influence to protect the interests of the Hungarian minority abroad and promotion of its influence on the territory of the neighbour country.<sup>6</sup>

The language of education is considered by Hungary as one of the most powerful tools for preserving the identity of foreign compatriots, the spread of cultural influence in neighboring countries where they live compactly. In the Transcarpathian region, the Hungarian language is traditionally the language of instruction in a large number of educational institutions: in 71 educational institutions, the Hungarian language is the main language of teaching; in addition, in 31 general educational institutions, education is provided in two languages.<sup>7</sup>

Since the beginning of 2010, in particular in the context of the entry into force of the Law of Ukraine "On the Principles of State Language Policy", which provided functioning of regional or minority languages, Hungary took advantage of the opportunity to spread the environment of studying the Hungarian language on the "non-Hungarian" population.<sup>8</sup> This was undoubtedly facilitated by the objective interest of the inhabitants of Transcarpathia in mastering this language, taking into account their intense social and economic contacts with Hungary, the possibility of migration to this country.

Already in March 2013, the ambassador of Hungary suggested Hungarian for studying as the second foreign language in the schools of Transcarpathia.<sup>9</sup> It should be noted that this proposal was previously announced by the Transcarpathian Hungarian Pedagogical Society in a more radical format, namely the compulsory study of this language and the introduction of a bilingual certificate in the territorial community, where the Hungarian has the status of a regional language, in accordance with the Law of Ukraine "On the Principles of State Language Policy."<sup>10</sup> It is worth mentioning that in the context of the implementation of this law, in December 2012 the Transcarpathian Regional Council issued a decision recommending that territorial communities independently decide on the status of regional languages of the languages of ethnic minorities (it was Hungarian, Romanian and Rusyn). Thus, existing trends in linguistic politics have, along with other factors, indicated the growth of the political subjectivity of the Hungarian minority. Moreover, the goal of forming a complete educational

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<sup>6</sup> Мирослава О. Лендьел and Світлана І. Мітряєва, *Українське питання у порядку денному політики Вишеградських країн у 2014-2015 роках: аналітична доповідь* (Kyiv: Національний Інститут Стратегічних Досліджень, 2016), <http://www.niss.gov.ua/content/articles/files/vishegrad-50c59.pdf> (accessed 11 January 2018).

<sup>7</sup> Мирослава Мартинів, "Освіта для нацменшин змінюється: «синьо-жовтого» – тобто українського – має бути більше," *Uzhgorod Net Portal*, 28 September 2017, <http://uzhgorod.net.ua/news/115499> (accessed 11 January 2018).

<sup>8</sup> *Закон України "Про засади державної мовної політики"*, Відомості Верховної Ради 23, ст. 218, 2013, <http://zakon3.rada.gov.ua/laws/show/5029-17> (accessed 11 January 2018).

<sup>9</sup> "Угорці пропонують вивчати угорську в школах Закарпаття як іноземну," *Закарпаття онлайн Beta*, 5 February 2013, <http://zakarpattya.net.ua/News/106403-Uhorski-proponuiut-vyvchaty-uhorsku-v-shkolakh-Zakarpattia-iak-inozemnu> (accessed 11 January 2018).

<sup>10</sup> "Педагоги пропонують у школах Закарпаття зробити обов'язковим вивчення угорської мови," *Ужінформ*, 17 February 2013, <http://uzhinform.com/obshhestvo/pedagogi-proponuyut-u-shkolax-zakarpattya-zrobiti-obovyazkovim-vivchennya-ugorsko%D1%97-movi.html> (accessed 13 January 2018).

cycle in the Hungarian language of instruction in the Transcarpathian region – kindergarten – school – higher educational institution – was not only declared by Budapest but it was implemented in practice. Over the past years, with the assistance of the Hungarian side, 80 pre-school educational institutions were reconstructed and 22 new ones were built in Transcarpathia.

Immediately after the Revolution of Dignity, the language issue in the Transcarpathian region became the focus of the media, public actors, politicians in connection with the low rates of transfer of EIT (ZNO) by graduates of secondary schools, in particular, the level of proficiency in the Ukrainian language. Thus, according to the civic network “Opора”, in the Berehove district, where the Hungarian community is densely populated, 63% of enrolled students failed the external Testing in Ukrainian language. In some schools this assessment was not more than 90%, and in separate cases 100% graduates.<sup>11</sup>

The very low level of state language (Ukrainian) proficiency of school graduates was used by the developers of the text of the Law of Ukraine “On Education”, which was voted on by the Verkhovna Rada of Ukraine on September 5, 2017, as an argument for the inclusion of the current version of Article 7. According to it, the language of the educational process is the state language. Representatives belonging to national minorities are guaranteed the right to study in the appropriate language in communal institutions only in the pre-school and primary education units. At the same time, one or more disciplines can be taught in English or in the official languages of the European Union.<sup>12</sup>

It is worth noting that in spring 2017, during the discussion of the draft law, about 64 thousand signatures of the inhabitants of the region, mainly representatives of the Hungarian community, in support of the claim to the President of Ukraine, Speaker of the Parliament, and the Prime Minister, were gathered. These referred to the need to take into account the interests of national minorities. Public support for this position was demonstrated by the Head of the Transcarpathian Regional State Administration Hennadiy Moskal and the head of the Regional Council Mykhailo Ravis. At the same time, this campaign took place against the backdrop of a wave of rising patriotism, including an increase in supporters of the expansion of the use of the state language, which began in 2014 under the influence of the Revolution of Dignity, the deployment of the Ukrainian-Russian military-political conflict.

The reaction of the Hungarian political leadership of Transcarpathia, Budapest in general, to the “linguistic article” of the approved law was expected to be negative, although the Ukrainian government, frankly, did not expect such radicalization in the statements of the leaders of the Hungarian community and the state. The final adoption of the law was accepted by the Hungarian minority as inadmissible, contrary to international law, the practice of cultural and

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<sup>11</sup> “Знову про ЗНО: В окремих селах Закарпаття тести з української мови не склали 100% випускників,” Mukachevo, 4 September 2017, <http://www.mukachevo.net/ua/news/view/240617> (accessed 13 January 2018).

<sup>12</sup> Закон України “Про освіту”, Відомості Верховної Ради 38-39, ст. 380, 2017, <http://zakon3.rada.gov.ua/laws/show/2145-19> (accessed 15 January 2018).

educational life in the region. In addition, it was pointed out that the adopted version of Article 7 was different from the version consulted with representatives of national minorities.

Almost immediately after the vote, a statement was signed by the head of the KMKSZ, People's Deputy of Ukraine from the BPP "Solidarnist" V. Brenzovych, the chairman of the DemPU L. Zubanych, the chairman of the Transcarpathian Hungarian-speaking Pedagogical Society, the Rector of the Transcarpathian Hungarian Institute named after Ferenc Rakoczi II, I. Oros, that is by the leaders of the influential Hungarian institutions in the region. It contained an appeal to the President of Ukraine with a request "not to sign a law that threatens the existence of national minorities, including Transcarpathian Hungarians."<sup>13</sup> Synchronously, official Budapest also unveiled a protest against the content of the new law, which is "an unprecedented violation of the rights of minorities, including Hungarians" and hopes to revise the rules of this document.<sup>14</sup>

Symbolically, *de facto* synchronization of the position on language innovations in education took place not only between the Hungarian political leadership of Transcarpathia and the authorities of Hungary, but also with the representative of the state in the Transcarpathian region, the "governor" H. Moskal and the majority of the Transcarpathian Regional Council members, in particular, the head of the region described the adopted law as not in line with the European Charter for Regional or Minority Languages, which Ukraine ratified in 2003, the Law "On National Minorities in Ukraine" and international treaties concluded with neighboring countries.<sup>15</sup> The decision was taken at the session of the Transcarpathian Regional Council on September 21, 2017, on the appeal to the President of Ukraine to amend and veto the Law of Ukraine "On Education", in particular, the indication of unconstitutionality of the norms of Article 7, violation of its international obligations of the state provoked a sharp debate among the public in the region.<sup>16</sup> The Head of the Transcarpathian Regional State Administration H. Moskal, who was a key figure in the discussion of this issue by the regional council, was either undeniably supported as a politician that understands the needs of ethnic minorities living in the Transcarpathia or has been termed as a hidden "agent" of Hungarian influence.

One of the challenges for Ukraine's security is the fact that ethnopolitical issues have become the subject of political, including electoral manipulation, the main political actors in the region, who began to use educational rhetoric in exchange for proposals to address the socio-economic development of the region. Thus, the opposition to H. Moskal and the majority in the regional council of deputies of different levels of Hungarian origin from the party "Yedynyi

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<sup>13</sup> "Угорські організації Закарпаття просять Порошенка накласти вето на нову редакцію закону про освіту," Українські Новини, 8 September 2017, <https://ukrainews.com/ua/news/517766-ugorski-organizacii-zakarpattya-prosyat-poroshenka-naklasty-veto-na-novu-redakciyu-zakonu-pro-osvitu> (accessed 12 January 2018).

<sup>14</sup> "Офіційна Угорщина висловила рішучий протест проти українського закону "Про освіту"," Mukachevo, 6 September 2017, <http://www.mukachevo.net/ua/news/view/240681> (accessed 15 January 2018).

<sup>15</sup> "Новий закон про освіту порушує права нацменшин – Москаль," Українська правда, 8 September 2017, <https://www.pravda.com.ua/news/2017/09/8/7154433/> (accessed 16 January 2018).

<sup>16</sup> Закарпатська обласна рада, "Про звернення Закарпатської обласної ради щодо Закону України "Про освіту," 21 September 2017, <http://zakarpat-rada.gov.ua/normatyvni-dokumenty/rishennya-rady/vii-sklykannya/8-sesiya-i-zasidannya-21-09-2017/> (accessed 15 January 2018).

Centr" unveiled an open appeal to the President of Ukraine with a request to stop the stirring up of hostility between the Ukrainian and Hungarian communities, the hanging of the labels of the separatists on the Hungarians.<sup>17</sup>

Among the "Non-Hungarian" public-political forces, the national-patriotic organizations of Transcarpathia, in particular, the two Carpathian Sich, operating in the region, clearly supported the linguistic norms of the Law of Ukraine "On Education". The organization, affiliated with the "Svoboda" party, issued a statement calling for the consolidation of nationalists to protect the Ukrainian Transcarpathia "in connection with the intensification of the provocative anti-state work of pro-Russian, pro-Hungarian and other separatist forces in the province." They also welcomed the adoption and signing of the law as helping the Hungarian community living in the "enclave", "linguistic ghetto", and gaining more educational and career opportunities in Ukraine for signposts of the Ukrainian intelligentsia of the region – writers P. Midiaanka, A. Lyubka, O. Havrosh. In early November, as part of the celebration of the Day of Ukrainian Writing, the NGO "Movement for the Protection of the Ukrainian Language" announced the appeal of public organizations to the heads of the regional councils and state administration on the re-election of the rector of the Transcarpathia Hungarian Institute named after Ferenc Rakoczi II, I. Oros, heads of the Standing Committee on Education, Science, Culture, Spirituality, Youth Policy, Physical Culture and Sports, National Minorities and Information Policy of the Transcarpathian Regional Council, for anti-Ukrainian activities and discrediting the state language.<sup>18</sup>

At the same time, the vast majority of regional public and political structures did not disclose their position; however, in public discourse, in particular in the media, social networks, immediately after the adoption of the law, a sharp distinction was made between citizens in relation to their linguistic norms: from unconditional support to rejection as such, which will lead to the Hungarians' departure abroad, rising tension in society and the loss of the region's identity.

Therefore, it is not surprising that the fact of signing the law on 25 September 2017 became the most resonant in Transcarpathia. As it was mentioned before, the creation of a full-fledged "Preschool-School-University" educational cycle with Hungarian language of teaching for foreign compatriots is one of the priorities of Hungary, so the reaction of its political leaders were sharp and uncompromising. In addition to statements made in Budapest, in particular regarding the blocking of all international initiatives of Ukraine, some assessments of the signed law were promulgated by Hungarian high officials in the Transcarpathian region. Thus, on September 26, the Speaker of the National Assembly of Hungary L. Kever estimated the new law as "catastrophic" and added: "We did not give the reason that Ukrainian politicians did

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<sup>17</sup> "Заява фракції партії "Єдиний Центр" в Закарпатській обласній раді," Єдиний Центр, 12 September 2017, [http://edc.org.ua/ua/news/29612\\_Zayava\\_frakcii\\_partii\\_](http://edc.org.ua/ua/news/29612_Zayava_frakcii_partii_) (accessed 12 January 2018).

<sup>18</sup> "У День української писемності та мови в Ужгороді проведуть акцію "Українська мова – код нації!," Закарпаття онлайн Beta, 7 November 2017, <http://zakarpattya.net.ua/News/175889-U-Den-ukrainskoi-pysemnosti-ta-movy-v-Uzhhorodi-provedut-aktsii-Ukrainska-mova-%E2%80%93-kod-natsii> (accessed 17 January 2018).

so with Transcarpathian Hungarians, therefore our opinion is so categorical and in the same categorical form we will speak in the future.” At the same time, the politician added that, despite the language conflict, Hungary will continue to support Transcarpathia in the humanitarian sphere, but can not guarantee the same in political relations with Kyiv.<sup>19</sup>

On the preservation of constructive relations between Budapest and Transcarpathia, and more, their improvement, against the backdrop of deteriorating relations with official Kyiv, is witnessed by the meeting on October 9, 2017, of the Minister for Foreign Affairs and Foreign Trade of Hungary P. Siarto with the Head of the Transcarpathian Regional State Administration H. Moskal, despite to refuse the meeting with the Minister of Foreign Affairs of Ukraine P. Klimkin. The governor of the region confirmed the previously announced position that a number of norms adopted by the Law of Ukraine “On Education” does not correspond to international agreements and interstate agreements ratified by Ukraine. It is not possible, in his opinion, to provide schools of national minorities with the teachers who can skilfully teach all disciplines in Ukrainian. At the same time, P. Siarto pointed out that “in spite of various points of view on the law by Ukraine and Hungary, we will continue to assist the Hungarian community in Transcarpathia, as well as the Transcarpathian region itself.” Moreover, they are ready to increase the amount of “investments”, in particular, in the development of the border infrastructure. It is worth noting that H. Moskal, in the context of maintaining the partnership with Budapest and – the corresponding need for revision of the norms of the new educational legislation of Ukraine – pointed to several projects that are planned to be implemented with the participation of Hungary. This is primarily the construction of the Berehovo district road connecting the M-3 motorway and the Chop-Kyiv international route, the reconstruction of the International Luzhanka-Beregshuran checkpoint and the opening of a new international border crossing point on the Ukrainian-Hungarian border “Velyka Palad-Noggotosh.”<sup>20</sup>

Despite the heightened criticism of the Kyiv’s politics in the Hungarian media, which undoubtedly influenced the growth of the negative attitude towards Ukrainians, political actions against Ukraine, accompanied by slogans on the “autonomy” of Transcarpathia, did not receive support from ordinary Hungarians. Thus, only 150 people joined the “Samovyznachennya of Transcarpathia” meeting, which took place on October 13, 2017, under the walls of the Ukrainian Embassy in Budapest under the initiative of the right-wing radical party “Jobbik”.<sup>21</sup> At the same time, even these large-scale actions led to the formation of a new or, rather, visualization of the latent threat to the security of Ukraine at its western frontier, namely, the mirror growth of the activity of right-wing radical organizations in Transcarpathia. Thus, after

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<sup>19</sup> “Угорщина підтримуватиме Закарпаття попри розбіжності з Києвом – Кевер,” Закарпаття онлайн Beta, 26 September 2017, <http://zakarpattia.net.ua/News/174485-Uhorshchyna-pidtrymuvatyme-Zakarpattia-popry-roz-bizhnosti-z-Kyievom-%E2%80%93-Kever> (accessed 17 January 2018).

<sup>20</sup> “Міністр закордонних справ Угорщини зробив в Ужгороді гучну заяву,” Panorama Media Group, 10 October 2017, <https://pmg.ua/politics/64117-ministr-zakordonnykh-sprav-ugorshhyny-zrobyv-v-uzhgorodi-guchnu-zayavu> (accessed 20 January 2018).

<sup>21</sup> Роман Ганкевич, “В Угорщині пройшла акція “Самовизначення для Закарпаття,” Zaxid Net, 14 October 2017, [https://zaxid.net/v\\_ugorshhini\\_proyshla\\_aktsiya\\_samoviznachennya\\_dlya\\_zakarpattia\\_n1438916](https://zaxid.net/v_ugorshhini_proyshla_aktsiya_samoviznachennya_dlya_zakarpattia_n1438916) (accessed 20 January 2018).



the protest of "Jobbik", Ukrainian patriotic organizations conducted pickets under the walls of the Hungarian consulates, protesting against the policy of confrontation, which they believe is carried out by Budapest. Even more critical situation was on November 11, on the anniversary of the founding of the "historical" organization "Carpathian Sich", when its successor, affiliated with the political party "Svoboda", organized a procession in Berehovo, during which the Hungarian national flag was removed from the city council building.

The position of the Hungarian side was in fact supported by the head of the region H. Moskal, who condemned the national-patriotic manifestations in the region, which "play" on the Russian special services.<sup>22</sup> The position of the Hungarian side was in fact supported by the head of the region H. Moskal, who condemned the national-patriotic manifestations in the region, which "work in favor" of the Russian special services. The policy of the Transcarpathian governor in language question and in the "Hungarian question", in general, became a subject of disagreement in the Verkhovna Rada of Ukraine, where People's Deputy from the Narodnyi Front, I. Lapin, addressed the Prime Minister V. Hroisman on the matter of the unconstitutional actions of the head of the region, which does not notice the placement of flags of other states on state institutions of Ukraine. According to the politician, with such an inactivity of the regional government "we will reach the Transcarpathian People's Republic." The leaders of the Svoboda party took a similar position in respect to H. Moskal. At the same time, the Transcarpathian leader recaptured these attacks as the desire of certain political forces to have control over an area in which "there is no separatism", Transcarpathian People's Republic "is impossible, and Hungarian national symbols, used in full compliance with Ukrainian legislation."<sup>23</sup>

The visit of the Minister of Education and Science, L. Hrynevych to the region, which took place on November 17, was supposed to contribute at least to the temporary reduction of tension in the language question. A member of the profile ministry has clearly stated that the Venice Commission's recommendations regarding the law have been implemented since their official promulgation. Assessing the position of Budapest, L. Hrynevych emphasized: "Hungary's position on the new law" On Education "today, unfortunately, is more political – but at the same time it affects the interests of children from the Hungarian minority living in Transcarpathia. I am sorry that the political situation in Hungary, and in particular the election campaign, affects the Law "On Education" in Ukraine."<sup>24</sup>

However, the desired effect was not achieved: on November 24 in Brussels, the Head of the Ministry of Foreign Affairs of Hungary repeated the thesis that Budapest would block the

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<sup>22</sup> "Головний націоналіст Закарпаття дав гнівну відповідь Москалю," Express, 14 November 2017, <http://expres.ua/news/2017/11/14/271635-ugorshchyna-vymagaye-reakciyi-ukrayinskoyi-vlady-incident-berehovo> (accessed January 15 2018).

<sup>23</sup> "Москаль повторив мантру про відсутність сепаратизму на Закарпатті і "наїхав" на "Народний фронт"," Закарпаття онлайн Beta, 17 November 2017, <http://zakarpatya.net.ua/News/176252-Moskal-povtoryv-mantru-pro-vidsutnist-separatyizmu-na-Zakarpatti-i-naikhav-na-Narodnyi-front> (accessed 20 January 2018).

<sup>24</sup> "Гриневиц: Закарпатські політики стали заручниками угорських політиків," Ukrinform, 17 November 2017, <https://www.ukrinform.ua/rubric-regions/2346454-grinevic-zakarpatski-diti-stali-zarucnikami-ugorskih-politikiv.html> (accessed 21 January 2018).

Euro-Atlantic aspirations of Kyiv until the law "On Education" was revoked. Also on the eve of the publication of the report of the Venice Commission, the statement of P. Siarto, made public on December 7 during the 24<sup>th</sup> session of the OSCE Council of Ministers in Vienna became more resonant about the need for the permanent presence of the special monitoring mission of this organization in Transcarpathia.<sup>25</sup> Thus, as expected, Hungary took advantage of the incident with the removal of national symbols from the building of the city council of Beregovo to increase the level of visualization of the ethnopolitical conflict in the region.

At the same time, the recommendations of the Venice Commission on the regulation of the use of languages in the Law of Ukraine "On Education", promulgated on December 8-11, 2017,<sup>26</sup> considered the main Hungarian organizations of the region as such, according to which "the correct decision, probably, would be to amend article 7 and replace the current provision with a more balanced and more clearly formulated text." In addition, community leaders have expressed a misunderstanding on the content of some points in the decision of the Venice Commission, in particular paragraphs 116-117, which recommend the adoption of a special law clarifying the mechanism for the implementation of Article 7. It was also questioned that Ukrainian state institutions would consult minorities on its content: "There are no legal or institutional conditions for such a dialogue in Ukraine."<sup>27</sup>

Polarization of the region's politics in relation to the language article and, more precisely, the manipulation of this issue, as well as the issue of dual citizenship in order to increase the influence of the population, is currently another threat to political stability in the region, Ukraine as a whole. Thus, at the end of 2017, the chairman of the regional council in the next council meeting criticized the content and procedure for the adoption of the Law of Ukraine "On Education", to the development of norms of which – in particular, the language – did not involve representatives of national minorities. Commenting on the recommendations of the Venice Commission, the politician made the following conclusion: "Now the situation is balanced, as we see, there is no escalation. However, it was worth listening to our appeals and not lose the international image."<sup>28</sup>

At the same time, the leader of the "Yedynyi Centr" V. Baloha, the main opponent of the coalition in the regional government, in particular H. Moskal, supported the norms of the "language" article, believing that the expected reduction of the rights of national minorities is a political rhetoric beneficial to Budapest. Common citizens of Hungarian nationality living in

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<sup>25</sup> "Угорщина закликала направити постійну місію ОБСЄ на Закарпаття," *Українська правда*, 7 December 2017, <http://www.eurointegration.com.ua/news/2017/12/7/7074783/> (accessed 17 January 2018).

<sup>26</sup> Council of Europe, "Ukrainian Education Law: sufficient minority language teaching needs to be maintained, and unequal treatment of non-EU languages problematic, says Venice Commission," Ref. DC 183 (2017), [https://search.coe.int/directorate\\_of\\_communications/Pages/result\\_details.aspx?ObjectId=090000168076f2c3](https://search.coe.int/directorate_of_communications/Pages/result_details.aspx?ObjectId=090000168076f2c3) (accessed 21 January 2018).

<sup>27</sup> Товариство угорської культури Закарпаття, "Позиція організацій угорців України стосовно висновку Венеціанської комісії щодо регулювання використання мов у Законі України "Про освіту"," 13 December 2017, <https://kmsz.com.ua/2017/12/13/pozyciya-orhanizacij-uhorciv/> (accessed 19 January 2018).

<sup>28</sup> Мирослава Галас, "Михайло Рівіс про те, чим Закарпаття могло похвалитися у 2017-у, і що пішло не так?," Uzhgorod Net Portal, 2 January 2018, <http://uzhgorod.net.ua/news/119566> (accessed 16 January 2018).

Transcarpathia do not express dissatisfaction with the changes in the use of the language of instruction.<sup>29</sup>

At the same time, the approaching spring 2018 parliamentary election influences the formation of different political positions in the issue of support of foreign Hungarians and in Hungary. For example, the opposition party Democratic Coalition headed by former Prime Minister F. Dyruciani led the campaign against granting pensions to foreign compatriots, motivating that such financial decisions are a tool for manipulating the sympathies of voters from the party FIDESZ.

At the same time, the neutral content of the “Venetian” recommendations, which insist on the need of national minorities to study the state language led to a drop in the degree of confrontation at the beginning of 2018. On January 18, Minister for Foreign Affairs of Hungary P. Siarto at a joint press conference, which he gave with the head of the CMSC L. Brenzovych in Budapest said that the Hungarian government is ready for consultations with the highest debtors of Ukraine on the issue of educational legislation, but only in that case, if the compromise will satisfy the Hungarians of the Transcarpathian region. P. Siarto emphasized that 150 thousand of Hungarians, who live mainly in Transcarpathia, are interested in a strong and democratic Ukraine. The Hungarian Minister indicated that his country remained interested in the European integration of Ukraine, despite the “knife in the back”, which was received by the Hungarian community as a result of the adoption of the Law “On Education” in September 2017.<sup>30</sup>

L. Zanier's visit to the Transcarpathian region, the High Commissioner of the Organization for Security and Cooperation in Europe (OSCE), in the beginning of February 2017 became the forerunner of the long-awaited talks between the representatives of Ukraine and Hungary on the maintenance of “language” norms of educational legislation. Negotiations took place on February 7 in Uzhhorod at the level of Deputy Minister of Foreign Affairs of Ukraine V. Bodnar and Deputy Minister of Foreign Economic Relations and Foreign Affairs of Hungary L. Modiora, and concluded with the agreement on the opening of consultations between ministries of Ukraine and the Hungarian community of Transcarpathia on educational issues on February 14.<sup>31</sup>

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<sup>29</sup> “Українсько-угорське загострення стосунків не є критичним, – Віктор Балоба,” ЗІК, 11 November 2017, [https://zik.ua/news/2017/11/11/ukrainougorske\\_zagostrennya\\_stosunkiv\\_ne\\_ie\\_nastilky\\_krytychnym\\_\\_viktor\\_1203747](https://zik.ua/news/2017/11/11/ukrainougorske_zagostrennya_stosunkiv_ne_ie_nastilky_krytychnym__viktor_1203747) (accessed 19 January 2018).

<sup>30</sup> “Сійярто: Угорщина не сприятиме проведенню засідання НАТО-Україна на рівні міністрів оборони,” Радіо Свобода, 18 January 2018, <https://www.radiosvoboda.org/a/news/28983649.html> (accessed 19 January 2018).

<sup>31</sup> Ірина Бреза, “Угорщина має намір закрити питання щодо закону України “Про освіту” під час наступних переговорів,” Радіо Свобода, 7 February 2018, <https://www.radiosvoboda.org/a/29026066.html> (accessed 9 February 2018).

## Conclusions

During 1990-2010, in Ukraine, in particular in the Transcarpathian region, despite the multi-ethnic composition of the population, the neighborhood with the “mother” states of ethnic minorities managed to ensure ethnic and political stability at the national and regional levels. This was supported by the balance of interests achieved in Central and Eastern Europe between different international actors, the moderate level of spread of nationalism as a political ideology and, accordingly, the lack of expansionist goals in official ethnopolitical strategies, the state of dialogue established between Ukraine and its central European neighbors.

The Ukrainian-Russian military-political conflict, the socio-economic crisis in Ukraine, due to the lack of control over the occupied territory and the conduct of hostilities in the East of Ukraine, contributed to the formation of a set of new challenges, threats and risks for national security. The Ukrainian crisis coincided in time with the migration crisis, the beginning of the phase of information wars that began in international relations, the cyclical upsurge on this background of the right and the right of radical political forces in neighboring Central European societies.

Hungary, among its foreign policy priorities protecting the interests of foreign compatriots and for this purpose is increasingly using the soft power tool, has managed to form a full cycle of education in Hungarian for the last decades in Transcarpathia: “a kindergarten – secondary school – college, Lyceum – University.” Therefore – expected, though not in such an intensive form – an acute public reaction to the content of Article 7 of the Law of Ukraine “On Education” by the official representatives of Hungary and the leaders of the Hungarian minority was expected. Political differentiation among Ukrainian state and political players, the use of right-wing radical forces in Hungary and the language problem in Ukraine for organizing protests constitute a new threat to security in these societies, the Central European region as a whole. Equally, the major risk for maintaining a security situation is the manipulation of public opinion carried out by the media due to neglect or unprofessional treatment of educational issues.

At the same time, the probability of a scenario in finding a compromise between the official Kyiv and Budapest is not due to the desire for success for the parties, given the proximity of the elections in both countries, the pressure of international organizations, the desire to lose energy dependence on Russia, which warms the conflict, but also the lack of radicalism among common Hungarians regarding educational innovations. Expected finding of a compromise on the educational model is confirmed by statements of the Government of Ukraine on the involvement of the Hungarian minority in consultations on the development of legislation on general secondary education, the announcement of the start of official negotiations between Kiev and Budapest, mediation mission of the international environment, in particular OSCE.

Thus, the issue of the education language for the ethnic minorities became the new challenge for the ethnopolitical stability of Ukraine, the national security in general. At the same time, taking into account the internal political agenda in Hungary, the lack of the massive reaction of the Hungarians in Transcarpathia, the influence of the international actors, the government of

Ukraine in short-term perspective will be pushed to seek the model of the new educational legislation implementation. It has to neutralize the 'Hungarian arguments' and at the same time will not require to change the strategy of strengthening of the state language's role.

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## SECURING INSECURE: UKRAINE ON THE MARGIN OF EUROPEAN INTEGRATION PROCESS

*Anatoliy KRUGLASHOV*

**Abstract.** Last year brought about growing insecurity and challenges all over the World, including Eastern Europe. Russian aggression against Ukraine proves insufficient counteraction against International law violation, lack of the UN, OSCE and other international organizations' capacity to deal with revisionist attempts, which might be followed up with some other countries. The EU seemed to be caught with surprise with new Kremlin claims and has been reacting with slow pace on the emerging threats from the East. The challenging factors of security do require reconsideration of Ukraine's domestic and foreign policy and the EU new political initiatives with regard to its foreign policy and institutional integrity. Facing with this complicated situation countries of the EaP as well as the EU have a lot to do together in order of avoiding further complications of their security situation. One might state that some of steps undertaken with the EU look promising, while in general the policy of the EU concerning post-Soviet region remains inadequate and weak.

**Keywords:** Ukraine's fight for Independence, insecure region, EaP weakness, EU foreign policy.

### Introduction

I would like to start with some interactive words about the topic and the main ideas that will be presented in the article. First of all, it seems that we are living now upon the condition of growing insecurity both globally and regionally. War and multidimensional crisis Ukraine faces with is only one fragment or aspect of this insecure situation, which has its own dynamics and touches upon practically any corner of the world.

In the same time Ukraine has been placed despite itself on the forefront of Russian aggression. It happened because Kremlin elite reemerged with claims of restoring Russia's superpower status, starting with Eurasia and spreading the country influence all over the world. Ukraine, as Z. Brzezinski wisely warned, is a key country for Russia to be an imperial state or nation-state. For now Russian elite struggles to press home Ukraine as one of the main obstacles of Kremlin hegemonic plans implementation. Ukraine is just a first example of Russian aggression against former satellites of the USSR or former Soviet republics. So far it is not about Ukraine only; it's rather about the pretence of Russia's domination on the space which Kremlin considers as legitimate geopolitical sphere or Russian interests, concerns and influence.

Therefore Russian superpower ambitions, however they are grounded, pose true threat for the current situation in Europe at all. The very important issue does Ukraine has enough strength and ability of withstanding Russia pressure and to survive as an independence state. And what are the factors which support real independence and capacity of Ukraine to resist Russian military and non-military pressure. One of them is for sure coordinated international support,

which is important not only for Ukrainian survival and effective struggle against aggression from Russia. Ukraine has to be integrated into a wider international community, where the country might be secured and supported to a greater extent. The EU and NATO are two main perspectives for Ukraine in order to be self-sufficient and to get legitimate support from the 'natural' geopolitical allies in European and Euro-Atlantic space.

The article is focused on some aspects of Ukraine's European integration process consideration, from the viewpoint of the national security prospect. Some issues of Euro-Atlantic integration of Ukraine will be taken into account also. The principal question for analysis is: what Ukraine could expect as a real support from the EU, especially while we are dealing with the security issues both military and nonmilitary in general. So far my article is divided into two parts. The first one regards in brief the Ukrainian security policy prior the Russian aggression. The second part deals with European integration of Ukraine and the security dimension of movement of Ukraine to the EU.

So I will use some Ukrainian primary and secondary sources and foreign experts' texts, where there are a lot of different standpoints confronting the security of Ukraine and Russia's policy, together with the EU foreign and security policy.

## **1. Ukraine's security policy before the Russian aggression, costless illusions**

Let's start with the Ukrainian security policy outline before the Russian aggression. The Ukrainian security policy from the beginning of independence seems to be very naive, ineffective and dangerous for the country sake. Initially Ukraine had inquired from the USSR one of the greatest armies and armaments supply, which was disproportional with country's security needs and economic potential to maintain them orderly. Ukrainian leadership wasn't able to deal with this military heritage of the USSR in the turbulent and uneasy first years of independence. Keeping them up from the financial point of view meant economic disaster. More than two million Army and Navy on the territory of Ukraine alongside with the growing economic disturbances and social unrest required some strict measures from Kyiv officials. Being intertwined together with growing tensions amidst Ukraine and Russia, the task of lifting up military excessive burden created a very challenging dilemma for Ukraine's political elite and society. On the one hand, Ukraine needs a strong military force to protect itself against possible threats, but on the other hand, the country's economy had been moving from bad to the worst.

The atmosphere of post-Cold War era granted Ukraine and other European states (except some Balkan counties, which got engaged with the Yugoslavian war of the 1990s) with the idea that after 1989 there are no major military threats in Europe. Accordingly military tasks seem to be least of all priorities for political elite and policy-makers. Consecutively an agenda of new state-building preoccupied the attention of Ukrainian elite. They were trying to go with the disarmament policy line getting rid of the USSR great military burden on economy and social structures of a new country. Ukrainian leadership faced with unprecedented concerted

pressure from both the West and Russia concerning the nuclear disarmament agenda.<sup>1</sup> Suddenly Ukraine emerged as one of the fourth countries,<sup>2</sup> which get acquired a considerable part of the USSR strategic nuclear weaponry displaced on the territory of Ukraine but operated from Kremlin. A lot of nuclear missiles and bombs posed a serious problem for Ukraine, West and Russia. As far as Russia is concerned it had tried and finally succeeded to be the only successor of the USSR nuclear power. The West had been predisposed favorably to this desire of Kremlin, hoping to make profitable negotiation with the only nuclear power instead of four of them. Simultaneously Russia was awarded with status of the United Nations' Security Council permanent membership. It looked mutually beneficial for then-time political leaders while the consequences of these moves remain highly debatable. Then-time Russia implemented the Yeltsin-Kozyrev doctrine. Russia agreed to step away from the Central European countries and later from the three independent Baltic States, Estonia, Latvia and Lithuania. But it kindly asked the Western powers at that time treated in Kremlin as allies or partners at the very least to recognize the former USSR territory (but Baltic States) as the sphere of Russian legitimate interests or so-called near abroad. This near abroad comprises newborn nuclear countries, Russia, Kazakhstan, Belarus and Ukraine. So, western capitals like Washington, London, Paris, Berlin and some others made their best of persuading Ukrainian leadership, and the first president Leonid Kravchuk government that it would be very beneficial for Ukraine to free the country off the nuclear armament completely and forever. As a certain compensation Ukraine got some economic benefits, likewise supplies for Ukrainian atomic stations, which needed them. Ukraine was told that nuclear disarmament would have been the best way of avoiding the country's involvement in a possible aggression of supposed enemy.

Finally, the West and Russia concentrated affords with this persuasion and pressure, with some threats to Kyiv should it be too stubborn with regard to this proposed deal resolved with signing up of the so-called Budapest memorandum.<sup>3</sup> The document promised for Ukraine a vague guarantee of its territorial integrity, security and protection with these world powers, namely the USA, France, Great Britain and Russia. Ironically Russia is a guarantor of Ukraine's security. All of them promised Ukraine to be secured in sense of territorial integrity, borders inviolability and for sure protected against military threats. So finally Ukraine gave up this quite suddenly acquired status of new nuclear power and accepted guarantees these powers provided for its security. Many believed that this promises are solid and not be violated. Thus Ukraine would be protected should it be needed in case of the emergency. Real value of

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<sup>1</sup> Stephen J. Blank, *Proliferation and Nonproliferation in Ukraine: Implications for European and U.S. Security* (Carlisle: U.S. Army War College, 1994), <https://ssi.armywarcollege.edu/pubs/display.cfm?pubID=173> (accessed 24 February 2018).

<sup>2</sup> Mariana Budjeryn, "The Breach: Ukrainian territorial integrity and the Budapest memorandum," Nuclear Proliferation International History Project, Issue Paper 3, 30 September 2014, <https://www.wilsoncenter.org/sites/default/files/Issue%20Brief%20No%203--The%20Breach--Final4.pdf> (accessed 3 March 2018).

<sup>3</sup> *Memorandum on Security Assurances in Connection with Ukraine's Accession to the Treaty on the Nonproliferation of Nuclear Weapons*, Budapest, 5 December 1994, [http://zakon4.rada.gov.ua/laws/show/998\\_158](http://zakon4.rada.gov.ua/laws/show/998_158) (accessed 27 February 2018).

the document has been tested later in 2014<sup>4</sup> for Ukraine's biggest surprise and frustration. First, the president of Ukraine L. Kravchuk has managed to prevent some fireplace of separatism to be enflamed and came to terms with B. Yeltsin on Black Sea partition (more favorable for Russia, not Ukraine).

When L. Kuchma came to the president office, since 1994 he had been trying to pursue so-called multi-vector foreign policy.<sup>5</sup> It has been aimed at the partnership and friendship with the West, East, North or South doesn't matter, without any clear attachment of Ukrainian foreign policy or strategic choice with alliance or power determined. This policy seems to be a kind of intermediary respond to the never absent pretense of Russia's domination upon Ukraine and post-Soviet space. Kyiv strove to get much more independent domestic and foreign policy, and in the same to balance<sup>6</sup> the process of strengthening new independent and sovereign statehood with a good neighborhood and secure environment all the state borders around.

L. Kuchma gradually became aware of the foreign and secure policy inclined towards the better relations rather with the West, then with Russia. Contrary to the begging of his presidency marked with his very pro-Russian slogans and rhetoric, for various reasons he appreciated that Russia is a competing challenger for Ukraine as a former master. As far as this geopolitical and ideological vision has been revitalizing since late 1990s in Moscow, the independence and very existence of Ukraine as a state are under question. So far Kuchma gradually and cautiously reoriented Ukrainian foreign policy closer to European and Euro-Atlantic integration.<sup>7</sup> They are interrelated while not the same and need strategic balancing for Ukraine.<sup>8</sup> He proclaimed the priority of 'European integration course' and issued at 1998-2000 the most important documents like the Strategy and Program of Ukraine's European integration. Actually the proclamation of the strategic goals and even elaboration of certain law abiding documents are the right but very small step forward integration in the EU. They became to be gradually, sometimes very slowly implemented in the practice of Ukrainian government and other state institutions still.

Later, in his second spell of the presidency L. Kuchma agreed with arguments of his advisers, including Volodymyr Gorbulin, who insisted the only guarantee for Ukrainian security and independence is successful Euro-Atlantic integration, meaning the membership to NATO. Kyiv undertook some promising steps on this way in the late years of Kuchma<sup>9</sup> and early period of

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<sup>4</sup> Орест Красівський and Денис Красівський, "Система безпеки ЄС в контексті українського вибору," *Державно-управлінські студії* 2 (2017): 2, <http://www.dus.nayka.com.ua/?op=1&z=14> (accessed 1 March 2018).

<sup>5</sup> Taras Kuzio, "Neither East nor West: Ukraine's security policy under Kuchma," *Problems of Post-Communism* 52, 5 (September-October, 2005): 60-61.

<sup>6</sup> Arkady Moshes, "Russian-Ukrainian Rapprochements: How Viable?," *Security Dialogue* 33, 2 (2002): 168.

<sup>7</sup> Igor Torbakov, "Apart of Russia or a part of Russia: a sad saga of Ukrainian-Russian relations," *Demokratizatsiya* 9, 4 (Fall 2001): 588.

<sup>8</sup> Олексій Кандюк, "Трансатлантичні відносини в умовах поглиблення європейської інтеграції," *Політологічні та соціологічні студії, Політичні виміри процесів європейської інтеграції* 12 (2013): 223.

<sup>9</sup> Mikhail A. Molchanov, *Ukraine's European Choice: Pitfalls and Prospect* (Ottawa: NATO-EAPC, 2003), 13-16, <https://www.nato.int/acad/fellow/01-03/molchanov.pdf> (accessed 6 February 2018).

V. Yushchenko leadership. It looks like the USA and some countries, like Poland,<sup>10</sup> politically support the future prospect of Ukraine's membership to NATO. But finally the whole story ended up unfortunately for Ukraine in time of the Bucharest summit of NATO. President George Bush the young proposed to grant Ukraine with the Action Plan, which means the open door for Ukrainian integration into NATO. Suddenly two western leaders I mean Germany and France, namely Chancellor Angela Merkel and President Nicolas Sarkozy disagreed with this move and they blocked movement of Ukraine and Georgia to NATO. The Summit concluded with ambiguous promising, that once upon a time Ukraine and Georgia could be full Members of NATO. Anyhow it's hardly a top secret that this stance of France and Germany has been perceived in Kremlin with the greatest enthusiasm and treated as a triumph of Putin strategy of weakening NATO solidarity and cohesion. V. Putin was satisfied with a resolution of this very critical for Euro-Atlantic community and his Eurasian ventures' issues. I mean the prospect of inclusion of Ukraine and Georgia into the agenda of future NATO enlargement. Both countries got victimized soon after with the political and military consequences of this 'victorious assistance' of some western politicians to Kremlin strategic script realization. Probably they sincere believed that they just do right things of non-irritating Russia with NATO eastward enlargement.

That has been celebrated as a great victory of V. Putin in Kremlin turned to be a great lose for both Ukraine and United Europe and a true challenge for Euro-Atlantic community. After this rejection Kyiv has nothing else but accept this failure tacitly. Another president of Ukraine very proverbial Victor Janukovych, when he came into the office proclaimed that Ukraine has no major military threat or dangerous enemy. He insisted that NATO is no more a strategic goal for Ukraine while European integration remains the strategic target for Ukraine with the distant prospect of future membership there. V. Janukovych hardly deliberated about the necessity to quit with the Euro-Atlantic course of Ukraine as unnecessary for the security reasons. Instead of Euro-Atlantic concept of security V. Janukovych proclaims Ukraine is better to be 'out of bloc' country.

The adoption of the new version of the national security and foreign policy foundation has been cemented with the New Law of Ukraine. There the European integration remains the actual target of Ukrainian policy while Euro-Atlantic course was scrapped out of the national agenda.<sup>11</sup> 'Out of bloc' strategy went out a failure if not for V. Janukovych and his political team but for Ukraine destiny for sure. The pretext of this new concept grounded in the assumption of no major threat existence had been illusory and false. However this doctrine inspired Kyiv authorities to accelerate the process of the disarmament and put into effect the process of unilateral dismissal of Ukraine's military forces to the pitiful stage. Finally, the discourse of being out of bloc, self-proclaimed neutral country<sup>12</sup> looks like a next clever mastered special operation against Ukraine's state capacity to sustain real defense forces and valid security

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<sup>10</sup> Анна Чернова, *Роль Польши в Восточной политике ЕС* (Москва: Аспект Пресс, 2016), 93-94.

<sup>11</sup> Анатолий Круглашов, "Европейская политика Киева: смена векторов," *Moldoscopie* 4, 51 (2010): 215-219.

<sup>12</sup> Iryna Maksymenko, "Is neutrality a Solution for Ukrainian Security," in *Ukraine after the Euromaidan*, eds. Viktor Stepanenko and Yaroslav Pylynski, 121-122 (Bern: Peter Lang AG, 2015).

sector.<sup>13</sup> Unfortunately for Ukraine it leads to the catastrophe of Crimea annexation, where Ukrainian Army and Navy did not react adequately to the Russian annexation of this peninsula. The total weakness of Ukraine's army had contributed into the tragedy of Donbas region, begun since spring 2017 and ongoing up to day.

When Russia emerged as mere nobody expected in Ukraine as the direct enemy since 2014 it was shocking news. Previously major part of Ukrainians considered Russia as a friend or a good neighbor for Ukraine and relied on its positive stance to our country. At very least it seemed to be a crazy idea that Kremlin would be offender of Ukraine's frontiers and territorial integrity. Besides popular sentiments and stereotypes this had been envisaged with Treaties and other international treaties, signed up and ratified with Russia. Therefore after 2014 Ukraine harvested the very sorrow results of its foreign and security policy, as well as too high degree of international community inept position vis-a-vis Russia's bullying and intimidating the neighbors' policy. Unilateral disarmament, short-seeing ignorance of the growing insecurity in the region and more and more obvious Kremlin arrogant and militarized geopolitical behavior, selfishness of elite, concentrated on their interests instead of national priorities all of those made the country and society vulnerable and susceptible towards foreign aggression and annexation of Crimea.<sup>14</sup> It means inability of Ukraine to defend the state borders, protect lives and security of Ukraine's citizens and country's territorial integrity. It's a very pitiful part of the contemporaneous Ukrainian history. Since then Ukrainian army has started restoring the capacity of defending Ukraine and its military-industrial sector undergoes reinforcement and has to be restored after catastrophes of 2014.

## 2. The European integration in Ukraine and its security dimensions in move

The second part of the article is devoted to the European integration of Ukraine in more thesis statement. I would like to consider here the security dimension of European integration, its potential and weakness. What should be done with them to approach more optimistic future? Let me briefly recall Ukrainian goals on European integration. It's not only about the long-desired economic grows, the all-comprehensive modernization of Ukrainian economy, the advancement and later inclusion in the Single European Market, expansion of Four Freedoms towards Ukraine. It's more than about economic and social standards, which are legitimately attributed with the EU by and large. For Ukraine it's the civilization and cultural choices, which are very important for Ukrainians' identity. Some crucial debates on what is Ukraine and what Ukrainians mean do underpin the identity shaping and constructing process, juxtaposed with European project. There are some arguments in favor of Ukraine's course towards European integration, and why the EU remains a desirable point of destination for country fellows.

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<sup>13</sup> Taras Kuzio, "Russia Takes Control of Ukraine's Security Forces," *Eurasia Daily Monitor* 9, 55 (2012).

<sup>14</sup> Vasile Ciorici, "Peace and security in Eastern Ukraine – the case of an international peacekeeping mission," *Cadernos de Dereito Actual* 5 (2017): 187.

In spite of them one has to acknowledge that the EU has a profound weakness,<sup>15</sup> with regard to the military threats occurred and new reality of hybrid war,<sup>16</sup> which has emerged since 2014 and is evolving till now. Because the EU has not developed a strong capacity to withstand such a threat like Kremlin military challenge and hybrid war it's clear for now.<sup>17</sup> Looking forward Europe's future we have to consider to what extent the EU could be the venue for Ukrainian aspirations from the prospect of national security concerns and interests. It seems that the EU leadership gradually has been acknowledging and reconsidering Russia's military and non-military dangers, including aggressive and designed to serve as all-penetrative propaganda. The latter is against not only Ukraine<sup>18</sup> and neighboring states but is driven against European unity and Euro-Atlantic solidarity. Last year's prove the fact Putin has got a lot of friends and allies inside the EU, including the political leaders of the Member States. The story has many readable pages. Let's recall a very proverbial case of Mr. G. Schroder who after his Chancellorship retired to serve to «Gazprom» benefits in Germany and Western Europe. It means maybe not a juridical but morally questionable case of wide usage of near corruptive tools of mobilizing desired by Kremlin support from the top politicians of Europe in favor of implementing vested interest and plans in within the EU. The efficacy and efficiency of these Russian investments inside the EU demonstrate they were not spent in vain. It could be traced back in a case of Dutch referendum on Association Agreement with Ukraine. Fortunately to both parties of the Agreement there have been discovered some glue on the origin sponsorship and inspiration of this Dutch Euroskeptics and, collaterally (who might imagine it?), pro-Putin's forces. Another case is a scandalous situation with Marine Le Pen's presidential campaign, where Russia directly supported that candidature. The financial investment is being made into the politician, who could be the best partner for Russian plans' implementation inside the EU and Europe at all. Recently British politicians raised up legitimate concerns regarding the pro-Brexit propaganda, looking for some Kremlin tracks there. The unclear situation remains there with alleged interference into Britain's debates from Russia in order to support its break up with EU membership. So a lot of questions are really twisted or attributed with the presence of Russia's influence towards the European Union, its leadership and most of all public opinion in Europe. These target groups of manipulations and disorientation seem to be unprotected and unprepared to a type of psychological pressure and destructive propaganda applied.

Another source of current European integration process's fault, threatening the unity

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<sup>15</sup> Kamil Zajackowski, "The EU is a global player in a changing world – challenges, weakness and theoretical aspects," in *European Studies in Ukraine: Achievements, Challenges and Perspectives*, 116-123 (Kyiv: UAPREI, Teren, 2017).

<sup>16</sup> Віктор Литовченко, "Сучасна війна та нові моделі стратегічного партнерства України," *Міжнародні відносини Серія "Політичні науки"* 15 (2017), [http://journals.iir.kiev.ua/index.php/pol\\_n/article/view/3131](http://journals.iir.kiev.ua/index.php/pol_n/article/view/3131) (accessed 25 January 2018).

<sup>17</sup> Christopher S. Brawning, "Geostrategies, geopolitics and ontological security in the Eastern Neighborhood: The European Union and the 'New Cold War'," *Political Geography* 62 (2018): 107-109.

<sup>18</sup> Євген Магда, "Виклики гібридної війни: інформаційний вимір," *Наукові записки Інституту законодавства Верховної Ради України* 5 (2014): 138-142, [http://nbuv.gov.ua/UJRN/Nzizvru\\_2014\\_5\\_29](http://nbuv.gov.ua/UJRN/Nzizvru_2014_5_29) (accessed 17 January 2018).

foundations is a pandemic European populism. Alarmingly the one is very much intertwined with the nationalist or chauvinist feelings and attitudes spreading over public sphere. Let me address to just two cases of too many here. I mean Hungarians claims against Ukraine with regard to Hungarian minority in Transcarpathia region.<sup>19</sup> It brought about with the adoption of the new Ukrainian Law on education, where stronger incentives of learning state language are inscribed in very general terms. Budapest and Bucharest treated this law as the one violating the minority educational rights and damaging their identity preservation. While Kyiv must be more cautious with minority issues,<sup>20</sup> the whole story came to surface with exaggerated and confrontation tones from Ukraine's neighbors. Some prestigious international experts' bodies, including Venice Commission, came to the conclusion that this law does not make any harmful effect on the native culture of minorities in Ukraine. Still, the estrangement between Kyiv and Budapest is quite clear and Hungary raises stakes in this diplomatic quarrel up. Official Bucharest has been showed disappointment also but in a milder way.

Poland also exercises permanent claims against Ukrainian history interpretation, 'banderism', radical nationalist and so on and so forth. The history of Polish-Ukrainian relations is very complicated; both nations have all colors of positive and negative stories over there. But the insistence on the only one 'right' and protected with criminal punishment version of debatable issues hardly contributes into rapprochement of two countries. Here it is something in common as for all of these fabulous examples.

First of all, they originate from countries which are burdened with the status of the former Metropolis towards a piece of Ukrainian territory (Poland, Hungary and Romania). And the legacy of this status remains sensitive for the societies concerned. It means that to stir public debates up revolting around these issues is easy, especially when politicians want electorate mobilization. These circumstances are used as the domestic policy outflow valve. What seems beneficial from this story is not limited to the national stake-holders exercising this policy. They comply with strategic plans of Putin who are ready to fuel quarrels of neighbors and otherwise natural geopolitical allies, like Ukraine and Poland, Ukraine and Hungary were and are to be. It's a pity that nowadays political elite in Hungary and Poland are ready to mobilize electorate and to get a mass support towards their domestic and foreign policy being just in line with a next 'masterpiece' of Kremlin version of *divide et impera* regarding Central and Eastern Europeans. Such symbiosis undermines not only the solidarity of all abovementioned countries with Ukraine, but examines the validity of the EU's solidarity, which is a core stone of its functioning. Without resolving this threat and elaboration of a certain immunity against reemerging narrow nationalistic pretence or hegemonic claims, the proper function of the EU is hardly imaginable.

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<sup>19</sup> Darina Dvornichenko, "Ukraine's western border: risks and potential threats to national security," *Society, Politics, Administration in Central Europe* 1 (2016): 73-74, <https://www.researchgate.net/publication/321623840> (accessed 1 March 2018).

<sup>20</sup> Nicolai N. Petro, "Bringing Ukraine Back Into Focus: How to End the New Cold War and Promote Effective Political Assistance to Ukraine," Carnegie Council for Ethics in International Affairs, 19 August 2015, 4, [https://www.carnegiecouncil.org/publications/articles\\_papers\\_reports/742](https://www.carnegiecouncil.org/publications/articles_papers_reports/742) (accessed 27 January 2018).



The cases mentioned above contain warning messages for the EU's political elite, public opinion and for Ukraine too. Taking into account these historical claims and misunderstandings plus some misinterpretation of each other political goals, wills and aspirations, the European solidarity with Ukraine is fragile and could be easily undermined. Even worse it might be converted into the confrontation instead of open dialogue; the presence of this trend is getting remarkable between Kyiv and Warsaw, Kyiv and Budapest. So far Ukraine needs more clear answer from the EU's side and the European elite, how do they consider these challenges? Are they ready to invest the intellectual capacities, time and other resources into the resolution of these disturbing changes and weakness they revealed in the EU itself?

Next question is of no less importance. Does Ukraine matter to the United Europe and to what extent? The question arose from the uncertainty in Europe propped up with encroaching skeptical position towards Ukraine. They are sometimes well-grounded with some arguments and criticism against for instance Ukrainian corruption, a low pace of Ukrainian reforms, selfishness of Ukraine's political leaders etc., but this is not all the picture indeed.<sup>21</sup> When Ukraine looks towards a United Europe, Ukrainian political class, political elite and a major part of the society do insist that the EU is the future for a country and European integration matters a lot. At the very least these principal position demonstrated with two of the latest revolutions in Ukraine, I mean the Orange Revolution and the Revolution of dignity. They were going under flags of the United Europe and inspired with strong desire of Ukrainians to be a part of them.<sup>22</sup> Moving to the United Europe Ukrainians strive for the full membership in the EU. That's why the question that Ukraine matters for Europe and how Ukraine is considered there are of very importance but still opened for further discussion.

One has to acknowledge that the European Union and NATO<sup>23</sup> make a lot of supporting Ukraine economically, politically, diplomatically and since the last crisis emerged this aid grows. This support is recognized with gratitude in Ukraine. We are facing with some permanent or recurrent symptoms like 'sickness of Ukraine', 'tiredness of Ukraine', too much Ukraine, and all of this means dangerous prospects for both the EU and Ukraine, obstructing their dialogue and hindering a process of the Ukrainian approximation and further integration to the EU. The value of these negative attitudes is rather high. Ukraine should not be alienated from the agenda of the EU future enlargement, and treated on the margin of European integration only as a neighbor and no more. Otherwise with all sacrifices made and Ukraine's continuing struggle for the independence and European future of the country could be treated like an illusion. It has to be a case of the country's aspiration, which is not shared by European partners and friends with Ukraine.

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<sup>21</sup> Elena Korosteleva, "The Challenges of a Changing Eastern Neighborhood," Research Gate, 7 December 2017, 4, [https://www.researchgate.net/publication/321623840\\_Challenges\\_of\\_a\\_Changing\\_Eastern\\_Neighbourhood](https://www.researchgate.net/publication/321623840_Challenges_of_a_Changing_Eastern_Neighbourhood) (accessed 1 March 2018).

<sup>22</sup> Svitlana Kobzar and Amanda Paul, "Eastern Partnership summit and Ukraine's 'return to Europe' at times of Uncertainty," Policy Brief, European Policy Centre, 23 November 2017, 1-2, [http://aei.pitt.edu/92730/1/pub\\_8086\\_eapsummitandukraine.pdf](http://aei.pitt.edu/92730/1/pub_8086_eapsummitandukraine.pdf) (accessed 1 March 2018).

<sup>23</sup> Людмила Чекаленко, "Вчора і сьогодні національної безпеки," *Міжнародні відносини Серія "Політичні науки"* 15 (2017), [http://journals.iir.kiev.ua/index.php/pol\\_n/article/view/3114](http://journals.iir.kiev.ua/index.php/pol_n/article/view/3114) (accessed 15 January 2018).

It makes sense to reconsider the strategic logic of the EU's stance with regard to Ukraine. Sure I know that many European politicians repeat every time for now the association agenda and the implementation of free trade zone are priority tasks, which Ukraine should carefully implement. Ukraine indeed has a lot to do with their duly implementation.<sup>24</sup> Alongside with the agenda of Association Agreement embodiment we have to look a bit further and see what are the next stages and steps, that should be undertaken to reach them timely or maybe even faster.

From this perspective the whole strategy of the EU's policy towards Ukraine should be reconsidered and turned into more pro-accession strategy from just good neighborhood and partnership modest incentives. Unfortunately the European Union could not provide for Ukraine higher guarantees of security and defense for now.<sup>25</sup> The EU does not possess these defense and security capabilities for its current Member States. Still at time of unrest and turbulence, economic growth and social stability, proper functioning of political institution and democracy, rule of law and some other aspects, which are attributed with the EU are of crucial importance for Ukrainian prospect. Therefore going further and when only possible faster with a process of European integration and approximation to the EU's standards and values, Ukraine makes the greatest contribution in securing its statehood decent future. European integration suits well Ukraine's need to be a stronger, more efficient and effective country. Simultaneously it makes military stress and challenges also less heavy and exhaustive. Therefore if the EU could not provide necessary all-comprehensive tools of Ukrainian security, it is able of making Ukraine be prepared, self-sustainable with regard to military and non-military threats it faces.

I guess that Eastern Partnership is a getting outdated for the ascribed goals and the results obtained. Three countries of EaP region should be delineated with the three others. I mean Ukraine, Moldova and Georgia as the aspirants' countries, which look for and strive for the future membership in the European Union. If the EU is indeed unable to propose the prospect of the membership for these three countries now, it could consider them as potential and legitimate candidate contraries, starting support them from this standpoint.

## Conclusions

So for a while NATO membership remains much more attractive and important for Ukrainian security reasons.<sup>26</sup> There are many factors which prevent the immediate entrance of Ukraine into NATO. European integration looks less valuable from the point of view of immediate national security concerns of Kyiv. In spite of that the European integration process is a very priority for economic, social and political reasons, both for Ukrainian statehood and society.

Wrapping up the arguments of the article, I would like to stress that weak Ukraine and shaky

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<sup>24</sup> Олександр Вонсович, "Саміт Україна-Європейський Союз: підсумки та перспективи," *Гілея: науковий вісник* 116 (2017): 310-311.

<sup>25</sup> Oleg Poshedin and Maryna Chulaievska, "Ukraine in dire straits: the conundrum of ensuring its military security," *Science and Military* 1 (2017): 50.

<sup>26</sup> Чекаленко, "Вчора і сьогодні національної безпеки," 4-5.

EU is a very dangerous coincidence. It's much better to look for a more positive synergy, making Ukraine reinforced, modernized and politically stable. Ukrainian authorities and citizens have a lot to reconsider in order to overcome domestic lines of confrontations inside the country, militant radicalism and oligarchic dominance first and foremost. Ukraine wants the EU as strong as possible. For the sake of the EU itself and of European integration project success, Ukraine is a very important partner for now and in future should be the part of a renewed United Europe.

From the point of view of security and defense, the EU could be auxiliary for Ukrainian concerns and goals in this field, however, very important it is. NATO membership's prospect for Kyiv is clouded with a lot of specific preconditions and terms, and a lot of problems inside Euro-Atlantic community should be resumed duly on this way. Ukraine is to deal with all devotion to approximate standards of Euro-Atlantic community with regard to military forces and civic control upon security sector. The EU slow but steady appreciation of the security policy reforms necessity promises certain changes there too.<sup>27</sup> Should they be realized, they are a very important source of Ukrainian survival and further strengthening up.

Taking into account the national interests and concerns of Ukraine two main intertwined goals are to be pursued. Firstly, Kyiv shouldn't accept being placed on the margin of European integration. Secondly, Ukrainians have not to tolerate the politicians and political forces inside Ukraine, which prevent Ukraine from the success of the reforms' changes and seed confrontation and chaos from within. Ukraine has to progress with its home task with regard to European integration and advancement to NATO. Ukrainians are to be sure in their turn that our western friends and allies are reliable true partners and supporters. Both directions of mutual movement are uneasy but accessible goals.

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<sup>27</sup> Іван Стахурський, "Політико-інституційні механізми удосконалення кризового менеджменту Європейського Союзу," *Гілея: науковий вісник* 116 (2017): 317-321.

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## INFORMATION WARFARE AGAINST UKRAINE: SECURITY CHALLENGES FOR THE EUROPEAN UNION

*Nataliya NECHAYEVA-YURIYCHUK*

**Abstract.** After Revolution of Dignity and collapse of V. Yanukovych regime in Ukraine, the Russian Federation started an open aggression against Ukraine. It received different titles, but almost all political players in Europe and North America felt the devastating consequences of the information warfare against Ukraine. The information warfare waged by the Russian Federation is provided at the strategic, operational and tactical levels, and includes different mechanisms of influence on opposite side.

**Keywords:** information warfare, propaganda, aggression, security, Ukraine, the European Union.

Every new day in the 21<sup>st</sup> century brings new challenges to world's security. And Ukrainian Revolution of Dignity demonstrated the global interdependence in contemporary world politics. The desire of Ukrainian people to build the European Ukraine led to irreversible changes in Ukraine itself and beyond. For the short period of time, the world community witnessed the bloody confrontation between V. Yanukovych regime and the Ukrainian people. Soon after the Russian aggression with annexation of Crimea, the separatists' activity in Donbass has started. It could be considered just as an internal affair of Ukraine, but it ruined the existing system of global order. The Foreign Secretary of Great Britain, Boris Johnson, stressed that in the world where "the security of every nation depends on the essential principle that countries should not change borders or acquire territory by force", "Russia broke so many international agreements that listing them all is a challenge."<sup>1</sup> In this case the world community has to be united in its common struggle for security and peace. And further events in Ukraine, Syria, Catalonia etc. proved that the security problem is one of the most actual both for individuals and for the states in the contemporary world.

The problem of information influence is not new. Since ancient times information was used as a weapon in the struggle for power, in different wars at different levels. But the most systematic information warfare was at the beginning of the 20<sup>th</sup> century. Further statement could provoke a discussion, but from our point of view the first modern information campaign was waged before and during the First World War, which was firstly called a Great War. All states – main actors of the war – had been provided the information campaign in favor of future military confrontation. The state leaders and governments of Germany, Great Britain, France, and Russia used various means of influence to engage the population of their states into the "sacred war". During the war of 1914-1918 different types of propaganda were used. For example, the propaganda of horrors, religious, cultural, ideological propaganda etc. Writers,

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<sup>1</sup> Boris Johnson, "Four years since the illegal annexation of Crimea," <https://www.gov.uk/government/speeches/four-years-since-the-illegal-annexation-of-crimea-article-by-boris-johnson> (accessed 23 February 2018).

poets, scientists have also contributed to the dissemination of ideas about the necessity of war. The combined efforts of the authorities and intellectuals have yielded "positive result": the most part of the population of named above states showed its readiness for war. In every army there were volunteers who wanted to protect their country from the enemy even at the cost of their own lives. And it is really an important fact that intellectuals called for participation in the war not only via their writings but also by their own actions. For example, the French writer A. France, the German writer H. Hesse, the Italian poet D'Annunzio, and the Russian poet N. Gumilyov either unsuccessfully or successfully tried to become volunteers in national armies. That also was used as an instrument for official propaganda of the war. As the British researcher Paul Linebarger stressed, psychological war was one of the main weapons during the First World War.<sup>2</sup> And one of its tools was propaganda. Through the propaganda state leaders tried to influence on humans consciousness. This influence was provided both for own population and for the population of the enemy country. To compare, nothing has been changed throughout the century. Contemporary propaganda works by what is familiar from the First World War scheme. That's why the author decided to start the research from the events which occurred at the beginning of the previous century.

The growing role of propaganda and deliberate manipulation of consciousness became the subject of professional interest of journalists and scientist during and soon after the end of the Great War. In 1921 the British researcher H. Lytton published the book "The Press and the General Staff". In his research the author made an attempt to analyze the work of the General Staff of Great Britain and its public relations in the context of the war.<sup>3</sup>

An American sociologist, Harold D. Lasswell, turned his attention to the special role of advocacy in raising awareness of the population of the warring countries during the First World War. In 1927 in the USA his book "Propaganda Technique in the World War" was published. The first edition in the Russian language was done two years later, in 1929, in the USSR. From our point of view it shows the huge interest of the young Soviet state to manipulation techniques and propaganda for use in everyday life of the country. In his research H. Lasswell analyzed the role of propaganda and its place in the First World War. He also emphasized that during the war it is not enough just to mobilize people for some actions. H. Lasswell wrote that it is necessary for authorities to dominate over the public opinion as well as over the life and the property. And one of the most actual questions for him was the question on the ration between the open and concealed propaganda provided by government.<sup>4</sup>

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<sup>2</sup> Paul M. A. Linebarger, *Psychological Warfare* (New York: Duell, Sloan and Pearce, 1954), [http://www.gutenberg.org/files/48612/48612-h/48612-h.htm#Page\\_1](http://www.gutenberg.org/files/48612/48612-h/48612-h.htm#Page_1) (accessed February 15 2018).

<sup>3</sup> N. Lytton, *The Press and the General Staff* (London-Glasgow-Melbourne-Auckland: W. Collins Sons and Co., 1921).

<sup>4</sup> Г. Ласвель, *Техника пропаганды в мировой войне* (Москва-Ленинград: Государственное издательство. Отдел военной литературы, 1929), 31.



In 1928 the American researcher, member of the Committee on Public Information during the World War I Edward, L. Bernays, published the text "Propaganda", which can be used as a textbook on propaganda techniques and public relations till nowadays.<sup>5</sup>

So, what is propaganda? By Webster New Encyclopedic Dictionary one of the definitions is the spread of ideas, information, or rumor for the purpose of helping or injuring a cause, also the ideas, facts, or allegations so spread.<sup>6</sup> In Vladimir Dal's *Explanatory Dictionary of the Russian Language* propaganda is explained as "spreading of sense, the doctrine."<sup>7</sup> In the *Explanatory Dictionary of the Ukrainian Language* there are several definitions of the term, which complement each other. They are: 1) "distribution and permanent, deep and detailed explanation of any ideas, opinions and knowledge"; 2) "the ideological influence on the masses or certain groups of people which has a political or religious nature", and 3) a system of mass distribution of ideas, beliefs and so on.<sup>8</sup> Despite some stylistic differences, the essence of the term in the American, Russian, and Ukrainian versions is completely the same – spreading of certain ideas, attitudes, and behaviors with specific purpose through various means.

The whole 20<sup>th</sup> century could be called as the century of propaganda. It was provided at different levels by different players. But the effectiveness of political propaganda as a way of manipulation of consciousness was growing in totalitarian and authoritarian societies. And it is not surprising because in democratic ones people can ask questions and search their own answers on them. But in authoritarian societies people are dependent and limited in their access to information. Even in the 21<sup>st</sup> century with internet spreading all over the world it is possible to regularate and limit access of citizens to some information resources. The last is still using by authoritarian (and not only by them) regimes till nowadays.

From another point of view, new technologies like Internet with its social networks allow spreading of information all over the world instantly. And the last is also used by authorities of different states for spreading actual for them ideas and information. So, contemporary information politics should be and mainly is based on organic combination on cutting-edge technologies and information spreading and defense.

The contemporary relations between Ukraine and Russia were formed in the previous centuries. And knowledge of history gives better understanding of contemporary confrontation between these two states. On our opinion one the most destructive periods was the Soviet one where propaganda was the essential part of everyday life. It ruined the basis of national mentality, turned people toward completely different values and formed the new human being – *Homo Sovieticus*. Thanks to contemporary propaganda provided by the Russian Federation,

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<sup>5</sup> Edward L. Bernays, *Propaganda* (New York: Horace Liveright, 1928), [https://www.voltairenet.org/IMG/pdf/Bernays\\_Propaganda\\_in\\_english\\_.pdf](https://www.voltairenet.org/IMG/pdf/Bernays_Propaganda_in_english_.pdf) (accessed 16 February 2018).

<sup>6</sup> *Webster's New Encyclopedic Dictionary* (Cologne: Könnemann, 1993).

<sup>7</sup> Владимир Даль, *Толковый словарь живаго великорускаго языка*, <http://slovardalja.net/word.php?wordid=34425> (accessed 10 February 2018).

<sup>8</sup> І. К. Білодіда, за ред., *Словник української мови: в 11 тт*, т. 7 (Київ: Наукова думка, 1970-1980), 246, <http://ukrliit.org/slovnkyk/%D0%BF%D1%80%D0%BE%D0%BF%D0%B0%D0%B3%D0%B0%D0%BD%D0%B4%D0%B0> (accessed 10 February 2018).

the idea of the greatness of the Soviet state and Russia as the descendant of it are still alive. The result of this propaganda is that *Homo Sovieticus* still lives in over all post-Soviet space and beyond it. And Ukraine is still between the states where small percentage of the population recognizes itself as Soviet people. In the sociological data given by Ilko Kucheriv Foudation in January 2015, around 2.6% of Ukrainians recognized themselves as Soviet citizens.<sup>9</sup> The last raises the question about the duration of the Soviet heritage's influence on Ukrainian society. And this question is actualized in the light of recent events in Ukraine.

For last several decades Ukraine has experienced three revolutions: the Revolution on the Granite, the Orange Revolution and the Revolution of Dignity. The first two were peaceful confrontations between the authorities and people, but the last one came into the contemporary Ukrainian history as the bloody one. The period of V. Yanukovich presidency finished with bloody events on Maidan when more than a hundred people were killed just because of their desire to defend the right of Ukrainians for European choice. During November 2013 – March 2014 the Russian side started an aggressive company against possible Ukraine's entering into the European Union. This company was provided on several levels: internal Russian, international, and internal Ukrainian. The northern neighbor of Ukraine tried to keep Ukraine in the sphere of Russian interest, to prove that Ukraine is the part of the Russian world. The open information warfare for Ukraine has started.

The first object of joint political, informational and military campaign was Crimea. In winter 2014 Russia brought troops in Ukrainian Crimea, so called "green people". On February 27 they occupied the building of the Supreme Council and Council of Ministers of Crimea. Till mid-March 2014 Crimea was under the control of Russian troops. The self-proclaimed puppet government began preparations to referendum on peninsula status. Here there were used mainly simple information instruments for processing of the population. And visual means of propaganda like bill-boards, leaflets, postcards etc. played the main role in this process. The images that were used were familiar for all post-Soviet people from the World War II period. On all bill-boards Ukraine was shown as a Nazi state while Russia as a native home for Crimeans. For better understanding the situation it is necessary at least to glance on some of them.

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<sup>9</sup> Олександр Вишняк, "Що об'єднує та що роз'єднує українців: результати опитувань громадської думки," *Громадська думка* 2, 25 (2015), [http://dif.org.ua/uploads/pdf/1460378821\\_4071.pdf](http://dif.org.ua/uploads/pdf/1460378821_4071.pdf) (accessed 10 January 2018).



"On March 16 we choose..."

Source: <http://www.ostro.org/general/politics/articles/440058/>



"Crimea is Russia. Together we are power"

Source: <http://imp.name/2014/03/istoricheskij-referendum-v-krymu-16-marta-2014-goda.html>



"Fascism will not pass. Everyone on referendum"

Source: <https://www.ostro.org/general/politics/articles/440058/>

The results of the referendum were predictable: it was announced that around 96% of the population voted for Russia. By independent data, the results were falsified. But the propagandistic company with the military presence of the Russian Federation led to the annexation of Crimea by Moscow. Nowadays the territorial integrity of Ukraine is violated. Almost the same campaign was launched in the eastern regions of Ukraine. But Ukrainians, both ordinary citizens and authorities, understood the danger of the situation and started to defend the Ukrainian land. Despite the active efforts of Ukrainians, Russia got its goal: Ukraine became the state with the unsolved military conflict on its territory. The last led to economic, social and, of course, political crisis.

So, after the Revolution of Dignity in Ukraine, the Russian Federation began an active work to strengthen its presence in the informational, social, political space not only in Ukraine but around the world, especially in Europe. The economic and political sanctions, which were imposed toward Russian authorities and the state, gave an impetus to revise both domestic

and foreign policy of the Russian Federation. From 2014 till nowadays the Russian state continues the information warfare against Ukraine on different levels.

The first one is constant and systematic work on “informing the public” about the “crimes” of contemporary Ukrainian authorities. The Russian Federation provides an extensive work all over the world to show contemporary Ukraine as the inhuman state and the war in Donbass as a civil war without any Russian intervention. Among channels of propaganda there are public events, leaders’ speeches, cultural and artistic events, and media. A special place is occupied by outreach programs in areas ranging from education to non-governmental organizations activities financed by governments and, of course, appeals to public opinion, *de facto* recording of its ideas and views. Dissemination of thoughts about criminal actions of Ukrainian authorities in the east of our country is now being carried by various means. But the visuals and art events are the most vivid and effective in the context of “necessary” for Russian authorities “pictures”.

In 2014 and 2015 photo exhibitions dedicated to Ukrainian events were organized in Moscow (Russia), Terracina (Italy), London (UK) and other cities. For example, the photo exhibition about the tragedy in Odessa (May 2, 2014) was held in the UK. The announced purpose of the event was “to draw attention of the British and Europeans in general to the Ukrainian authorities’ crimes against its own people.”<sup>10</sup> The basis of the exhibition was about 50 photographs selected with the aim to shock the visitors, “to open their eyes to what is happening in Ukraine.”<sup>11</sup>

On April 7, 2015, the exhibition “The Physical Evidence. Donbass. 365 days” was held in Moscow. The exhibition consisted of two projects – a traditional photo exhibition and interactive exposition with real things from Donbass, armaments, children’s toys etc. To strengthen the impression about the horrors of the situation in the eastern part of Ukraine the organizers transformed the part of the hall into the “destroyed Donbass”. They tried to create the atmosphere of war spread with accents so that everyone present could see “the evidence of crimes by Ukrainian authorities.”<sup>12</sup> Thus, a double goal was achieved – to mobilize the minds of its citizens and to form in their minds new stereotypes about Ukraine and Ukrainians. The effectiveness of Russian propagandistic machine inside Russia is proved by sociological data. In 2017 Levada center provided the sociological investigation in Russia. 29% of respondents called Ukraine as the second enemy of Russia after the USA. Europe is on the third place (14%). For Russians both Ukraine and Europe became enemies after the Crimea annexation.<sup>13</sup>

The second level is information invasion through social networks and media. For the last several years the European Union feels the consequences of so-called “controlled chaos”

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<sup>10</sup> “В Лондоне проходит выставка о трагедии в Одессе 2 мая,” Peacekeeper, 3 October 2014, <http://www.peacekeeper.ru/ru/?module=news&action=view&id=22405> (accessed 9 February 2018).

<sup>11</sup> Ibid.

<sup>12</sup> А. Тушин, “В Москве представлены «Вещдоки»: выставка 365 дней «АТО» на Донбассе,” Ridus, 8 April 2015, <http://www.ridus.ru/news/182581> (accessed 10 January 2018).

<sup>13</sup> В. Дергачев and А. Атасунцев, “Россияне назвали главных врагов страны,” RBC, 10 January 2018, <https://www.rbc.ru/politics/10/01/2018/5a549d4b9a79476120fe5065> (accessed 20 February 2018).

provoked by the Russian Federation's activities in virtual space and cyberspace. The specific of this way of information war, which is provided by the Russian Federation, is to show the weakness of democratic institutes all over the world, especially in the European Union and neighboring countries. The idea of it is that "information can be used to disorganise governance, organize anti-government protests, delude adversaries, influence public opinion, and reduce an opponent's will to resist."<sup>14</sup> To be honest this tactics was used by Soviet authorities during the 1920s, in the late 1930s, the beginning of the 1940s and after the World War II when the USSR supported so called "people democracies" in Central and Eastern Europe. So, the practice is repeatedly tested but modern technologies open new space for its realization.

The intervention of the Russian Federation in the domestic affairs of a number of European states and also the USA was fixed during the last years. We will not talk about the USA case, but the situation with two referendums for independence which took place in the EU is more than interesting. The first one was the Scottish independence referendum in September, 2014. As an analyst of the US think-tank the Atlantic Council, Ben Nimmo, stressed that "pro-Russian propagandists used Twitter, fake news on YouTube and Facebook accounts to make and then spread false allegations that votes were interfered with to ensure victory for pro-UK campaigners."<sup>15</sup> The main idea of such activity can be defined as the attempt to discredit the results of the referendum with the purpose to destabilize the situation in the United Kingdom and tangentially the EU, which has to deal with the Brexit and its economic and political consequences.

In Spain, the Russian activity was aimed at strengthening the ideas of Catalonia's independence. As Spain defense and foreign ministers said, "They had evidence that state and private-sector of Russian groups, as well as groups in Venezuela, used Twitter, Facebook and other Internet sites to massively publicize the separatist cause and swing public opinion behind it in the run-up to the Oct. 1 referendum."<sup>16</sup> It is worth to assume that one of the purposes of such support of "independence" movement in Europe is the desire of the Russian state to legitimize annexation of Crimea. If Scotland and Catalonia would vote for independence, London and Madrid had to deal with it according to national legislation. And it would provoke huge changes in all spheres of life not only in Great Britain and in Spain, but also within the European Union and the whole world. And Russian aggression toward Ukraine could become the third if not the last issue on world's politic agenda.

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<sup>14</sup> Margarita Jaitner, "Russian Information Warfare: Lessons from Ukraine," in *Cyber War in Perspective: Russian Aggression against Ukraine*, ed. Kenneth Geers, 89 (Tallinn: NATO CCD COE Publications, 2015).

<sup>15</sup> Severin Carrell, "Russian cyber-activists 'tried to discredit Scottish independence vote,'" *The Guardian*, 13 December 2017, <https://www.theguardian.com/politics/2017/dec/13/russian-cyber-activists-tried-to-discredit-scottish-independence-vote-says-analyst> (accessed 15 January 2018).

<sup>16</sup> Robin Emmott, "Spain sees Russian interference in Catalonia separatist vote," Reuters, 13 November 2017, <https://www.reuters.com/article/us-spain-politics-catalonia-russia/spain-sees-russian-interference-in-catalonia-separatist-vote-idUSKBN1DD20Y> (accessed 20 February, 2018).

The third direction of the Russian information warfare is the financial support for European left and right parties and groups. For example, in France, the National Front, which was founded by Jean-Marie Le Pen, has confirmed receiving of Russian financial input for the election campaign. The Russian money allows Marine Le Pen to provide more or less successful campaigns for the French presidency and for the European Parliament. While Marine Le Pen lost elections, her political party got 25% of the vote. As a result, Marine Le Pen got 25 new members in the European Parliament and Russia got pro-Russian bloc inside the EU's Parliament.<sup>17</sup> From our point of view they can be considered as Russian agents of influence in European structures. And one of the purposes of their activity would be destabilizing the situation within the EU.

It is possible to find a great number of interventions of the Russian Federation in the domestic affairs of different states. They vary from direct propaganda to hackers' attacks of media, telecoms, firms etc. But we have also an example of a very complicated attack on the European security space which is provided by the Russian giant "Gazprom". This company is trying to share the Russian world via energy projects, media space, closed economic ties and financial benefits for certain participants. In this context we can assume that "Gazprom" is the energy and economic lobby of Russian political interests outside the Russian Federation. As far as "Gazprom" is the owner of a number of Russian medias, which have their network all over the world, it is also a media giant that actively influences on consciousness of its audience; for example, the dissemination of the idea of the unreliability of Ukraine as a gas transfers country and the necessity to restore the Nord Stream project to secure European states from unpredictability of political situation in Ukraine. Right now the European Union witnesses the revival of this idea in the format of Nord Stream 2. Of course, there are many disputes on this theme, but there is also support from gas companies in Berlin, Paris, and Vienna.<sup>18</sup> So, in spite of sanctions, this lobby of Russian interests is actively working on the European free market and such an activity could lead to the growing dependence of the EU on Russian energy and Russian policy.

The growing number of publications, scientific and journalists' investigations proves that the problem of Russian aggression and intervention in the European space via information tools is really an actual issue for today. During meetings, round tables, seminars, forums, the idea of coordinated efforts in confrontation of Russian aggression is disseminated. And one of the first ones was provided in framework of the North Atlantic Council in Wales in September, 2014. The Heads of State and Government signed the Wales Summit Declaration where they stressed that "Russia's aggressive actions against Ukraine have fundamentally challenged our

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<sup>17</sup> Luke Harding, "We should beware Russia's links with Europe's right," *The Guardian*, 8 December 2014, <https://www.theguardian.com/commentisfree/2014/dec/08/russia-europe-right-putin-front-national-eu> (accessed 15 January, 2018).

<sup>18</sup> Agata Loskot-Strachota, "Nord Stream 2: policy dilemmas and future of EU gas market," *Policy Brief 2* (2016): 1, [https://brage.bibsys.no/xmlui/bitstream/handle/11250/2378856/3/NUPI\\_Policy\\_Brief\\_2\\_Loskot\\_Strachota.pdf](https://brage.bibsys.no/xmlui/bitstream/handle/11250/2378856/3/NUPI_Policy_Brief_2_Loskot_Strachota.pdf) (accessed 15 February 2018).

vision of a Europe whole, free, and at peace.”<sup>19</sup> That was the first step toward understanding that the short period of partnership between NATO and the Russian Federation went into the past.

The same situation repeated with the European Union. In March, 2014, the European Council agreed the first diplomatic measures toward Russian aggression in Ukraine.<sup>20</sup> The European Union condemned Russia for its aggression in Ukraine and imposed economic sanctions toward Russian Federation, asset freezes and visa bans etc. For the next several years the European leaders joined forces in the fight against the Russian information expansion. The dilemma that must be resolved is the democratic freedoms vs. the authority's control. And the positive tendency for European citizens is devotion to democratic values and principles which are a priority of contemporary EU policies.

The European continent is one of the targets of information warfare for global dominance. Using of conscious and subconscious in order to achieve political goals is not a new idea. From ancient times till nowadays this practice has been developed in a gigantic mechanism which was put into the service of the state, first of all authoritarian and totalitarian regimes. The collapse of the USSR and socialist system influenced a lot on information exchange in Europe. The emergence of new democratic states looked as the start for changing attitude toward interaction between authorities and people. But new challenges of the end of the 20<sup>th</sup> – the beginning of the 21<sup>st</sup> century demonstrated the weakness of young democracies. Some of the states, which started to build democracy, changed their vector of political development and between them was the Russian Federation. Nowadays it continues the Soviet policy of superiority in the global space contrary to the interests of its own citizens.

To conclude it is necessary to stress out that this area of research is wide and complicated. Understanding the processes, which started during the First World War, is a solid foundation for further analysis of current events. Contemporary authoritarian states continue to develop old strategies but using new technologies and tools. Democratic societies understand that common threats require common defense and unity. And the first steps in this direction are already done.

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<sup>19</sup> NATO, *Wales Summit Declaration*, 5 September 2014, [https://www.nato.int/cps/ic/natohq/official\\_texts\\_112964.htm](https://www.nato.int/cps/ic/natohq/official_texts_112964.htm) (accessed 10 February 2018).

<sup>20</sup> “EU sanctions against Russia over Ukraine crisis,” [https://europa.eu/newsroom/highlights/special-coverage/eu-sanctions-against-russia-over-ukraine-crisis\\_en](https://europa.eu/newsroom/highlights/special-coverage/eu-sanctions-against-russia-over-ukraine-crisis_en) (accessed 10 February 2018).

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