



Between Two Strategies: More or Less Role for the EU in the Eastern Neighborhood?

Discussing the EU approach for the separatist conflicts in Georgia and Ukraine

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In December 2016, the EU has launched ‘Eastern Partnership – 20 Deliverables for 2020’, establishing a set of key priorities for the future of the EaP. This document, revised in June 2017, is aiming ‘to act as a work plan guiding the actions in the next phase of the EaP until 2020², with tangible objectives for all the four platforms on the multilateral track. In terms of security, the EU 20 deliverables for the six Eastern neighbors are mainly looking to respond to the possible threats for its internal security, without addressing the negotiations for the resolution of the separatist conflicts in the East. While the explanations for the lack of deliverables in this area are both domestic and external, the EU member states seem to neglect the prospect of enhancing the EU involvement in the discussion format for the post-Soviet regional conflicts.

This policy paper looks to analyze the EU participation in the conflict management across the EaP in the time framework between the two security strategies – European Security Strategy (2003) and European Global Strategy (2016). By underling the differences between the EU strategic discourse emphasized in ESS and EUGS on the one hand and the EU behavior in the case of the Georgian war (2008) and the Ukrainian crisis on the other hand, our aim is to highlight the positive and negative aspects of the its *modus operandi* in this region. Furthermore, this study concludes with recommendations for improving the EaP security agenda and extending EU influence in the Eastern Neighbourhood and the ‘frozen’ conflict regions in the context of 2020 deliverables

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² European Commission, “Eastern Partnership – focusing on key priorities and deliverables”, accessed 30 July 2017. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/near-eeas_joint_swd_2016467_0.pdf

WHAT: MORE FROM THE EU FOR MORE FOR THE EU

As of 2016, the EU has a new security strategy the “European Union Global Strategy” (EUGS)³, which marks 13 years since the EU’s first security strategy - “A Secure Europe in a Better World”⁴ (ESS) - of 2003. As highlighted in the EU Global Strategy, the EU aims at advancing the prosperity of its people. It as well highlights that the “European Union will promote peace and guarantee the security of its citizens and territory.”⁵ Indeed, peace and stability represent the necessary precondition for reaching the above mentioned aim. Achieving this objective however, will be strongly linked not only to the developments within the EU but also to the developments beyond the EU borders. What the time-frame between the two strategies demonstrated is that putting in practice the integrated and multi-phased approach to conflicts and crisis should come to action as among the key priorities of the EU’s security agenda towards its eastern neighbors. There should be increased presence and stronger role plaid by the EU in the region in order to safeguard not only the neighboring states’ but also its own security.

WHY: FROZEN DOES NOT EQUAL SOLVED

The 2003 European Security Strategy outlined five key threats to the EU: terrorism, proliferation of weapons of mass destruction, state failure, organized crime and regional conflicts.⁶ Furthermore, it provided the clarifications on what are the potential threats stemming from conflicts. The European Security Strategy stated that conflicts “destroy human lives and social and physical infrastructures”⁷ and that “conflict can lead to extremism, terrorism and state failure; it provides opportunities for organized crime,”⁸ conflicts lead to regional instability and insecurity which in turn also leads towards increased demand for weapons of mass destruction. As it correctly appears and while it is important to realize that

³ European Union, “European Union Global Strategy, Shared Vision, Common Action: A Stronger Europe A Global Strategy for the European Union’s Foreign And Security Policy,” accessed April 10, 2017. http://www.eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf

⁴ “European Security Strategy, A secure Europe in a Better World,” accessed April 10, 2017, <https://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>

⁵ European Union, “European Union Global Strategy, Shared Vision, Common Action: A Stronger Europe A Global Strategy for the European Union’s Foreign And Security Policy,” accessed April 10, 2017. http://www.eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf

⁶ “European Security Strategy, A secure Europe in a Better World,” accessed April 10, 2017, <https://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>

⁷ *Ibidem*

⁸ *Ibidem*

conflicts are the source of all the above-mentioned five key threats, it is as well necessary to recognize that frozen conflicts⁹ are not solved conflicts and present with equal potential for threat. In this regard, the EU's eastern neighborhood should not be ignored and the potential threats should not be underestimated.

GEORGIA

Following the enlargement in 2004 the EU's borders have changed and the EU acquired new neighbors. Consequently, it as well became closer to several so-called "frozen conflicts" in its eastern neighborhood, including the breakaway regions of Abkhazia and Tskhinvali/South Ossetia in Georgia. The developments in Georgia provide the outlook into how "frozen conflicts" do not equal solution of the conflicts, they are temporary stabilizations of the conflicts and further work is necessary.

Although, more attention might have been devoted to them in 2008, the two frozen conflicts in Georgia – in the breakaway regions of Abkhazia and Tskhinvali/South Ossetia – have not emerged only in 2008. In fact, those two regions were at war already in early 90s. Following the ceasefire agreements, the violent clashes had come to an end, however no solution had been found among the parties and the situation has turned into "frozen conflicts".

The EU's involvement in Georgia dates earlier than the European Neighborhood Policy (ENP) – the framework within which the EU develops its partnership with its neighboring countries in the East and the South¹⁰. The EU provided humanitarian assistance to Georgia. Between 1997 and 2006, the EU had become the largest foreign donor, financing extensive rehabilitation programme in the conflict zones.¹¹ The EU gradually increased its support, including the deployment of an EU Special Representative (EUSR) for the South Caucasus in 2003. Although, the initial mandate of the EUSR was to support reform policies, later on, it was extended to assistance for the settlement of conflicts with the mandate to "contribute to the prevention of conflicts, and to prepare the return of peace to the region."¹²

⁹ The concept of frozen conflict is, among other definitions, defined as conflict in which violent ethno-political conflict over secession has led to the establishment of a de facto regime that is recognized by neither the international community nor the rump state from which the secession occurred (Nodia, 2004)

¹⁰ The partner countries within this policy are: Armenia, Georgia, Azerbaijan, Belarus, Ukraine, Moldova to the East and Morocco, Tunisia, Syria, Palestine, Algeria, Egypt, Israel, Jordan, Lebanon and Libya to the South.

¹¹ Nicu Popescu, "Europe's Unrecognised Neighbours: The EU in Abkhazia and South Ossetia," CEPS Working Document No. 260/March 2007, CEPS, 2007, accessed July 30, 2017, <http://aei.pitt.edu/7384/2/7384.pdf>

¹² COUNCIL JOINT ACTION 2003/496/CFSP of 7 July 2003 concerning the appointment of an EU Special Representative for the South Caucasus, Official Journal of the European Union, L 169/74, 8.7.2003, accessed July 30, 2017, <https://www.consilium.europa.eu/uedocs/cmsUpload/L169-8.7.2003.pdf>

The inclusion of Georgia in the European Neighborhood Policy provided further possibilities to the EU's assistance and the EU's involvement in the country.

In 2008, the abovementioned two frozen conflicts in Georgia turned into violent ones as they developed into armed confrontations. This resulted into Russian tanks and soldiers moving well beyond the breakaway regions, closer to the capital city of Georgia. What became to be known as the Russo-Georgian war of August 2008, preceded with the diplomatic crisis between Russia and Georgia. The hostilities came to an end with the mediation efforts of the EU and France, which negotiated the six-point agreement.¹³ While the steps that led towards the escalation have been a subject of high debates, what the developments in 2008 reminded us is that *frozen* – does not equal *solved*.

UKRAINE

In the case of Ukraine, the common initiatives for creating a secure space in the EU neighborhood started with the beginning of institutional cooperation between both sides. In the framework of negotiations for the launching of the Partnership and Cooperation Agreement (1994), one of the requirements for Ukraine was 'to obtain a nuclear-free status'. Through the signing of the Non-Proliferation Treaty in 1994, Ukraine transferred all its Soviet nuclear arsenal to Russia, becoming in the next period a non-nuclear weapon state. Moreover, through the Budapest Memorandum (1994), Ukraine received guarantees both from the West (United States and United Kingdom) and East (Russia) that its territory will not be violated and its sovereignty and integrity will be fully respected.

The Budapest Memorandum had a double significance in the context of the Ukrainian Eastern war and Crimea annexation. Ukraine's military and security capabilities were significantly reduced, making it exposed to any threats coming from Russia. In the case of Crimea annexation, Ukraine strategic position not to react to the violation of its territory was based on the low quantity of arms and nuclear resources. Furthermore, Russia didn't respect its commitment regarding the territorial integrity of Ukraine and annexed Crimea using the self-defense rhetoric: the rights of Russian speakers in Crimea are not respected by the nationalistic anti-constitutional government and a quick intervention was needed. Russian foreign minister, Serghey Lavrov, accused the new government of Ukraine for not respecting the Memorandum provisions, declaring that 'the Ukrainian coup plotters grossly violated the

¹³ The agreement, among others, called parties to no resort of force and definitive halt of hostilities as well as withdrawal of forces to the initial locations and opening of international discussions on stability and security.

provisions of the Budapest Protocol on the need to faithfully respect the sovereignty and territorial integrity of the Ukrainian state'¹⁴.

After the development of the conflict in Eastern Ukraine in the first half of 2014, the big EU countries have proposed the establishment of a format of negotiations for the Ukrainian crisis. The Minsk agreements were aiming to find a compromise between Russia and Ukraine on the status of the Eastern regions, offering them the supervision and assistance of the OSCE and EU countries. The negotiations were also shaped by the Normandy format, a framework for discussions between Germany, France, Russia and Ukraine, where the *high politics* decisions have been taken before and after Minsk formal talks. However, both Normandy and Minsk compromises have failed to achieve their major objectives due to several reasons.

First, Russia preferred to conduct the talks in an intergovernmental manner, without involving the EU institutions or officials. Just like in the case of negotiations after the Georgian war in August 2008, it was the member states of the EU and less the European Union diplomatic service who moderated the debates for the Minsk agreements. France and Germany assumed the role to represent the European Union interests and to underline their strong disagreement with the Russian intervention in Eastern Ukraine. Although Russia accepted to engage in multilateral negotiations with its European partners, there was no shared consensus between Russia and the European Union, but between Moscow and Paris or Berlin.

Second, the Minsk agreement points have been implemented to a small extent. Minsk Protocol, which was agreed by the representatives of Russia, Ukraine and OSCE on 5 September 2014, has been denounced by the Ukrainian separatist regions in January 2015, following the occupation of the Donetsk airport by the rebels. The Minsk II agreement, with the participation of Germany and France, has been signed on 13 February 2015 and was mainly inspired from the provisions of Minsk Protocol. Both agreements have been referring to three major issues: ceasefire and immediate demilitarization of the Eastern territories under OSCE supervision, decentralization of power through offering a special status for Lugansk and Donetsk regions and the organization of local elections in both cities with international observers. Even if the fragile ceasefire was respected to some point by both parts, there was little progress towards the decentralization law implementation and no international

¹⁴ 'Lavrov forgets text of Budapest Memorandum, talks about "coup in Ukraine', *Unian Information Agency*, 2014, retrieved 2 April 2017, <https://www.unian.info/politics/1728517-lavrov-forgets-text-of-budapest-memorandum-talks-about-coup-in-ukraine.html> .

recognized elections in the Eastern regions of Ukraine. EU's position towards the above principles was in line with Ukraine's demands. However, EU had a limited leverage potential over the successful translation into practice of the agreed measures.

Third, the economic sanctions for the Russian government have minimalized the EU role in the Minsk and Normandy talks. These measures were imposed by the European Council in July 2014 and prolonged for several times until nowadays, referring to 'limited access to the EU primary and secondary market of the Russian goods and export and import ban on trade in arms, dual-use goods and curtail Russian access to certain sensitive technologies and services'.¹⁵ The overall value of the sanctions for the EU policy towards Ukraine is to reaffirm the support for its independence and sovereignty, with the risk to face strong impediments in the negotiations with Russia. Minsk and Normandy dialogues outcome do not leave space for a win-win strategy. On the one hand, the retirement of military troops from the Eastern Ukraine without any successful output for the 'special status' reform for Lugansk and Donetsk would mean a political and diplomatic defeat for Russia. On the other hand, lifting the EU's economic sanctions for Russia in the present conditions would be assessed as a strategic victory by the Russian public opinion and as a proof of 'a multiple voices' Europe. Even though one cannot put in question the importance of the sanctions as an instrument of political and economic pressure over Russia, their consequences for the EU capacity to moderate the negotiations over the Ukrainian crisis are negative.

HOW: RECIPE IN THE EU GLOBAL STRATEGY

As stated in European Global Strategy, 'internal and external security are more than intertwined'. Any security crisis or conflict escalation in the near neighborhood could have serious consequences over the internal stability of the European Union and its relations with external partners. Therefore, 'implementing a *multi-dimensional* approach through the use of all the available policies and instruments aimed at conflict prevention, management and resolution is essential'. The EUGS comes to articulate the need for a proactive EU foreign policy, capable to address different aspects of a conflict and generate multilateral solutions for its resolution. In the case of Georgia and Ukraine, EU could enhance its involvement by applying the following recommendations:

¹⁵ Council of the European Union, *EU restrictive measures in response to the Ukrainian crisis*, 2017, retrieved 12 April 2017, <http://www.consilium.europa.eu/en/policies/sanctions/ukraine-crisis/> .

- ***The EU should develop a modus operandi for the unsolved conflicts in the Eastern Neighborhood.*** EU should become more involved in the conflict resolution across the countries that have internal security issues. Through setting up a negotiations strategy for each frozen conflict, EU could engage in the mediation process and increase its influence in the region. As in the case of Ukraine, EU has to use its *soft* resources to facilitate the progress in the Normandy talks. Furthermore, a successful settlement of Ukrainian crisis could have a *spillover* over other near conflicts and could be a prove that EU is not only a player, but a real player in the Eastern Partnership zone.
- ***The EU should ensure unity in its approach towards Russia.*** Developing a common approach towards Russia's actions and overall approach towards the region and ability to react fast and in a unified manner, should be among the key elements on the EU's agenda. To this end, among others, the EU should diversify its energy resources and decrease its energy dependency on Russia, thus eliminating any potential for blackmail from the Russian side. The EU should indeed, as stated in the EUGS, through the energy diplomacy, "strengthen relations worldwide with reliable energy-producing and transit countries, and support the establishment of infrastructure to allow diversified sources to reach European markets."¹⁶ This will as well contribute to the next point:
- ***The EU should eliminate the "being intimidated by Russia" element while designing its policies related to its role in the region and strengthen its framework of cooperation with its eastern neighborhood.*** The case of Georgia, illustrated how Russia, does not represent a neutral party in the region. It is no news that the EU's eastern neighborhood is considered by Russia as its own traditional sphere of influence. While Russia is not afraid of moving based on its believes, even against international norms, it should not take two wars for the EU to make a stand as a global actor. Taking a stand should not mean getting involved in military confrontations, however, as an actor with ambitions to be a global actor, holding the Nobel Prize for peace, its reaction towards violations of international norms should move way beyond verbal "condemnation" of such actions. Indeed, the EU has demonstrated its ability to do so in case of Ukraine – with its sanctions against Russia. Furthermore, the EU should revisit its European Neighborhood Policy together with the eastern dimension,

¹⁶ European Union, "European Union Global Strategy, Shared Vision, Common Action: A Stronger Europe A Global Strategy for the European Union's Foreign And Security Policy," accessed April 10, 2017. http://www.eeas.europa.eu/archives/docs/top_stories/pdf/eugs_review_web.pdf

the Eastern Partnership (EaP). This is necessary to ensure that the EU does not lose its credibility in the region based on the weaknesses of the present policy designs, but most importantly, to further support the undertaking of necessary reforms in the countries which contribute to their development, stabilization and potentially increasing their readiness for finding peaceful solutions to the existing frozen conflicts.

- ***The EU should increase its efforts and role in reconciliation assistance with concrete measures.*** The case of Georgia represents a good example of the EU's ability to provide assistance – following the war, the EU continued and provided additional humanitarian assistance to Georgia (involving additional 500 million for 2008 – 2010), provided immediate humanitarian aid for internally displaced persons (IDPs) and assistance in confidence building, rehabilitation and stabilization. The EU should continue such engagement in the case of Georgia and overall increase its efforts in reconciliation assistance with concrete measures. As stressed in the European Security Strategy 2003 “no single country is able to tackle today’s complex problems on its own”¹⁷ and the EU should be ready to respond to such demands from the region.
- ***The EU should strengthen the tools and effectiveness of the stabilization mechanisms.*** In case of Georgia, the EU has deployed European Union Monitoring Mission EUMM, a civilian monitoring mission, which consists of 200 EU monitors with participation from all the member states of the EU.¹⁸ The mission is in charge of ensuring that no further escalations take place and contribute to the building of trust and confidence among conflict parties. While the EU’s reaction was quick and with its member states on board, it is to be noted that the Mission is not allowed on the territories of breakaway regions. The EU should be ready to address these challenges through further mediation and its efforts should not end at stabilization and should move forwards towards assistance in reconciliation as noted above and towards facilitating the conflict solution. Which leads to the next point.
- ***The EU should develop willingness and tools, which will enable it to respond timely and effectively to the demands on the ground.*** It is also notable to mention that Border Monitoring Operation (BMO) of the OSCE Mission to Georgia, which referred to 150 observers from the OSCE member countries monitoring Georgian-Russian

¹⁷ “European Security Strategy, A secure Europe in a Better World,” accessed April 10, 2017, <https://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>

¹⁸ European Union, European Union Monitoring Mission in Georgia, “Factsheet and Figures,” accessed March 23, 2017, https://www.eumm.eu/en/about_eumm/facts_and_figures

border, and operated since 1999, was not extended and ended in 2004 due to Russia's veto. While Georgia invited the EU to take over this operation, there have been divergences within the EU in the preferences on the level of its engagement. As a result, the offered solution was to send a small (initially three and later on extended to twelve persons) EU Special Representative Border Support Team (EUSR BST). It could be questioned whether there would have been escalations of such scale between Georgia and Russia, should there have been necessary international presence at the border. Should the EU intend to strengthen its credibility as a global player, it should be ready to provide such assistance and build success cases.

- ***EU should maintain the economic sanctions until the full application of the Minsk agreements.*** The economic sanctions were prolonged a few times since July 2014 by the European Council and this practice needs to be continued until sizeable results will be achieved. In the last period, there were signs that some country in the EU would like to temperate the sanctions, as they have negative consequences over their bilateral trade with Russia. However, sanctions are one of the most efficient European mechanism for responding to the Russian aggression and tend to prolong the recession of the Russian economy. Maintaining these sanctions would be a sign of European solidarity and common vision towards Moscow's actions in Ukraine.
- ***EU should increase the financial and technical support for the institution-building in Ukraine.*** After the signing of the Association Agreement in June 2014, Ukraine has become the biggest economic partner for the EU in the Eastern Partnership region. This new phase in EU-Ukraine relations requires a large European support for the ongoing reforms in Ukraine. The principle 'more for more' needs to be correlated with the implementation of the Association Agreements and the Deep and Comprehensive Free Trade Agreements. EU should provide for the Ukrainian government advisory expertise in promoting anticorruption measure, an independent justice and decentralized efficient administration. An example in this sense is the visa free status, which represents a sizeable advantage for all the Ukrainian citizens and will increase the positive perception regarding the European project in Ukraine.

CONCLUSIONS

The European Security Strategy 2003 (ESS) starts with the words: “Europe has never been so prosperous, so secure nor so free”¹⁹, looking at the developments that took place since then, it can be observed that a lot has changed since. Indeed, many of the key threats that had been outlined in the ESS came to surface, such as terrorism, which has not staid beyond the EU’s borders; increased destabilization in the neighboring regions, including frozen conflicts turning into violent conflicts. The time-frame between 2003 and 2016 which marks the new EU Global Strategy, has yet again shown that peace and stability cannot be taken for granted and frozen conflicts should not be considered or treated as solved conflicts.

While aiming at advancing the prosperity of its people, to which security and peace is a guarantor, the EU should indeed, as indicated in the EUGS, put in practice the integrated and multi-phased approach to conflicts and crisis, increase its presence and strengthen its role. These efforts should increase the EU’s role in its eastern neighborhood, which is a host of several frozen conflicts, thus several points of possible escalations and instability.

One could wonder why the EU should devote its resources to challenges beyond its borders while it is facing an increasing number of challenges internally. However, this approach would mean that the threats rising at the EU’s borders are underestimated and the feeling of piece is taken for granted – leaving the EU defenseless to its potential threats. The EU should not find the internal challenges to be an excuse for inaction on the global stage – it is indeed comfortable to live in a fancy house and devote your attention to rearranging and sorting your valuables, however, while doing so, if you ignore the fire at your doorstep, it might eventually catch-up to your valuables.

¹⁹ “European Security Strategy, A secure Europe in a Better World,” accessed April 10, 2017, <https://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>

BIBLIOGRAPHY

- COUNCIL JOINT ACTION 2003/496/CFSP of 7 July 2003 concerning the appointment of an EU Special Representative for the South Caucasus, Official Journal of the European Union, L 169/74, 8.7.2003, accessed July 30, 2017, <https://www.consilium.europa.eu/uedocs/cmsUpload/L169-8.7.2003.pdf>
- Council of the European Union, *EU restrictive measures in response to the Ukrainian crisis*, 2017, retrieved 12 April 2017, <http://www.consilium.europa.eu/en/policies/sanctions/ukraine-crisis/>
- European Commission, "Eastern Partnership – focusing on key priorities and deliverables", accessed 30 July 2017. https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/near-eeas_joint_swd_2016467_0.pdf
- 'Lavrov forgets text of Budapest Memorandum, talks about "coup in Ukraine', *Unian Information Agency*, 2014, retrieved 2 April 2017, <https://www.unian.info/politics/1728517-lavrov-forgets-text-of-budapest-memorandum-talks-about-coup-in-ukraine.html> .
- Popescu, Nicu, *Europe's Unrecognised Neighbours: The EU in Abkhazia and South Ossetia*, CEPS Working Document No. 260/March 2007, CEPS, 2007, retrieved 30 July 2017, <http://aei.pitt.edu/7384/2/7384.pdf>
- European Union, European Union Monitoring Mission in Georgia, 'Factsheet and Figures', retrieved 23 March 2017, https://www.eumm.eu/en/about_eumm/facts_and_figures

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