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EU RELATIONS WITH EASTERN PARTNERSHIP: STRATEGY, OPPORTUNITIES AND CHALLENGES



Chisinau-Chernivtsi-Tbilisi
2016

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CZU 327:061.1EU(082)

E 89

The volume includes selected papers that were presented at the international conference "EU Relations with Eastern Partnership: Strategy, Opportunities and Challenges", April 20-21, 2016, Chernivtsi, Ukraine, in the framework of the Jean Monnet action 564725-EPP-1-2015-1-MD-EPPJMO-SUPPA "Deepening Understanding, Information and Communication of the European Union in the Eastern Partnership".

The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

Descrierea CIP a Camerei Naționale a Cărții

"EU Relations with Eastern Partnership: Strategy, Opportunities and Challenges", International Conference (2016; Chernivtsi, Ukraine). EU

Relations with Eastern Partnership: Strategy, Opportunities and Challenges: [materialele conferinței internaționale, Apr. 20-21, 2016] / Carlos E. Pacheco Amaral, Gaga Gabrichidze, Ioan Horga, Anatoliy Kruglashov [et al.]. – Chișinău: S. n.; Chernivtsi; Tbilisi, 2016 (Tipografia "Print-Caro"). – 360 p.

Bibliogr. la sfârșitul art. și în subsol. – Apare cu sprijinul Uniunii Europene. – 100 ex.

ISBN 978-9975-56-364-2.

327:061.1EU(082)

E 89

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Printed in Moldova

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SECTION I: INTRODUCTION

CITIZENS, NEIGHBORS, PARTNERS AND INTERNATIONAL RELATIONS IN THE TWENTY FIRST CENTURY: THE EUROPEAN UNION AND ITS DOUBLE CONTEXT, INTERNAL AND EXTERNAL

Carlos E. Pacheco AMARAL

Abstract. *The paper considers the internal and external context of the European Union in international relations, its citizens, neighbours and partners. It comprises the ancient paradigm, the Christian revolution, the modern paradigm and the present times.*

Keywords: *European Union, international relations, citizen, neighbour, partner, paradigm.*

Nearly half a century ago, Peter Sellers, the great Peter Sellers of the Pink Panther series, played a most interesting character, in an unforgettable movie. In *Being there*, he is Mr. Chance, a figure described by those who know him personally as a fool, with nothing between his ears but hair, yet admired by all others and elevated to the position of a guru and advisor to the rich and powerful. Mr. Chance is a gardener by profession. And gardening is all that he can talk about. However, instead of being taken at face value, his words are understood as metaphors, highly valued. In one of his favorite expressions, he never gets tired of repeating that “All is well, and all will be well in the garden, as long as the roots are not severed”.

Taking my cue from Mr. Chance, particularly in the framework of the current times, swept by a crisis that threatens to overwhelm us all, I propose to focus our attention on the roots, not of turnips and potatoes, roses and carnations, but of our model of social and political organization, particularly with regard to the kernel concepts identified in the title of this presentation. This exercise will be undertaken in an attempt to identify these roots and to explore them, as well as the system of social and political organization they give rise to and sustain. It is our objective that, having duly identified them, in our responses to the present crisis we may either nurture them, avoid severing them and strengthen the system that grows from them, or, should we believe such a system to be no longer adequate in face of the contemporary challenges and requirements presented to us, we may cut these roots, so as to be able to replace the model of social or political organization which they sustain by a new one, more adequate to our predicament.

1. The ancient paradigm: individuality and plurality

To the Ancient mind the human condition is not conjugated individually, demanding, instead, plurality. So much so that it projected true humanity, not upon persons in themselves, but upon the social and political wholes within

the framework of which individuals, as parts, are capable of acquiring meaning and leading the good life.

The biblical tradition shows us that not even in the state of perfection, in Paradise, by himself, the individual was able to fulfill his destiny: happiness. That is why the Creator was somewhat led to proceed with the creation of a second human being immediately after having created the first. It is, moreover, important to keep in mind three basic aspects. Firstly, that instead of being an outsider to Adam, Eve is flesh of his flesh. That goes to say that the other, instead of being an alien to the self, is as the self: of the exact same nature, substance and destiny. Secondly, that Adam's union to Eve, instead of being the end result of an act of will, and being chosen more or less freely by both parties, ensues from the human condition itself. In a society encompassing a plurality of Adams and Eves, a singular Adam may choose a singular Eve, and be chosen by her, of course. Yet, the propensity for union is beyond choice, imposing itself naturally, and allowing the individual only the rather limited scope of electing the other concrete self to whom he or she shall associate. Thirdly, according to the biblical narrative, instead of being strangers, foreign to each other, Adam and Eve are parts of a singular whole. So much so that they were created separately, yet for union, and it is in their union that true humanity emerges. Man and women become husband and wife, one single flesh, a singular being. At the level of the political community, we witness a parallel phenomenon: a plurality of individuals unite to become citizens, equal parts of a single consolidated body politic. So much so that it would appear that, contrary to the case of other beings, humanity, is nowhere to be found on the singular, but always conjugated in the plural.

Furthermore, the biblical tradition also tells us that the fall, which terminated the state of perfection, also lead to humans assuming responsibility for their lives. In so far as original sin translated into God's withdrawal from human life (although not complete, much less permanent), and as humans are unable to care for themselves individually, the fall meant that the destiny of man became a joint responsibility. As clearly underlined, the destiny of each singular individual is not an individuated affair. Instead, the destinies of men are consolidated to one another, as their reunion, ensuing from nature, is the framework available to aspire to a modicum of the good life. And thus the deep tragic character of Cain's response, when questioned by God regarding his brother whom he had just murdered: *am I my brother's keeper?*¹

The Greek tradition, it should be immediately underlined, is rooted upon a similar conceptual foundation. As Greek mythology presents it, at the beginning, humans did not possess the shape and form we now present.

¹ *Genesis*, 4:9.

Instead, they were round, and lived happily, simply rolling around in the fields. Until, that is, the gods, perhaps out of jealousy, decided to put an end to that. Severed each human being in half, and sowed the cuts as they could with magic thread. Accordingly, whereas humans were complete and happy, they became half beings, and, therefore, miserable – the context in which one’s only hope for happiness ensued from finding her or his respective other half and uniting to him or her, as thoroughly as possible, in recovery of the lost primordial union. Whereas humans used to be round and whole, able to find happiness in themselves alone, they became rectilinear, incomplete beings, capable of but glimpses of happiness – precisely in those moments and circumstances in which they succeed in finding their “other half”, and joining together.²

In his political philosophy, Aristotle goes even further. Defining man as a *zoon politikon*, a political animal, he equates humanity, not with the family, ensuing from the reunion of husband and wife, but with the *polis*. Not in the abstract, but in concrete practical life – which, leads to the identification of humanity with citizenship. As rational beings, humans are able to discover each other, to allow others to discover themselves and to join with others in the charting of their own lives: in families, in villages and, ultimately, in *poleis*. It is because, in themselves, individuals are but incomplete beings, that they need to join with others so that, together, they may become whole and find happiness. In themselves, humans are perceived to be incomplete beings, yet, as the argument runs, each one possesses the instrument with which he or she is able to complete the task left unfinished by nature: the *logos*, reason. That is why the Greeks identified a human being, almost interchangeably with reason, as a *zoon logikon*, as the animal who is endowed with reason, and with politics, as a *zoon politikon*, the animal we find in political communities.

Humanity emerges from the association of the self with others, in an integration process, that starts with the family and terminates with the *polis*, precisely because the latter is able to offer its members, the *polites*, the citizens, as we would call them today through the Latin translation, everything that they may require to be happy. And therefore, there is absolutely no need to go any further. Because of its *autarkic* nature, the *polis* represents the last stage of human integration - and the *polite* is elevated to the condition of being, paraphrasing Francis Fukuyama, *the last man*, the final stage of human evolution.

Yet, the Greek *logos*, invoked here, is far from the cold, analytical, capacity for calculus and the evaluation of self-interest that would be proposed by modernity. In the Aristotelian vision, the *polis*, like the village, or the family, does not ensue from a criterion of utility. It is not made up of those

² Cf. Plato, *Symposium*, Warminster, Aris & Phillips, 1998.

who are useful for the joint achievement of this or that task. Instead, just as the family, according to myth, is made up of the two natural halves that the gods had separated, so too, the *polis*, as the prototype of the political community, is made up of those who befriend each other and join each other in order to complete that which nature had left incomplete. In other words, the *logos* in question is one that is deeply marked by affections. As a matter of fact, it is my *logos* that allows me to identify the *logos* of the other, and therefore to perceive her or him, not as an object, or a common animal, but as another self, as someone who possesses a nature that is exactly like mine and that, therefore, shares my very destiny.

It is my *logos* that enables me to communicate with other beings, my equals, in so far as they are equally rationally endowed. Through the *logos*, I am able to project myself onto others, as well as to access to the others. Rationality opens the way to the affections, allowing me to both *affect* others, and *be affected* by them – in a profound sense that finds no counterpart with the objects and the other animals. As a matter of fact, one may feel affection for her or his cat or dog, for example, or for a family heirloom. Yet, it will be of a structurally different kind from that which one can feel for his fellow citizens. Rationality allows an individual to open up to others and, simultaneously, affect them and be affected by them. Moreover, those affections have names, as the Ancient Greeks remind us. They can be differentiated according to the intensity with which they present themselves and the amplitude they may acquire: more intense, at the start of the integration process, where the consolidation of self and other is stronger, diminishing as the community grows and the space for individuality also increases.

At the moment of the first integration process, the affections are so intense as to leave almost no space for individuality. At the level of the family, and in so far as husband and wife are *flesh of the same flesh*, and their children ensue from them both, love is the expression of the fact that little that happens to one of its members does not affect the others. That is why, instead of being grounded upon self-interest, or even procreation, the family, Aristotle reminds us, is the community made up of those who share the more intensive of the affections, who *love* each other. It is the community of those whose lives are *affected* by each other, not sporadically, but daily. It is the everyday community and for everyday. The *polis* is the community that emerges after the family and the village. And, again, it too is grounded upon the affections; no longer upon love, but upon friendship. The *polis* is the community of friends, of those whose lives affect and are affected by each

other, albeit not daily, or as intensively, as in the family. And friends are but other selves, or, put in another way, as if different parcels of the self.³

According to this paradigm, the self, in him or herself, is not a fully constituted human being, but only part of one. True humanity emerges, not in an individuated self, but in the reunion of selves that constitutes the *polis*. And that is why the individual is not an autonomous subject of rights, assuming, instead, only those rights that flow from belonging and integrating this or that *polis*. Thus the unity of the *polis* and the requirements of citizenship that it presents, which, at bottom, but translate the common engagement and responsibility of all citizens with the construction and fulfillment of the collective self that results from the integration of all the individual selves that befriend each other, thus placing their lives and destinies in the joint hands of all. Furthermore, this is a process that unfolds, not out of the voluntary will and choice of each one, but from a requirement of nature, so to speak. I did choose my concrete spouse, just as I can choose to live in this or that neighborhood and therefore have this or that concrete neighbor. Yet having a spouse, and having neighbors, is not a matter of personal choice, but a natural requirement of humanity, Aristotle would say. And so too with the *polis* and its *polites*, its citizens. Just as I did not choose to be my mother's son, and my sister's brother, so too I did not choose to be Azorean and Portuguese, to be the co-citizen of my co-citizens, and for the same reasons.

To the Ancient mind, it is important to underline, political life is not a voluntary and artificial construction of previously individuated selves but, instead, the framework that allows individual selves who are never fully individuated, to, jointly, constitute themselves and reach the *good life* that deserves to be lived.

Furthermore, the Ancient political mind, both Jewish, Greek and Roman – the civilizational roots of our common Western tradition –, operates in a strictly dualist fashion, as the world is perceived to be divided in two clearly defined parts.

On the one hand, we find the ones with whom one needs to share his life in order to live well, his co-citizens, the other Jews, Greeks or Romans. Whereas, by her or himself alone, the self is but an incomplete being, together with his co-citizens, he is able to reach wholeness and completion. And, because one is able to find wholeness and completion only in reunion with his and her co-citizens, the destinies of all are consolidated, affecting and

³ The classical expression of this paradigm can be found in two fundamental texts of Aristotle: *Politics*, New York, The Modern Library, 1943, and *Nicomachean Ethics*, Oxford, New York, Oxford University Press, 2009. For an in depth exploration of this perspective, cf. Carlos E. Pacheco Amaral, *Do Estado soberano ao Estado das autonomias. Regionalismo, subsidiariedade e autonomia para uma nova ideia de Estado*, Porto, Afrontamento, 1998, particularly pp. 232-246.

being affected by each other. And that is precisely why they are a joint affair – translating in a requirement of active citizenship.

On the other hand, we find all others, the foreigners, the gentiles, in the case of the Jews, the barbarians, in the case of both Greeks and Romans. And, at the limit, whereas the first, the co-citizens, integrating the diverse parts of the singular whole that is the community, require each other and see that their individual destinies are consolidated with each other, the second, the foreigners, are all those with whom the citizen can have no relations, and share absolutely nothing – except interests that are traded on the basis of a strictly arithmetic calculus of utility. And that is precisely the difference between, on the one hand, *politics*, the solidary relations developed among co-citizens aiming at the propitiation of the autarkic happiness of the whole, the *polis*, which, alone, can allow for the happiness of the parts, the *polites*, and, on the other hand, *international relations*, the power based relations that political communities develop among themselves, in both war and peace, for the fulfillment of the interests of the stronger.

The Ancient political worldview could not foresee a common humanity in all, precisely in so far as one's nature ensued from the side of the political frontier upon which he or she may happen to find her or himself. Therefore, it was as if true humanity was a category reserved to describe those who emerged within the frontiers of the community, which meant that, because they sprang from different political communities, all others were foreigners, aliens, sub-human, so to speak – who should be dealt with accordingly, as objects and ultimately, slaves. A paradigmatic example is that offered by no less than the *Old Testament*, in the instructions given by God Himself to the Jews regarding the manner in which they should proceed and how they should act upon escaping from Egypt, in order to take possession of the *promised land*.⁴

The Ancient political paradigm, therefore, had no place for the categories of either neighbors or partners – much less for policies of neighbourhood or partnership. In strictly dualist fashion, it recognized but citizens and foreign aliens, and, therefore, politics and international relations.

2. The Christian revolution

This political paradigm of the Ancient world would be thoroughly challenged by Christianity, precisely in so far as it brings forth a double revolution: personalist and universalist. To the Ancient mind, the value of an individual ensued from the political community from which it stemmed, thus the Greek myth of the people being born from the earth, and the Jewish notion of the superiority of its people because of the superiority of its God, the one true God, with whom, they, alone, had been able to sign a covenant, which made them the *chosen people*. They alone, were true children of God.

⁴ Cf. *Deuteronomy*, 7, 1-11.

Christianity would point in the opposite direction. Christianity is grounded upon the double notion of a common identity, shared by all, and the specific dignity of each human being, deriving from the fact that all are equally God's children, and all were created in the image of God.

In the terms of the Christian proposal, presented most eloquently in Saint Paul's letters, all humans share a deep ontological equality in so far as above and beyond their condition of citizens of this or that political community, they are all children of God, each one constituting a sort of microcosm that mirrors the macrocosm of God, the common father of all. That is what allows him to proclaim that, with Christianity, "there is neither Jew nor Gentile, neither slave nor free, nor is there male and female, for you are all one in Christ Jesus"⁵. Furthermore Christianity will follow closely the Greek political paradigm, yet extending it far beyond the *polis* to embrace humanity as a whole. Whereas Greek thought had found *autarky in the polis*, Christianity will posit that it requires no less than the universal, thus its structural cosmopolitan vocation, in the terms of which each human being requires a kaleidoscope of integrated social and political communities stretching from the family, at bottom, all the way to the universal. Instead of being an exclusive of the family or of stopping at the borders of community, the world of affections projects itself to all humanity, finding ultimate expression in the new commandment of love – not of the members of my family, my region or my nation, but of all human beings.

This basic equality of all individuals, grounded upon the notion that we all share a common identity and destiny, is coupled with a second major Christian vision that society, or, better yet, the kaleidoscope of societies we integrate constitute the environment that is made available to us to reach our ultimate destiny: happiness. To that end, all societies, from the smallest to the largest, are required to contribute. The world of affections, the universe of those whose lives affect and are affected by a singular individual, is projected by Christianity far beyond the *polis*, the Empire or the *regna* and ultimately includes all of humanity, although not in the same fashion, as illustrated eloquently by the principle of subsidiarity, in the autonomous distribution of competences announced between the *polis*, at the foundations, and the *Respublica universalis*, at the top.

The Christian paradigm does not deny man his dignity as a *zoon politikon*, a political *animal*. Recognizing this fundamental condition, it goes on to underline two fundamental aspects. Firstly, that instead of being a reserve of a singular community, political power is shared among a plurality of entities. Secondly, that just as the monopoly over the political ensues in a solipsist singularity of citizenship, a plural perspective of social and political organization opens the ground for an equally plural range of individual

⁵ Cf. *Galatians*, 2:28.

categories or dimensions of citizenship, including the ensemble of rights and duties that ensue from membership in the plurality of social and political communities available, including appurtenance to the human condition.

This Christian tradition, would survive in the West until being overcome by modernity. Its major exponents in social and political philosophy include such medieval figures as Dante Alighieri and Thomas Aquinas, Francisco Suarez, in the Catholic world, and Joannes Althusius, in the Protestant world, at the dawn of modernity, and Immanuel Kant himself. This is not the time, nor the place, for a minimally satisfactory presentation of their thought – which would be raised to the ground and thoroughly replaced by the modern project of sovereignty. For our purposes, it should suffice to point to the Christian parable of the *good Samaritan*, and to the political thought it gave rise to and inspired. In the terms of the parable, it is a foreigner who steps down from his donkey to assist and medicate the Jew who had been robbed and left on the side of the road to die (whereas other Jews had looked away and continued on their journey unaffected by that man). The good Samaritan acts in this manner because it is not a foreigner that he finds on the road, but a person who, as another self, is his *neighbor*, another self that affects him and, as he allows to be affected by him, cannot but assume the duty to assist him⁶. So too, at the social and political level, instead of stopping at the political frontiers of the sovereign state and being directed only towards those who find themselves inside them, the rights, and duties, of individuals know an outright cosmopolitan dimension – although, of course, the system of rights and duties that shapes the family are different from and far more intensive than those that characterize the *polis*, and, ultimately, humanity at large.

This is a dimension that is best expressed in political philosophy by no less than the great Immanuel Kant who, on the one hand, grounds social and political organization on the service of personality, of the autonomous will of individuals, without failing to identify, on the other hand, differentiated requirements of each level of social and political organization, including singular political communities, yet extending far beyond them. Peace, he argues, constitutes an essential precondition for the good life. Not merely as the absence of war – in that sense it is necessarily temporary, constituting but a more or less prolonged truce between wars – but as the condition that ensues from sharing a common system of right. Between differentiated political communities, however, *peace* is condemned to be a transitory state of affairs, a mere truce. According to Kant's intuition, its definitive establishment requires no less than a projection of rights and duties across borders at a planetary level. As he argues in his *Project for a perpetual peace*, to be true and definitive, peace requires integration. And contrary to

⁶ *The New Testament*, Luke, 10: 25-37.

the complexity that mars the contemporary experience of European integration, Kant's proposal primes for its economy and simplicity, requiring but three articles. The first, centering the political organization of all peoples on a *republican constitution*. The second, reminding that integration should ensue from an act of will of each party and culminate in a *free federation*. The third and final Kantian requirement for *perpetual peace* assumes an outright cosmopolitan reach demanding no less than a right of *universal hospitality* for all human beings⁷.

3. The modern paradigm

In a nutshell, it could be argued that modernity is grounded upon the recuperation of the ancient paradigm of social and political organization, cleansed of the detours introduced upon it by Christian cosmopolitanism. Religion will be more or less tolerated by modernity, yet strictly relegated to the realm of the private sphere of each one and denied any space in public life. And the same will hold for anything that does not ensue from the creative will of the new political entities heralded by modernity: the sovereign states. So much so that, as expressed in paradigmatic fashion in the political thought of its major framers, from Machiavelli and Thomas Hobbes to John Rawls in the 20th century⁸, when modernity recovers the medieval categories of supranationality, including the idea of *natural rights*, is to deny them and so raise the conceptual ground, so to speak, in order to allow for the idea of sovereign and, accordingly, to reserve to the States holding it the right to freely lord over all those who find themselves enclosed within their borders, taking possession of them as well as of the resources and the phenomenon they encapsulate.⁹

Just as, for the Ancients man is a *zoon politikon*, so too, for modernity, each one is a creation of her or his State. Accordingly, each one is a concern of that State alone to which he or she belongs. Before all other states, one is a but a *foreign alien*, and therefore, of no interest to them – except in so far as he or she may be a useful instrument for the gratification of their respective national interests. Accordingly, no one possesses a greater dignity or more rights than those consecrated to him or her by his or her State – and which that State is able and capable to exact, both within and beyond its borders.

For modernity, the Christian idea of the *person* is stripped of ascriptive content and reduced to the idea of the *self*, a *tabula rasa*, a blank slate, which

⁷ Immanuel Kant, *Perpetual Peace*, New York, Macmillan, 1957.

⁸ Cf. Niccolò Machiavelli, *The Prince and the Discourses*, New York, the Modern Library, 1940; Thomas Hobbes, *Leviathan*, New York, Pearson Longman, 2008; John Rawls, *A Theory of Justice*, Cambridge, Mass., Belknap Press of Harvard University, 1971.

⁹ For an in depth characterization of the modern sovereign state, from among the wealth of materials available, cf. Carlos Amaral, *Do Estado soberano ao Estado das autonomias. Regionalismo, subsidiariedade e autonomia para uma nova ideia de Estado*, op. cit., particularly chapter 1 “O Estado: surgimento, enquadramento e natureza”, pp. 27-111.

is devoid of material content – rights and dignity – and, therefore, able to receive those that her or his sovereign State may freely imprint upon her or him. That is what it means for me to present myself as Portuguese, for example. When I say that I am Portuguese, what I am saying, in reality, is that I am a creature of the Portuguese State, holding the rights and duties that are granted onto me by the Portuguese State – itself a free creation of its people as expressed in its constitution (the act constituting it and defining it precisely by the structure that gives it shape and form and the ensemble of rights and duties with which it gives color and meaning to its citizens, differentiating them from all the rest, the foreigners).

Contrary to the kaleidoscope of social and political organizations that made for the rich and multifaceted tessitura of medieval life, the modern sovereign State possesses, by definition, a structurally unitary character which, so the social contract narrative goes on to explain, ensues from an inter-related double process. In a preliminary moment, it is necessary to establish who are to be the parties to the contract, and to strictly delimitate them from all others. Once that is established, they are to take possession of a certain territory, which they henceforth call their own, firmly delimitating it with impermeable and impenetrable frontiers. Having defined who are going to be the contractors, and, therefore, the members of the future sovereign state, its citizens, and its respective territory is effectively delimited from that of the rest of mankind, the foreigners, through impermeable and impenetrable frontiers, it is possible to initiate the negotiations without risk of contamination. These, however, are not to be just any negotiations, possessing, instead, a very peculiar character.

In a first moment, it is necessary that each of the parties to social contract – i.e., all those who find themselves within the frontiers of what is to become the State – while holding on to the specific features that characterize them as the concrete *private* persons that they are, abdicate, and transfer to the State, one after the other, any and all *public* identities, privileges, powers and rights that they may possess. So much so that, at the close of the first part of the social contract, even as the parties hold on to their *private* ascriptive identification markers that characterize them as the concrete individuals that they are (with regard to sex, skin pigmentation, height, weight, eye color, degree of beauty, intelligence, etc.), they find themselves utterly stripped of *public* characteristics (including rights, duties, privileges or prerogatives). Although modernity will resort to the idea of *social contract*, what is foreseen is no contract at all, but a unilateral transfer of rights and power, from each and every one to a third party created to receive them: the sovereign.

That is how, besides, at the end of the first phase of the social contract it becomes possible to witness the emergence of two new entities. On the one

hand, the parties to the contract, installed within the frontiers erected to delimitate the territory upon which they are to live and which they call their own. They are entities of a rather peculiar type in so far as, while remaining the concrete *private* person that each one is, at the *public*, political, level, they are left wiped clean by the social contract, becoming, therefore, entirely destitute of political identity and rights. Cleansed of all *public attributes, powers or rights*, they emerge as *blank slates*, upon which the State will, afterwards, be able to imprint the public, political, identity it wills through the system of rights it chooses to adopt. Or, as John Rawls will convoke us to think, a *veil of ignorance* must fall upon each of the parties to the social contract so that they may all become oblivious of the specific characteristics individuating each one of them, so that, wiped clean of the smallest vestige of subjectivity, they may emerge as purely rational contractors. Furthermore, the modern narrative requires that any and all subjective characteristics that may taint the rationality of the parties to the social contract be not only bracket or forgotten but effectively transferred to a third party, the sovereign. On the other hand, the sovereign State emerges precisely through the accumulation of the *public* characteristics, privileges, rights and powers that it receives from the parties to the social contract. Moreover, this transfer cannot be partial, temporary or revocable. In order to assure the rationality of the parties and that none cedes to the temptation of imposing himself against his fellow citizens, the sovereign needs to be able to count on the full and complete power available within its territory – once and for all.

When the first stage of the social contract is terminated, it becomes possible to observe sovereignty in all of its splendor: the reunion in a single person of all the political power previously dispersed throughout the territory and the social fabric delimited by the existent frontiers. At that juncture, however, no State can yet be found. There is no political nation. There are no citizens. All that can be perceived is a mere assembly of politically amorphous individuals, of whom nothing can be predicated and who share nothing among themselves, except that they exist and that they are capable of receiving the identity, the powers and the rights that may be entrusted to them – just as nothing can be said of a blank sheet of paper, or of a blank canvas, except that it exists, and is capable of receiving the text (in verse or in prose) that may be written in it, or the painting that may be drawn in it.

The social contract introduces a thorough break with the Middle Ages, heralding a social and political framework in which the pulverization of political power among the plurality of entities that integrated and made up for the peculiarly medieval paradigm of political organization was overcome and gave way to the radically new modern unitarian conception. The evident challenges of medieval political multiculturalism had been overcome. But only in so far as they had been raised to ground. Furthermore, the project of

modernity required a second step, of a constructive nature. The State, the modern nation-State had yet to be constructed – precisely by the sovereign. That is what the second part of the social contract theory explains.

According to the intuition of Thomas Hobbes, the social contract unfolds following a “resolutive-compositive” methodology. The wreckage of the resolutive moment is required in a subsidiary fashion. Its interest lies in the fact that it opens the way for the sovereign to act, offering it the shapeless raw material upon which to exert its power, shaping it and furnishing it the material identity that ensues from the system of right it elects to adopt.

At the conclusion of the respective resolutive moment all social contracts produce exactly the same result: they but offer the respective sovereigns the raw matter with which to build the respective nation-States, the blank slates upon which each may freely write what it may. Before anything is written upon them, all blank slates are exactly alike. And they all allow whoever possesses them the conditions to imprint upon them whatever he or she may will: a poem, a short story, a letter, a painting, a watercolor, or whatever he or she may fancy. Likewise, just as a blank slate offers its owner the opportunity to write, or to draw, so too the resolutive moment of the social contract opens the way to the constructive moment whereby each sovereign builds its nation-State by offering its people a constitution, a singular identity and system of right.

That is, besides, what allows for the fundamental equality of states? As sovereign they are equal in so far as each one is responsible for shaping itself and granting its people the system of right responsible for assuring the singular and unitarian *public* identity that individuates it. And that is how the second moment of the social contract culminates with the emergence of the citizens, without whom there can, obviously, be no State. Furthermore such a *public* identity assumes two equally important dimensions. The citizens of a State, it should be underlined, are defined by the fact that they all received the same body of right, freely adopted by the respective sovereign in order to give them the shape and the identity that defines them as the concrete people that they are among the *concert of nations*.

The double nature of the social contract assures that all citizens are utterly equal. By means of the first, resolutive, moment of the social contract all those who accede to it divest themselves of any traces, however slight, of a specific *public* identity and power – transferring all their possessions unto their sovereign. Moreover, because equally void of ascriptive *public* characteristics, all citizens gather the conditions that allow the sovereign to imprint upon each of them, in the compositive moment of the social contract, the exact same identity and body of right. This is the context in which, as modernity will present us, the sovereign emerges as a kind of mortal god, creator of its citizens, who, by definition are exactly alike in so far as they

were equally created by it. No discrimination is possible within the sovereign state. Not among citizens. And neither can there be any special identity or interest, specific to this or that class of citizens. In a word, there can be no plurality. The sovereign State demands no less than absolute homogeneity so that, ultimately, it may possess a thorough unitary nature.

The social contract, therefore, produces two interrelated effects. Firstly, among themselves, citizens constitute a body of equals in so far as they all received the very same system of right from a single sovereign. Secondly, and correlatively, members of different social contracts emerge as foreigners, radically different from each other, precisely for the reason that they are defined by different systems of right, adopted by a different sovereign. And, between them, there is but a radical void, where no intermediate categories can emerge and allowing for no common identity or solidarity among the two.

This is the broad conceptual framework adopted by modernity for the organization of political life across the planet. Forged in Europe, and undoubtedly at the roots of Europe's capacity to project itself across the entire planet, this conceptual framework of modernity would be exported worldwide. Demanded by all peoples across the world it would culminate in the known principle of *national self-determination*. So much so that, following the Two World Wars of the last century, the Earth itself ended up divided in sovereign States. This is the framework that allowed for a strictly dualist vision of the planet, integrating two types of radically different peoples: citizens and foreigners. So much so that on a *public*, political, dimension, modernity will adopt an integrated double perspective.

With the planet organized in sovereign States, and in so far as each one freely adopts the singular system of right responsible for the very definition of its citizens, there can be no multiculturalism of *public*, political, relevance within each nation-state. Different, with regard to their *private* choices and preferences, citizens of a State integrate a *community of equals*, as they all share an identical *public* identity and lead their lives according to the same system of right. The fundamental equality of the citizens effectively prevents any meaningful multiculturalism – or even the emergence of the slightest *public* differentiation within the State. Correlatively, just as citizens are radically equal in so far as they all ensue from the same State that beget them all, so too foreigners are radically different in so far as they are creatures of different States. Therefore, just as within their midst, States have no place for multiculturalism, so too, across their borders there can be no common conception of humanity, of public, political relevance, that is. Domestic radical equality requires an equally radical alterity across borders. Thus the double arrangement of all social and political life adopted by modernity, both in politics and in international relations.

The first of these arrangements, politics, deals with the permanent relations that a unitary body of citizens (made equal by the fact that they share a common right) freely decide to adopt. The second, international relations, deals with the conjunctural, utilitarian, relations that foreigners, peoples radically different from each other, decide at any moment to establish so as to better gratify their national interests. As a unitary *body politic*, each sovereign State is a community of equals, whereas the international system offers a kaleidoscope of *foreign aliens*. The first, politics, unfolds along the values determined by the system of right freely adopted by each national constitutional tradition. The second, international relations, knows of but one measuring rod: the gratification of the interests of the sovereign States that so engage in relations with each other.

This model finds paradigmatic expression in two integrated major claims of modernity regarding *politics* and *international relations*.

With regard to the first, *politics*, witness how John Rawls, capturing a fundamental principle of the entire modern Western tradition – both liberal and illiberal – underlines the *priority of right over good*. That is to say that the *good* can only emerge within the context of a system of *right*. Thomas Hobbes had reminded us of the direct link between “justice” and obedience to the state”; John Rawls Rawls, on the other hand, underlines that a judgment of “good” or “evil” can only ensue from the comparison of a concrete behavior with a *rule* previously established. It is only in so far as we dispose of a rule that one’s behavior can be called “good” – precisely in so far as it follows the rule –, or “evil” – should it go against it. That is how, the “good” proceeds from the “right”, the system of right which alone enables us to emit a judgment over our concrete behavior. And each, by definition, is its own lawgiver. Modernity, it should be kept in mind, centers politics on a “social contract” celebrated to bring men from the *state of nature* (understood as that condition where there is no right available for the judgment of conduct, therefore, no good and evil and where people, accordingly, have a *natural right* to do as they wish or as they understand best serves their interests) into a *body politic* (the condition in which, instead of doing as they wish, each has to act as prescribed by the system of *right*, that shapes the community, adopted by contract precisely to introduce “good” and “evil” into human affairs. To introduce good and evil, that is, within each State – which are to be identified with reference to the terms of the social contract upon which it is grounded and are identified in that State’s Constitution and fundamental legislation.

Regarding the second, *international relations*, witness how modernity – from Nicollò Machiavelli to John Rawls – identifies it as the realm of *amorality*; the domain, that is, where the “good” has little claim, precisely because of the absence there of a system of right coercively enforced above and beyond the States and regardless of the circumstantial judgments that they may adopt.

The system of *right* freely adopted by each State opens the way for the emergence, within its midst, of “good” and “evil”. At the same time, it also confines “good” and “evil” to States’ frontiers. Correlatively, the absence of a supranational coercive system of right across States effectively assures that international behavior can be more or less recommendable, on prudential or utilitarian grounds, yet, it is unsusceptible of moral adjectivation.¹⁰

As Reinhold Niebuhr, a major intellectual figure of the last century, underlined, man alone is a moral being; in themselves and as conglomerates of human beings, societies lack an intrinsic moral fiber. Man is a moral being because we are all endowed with the moral law, imprinted upon us by the creator, or, in the secular version of the argument, rationally identifiable. In other words, individually, we are moral beings in so far as we possess and have access to a *rule*, with which it is possible to judge our behavior. In themselves, groups, societies, are beyond morality, in so far as they lack any such rules. *Good*, and *evil*, therefore, emerge in the world beyond a strictly personal dimension, precisely by the contractual adoption of the rules that shape our societies. Just as, in football, moving the ball with one’s hands, either to introduce it in goal or to prevent it from entering is a foul, and to do so with one’s feet is fine, *because* the activity, playing football, is regulated by rules that identify some actions as permissible and others as not permissible, so too in our national societies it is the existence of rules, the *political* and *legal* norms that bind together and identify the members of our national societies, that makes it possible to identify a concrete behavior as *evil* or *good*. Correlatively, the absence, or the inchoate nature, of such rules at the supranational level precludes morality from international relations¹¹. Thus the classical perspective, shared across geographic and ideological frontiers, of the international system as an archipelago of sovereign States, understood as outright islands of morality that, anchored in a sea of immorality, or, better yet, in an ocean that has no place for moral considerations, deal with each other as the *power* at their disposal allows them to, as best serves their national interests.

4. What of the present?

This broad conceptual proposal of modernity, however, has been eroding throughout Europe, almost from the time of its universal consolidation. And the *mortal gods*, the sovereign States, upon which it is grounded have been forced to recognize that they are simultaneously too large and too small in face of the challenges proposed by the contemporary

¹⁰ For the classical expression of this paradigm the texts of Machiavelli, Hobbes, and Rawls identified in note 8, *supra*, as well as John Locke, *Second Treatise of Government*, Indianapolis, Hackett Publishing Company, Inc., 1980.

¹¹ Cf. Reinhold Niebuhr, *Moral Man and Immoral Society. A Study in Politics and Ethics*, New York, Scribner, 1960.

world – thus the crisis threatening us all, particularly since the Two World Wars of the twentieth century.

In so far as the States prove to be excessively large, they have given place to a plurality of new forms of social and political organization within their midst. The emergence and spread of regional political autonomy a bit throughout Europe would appear to constitute the clearest and most paradigmatic example of this inward dimension of the present crisis.

Correlatively, in so far, moreover, as States prove to be excessively small, the crisis requires the parallel emergence of an equal plurality of new forms of political organization and of political categories, this time, at the international level. In a word, it requires integration.

In its external dimension, the present crisis would appear to ensue from a flaw of the modern social contract. Just as, internally, the social contract was unable to lead to the transformation of all persons into blank slates upon which their respective State was then freely able to imprint its own system of *right* and build a community of equals, so too, externally, the radical *alterity* proposed by modernity is nowhere to be found. In contrast to the requirements of the social contract, domestically, our societies are plural, thus the requirement of autonomy, and internationally, they share a common substrate as well as a common destiny, thus the requirement of integration, both regional, as represented in paradigmatic fashion by the European Union, and cosmopolitan, as heralded by Human Rights. And, in both cases, it is important to underline, integration is grounded upon the adoption of a system of *right* that goes beyond the promise of traditional international law. A system of right that may be able to give shape to a community that is paradigmatically supranational, in the case of European integration, and outright cosmopolitan, in the case of Human Rights.

Not integration aiming at the development of some type of *super-State*, grounded upon the replacement of our differentiated national identities and citizenships by a singular and ascetic supranational identity and citizenship dictated by the Brussels' bureaucracy, for example. But integration that, recognizing the present groundlessness of the modern promise of the social contract, of its impermeable and impenetrable frontiers and of its idea of sovereignty, is able to allow for the emergence of political communities, both within and beyond national borders and to their autonomous and subsidiary integration.

In a word, the erosion of sovereignty and its replacement by autonomy translates in the recognition of a plurality of new categories in the European political spectrum both within and beyond the sovereign States. Within them, witness the autonomous regions or the *legislative* regions, as they have also been called, understood as entities that are capable of producing their own legislation and system of right and, therefore, to emerge as *moral* beings.

Beyond them, one should point to such phenomena as European citizenship, neighbors and partners. European citizenship in so far as Europe becomes an outright political entity in its own right, shaped by a European system of *right*, capable of consolidating the destinies of those that make it up to the point where, in a variety of realms, they emerge as a mutually interdependent singular whole. Neighbors and partners in so far as, unlike their ancient and national-State counterparts, the frontiers of Europe no longer demarcate in radical shape the people, the phenomenon and the resources enclosed within the Union from those laying outside. Accordingly, they no longer call upon European authorities to focus exclusively on the former, their citizens, and to ignore the latter, the foreign aliens – or, better yet, they no longer require of them that they develop policies bent on the well-being of the former, (bringing European affairs into the realm of Politics), and establish relations with the latter only in so far as they may lead to the utilitarian gratification of the interests of the European citizens (anchoring them solidly in utilitarian, interest based, International Relations). For a plurality of reasons. Firstly, because what happens outside the European Union has a clear and evident impact within the Union itself. Instead of impermeable and impenetrable, as required by the modern social contract, our frontiers cannot but allow for a growing permeability and interpenetration, which no walls can be expected to effectively block. Secondly, because of the common identity and destiny we share, regardless of the political and volatile will that may be adopted at any moment by any of our peoples' or their decision makers, either by armed force, the success in war, or lack of it, the good or bad luck in the dismemberment of Empire, or by national referendum in this or that country.

To my mind, and in a word, it is no less than a new paradigm of Politics and an equally innovative new paradigm of International Relations that Europe and our contemporary world requires. Crisis is a Greek concept that expresses a dysfunction, an inadequacy. And that is what our contemporary crisis expresses: the inadequacy of the social and political paradigm of modernity in face of the contemporary reality and the challenges it presents: both internal and external.

In conclusion, having arrived at this magnificent city of Chernivtsi coming from the Azores, the Western frontier of Europe, in a rather long journey, I would take the liberty to underline the following. Crisis is what would have surely happened if the pilots of the airplanes that brought me to this marvelous city, instead of modern navigational instruments disposed of the charts and navigational instruments with which my countrymen, the Portuguese sailors of half a millennium ago, found their way to the Americas, Africa and India. Or crisis would be what surely would befall my younger daughter, now 14 years old, if I insisted that she should wear the shoes from 3 or 2 years ago. Although in pretty good condition, those shoes are of no use

to her because of the inadequacy meanwhile developed given that her feet grew and the shoes, alas, remain of the exact same size.

And, in order not to abuse excessively of your patience, I would conclude by underlining that, to my mind herein lie the major challenges facing us at present. The current crisis is economic and financial – no doubt, as I have the obligation of knowing full well, along with my countrymen who have been painfully feeling its impact. Yet, more than that, above and beyond that, it represents the inadequacy of the modern proposal. It translates, therefore, not in a requirement of nurturing the conceptual roots of the modern political paradigm – with austerity policies, for example, grounded upon the perspective that the social policies of each European State should depend upon the resources it is able to collect, for example – as Mr. Chance, with whom I started this reflection would have it. Or witness the manifest incapacity of our sovereign States to continue to deal with a host of challenges and threats like migrations and terrorism, for example, with the traditional means at their disposal. Instead, the crisis requires a new paradigm, the re-foundation of the model of social and political organization proposed by modernity – as it has, meanwhile, become thoroughly inadequate to the contemporary world. And the overcoming of the crisis demands the adoption of a new vision of both Politics and International Relations - thus the double context of the European Union, internal and external, proposed in my subtitle.

The ongoing erosion of state sovereignty and of our traditional frontiers, allows for a integrated double process of autonomous consolidation: domestically, with the recognition of Regions, States and Union as political partners in the charting of the policies with which we may imprint meaning and value upon our lives, and internationally, with the replacement of the singular category of foreigners, with those of neighbors and partners sharing a common humanity, and, therefore, a common fundamental dignity, as well as a home – the context in which the world of our affections, of both that which affects us and that which is affected by each one of us, instead of being confined to her or his State, thus its sovereignty, extends far beyond it to include its neighbors and, at the limit, reaching all of humanity. This, to my mind, is the major challenge facing us as all at present.

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SECTION II: POLICIES AND ROLES

HOW COULD FRANCE MANAGE BOTH EASTERN EUROPEAN PARTNERSHIP AND RUSSIAN RELATIONSHIP?

Karim BELGACEM

Abstract. *Is France really interested in the Eastern European Partnership? If the subject can look complex for this founder and member of the “old Europe”, it will have no other choice than to get involved there deeper. Taking into account the German leadership in the European policy that tries to assert the place of France inside the E.U. Nevertheless, could it have a negative impact on France? The latter has to look and analyze the advantage of this new partnership for many reasons but not only to make the false waves of promises about the E.U. integration as it might also affect to the French-Russian relationship. So, how could France support at the same time this new Eastern European Partnership and stay in good diplomatic relations with the Russian Federation? Will France have to choose between two options or play skillfully on two boards? What would the perspectives of the French European Policy be?*

Keywords: *France, Russia, leadership, European Union, French European Policy.*

INTRODUCTION

Started officially in 2009, the European Oriental Partnership was impulsed by Poland and Sweden. In its desire to increase its influence in Europe, but also for historic and geopolitical reasons, Poland favoured and gone deeper into this new policy of neighbourhood. During his mandate as Poland Prime Minister in November, 2007, Donald Tusks advocated "the return of Poland at the heart of the European Union". Three years after its entrance into the Union, the country entered officially the sphere of the influential European Countries.

And France in all this? Founding country and driving element of the European Union, it seems in the years lights of this new Europe, belonging formerly to the Iron Curtain. And what to say about ex-Soviet countries concerned by the oriental partnership? We can just underline the action of the French President Nicolas Sarkozy, in August 2008 in the face of the military intervention of Russia in Georgia, who had gone to Moscow to put an end to the fights despite American President George W. Bush's reserves. He then went to Tbilisi where president Saakachvili signed the peace agreement formulated by Dmitri Medvedev and himself. According to several media, by its activism, the French President avoided both the annexation of Georgia by Russia and the possibility that the “classic” mediations operations could have

failed. But it is true that in 2008, France assumed the presidency of the European Council.

We can also quote the implication of President François Hollande in the Ukrainian conflict and his participation in the agreements of Minsk 1 and 2. Despite the fragility of the agreements, the French-German couple perfectly orchestrated its role, not only inside Europe, but also in its neighbourhood's policy.

But beyond that, France was more in an empirical reaction than in the action of a real European political neighbourhood. Was it about its historical lack of visibility, or about a badly defined strategy?

France has to reinvent its relation with Russia.

In May, 2015, during the last summit concerning the "Eastern Partnership" in Riga, President Holland's advisers clearly asserted that this summit "*will not be a fight against Russia*" and "*the neighbourhood policy of the European Union must not be conceived in opposition to Moscow*", that it involves a position which is summarizing perfectly the relationships between France and Russia. These last years and mainly since the Ukrainian orange revolution of 2004, France adopted unconsciously one posture which suggests it thinking about the following thing " but what will Russia think if we act that way? "

We attribute the concept of the "permanent interests" to Benjamin Disraeli (1804-1881), former Prime Minister of Queen Victoria, namely that States have neither friends nor enemies; this geopolitical conception can be resumed for France within the framework of its closeness with its old colonies in Africa which allows her to confirm and to mark its presence on the international floor. Recently, France took positions which we could consider as brave on the Ukrainian case. On one hand, by approving and applying the economic sanctions to Russia further to the Crimea's annexation and Dombass's war. Then, by cancelling the delivery of both aircraft carriers Mistral "Vladivostok" and "Sevastopol", at the risk of making a financial loss with penalty-fees, an arrangement has finally been found with Russia, before reselling these aircraft carriers to Egypt.

What was the interest of France in the cancellation of this sale and in the application of the Russian economic sanctions? None will say the experts, if it is not to assert the importance for France about respecting the international law, human rights and all which makes a reference to the French slogan "liberté, égalité, fraternité". And it is true despite the financial losses which it supposes. The sectors of the food-processing industry (Danone), oil (Total) and luxury market were strongly penalized by these decisions.

Others will doubtless assert that France became or became again a country under American influence and its decisions in the fields of foreign policy are taken in the interest of the United States. And it is a secret for

nobody whom the latter do not want a real strategic agreement between Europe and Russia which would threaten the American ascendancy in the economic domains and the geopolitics.

It is necessary to remind that France is one of the countries to have maintained a passionate relation with Russia. In XVIII century, the writer and philosopher Voltaire described Russia of Catherine II as a country attached in Europe and worried of getting modernized. We can also quote the big Russian writers having chosen France as earth of immigration for publishing their works. General Charles de Gaulle, during his French presidency declared that Europe had to become established from the Atlantic Ocean to Ural. He respected scrupulously his word by leading an independent policy towards the United States by establishing relationships of trust with the USSR, China and by deciding to leave the integrate command of NATO.

About NATO, we must have the intellectual honesty to remind that at the beginning of the 1990s, Occidental leaders Georges Bush Senior and French President François Mitterrand, had promised to Mister Gorbachev and Yeltsin that the Atlantic Alliance would not be extend to the ex Warsaw Pact's countries among which the Baltic States and Poland. The future demonstrated us the opposite. At the same time, the Warsaw Pact was dissolved. Currently, some French positions expressed doubts on the necessity of pursuing the existence of NATO. The called arguments are mainly the dissolution of the Warsaw Pact, the disappearance of the cold war and the apparition of a multipolar world. The disrespect of this promise will feed indirectly Vladimir Putin's paranoia and his future strategy of hard power.

Would Europe be under the influence of the United States in the preservation of an anti-Russian crusade, of a permanent extension of NATO? Since 1991, United States convinced the European to maintain this Atlanticist tool with the following projects:

- Maintain the fear which inspires Russia in ex Iron Curtain's countries;
- Encourage Ukraine and Georgia to join NATO;
- Spread an antimissile shield in the Eastern Europe to counter the Iranian threat (and also Russian);
- Spread military bases in the former countries of the CIS justified by the Islamist terrorist threat.

All these elements were only amplifying the distrust of the Russians towards the West. It is not a question here to defend Vladimir Putin and its current strategy of Ukrainian's destabilization. But we have to try to understand why he acted in this way and which were the errors committed by the European, which indirectly incited Russia to apply a closer policy of «hard power» than of «soft power».

During the absence of Russia on the international scene between 1991 and 2000, the French-Russian and European relations look just for

themselves. During Boris Yeltsin Presidency, Russian Ministers of Foreign Affairs Andrei Kozyrev and Evgeni Primakov were in favour of Russian integration inside the Atlanticist environment, to integrate the "civilized world". The reaction of the Europeans was just to listen politely yet without taking seriously this position coming from a country at the edge of an economic bankruptcy.

From his coming to power, Vladimir Putin also tried to get closer to the European Union and to NATO. But the numerous differences with the United States on the war in Iraq (2003), the revolution of roses in Georgia (2003), the orange revolution in Ukraine (2004) with the charges of financing included, diverse manipulations by the United States are going to provoke distrust and a change of priority for Moscow. From now on, it will be necessary to protect the Kremlin regime of potential popular revolts and to lead to an independent policy from the west. In 2007, Vladimir Putin deeply criticized this «new world order» which does not take into account the opinion of Russia and its own interests. The permanent absence of dialogue between the Europeans (and mainly France) and Russia were only stressing the tensions until lately. We attend a "Russian-western schism" today where Europe seems losing more than Russia.

Pointing Russia or the United States would not be just. For almost 10 years, French Presidents Sarkozy and Holland had been practicing a pro-American policy. The return of France in the integrated military command structure of NATO, the absence of Arab policy, all these elements confirms the French policy and diplomacy's' decline. Often quoted as an example for his courage, his vision of strong, independent France and of one truth European policy, Charles de Gaulle would maybe have known how to make the counterweight to Angela Merkel and indicate that another way would be possible.

The current danger would be to isolate Russia and to divert it definitively towards China. How could Europe exist in front of such an economic and political giant? France and Europe have to stop at first looking at Russia through the prism of the ex USSR. A break between the west and Russia relationships would be catastrophic and Ukraine, as well as other countries composing the Eastern Partnership, would be additional victims.

A new European vision including Russia is in the interest of France, Europe, Ukraine, Georgia, Moldova.

On the subjects evoked previously, we made a point on the reasons of the current tensions between Europe and Russia. The incomprehension is not insoluble and the French-German couple has to play its role completely not only into the Eastern Partnership but also on another partnership with Russia.

German Chancellor Angela Merkel had declared that "the partnership is not one an instrument for the extension but for the link with the European

Union. You should not arouse false expectations. We need to be frank with them. "It was actually important to clarify things in advance. But it is obviously necessary to go much more far. And France has to play its driving role and assert its difference.

France has to get involved more in the European affairs and must understand that Europe has changed since about ten years. Eastern Europe is on the boil, it progresses economically and France should not consider it as a threat in the field of the social dumping. France and French people are afraid of globalization. It seems regrettably that France is one of the most pessimistic countries in the world! If it wants to change its global vision, she has to begin at first on the policy level.

For this, it has to proceed by several stages.

France owes to be credible towards Germany. For that purpose, she will have to show seriousness in the field of the economic reforms which she will be obliged to lead to reduce its debt and public deficits. Without asking every year in Brussels for an adjournment about this topic, which might have a negative effect on the capacity of France to meet its commitments?

France showed for a long time its attachment to the Mediterranean Sea, in Africa and Maghreb's countries. Would not it be necessary now to get involved more inside the Central Europe? France began to react during the Ukrainian crisis and its role was widely greeted. But it remains still insufficient in regard to the future European stakes. It has to be up to its founding Europe country status and get more involved into the Eastern Partnership. This file, introduced by Poland and Sweden, must be able to adapt with the support of France. One stronger implication of France will give more sense to this collaboration.

Vladimir Putin works in the balance of «hard power» and «soft power» which showed Europe lately was only consolidating his ambitions and least his rough attitudes. Europe has to pursue the way of soft power but with more ambition and firmness. France thus has to show this way.

France can also cover this Eastern Partnership by this new collaboration with Russia. During 1980s, Mikhail Gorbachev had expressed his wish of a "European Town Hall", expression which could resume Charles de Gaulle's policy. The previous attempts of Russia integration within political and security Europe failed. Europe would have to lose everything in the fact that Russia moves its pivot towards Asia and creates "big Asia". It is nobody's interest if Russia becomes isolated. This scenario would destabilize more Ukraine or Georgia. The surrounding countries must be aware of their interdependence.

France has to introduce a big changing in the ideology of the relations between Europe-Russia or France-Russia. For both of them, it has to research for the common interests. The valuation of the numerous converging

points would allow to take out of paradigm "looser-looser who favours China and the United States, to the detriment of Russia and the European Union.

France could also value the Eastern Partnership by collaborating with the Eurasian Union of Vladimir Putin. Russia needs recognition. Working with this organisation will mean treating of as an equal and not in logic of conflict. The new collaboration will allow securing the Eastern Partnership to decrease the tensions which persists at present with Ukraine, Georgia and Moldova. These three conflicts are, with different problematic, frozen. We don't have to be naive: this process will be long, difficult but totally practicable.

Finally, we could not secure this agreement and its future, without approaching the problem of the antimissile shield of NATO. We evoked previously the critics against NATO, against its functioning and utility. France opposed the entrance of Ukraine and Georgia to the Atlantic Alliance. For Russia, NATO is the political and military tool of the United States. The elements of detection of the shield are situated in Turkey and elements interceptors in Romania. The creation of a joint center of cooperation for the antimissile defence, to be created by Russians and NATO's specialists will allow decreasing appreciably the tensions on the subject. All this will also allow a common wrestling against the international terrorism, the question of the disarmament and the proliferation of weapons of mass destruction. In this case, if it wants to boost Europe and its neighbourhood policy, France has to be strength of proposal and action.

CONCLUSION

It is finally a new Europe which it would be necessary to reinvent. Europe breaks down. It breaks down economically and politically. These last years, France was not as high as the changes intervened in Europe: it was surprised by ten new countries entering in 2004, it was rather reactive than proactive and it missed especially big large-scale leaders such as Charles de Gaulle. Of course, time has changed and we should not look behind us.

But the next French President, beyond all the big works which will wait for him within the framework of the French economy reforms, will finally have a good European vision beyond the European border. It is the reason why the Eastern Partnership is an opportunity for France. Luckily to take back its role which has to be before worth knowing leader's role and not of follower? It will have to deepen all her surrounding relations: with Germany, with Central Europe, among which Poland, and of course Russia.

Russia, today, appears as a problem but it is also the solution: the solution for the Ukrainian crisis, for the Moldovan crisis and for the Georgian crisis. The word crisis is voluntarily used because these ice-cold conflicts prevent these countries, as for the relations Europe-Russia to calm down. If France wants to manage in a optimal way its role in the Eastern Partnership and its relations with Russia, it has no other choice than to forge ahead, take

the initiative to reconstruct a new relation of link with Russia, even if it means offending the American short-term relations.

France often distinguished itself in the world by its independent diplomacy. Its brave positions during the Iraq War in 2003 by threatening to use her veto against an American resolution, its Arab and African policy and its influence will now have to serve for a new collaboration with Russia. Russia is the solution not only for Europe but this new space out Europe-Russia, will allow protecting Europe from the current conflicts in the Middle East and from all which is in touch with the international terrorism. The Eastern Partnership can only win in this way.

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MULTILEVEL GOVERNANCE INSTRUMENTS: A DOABLE POLICY IN EU-EAP RELATIONS?

Vasile CUCERESCU

Abstract. *The paper focuses on the concept and practice of multilevel governance, an intrinsic category that is specific to European integration and to the European Union. By extrapolating of multilevel governance, its efficient instruments can be applied to EU-EaP relations to enhance the European policies in the Eastern Partnership individually with each country and collectively with all partners in the region.*

Keywords: *Association Agreement, cooperation relations, Eastern Partnership, European Union, multilevel governance, policy.*

Introduction. Recently a lot of questions have been raised concerning the nature of relations between the European Union and the Eastern Partnership countries. These interrogations dealt with the efficiency of the European Union's policies in the region and how the partners react politically, institutionally, economically and socially. Individualization and differentiation is highly recommended. Moreover, the principle more for more is also very good.

Deliberate omissions should not have been done even at the level strategy and policy in the framework of Eastern Partnership, taking into consideration the instability that is generated by eternal vulnerabilities, risks and challenges that characterize this part of Eastern Europe.

For sure there are certain directions of research in compiling studies about the nature of relations between the European Union and the Eastern Partnership countries. Knowledge limitation has to overpass the current state of affairs in order to deal correctly cooperation relations with partners. Association Agreements with Eastern Partnership countries should be the final phase for joining the European Union.

In doing it, partners need a platform how to do it. In terms of policy, the research seeks the pertinence of multilevel governance instruments to build up a solid way for better cooperation between the European Union and the Eastern Partnership countries, and finally uniting the larger family of European nations.

Terminology. It is well-known that during the last two decades multilevel governance has been widely discussed by scholars to elucidate its role in the European Union. Multilevel governance is directly linked to European integration process, especially legal and political integration. The Treaty of Maastricht (1992) determined generally the new approach towards governance in the European Union with the move beyond economic

concerns, approaching to political aspirations. In deepening European integration the Treaty of Maastricht follows five key goals: to strengthen the democratic legitimacy of the institutions; to improve the effectiveness of the institutions; to establish economic and monetary union; to develop the Community social dimension; to establish a common foreign and security policy. The concept of multilevel governance is a theory in public administration and political science related to the study of European integration, namely the European Union. The developers of multilevel governance were Gary Marks and Liesbet Hooghe in the early 1990s.

The theory of multilevel governance resulted on the legal grounds of the Treaty of Maastricht or, formally, the *Treaty on European Union* with the new structures of the European Union, which consists of three pillars: the European Communities, common foreign and security policy, and police and judicial cooperation in criminal matters. The European Union applied in practice multilevel governance due to the complexity of relations between different authorities at national and supranational levels. The Treaty establishes policies in six new areas for the European Union: trans-European networks; industrial policy; consumer protection; education and vocational training; youth; culture. The Treaty recognizes the importance of the regional dimension, by creating the Committee of the Regions, made up of the representatives of regional authorities with an advisory role.

The Treaty of Lisbon responded to the needs of enlarged European Union with 27 states. It means that the European Union had to adapt itself to new structural realities in terms of institutional functioning and decision-making, and, consequently, law-making. The Treaty of Lisbon redefined and strengthened EU policies. The Treaty of Lisbon contributed to reform European institutions and to improve the decision-making process; strengthen the democratic dimension of the European Union; reform the internal policies of the European Union; to strengthen the external policies of the European Union.

The Treaty of Lisbon captures institutional issues, new voting procedures for decisions; citizens' initiative in the building of Europe; powers in such aspects as border control, asylum and immigration, judicial cooperation in civil matters, judicial cooperation in criminal matters and police cooperation in creating the European area for freedom, security and justice; coherence and visibility for external policies of the European Union. A major concern refers to the Common Security and Defense Policy.

The authors Gary Marks and Liesbet Hooghe challenged traditional state-centric views, sovereignty of Member States, application of decision-making, and powers of supranational institutions: "European states are losing their grip on the mediation of domestic interest representation in international

relations”¹. In a later paper Gary Marks and Liesbet Hooghe stated that due to European integration “a multi-level polity has been created that delivers, or co-delivers, several of the chief outputs of government, including monetary policy, competition policy, regional policy, market regulation, and elements of industrial relations, law and order, and education”². In fact, the result is a complex process that involves numerous actors by vertical and horizontal dimensions.

P. Stubbs mentions that “a multi-level governance perspective forces one to address processes of the supranationalisation, the decentralisation and the dispersal of authority as potentially coterminous, rather than engage in very narrow, linear, debates about the influence, or lack of influence, of international agencies”³.

Later, J. McCormick noticed notably that “multilevel governance is a conceptual cousin of two other, older concepts”, federalism and confederalism⁴.

Speaking about the impact of this theory in respect to European Union’s legislation, A. Wiener and T. Diez argued: “Although multilevel governance is discussed as a general attribute of European governance, it is perhaps most important for understanding the implementation of European directives”⁵.

Following the waves of impact, it is worth mentioning the political consequences of European multilevel governance: “Multilevel governance empowers, or in some instances virtually creates, regional entities with European member states. This empowerment may help to legitimate the EU, given that it involves and recognizes lower level governments which tend to have greater legitimacy (especially in multi-ethnic countries) than do national governments. In addition, the development of these relationships does provide some social and political groups which might have relatively little influence over policy in other circumstances”⁶.

In this case, there are shaped certain challenges for multilevel governance as any governance must be able to not only coordinate relevant actors at supranational, national, regional and local levels, but also achieve collective action rapidly enough to face newly appeared problems or on the way to emerge. All of them depend exclusively on the level of European integration process.

¹ G. Marks and L. Hooghe (1996): 341

² Idem (2004): 1

³ P. Stubbs (2005): 67

⁴ J. McCormick (2008): 15

⁵ A. Wiener and T. Diez (2009): 95

⁶ Ibidem: 96

Multilevel Governance: European History. Multilevel governance is the theory that originates in the European integration process and studies on it. Gary Marks and Liesbet Hooghe developed the concept of multilevel governance in the early 1990s. Multilevel governance theory emerged as a result of studying the new institutional system of the European Union, enshrined in the Treaty of Maastricht. Multilevel governance articulates the idea that there are several interacting authorities in decision-making process. The transfer of powers is achieved by the Member States not only at the supranational level (*up*), but also at regional and local levels (*down*). Multilevel governance, being polycentric, designates dispersion of decision-making powers from local to supranational level. The concept of multilevel governance is a study subject of several areas, such as European studies and decentralization, federalism and international order, public policies and horizontal governance (public-private actors), local governance and transnational governance.

So, originally the concept of multilevel governance emerged as a European policy, subsequently to be applied in decision-making process, regarding concerted cooperation between national, supranational and local actors. Multilevel governance was defined as “a system of continuous negotiation among nested governments at several territorial tiers”⁷. Multilevel governance theory emphasizes complex interactions between different actors. Public and private institutions are mobilized in EU cohesion policy in particular and EU policies in general. Thus, multilevel governance generated more interrogations on the role, place and powers of the Member States in the European integration process.

In this respect, the multilevel governance in the European Union can be understood as a complex system of powers between the various levels of governance: exclusive competence – only the European Union is competent to act (Art. 3 TFEU); shared competence between the Union and the Member States – the European Union and the Member States may adopt binding acts in related fields; however, they may act only if the European Union chooses not to do (Art. 4, TFEU); competence to support, coordinate or supplement the actions of the Member States – in these areas, the European Union cannot adopt legally binding acts that would require the Member States to harmonize their laws and regulations (Art. 6 TFEU).

All in all, multilevel governance in the European Union means participation and coordination between all levels in the decision-making process and in the implementation and evaluation of policies. The European Union can be characterized by cooperation between the Member States, intergovernmentalist classical supranational integration, since national governments have lost their exclusive authority in decision-making, sharing it

⁷ G. Marks (1993): 403

with supranational institutions and private actors, thereby generating different levels of governance.

Consequently, the European Union is a highly developed form of this system that can be considered a prototype of the postmodern state or postmodern state associations. In this system, the Committee of the Regions plays a prominent role alongside with other institutions in multilevel governance of the European Union.

The Treaty of Lisbon is an important step towards institutional recognition of multilevel governance in the way the European Union works. Multilevel governance strengthens the powers of local and regional authorities whose influence grows in decision-making.

The Treaty of Lisbon enshrines the territorial dimension of the European Union, namely territorial cohesion as part of the process of European integration.

The Treaty of Lisbon defines precisely the role that is played by the Committee of the Regions. Committee of the Regions was created in 1994 as the voice of regions in the European Union. It has 353 members of regional and locally elected representatives from the 28 Member States. The commissions cover competences in the following policy areas: employment, vocational training, economic and social cohesion, social policy, health; education and culture; environment, climate change, energy; transport and trans-European networks; civil protection and services of general interests. Committee of the Regions brings citizens closer to the European Union, because about 70% of EU legislation has a direct regional and local impact, EU citizens must be involved in the construction of the European Union, half of EU citizens believe their locally and regionally elected representatives are in a better position to represent them at the EU level, regional and local elected authorities close to citizens should be able to communicate their views during the preparation of the EU legislation. Committee of the Regions is guided in its activities by three fundamental multilevel governance principles: subsidiarity – decisions in the EU must be taken as close as possible to the citizens; the EU level must not take any action which could be carried out more efficiently by the national, regional or local authorities; the Committee of the Regions has the right to bring an action before the Court of Justice of the European Union if this principle is breached (this right is enshrined in the Treaty of Lisbon); proximity – all levels of governance must be “close to the citizens”; transparency in the work of national, regional and local authorities is essential to ensure citizen participation in the democratic process; partnership – the four levels of governance – EU, national, regional and local – cooperate closely to ensure good European governance; these four levels of governance are indispensable and must be involved throughout the decision-making process. The Committee of the Regions has established

a system for monitoring compliance of multilevel governance in European policies and decision-making in the European Union.

Long time ago, the European Commission launched a vast reform of governance in order to drive forward a wide-ranging democratic process proposing four major changes: more involvement of citizens, more effective definition of policies and legislation, engagement in the debate on global governance, and finally the refocusing of policies and institutions on clear objectives. The initiative resulted in the white paper “European Governance” (2001). The structure of the white paper contains an executive summary and four parts. In the executive summary it is stated that this paper “on European Governance concerns the way in which the Union uses the powers given by its citizens. Reform must be started now, so that people see changes well before further modification of the EU Treaties. The White Paper proposes opening up the policy-making process to get more people and organisations involved in shaping and delivering EU policy. It promotes greater openness, accountability and responsibility for all those involved. This should help people to see how Member States, by acting together within the Union, are able to tackle their concerns more effectively. (...) The White Paper is primarily addressed to them. (...) This should establish a basis for taking the governance agenda forward with the other Institutions”⁸. The first part of the white paper answers the need to reform the European governance. The second part of the white paper identifies and defines the principles of good governance: openness – the European institutions should attach more importance to transparency and communication in their decision-making; participation – citizens must be more systematically involved in the drafting and implementation of policies; accountability – the role of each party in the decision-making process needs to be clarified. Each actor involved should then assume responsibility for the role given to them; effectiveness – decisions need to be taken at the appropriate level and time, and deliver what is needed; coherence – the EU conducts extremely diverse policies which need to be pursued coherently. The third part advances proposals for change: better involvement – more openness in the way the European Union works, reaching out to citizens through regional and local democracy (participation by local-government associations in policy development, greater flexibility in the implementation of certain policies with a strong territorial impact, overall policy coherence), involving civil society, more effective and transparent consultation at the heart of EU policy-shaping, connecting with networks; better policies, regulation and delivery – restoring confidence in expert advice, better and faster regulation – combining policy instruments for better results, simplifying Community law, better application of EU rules through regulatory agencies, better application at national level; the EU’s contribution to global

⁸ *European Governance – A White Paper* (2001)

governance; refocused policies and institutions. The fourth part deals with provisions from governance to the future Europe: structure the EU's relationship with civil society; make greater use of the skills and practical experience of regional and local actors; build public confidence in the way policy makers use expert advice; support the clearer definition of EU policy objectives and improve the effectiveness of EU policies; set out the conditions for establishing EU regulatory agencies; refocus the roles and responsibilities of each institution; a more targeted use by the Commission of its right of initiative; EU legislation which is stripped back to essential principles and a framework setting out how they should be implemented; The more effective involvement of national actors in the shaping, application and enforcement of Community rules and programmes; a reinvigoration of the Community method; dividing powers between the legislature and the executive; clear principles identifying how competence is shared between the Union and its Member States.

In fact, it is a long lasting process on the future of governance in the European Union, which would comply with the heterogeneousness of Europe's peoples, make them a whole and imply them more in decision-making and law-making.

Multilevel Governance: Eastern Partnership. As a matter of fact we have to ask ourselves what is this policy for. For sure that it empowers joint initiatives in the eastern Partnership. This empowerment can help to legitimate the new order in Eastern Europe, given that it involves and recognizes lower level governments which tend to have greater legitimacy (especially in multiethnic countries) than do national governments. In this case we have not to forget about secessionist regions in the Eastern Partnership.

Additionally, the development of such relationships provides social and political groups which might have relatively little influence over policy in other circumstances.

As it happened in the European integration, the multilevel governance has started as a cohesion policy and later applied in decision-making process, regarding concerted cooperation between national, supranational and local actors. The same could be done in the eastern Partnership, too.

The principles, which are stated in the *Charter for Multilevel Governance* – transparency, openness, inclusiveness, participation, partnership, efficiency, coherence, synergy, subsidiarity, proportionality, fundamental rights protection – suit perfectly the unstable nature of EU-EaP cooperation relations.

For both sides it is highly necessary the promotion of citizens' participation, bilateral and collective close cooperation among partners, fostering a European mind-set in the framework of the Eastern Partnership,

strengthening institutional capacity building inside the Eastern Partnership and within the cooperation framework, and, of course, creation of networks at various intra- and inter-levels.

Multilevel Governance: Dimensions. Cooperation instruments on multilevel governance basis in the Eastern Partnership may have been done on the following axis:



The vertical multilevel governance dimension refers to the linkages between higher and lower levels of government, including their institutional, financial, and informational aspects. The horizontal multilevel governance dimension refers to non-state actors: business, trade unions, universities, professional associations, NGOs, etc. Collaboration through networks – local, regional, national, transnational – deserves special consideration.

Now, let us see what has been done in the Eastern Partnership on both levels: vertical and horizontal. On vertical level there are signed agreements of various types; even we face a slow speed of their implementation; formal reporting is in progress; additionally, partners face unstable commitments. As regards, the horizontal level, it is noticed a sort of fostering cooperation between EU and EaP non-state actors; creation of EU-EaP networks with large participation of non-state-actors; sharing and exchange of practices between EU-EaP non-state actors; implication of EaP non-state actors in policy-making / decision-making at local, regional and national levels.

Eu-EaP Measures. Taking into account the state of affairs in EU-EaP relations, certain measures have to be considered. On the one side, EaP countries have to assume clearly openness and political will of central, regional and local authorities; permeability of national legislations for co-opting non-state actors in policy-making / decision-making processes is vital within the multilevel governance in the Eastern Partnership. Activeness of non-state actors is also not deniable in improving EU-EaP relations. On the other side, when speaking about the European Union, the implication of European non-state actors in direct negotiation processes between the European Union and EaP countries may be an asset; consultation of EaP non-state actors on

developing cooperation relations by the European Union will make pictures clearer. Full opening of EU programmes for EaP countries: Erasmus+, Creative Europe, Europe for Citizens, EU Aid Volunteers, Eurydice, Horizon 2020, will offer access to EaP non-state actors do develop their institutional capabilities.

Conclusions. The multilevel governance bears not just the characteristics of a cohesion policy for the European integration process. It means more by the nature of a decision-making model. The decision-making model has a two-fold feature: both for the European Union and for its relations with third parties. For sure, the multilevel governance may be considered as a reasonable instrument for developing better EU-EaP relations. Implication and consultation of non-state actors will improve EU-EaP relations in a long run. Horizontal dimension instruments will consolidate the position of non-state actors at local, regional, national and transnational levels.

EU multilevel governance may be applied both for internal and external affairs; it may be considered as a valuable instrument for countries that signed the Association Agreements because it is a path by which the integration process is made easier in a long run.

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THE INFLUENCE OF UKRAINIAN CRISES ON EU FOREIGN POLICY

Oksana DOBRZHANSKA

Abstract. *Revolution of Dignity has become a new turn of political situation not only in Ukraine but in the East region and in the Europe in general. Usually politicians and researcher discuss the EU influence to the Ukrainian and to the events what happen on its territory. We in our report want to see the other side of this connection: what is influence of Ukrainian situation to the EU? The EU makes influence to Ukraine, but Ukraine also makes influence to the EU and its foreign policy. Crime annexing and aggression of Russia on the East of Ukraine became a serious demonstration of Russia ambitious in this region. We have clarify that situation in Ukraine can and has already lead to chain reaction not only in the region of East Europe but in the others too, where Russia eager to underline its power.*

Keywords: *EU foreign policy, Ukrainian crises, EU sanctions towards Russia, Ukrainian-Russia conflict, Eastern Partnership.*

Introduction

Annexation of Crimea in 2014 and situation on the East of Ukraine became a new challenge for Europe. Unstable situation on the neighbors territory is always threats for country or organization, it is always threats for it security, prosperity, etc. In the area of world, globalization and tight connections between countries mutual interdependence of world player are evident. That is why any process in one country has influence to all regions.

The end of 2013 -2014, Revolution of Dignity in Ukraine and later annexation of Crimea has changed situation and order in the region of East Europe and in Europe in general. Russia pressure activity showed to the Europe real threat to the established order in Europe. So, in this article we research how Ukrainian Crisis influences to the EU.

1. EU Foreign Policy towards Eastern Europe region

2004 was a year of “great enlargement” for the EU. Understanding that not only new member countries appeared as member countries, but also new borders and neighbors appeared. It stimulates the EU to pay more attentions to policy towards its neighbors.

European Neighborhood Policy was launched consequently of “the EU Great enlargement”. The idea of this program was to build circle of security for new enlarge community of the EU. Therefore, this policy directed to build, structuralize and develop relations of the EU with new neighbors. To this circle, South Africa and East Europe’s countries were included. This territory had to play buffer zone role for the EU – be safe territory and in the same time protect the EU security issue. As the High Representative / Vice

President of the European Commission, Federica Mogherini once said: "It's in the EU's own interests to develop peace, stability and prosperity on its borders". In 2009 new the EU initiative towards region of East Europe and South Caucuses was launched – Eastern Partnership. This initiative includes six countries-partners: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. The aim of this initiative was to spread the EU's soft power to the neighbor region. Nevertheless, how the results show, this initiative was not very effective for all partner-countries. Situation on the Ukrainian borders showed that Russia use force to protect its “zone of interest”. On the other hand, for Europe, it is also important to keep this territory under its influence and spread on it values and idea of the European Union. Therefore, situation on the East of Ukraine activate next issues of its policy: security, economical issues, sense of unity of organization.

1.1. The EU Security Policy

Situation in Ukraine demonstrated that the EU has to implement its policy in this region more actively. Initiative “Eastern Partnership” is not sufficient form of cooperation in the region what can provide geopolitical security interests in these areas. At the program of Eastern Partnership launching in 2009 there wasn't proposed instruments for cooperation if the area of security. In the scope of Eastern Partnership, Panel Common Security and Defence was launching in June 2013 as part of the Ea P Platform 1 on Democracy, Good Governance and stability. It facilitates dialogue on political and practical aspects of participation by interested partner countries in EU CSDP missions and operations, provides a forum for sharing experience between the EU, its Member States and interested Partner Countries on engagement in international crisis management and peacekeeping activities, development of national capabilities for those purposes, as well as on overall security sector reforms.

Importance to intensify common foreign policy on the east of Europe has next reasons. Countries on the east border of the EU are characterized by recurring political instability and economic crisis caused by weak governance. In addition, there are developed transnational criminal activity, terrorism, corruption and illegal immigration towards the EU. One more dangerous signal for the EU are “frozen conflicts” in the Region of East Europe and South Caucuses. These territories are understood as a source of potential violence that might spillover to the EU.

That is why in renewing initiative Eastern Partnership in 2013 Panel Common Security and Defense was launched in the frame of Platform 1. Democracy, good governance & stability of the Eastern Partnership. It was proclaimed that it facilitates dialogue on political and practical aspects of participation by interested partner countries in EU CSDP missions and operations, provides a forum for sharing experience between the EU. Also

this cooperation have to work on engagement in international crisis management and peacekeeping activities, development of national capabilities for those purposes, as well as on overall security sector reforms. After these events, bilateral and multilateral cooperation with Eastern Partnership participant countries in the area of CSDP has intensified. We have to take to a count, that In 2014 Ukraine, Moldova and Georgia have signed Association agreement with the EU. This event divided Eastern Partnership countries to two blocks: countries who has Association Agreement (Georgia, Moldova, Ukraine) and who have not it (Armenia, Azerbaijan and Belarus). This made gap between EaP participant countries wider in scope of EaP cooperation.

As a result, the EU and some EaP countries have started regular bilateral staff to staff consultations. Ukraine contributed with a frigate to EUNAVFOR Atlanta, and Georgia and Moldova joined for the first time CSDP operations: both of them took part in EUTM Mali. Georgia contributed one infantry company to EUFOR RCA (with 156 troops, making it the second largest contribution to this operation (EU and Eastern Partners enhance cooperation on CSDP, 2014).

1.2. Economic issues

The second important impact is economical issue. As a reaction to Crimea annexation and Russian's military actions on the East of Ukraine the EU imposed sanctions against Russia in July 2014, reinforced them in September 2014. In principle these sanctions were wide-ranging, including: asset freezes, travel restrictions, the suspension of development loans from the EBRD, limited access to primary and secondary capital markets in the EU (for targeted Russian financial institutions, energy and defense companies), export and import bans on trade in arms, an export ban on dual-use goods and reduced access to sensitive technologies and services linked to oil production. In March 2015, the European Council linked the duration of those economic restrictions to the complete implementation of the Minsk agreements¹. In March 2016, the EU prolong sanctions concerning Russia on half of year again. Russia has retaliated with an embargo on certain EU agricultural products. We have to have clear understanding that sanctions influence not only to side against which they are imposed, but also the impact to side which introduced them. Countries, which impose sanctions, have to find new markets for its goods or to make new agreements about increasing production volumes with another trade partners in short-term period. It is like a stick with two ends. The decision process leading to the sanctions has been very difficult for the EU, with some member states claiming that they have

¹ Gros D., Mustilli F. "The Economic Impact of Sanctions against Russia: Much ado about very little" CEPS Commentary 23 October 2015 - [E-reader version]. Retrieved from: https://www.ceps.eu/system/files/DGandFM_Russian_Sanctions.pdf

been particularly hard hit because exports to Russia are important to their economies.

In a year EU import 126 \$ billions of oil per a year. Netherlands – 30, 5 \$ billions, Germany 20, 40 \$ billions, Italy – 7, 65 \$ billions, Finland – 6, 87\$ billions, Poland -16, 8\$ billions, Lithuania – 6,62\$ billions , Check Republic – 2, 96 \$ billions , Hungary – 4, 35 \$ billions, Slovakia – 4, 25 \$ billions². Russia ranks as the EU's third trading partner (representing 8.4% of total trade) and the EU is Russia's biggest trading partner (with as much as 48% of total Russian foreign trade) and its most important foreign investor (up to 75% of foreign direct investment comes from the EU). Therefore, this sanction has a big impact to the both side: to the EU's countries and to the Russia Federation economy.

Now it is hard to find reliable information about loses of the EU economy. There is a tendency among EU countries to exaggerate real indicators of sanctions impact. In any ways, indicators which we could find are next. President of farmers community called loses of the EU farms - 5,5million euro. Austrian institute of economy researches announced loses for Europe among 109 billion Euro and 2,5 million works places. Russian government says that Russia loosed 25 million euro and the EU loosed 90 million euro during two years of sanctions. The sanctions imposed a high cost on their economies can point to the fact that exports to Russia have in many cases fallen by 50%, and sometimes more. Prima facie, it thus appears that the sanctions (plus the Russian counter-sanctions) have had a strong negative impact on trade (and thus potentially on jobs in the countries trade most intensively with Russia). However, this first impression of a high cost from sanctions is completely misleading. Overall Russian imports have halved because the oil price has fallen by over 50%, pushing the Russian economy into a deep recession (see Figure 1). The real question is thus whether EU exports to Russia have fallen by more than they would have in the absence of the sanctions given the recession in Russia³.

Countries of the EU have different level of sanctions impact. Some experts believe, that the biggest loosest because of sanctions has Lithuania, Latvia, Estonia and Poland. But even in this case, 76 % of Polish still support sanctions against Russia and even 41% wish to make it tougher⁴. So let's talk about impact of sanctions the other countries of the EU.

² Кварченко В., Силина Т. Похищение Европы. - [Еллекторрный ресурс]. Режим доступа: <http://sanctions.zn.ua/main>

³ Economic impact on the EU of sanctions over Ukraine conflict. Europarlament. October 2015 – [E-reader version]. Retrieved from: [http://www.europarl.europa.eu/RegData/etudes/BRIE/2015/569020/EPRS_BRI\(2015\)_569020_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/BRIE/2015/569020/EPRS_BRI(2015)_569020_EN.pdf)

⁴ Кварченко В., Силина Т. Похищение Европы. - [Еллекторрный ресурс]. Режим доступа: <http://sanctions.zn.ua/main>

Germany is the biggest customer of Russian gas in Europe. Germany is the main political and trade partner in Europe for Russia. It takes second stage after China among countries of the biggest commodity circulations with Russia. At the same time, Russia is an important but not the main partner for Germany. From German side huge companies rather fast found makeshift for Russia, but middle and small business affected the most. 67% of Germans support EU sanctions against Russia.

For example in Austria 70% of using gas and 10-15% of oil is Russian. This gives to Russia an instrument to influence to Austria. Austria says that it is the third after Germany and Estonia who has high level of economical loses concerning to its budget – 0,2 % of GDP⁵.

The consequences for valued added and employment are more difficult to gauge. Losing export sales does not represent a cost *per se*. For example, if a company that produces generic consumer goods like food or even cars sells less in Russia, one should not count the reduction in sales as a loss. For generic goods that have a global market, a loss of sales in one market can be compensated for by higher sales in another. An economic loss arises only if a firm produces some specialized good that does not have a market anywhere else with specialized capital, which cannot be used in the production of some other goods or services. Gros (2014)³ argues that this is unlikely to be the case in the large majority of the goods or services exported from the EU to Russia. This argument should apply in particular to the agri-food sector, which was the one sector singled out by Russian counter-sanctions.

1.3. Absent of unity of the EU's countries

Situation in Ukraine became a test on unity for the European Union. Despite that fact that official European Union declared its support to Ukraine, we can't talk about total unity of all countries-participants of this organization concerning to relations with Russia. Economical loses as a result of sanctions lead to increasing extreme right-wing political forces in some EU's countries. Also in the speeches of some politicians, we can easily find pro-Russian sentiments.

For example, Bulgarian Prime-minister Kalfin criticized sanctions as an instrument of foreign policy. "Sanctions are pathology. Is doesn't lead to nothing but contraband". We can talk that position of all members countries divided to three kinds of groups:

1. Countries what have strong pro-Russian sentiments. They are: Greece, Cyprus, Hungary.

This sentiment has historical and economical roots.

⁵ Кварченко В., Силина Т. Похищение Европы. - [Еллекторный ресурс]. Режим доступа: <http://sanctions.zn.ua/main>

For example, Hungarian government is calling “Putin’s European friend” in media. For such position, there are one strong reason – this country still is one the most depended country from Russia - 90% of necessary energy Hungary buys in Russia.

2. Countries what demonstrate support sanctions against Russia: Germany, Lithuania, Estonia, Poland, Latvia, Great Brittan, and Bulgaria.

Baltic countries have strong understanding which was proclaimed in Lithuanian President speech: “Today betray of Ukrainian people means to betray ourselves. Because after Ukraine we’ll be the next.” So active reaction to Russia aggression becomes a question of their border security.

3. Countries what try not to aggravate situation with Russia and looking for escaping sanctions: Austria, Belgium, Slovakia. Countries of this group looking for a way to keep high-level of cooperation with Russia, but also understand of necessity to fallow common position of the EU.

Conclusion

Ukrainian events demonstrated to the EU its weak points and areas what they have to work on. First – it is to improve security issue on the East Europe. Initiative Eastern Partnership have to be rethink to propose more to partner countries to be effective. Therefore, it is important for the EU to find a balance between hard- and soft-power tools, which so far has been a ‘weak link’ in the EU policy towards Russia. When diplomatic dealings with the government do not work, society-targeted soft-power tools, if applied alongside the hard power, could reinforce the desired political effects of economic sanctions. In addition, to my mind it is a task for the EU to keep unity of organization in its foreign and domestic policy. Situation in Ukraine showed lack of strong common position. We want to underline word “common”. Member States are not always ready to donate its interests for “common EU interests”. The Netherlands referendum towards Association Agreement between the EU and Ukraine one more time underlines this problem. Therefore, it can lead to incising Euroscepticism.

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EASTERN POLICY OF THE EU: STRATEGY FOR UKRAINE

Oleksiy KANDYUK

Abstract. *All instruments of Eastern policy have proved to be ineffective, because from the very start it was not intended to promote cooperation with partner countries to membership perspective. Thus, the mechanism of interaction very soon ceased to be an efficient tool of EU foreign policy in the region. Besides, it did not consider the Russian factor, whose destructive impact on the post-Soviet space is hard to overestimate. As a result of such lopsided approach a specific buffer area has appeared that is staying in close cooperation with the European Union without the chance to become its part. The region consists of semi-integrated states rupturing between the processes of cooperation with the EU and involvement in regional alliances and associations, which often contradict to each other. Combined with Russia's imperial ambitions we have a status quo that generates geopolitical uncertainty in the region and indeed creates a zone of permanent instability along the borders of the EU. The author believes that the events of 2013-14 in Ukraine's initiated a new stage in the EU's eastern policy, which is characterized by the acute necessity of a total revision of its own goals, means and formats. The new Eastern policy of EU should envisage the prospect of transforming the entire post-Soviet region.*

Keywords: *the European Union, European Neighbourhood Policy, strategy, Ukraine.*

Introduction

The emergence of the European Neighbourhood Policy (ENP) and its eastern direction was directly related to the EU expansion to the East, which began in 2004. During the preparation it became obvious that after the completion of this process, opportunities for integration into the EU of new members will be exhausted in the foreseeable future. At that time the formation of the future strategy of the ENP began. It should compensate reaching the expansion limits and ensure the spread of the European influence on the neighboring countries through creation of co-operation models, which do not provide full membership.

It should be noted that European officials and strategists did not consider the rigid fixation and strengthening the EU's new eastern border because it could lead to the creation of a new dividing line in Europe. Besides, the impulse of external expansion of the European Union maintained its strength and relevance despite the fact that the real possibility of further formal expansion was greatly reduced. Thus, it was necessary to find other solutions to the challenges related to the integration of the CEE countries.

Thereby, the policy which originally contained a defect and the basis for creation of political dilemmas in the future has been formed. In fact, Eastern Partnership (EaP) as the ENP instrument could only develop in two ways: transform into a more ambitious project, and accordingly recognize the possibility of further extension, or remain inefficient as foreign policy initiative, which is gradually degrading and losing relevance. For a long time things were going under the second scenario.

But the year of 2014 brought some positive improvements to the Eastern aspect of the EU foreign policy. The signing of Association Agreements with Georgia, Moldova and Ukraine in June 2014 and the establishment of a visa-free regime with Moldova brought European Neighborhood Policy and Eastern Partnership Programme to a completely new level. At the same time new challenges and threats (Ukrainian crisis, annexation of the Crimea, Russia's transition to hard line policy in the former Soviet Union area) require better unity of the EU and the development of fundamentally new approaches to its Eastern policy. In March 2015 European Commission and the High Representative F. Mogherini presented Joint Consultative Report "Towards a new European Neighbourhood Policy" [5], which initiates discussions on the future of the ENP.

Conflict in Ukraine and further transformation of EU's Eastern policy

Discussions within the European Union regarding the Eastern Partnership have deteriorated sharply over the conflict in the Eastern Ukraine. Two basic groups were formed, that could be so called value-geopolitical and narrowly pragmatic. According to the experts and politicians of the first group, in the context of annexation of the Crimea and Russian aggression in Donbas, The European Union has to offer countries aiming at integration (first of all Ukraine and Moldova) a deeper political and economic cooperation with more ambitious goals. It comes to the possibility of recognition of membership at least in the long term (10-20 years), and a more active investment of resources in the integration of these countries into energy, economic, scientific and educational space of the European Union. Experts admit that the lack of progress the EU is offering its neighbors will mean weakening of the European Union and recognition of failure to compete with Russia.

"Ambiguity and weakness will only demonstrate that the course Moscow has chosen is the right one and that the EU is weak in its preparedness to stand strong and united against Russia", says the expert of the EPC analytical center A. Paul [4].

Pragmatists instead believe that European politicians have underestimated Russia's readiness to confront the economic and regulatory expansion of the EU to the countries of the former Soviet Union, and its abilities to do it. The destructive influence of the Russian Federation today

leads to the fact that the conflict in Donbas is not frozen and any time risks to escalate into an open military conflict again.

Escalation of conflict may also affect the neighboring Moldova. Armenia actually sabotages the EaP and has chosen the Eurasian Union. Also there is a risk of continuation of an armed conflict between Armenia and Azerbaijan.

Generally, this approach advises to take into account the position of Russia, and in relation to the neighbouring countries to make efforts for a minimum stabilization, both military and political. For the first time this position was announced by foreign ministers of the Weimar triangle (Germany, Poland, France) at the end of March 2014 [1].

It must be noted, that despite the fact that the first approach prevails in the political rhetoric of Brussels, its practical actions are more inclined to the second one.

The Riga summit of “Eastern Partnership”, which took place in May 2015, triggered a wave of pessimism among the supporters of active integration of Moldova, Ukraine and Georgia. Just before the summit the formula the EU's relations with its eastern neighbors was finally determined: “political convergence and economic integration”. Hence, the EU countries once again, even under pressure exacerbated geopolitical confrontation with Russia, refused to talk about the prospects of membership in a context of the “Eastern Partnership” program.

Besides, in November 2015 a new document called “Review of the Foreign Policy” appeared, which was prepared jointly by the European Commission and the EU High Representative for Common Foreign and Security Policy. In fact, a new key priority of the neighborhood policy was determined there – its stabilization. The policy “should help partner countries to become a place, where people want to build their future and deal with uncontrolled movement of people” [2].

Consequently, at the level of practical policy the European Union has determined not Russian aggression as a threat, but migration flows from the countries of the Southern and Eastern neighborhood caused by wars in Syria and Ukraine. Planning horizons in Brussels narrowed basically to ensure minimum short-term objectives of stability at external borders.

Thus, disparity of incentives and defined goals has become more and more obvious. The lack of prospect of membership remains one of the main obstacles for serious improvements of the EU policies in Eastern direction. The EU is fully aware of how highly motivating this tool is. However, the lack of unity inside the association regarding the possibility of expansion does not allow consolidating the European prospect for the participants of Eastern Partnership. Uncertainty of the ultimate purposes is one the main reasons of structural weakness of the ENP and it potentially reduces the attractiveness

of the project for its members. Despite the obvious and understandable need for the transformation of Eastern Partnership into a more ambitious political program, the EU is still not ready to make this move fundamentally and confidently.

Also obvious is the difference in the goals of each participant: three member countries of the program (Azerbaijan, Belarus and Armenia) do not declare their intention to join the European Union. On the one hand, the heterogeneity of participants and their motivation was partly taken into account by the EU during the first stages of the ENP as a principle of “differentiation”. Later the “regatta” strategy was developed that worked well in terms of the outspread and application of the “more for more” principle, which involved providing more support to partners in exchange for progress in reforms.

This principle – a more individual and differentiated approach to cooperation of the European Union with Eastern Partnership countries, was reflected in the results of the Riga Summit. In fact, the EU agreed to change mechanism of implementation of Eastern Partnership and determine its priorities. Thus, the depth of cooperation will be determined in each case on the one hand by the EU, on the other – by “by the EU's and partners' ambitions and needs as well as the pace of reforms” [3].

Moreover the principle of differentiation can become the beginning of a model change of both Eastern Partnership and, broadly speaking, the European Neighbourhood Policy. Most of all it will apply to the new “core” of the EP. But it's a bigger innovation from the point of view of the EU, because Ukraine, Georgia and Moldova see Association Agreement as an already existing tool for modernization, but not the ultimate purpose of relations with the EU. So we can acknowledge a reversal of the European Union towards a new stage of Eastern Partnership, although a slower one than it is required by time and ambitions of Eastern Partnership member countries.

Reflections on results of Eastern Partnership

It is interesting in the context of reforming the Eastern policy, the necessity of which has been already declared by Brussels, to consider evaluation of its results and successes by the principal recipients (countries of the EaP) and basic stakeholders (the closest neighbors – the Visegrad countries).

Association for International Affairs (Czech Republic) and the number of expert organizations in other countries conducted a survey of experts, politicians, journalists, civil servants, public officials, government employees etc. in countries of EaP, and in V4 countries (Poland, Hungary, Czech Republic, Slovakia) [6].

Research has shown that after years of Eastern Partnership doubts and fears of experts and diplomats have not only dispelled, but transformed

into clear requirements for reformation of the EU policy. Its reasonableness is still doubted in Ukraine. Positively assessing the cooperation in some areas, many of the Ukrainian respondents consider Eastern Partnership “a meaningless and unnecessary addition to the European Neighborhood Policy”.

8.7% have agreed with this statement, 30.4% partly agreed. Although this is less than half, but skeptical attitude of experts on European integration, is an alarming trend that should not be ignored by the EU.

Ukraine’s doubts are shared by the countries of the region. In Moldova, the percentage of those who agreed (at least partly) with the idea that the EaP is not necessary is 38%, and in Georgia – 60%.

Moreover, the Ukrainian respondents believe (80%), that in the next 5 years Eastern Partnership will not achieve any tangible results, so after all it should be transformed anyway. In general, in the countries of Eastern Partnership a similar view is shared by 62%, and in the Visegrad countries – by 51%.

The Ukrainian respondents acknowledge inefficiency of Eastern Partnership (65%), disregard of the national specifics (55.8%), absence of prospect of membership (30.2%), lack of interest from the European Union (25.6%), weakness of the security component (23.3%) and lack of financing (20.9%).

Moreover, 38% of respondents in all 10 countries agree or partly agree with the statement that “the EaP is the EU policy instrument, which is aimed against the interests of Russia”. For the Visegrad countries the indication is 31.5% and for Eastern Partnership – even 43%. The highest percentage among the countries of the first group is in Hungary – here Eastern Partnership is considered as a geopolitical instrument of the EU (fully or partially) 53%, and as for Eastern Partnership – it is Georgia (up 80%).

By the way, in Ukraine the support of Brussels’ position is quite high. 62% of respondents disagreed with the statement of geopolitical entity of the EaP, 22% – partly agreed with it. So, Ukraine is the only state in the region which does not believe in the geopolitical dimensions of the EU. However, experts have repeatedly noted that no matter what the initial objectives of the EU are, in the course of implementation, Eastern Partnership has acquired geopolitical importance.

The Ukrainian correspondents are unanimous that the EU should offer the prospect of membership as an incentive for reforms (84.8% agree, 15.2% – partly agree). Lack of clarity on long-term expansion plans of the EU only increases instability in the region, destroying reform efforts in states that have chosen the course of rapprochement with Europe.

67.2% of respondents in Ukraine believe that the division between Eastern Partnership countries, which are ready to deepen integration, and

those who do not need it, will only get intensified. Accordingly, the Ukrainian respondents insist on a broader application of the principle “more for more” (80%), and 66% even believe that the EU should focus only on certain countries of Eastern Partnership, but not on the entire initiative.

It’s interesting that in the V4 countries the rate of respondents supporting this approach is even higher – 75%. Respondents from the Visegrad Group and Eastern Partnership are unanimous that the EU should focus more on cooperation with eastern neighbors (97% / 80%) and increase financial support of member countries of Eastern Partnership (80% / 93%).

Generally, the survey showed a common approach of EaP and V4 states that the dramatic events in Ukraine should result in a profound review of the European foreign policy in the East.

The Russian factor in European diffusion

Russian aggression in Ukraine and its transformation into an open confrontation with the West has caused the formation of two opposite groups within the European Union, depending on their position on the Russian question.

Among the EU countries, on the one hand, there are “hawks” calling to actively confront Russia, increasing economic sanctions and providing more active support to Ukraine. Some of them even back the possibility of weapons supplies to Ukraine for protection. From the very beginning such a hard line was chosen by Poland, the Baltic States and Romania. Each of these countries has its own internal reasons, related primarily to some recent historical events. The United Kingdom and the Scandinavian countries also tend to belong to this group.

On the other hand, some EU countries have opted a controversial position on Ukraine and Russia in the current war. This group of the so-called “Russia's understanders” includes France, Italy, Spain, Portugal, Greece and South-Eastern Europe. Some of them can probably veto new sanctions against Russia in the near future or try to block their prolongation. Such intentions have been repeatedly expressed by government officials of Italy, Cyprus, Czech Republic, Slovakia, Greece and Hungary.

Germany plays the most prominent role in this process of consolidation of common European position. It has taken the initiative and has been leading the process of resolving the international crisis in Ukraine. And it has managed to unite the EU for the implementation of a unified policy, and specifically, diplomatic and economic pressure on Moscow, despite the resistance of some EU countries.

The influence of Germany has played an extraordinary role not only in the imposition of effective EU sanctions against Russia in March 2014 and their expansion in July and September 2014, but also in the failure of the “South Stream” pipeline project and prevention of rapprochement between

Hungary and Russia. Moreover, Germany has persuaded France to join the sanctions, having left the group of skeptics, and used Paris for an indirect influence on other Southern member countries.

The basis of the strong political position of Germany within the EU is its economic strength; it provides significant leverage in internal negotiations among member countries. Most of the countries from the group of "Russia's understanders" are highly dependent on the EU and Germany in matters of economic prosperity. So they accept the general principles of common EU policy to condemn Russia's actions in Ukraine. German political leadership contributed to the formation of certain inner European consensus. And even though this consensus is apparently temporary, but it is very important for Ukraine at the current state of affairs.

Berlin's efforts to form a common position of the West towards the Russian-Ukrainian conflict consist of two key components: the coordination of its actions with the United States and support of EU vision of the conflict solution. In general, the German policy at this point actually represents a common approach of the European Union and comprises three major components: searching for mainframes of negotiations to settle certain aspects of the conflict through diplomacy, sanctions against Russia and financial support of Ukraine.

The main objective of Germany, the EU and the West as a general policy in relation to Ukraine is to transfer the conflict from military confrontation to diplomatic and economic spheres. In order to lift the sanctions against Russia it is necessary to make progress in resolving the conflict. In this aspect, the goals of Germany do not always meet Ukrainian interests: its policy is aimed at a cease-fire regime and the freezing of the conflict in eastern Ukraine for a rapid "resolution" of the Ukrainian crisis.

It should be noted that Berlin was very reluctant to respond to the military aspects of the crisis. The position of Germany emphasizes that the solution of the conflict lies beyond the military aspect, so there is only a diplomatic way to resolve it. This is evident in particular in Germany's opposition to the idea of possible permanent deployment of NATO troops in Poland, the Baltic States and Romania, which was actively discussed on the eve of the NATO summit in Wales in September 2014.

Nevertheless, the current position of the European Union on the Russian-Ukrainian conflict has also demonstrated a significant modification of its eastern policy. Russian annexation of the Crimea and the war in the east of Ukraine has resulted in the emergence of a bigger realism in the EU's policy towards Russia. This gives reason to believe that in the near future the whole paradigm of the Eastern policy, and in particular its attitude to Russia and countries of the Eastern Europe and the South Caucasus covered by the Eastern Partnership program may change.

Conclusions and Recommendations

The last results of the EaP include the signing of Association Agreements with three countries – Moldova, Georgia and Ukraine, as well as visa-free regime for Moldova. In terms of the EU it was significant achievements that confirmed the viability of the EaP program. However, recent Summit in Riga demonstrated a striking discrepancy between the expectations of some member countries and the willingness of the EU to respond to those expectations.

Similarly Riga has not responded to expectations of the differentiation format of relations with neighbors. The final Declaration only mentions a “sovereign right of each partner freely to choose the level of ambition and the goals to which it aspires in its relations with the European Union” [3], and the intention of the EU to develop differentiated relations between the EU and the six partner countries.

Besides, the differentiation format of relations with Eastern neighbors must be considered in conjunction with the development of a strategy of relations with Russia which is a key challenge for the Eastern Partnership. From the very start Russia considered Eastern Partnership and the European Neighborhood Policy as geopolitical projects of the European Union, tools of struggle for common neighbors. Eastern Partnership summits are becoming more and more geopolitical each year and challenge the EU-Russia relations. In the recent years the European Union has faced aggressive Russian counteraction to EU rapprochement with its neighboring countries, especially Ukraine, where political and economic competition shifted to an open geopolitical confrontation.

In this situation, the most precarious is the position of Ukraine, which is in the conditions of the Russian aggression deterrence, has no other way except with the European Union, which is not ready for such a rapprochement.

Nevertheless, Ukraine should continue to insist on the recognition of the membership prospect for the Eastern Partnership countries, at least for those who aspire to this. This was one of the main requirements and interests of Ukraine, Georgia and Moldova at the summit in Riga. These countries have not only signed and begun to implement part of the Association Agreement with the EU, but also clearly declare their intention to apply for membership. So for them, especially today, it is fundamentally important to get a political signal of recognition of such a perspective in a more concrete form.

On the other hand, the normative character of the Eastern Partnership actually opens up opportunities when the goal (approaching partner countries to the EU) is achieved by using tools such as the Association Agreement, Free Trade and visa liberalization. Implementation of association agreements involves a number of reforms towards convergence with EU standards. The

success of reforms itself will make the prospect of membership closer. Therefore, Ukraine should not only focus on the promotion of documentary confirmation of membership prospects, but also to use the potential of the Eastern Partnership as an effective tool for actual preparation for accessing the EU. Recent events in Ukraine have created a strong basis for change, because society is ready to accept those adaptive costs required for effective reforms. And if this opportunity will not be wasted, the prospects of membership will be approached objectively and without documentary promises of EU.

Ukraine should actively use the shift in the Eastern policy of Germany and the EU as a whole to relocate the focus of political and economic gravity on post-soviet space from Russia to Ukraine. Furthermore, it should promote itself as a geopolitical tool to foster gradual democratization of Russia as A. Umland pointed: "A successful Ukrainian democratization could have repercussions in the former Soviet empire as a whole" [7].

But Ukraine should rely more on its own efforts, and should initiate and support all kinds of regional alliances, including defense, aimed at protecting Ukrainian national interests. Considering the nature of actions taken by the European Union today, it doesn't have an clear objective to resolve the conflict, but rather to normalize the situation on the stage of completion. The building of confidence, humanitarian assistance, monitoring and mediation is viewed as major tasks. At the moment, Ukraine should be more determined to act independently in regional and other security projects in addition to EU actions.

Ukraine should look for US support in the security issues and issues of confrontation and containment of Russia. In the context of the Ukrainian crisis eastern policy of EU and Russian position become part of a wider context of pan-European security – relations between Russia and the West, and it necessitates the involvement of the United States and Euro-Atlantic structures. Focusing on the United States in security matters is also beneficial to Ukraine. Firstly, because American interests in the region sound more in tune with the Ukrainian ones (restraint of Russia and weakening of the Putin regime); Secondly, the USA has showed itself to be more prepared for Russian aggression than Europe. And thirdly, due the potential to use the United States to promote Ukrainian interests including putting pressure on the EU.

At the end it should be noted that the EU's foreign policy has always developed under the influence of the external boosters. Military action in Georgia in August 2008 for example has caused and accelerated the emergence of the Eastern Partnership as an additional instrument of European Eastern Policy. It only remains to express the hope that Russian aggression in Ukraine nowadays would be the trigger for the final

transformation of the Eastern Policy the European Union into effective instrument of Europeanization and integration of partner countries.

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UKRAINE IN THE FRAMEWORK OF THE EASTERN PARTNERSHIP: LESSONS STILL TO BE LEARNT ABOUT

Anatoliy KRUGLASHOV

Abstract. *The article considers Ukraine-EU relations since their very foundation. It traces back principal stages of the Ukraine's partnership with the EU, analyzes pros and cons of countries' engagement into Eastern Partnership program. Crisis of 2014 is regarded from the point of view of crucial challenges the EU and Ukraine faced with for now. The author concludes with some generalization on Eastern Partnership and proposes recommendations for the possible improvement of this policy.*

Keywords: *Ukraine and the EU, Eastern Partnership, Russian aggression, challenges of regional security.*

Introduction

Eastern Partnership has been inaugurated in May 2009 with great expectations from both sides – the EU and partner countries involved into the new Program. The EU made a considerable step forward six post-soviet countries, distinguishing them off the general Neighborhood around its new bodies, expanded since 2004 – 2007 Enlargement¹. Some reservations however had been made for Belarus inclusion only, accordingly to the problems relayed to the authoritarian regime there². Then time countries of the region looked into the future of a closer cooperation with the EU with certain optimistic expectations also. By and large, the prospect for the new political initiatives looks promising and encouraging both parties concerned.

For now optimism towards Eastern Partnership (EaP) is replaced with wide-spread criticism and sometimes negative attitude. What has happened with this political project and why it is placed under some kind of scrutiny and negative evaluation? In order to look for some arguments leading to the more balanced approach concerning EaP it make sense to consider Ukrainian position in the Eastern Partnership. Ukraine is the biggest countries in the region of EaP, it has invested incomparable energy and sacrifice into its European course. The country has gotten a pretty high level of the EU support for the years of their cooperation. Yet could this country be regarded as an example of EaP realization success story? Next and related question is as whether EaP good or bad, either satisfactory for both sides? Finally, it's important to cover the following question as well: Why Ukraine matters? In

¹ Anna Michalski, "The Eastern Partnership: Time for an Eastern Policy of the EU?," *Swedish Institute for European Policy Studies (Sieps), European Policy Analysis*, 14 (2009): 2-3.

² Beata Wojna and Mateusz Gniazdowski, eds. *Eastern Partnership: the opening report*, (Warsaw: Polish Institute of International Affairs, 2009), 6.

this article author is going to analyze the Ukraine's advancement towards the EU, the gains and losses, which are attributed with the EU policy towards Ukraine, mainly but not only in the framework of EaP.

I. Ukraine's European aspirations: knocking into the closed gate

Approaching the evaluation of Ukraine's position into EaP framework it's necessary to start with a general outline of the country's relation with the EU. Looking at the goals Ukraine tries to pursue it's easier to consider the compatibility of them with the current situation of their mutual relations.

Ukraine starts relations with the EU right a next day after the Referendum on Independence (1 December 1991)³. First years of the relationship are not marked with any special concerns of the EU towards New independent state. It was Russia, who occupied the most of attention the West and the EU paid to the emerging post-soviet space. The ghost of a wider Balkan-like crisis after the split of USSR, with the distinct accent made on avoiding the threat of nuclear conflict in the region, growing uncertainty with the new States sustainability and prospect of survival paved a way to the concentration of leading western powers on Russia first and foremost. The lack of basic knowledge of what is Ukraine (and the rest of post-soviet counties with some lucky exclusion of three Baltic States) also had contributed into the policy of supporting and promoting Russia as the key (maybe only) promoter of stability and order on the post-soviet space. Ukraine, in its turn, desperately struggled these years with growing up economic and political crisis, being led with its post-nomenclature elite who do not have a clear (if any) strategic vision for the country perspective.

The new stage of the EU-Ukraine relations could be attributed with the signing up of the Partnership and Cooperation Agreement (June 1994). It laid down a legal and institutional ground for contracted parties' further cooperation. However, the Agreement was grounded on quite different approach of the EU towards post-soviet countries (Baltic States excluded) if to compare them with CEE. The accent has been made on mutual cooperation, not association and further prospect of integration. And the EU prefers do not differentiate the post-soviet countries too much, still granting Russia with the most privilege status and mostly concentrating on it. Later on this policy has been 'rewarded' with some weakness of the EU with regard Russian policy towards the member States and Union in large⁴.

³ Світлана Сидун, "Україна та Європейський союз: особливості розвитку взаємовідносин," *Наукові праці Чорноморського державного університету імені Петра Могили*, 117 (2010): 143.

⁴ Leonard Mark, Nicu Popescu, *A power audit of EU-Russia relations*. Vol. 9 (London: European Council on Foreign Relations, 2007), 7-9.

Even though Ukraine did sign up the Agreement on Partnership and Cooperation two weeks prior to Russia (June 1994) the process of the document ratification protracted near 4 years till March 1998. This too long story of the ratification could be treated as the warning message to Ukraine's pro-European ambitions. It should be noted that since the election of Leonid Kuchma as the new President of Ukraine he become exploiting idea and promises of European integration as a kind of National strategic course, embodied into National Strategy and National Program on European Integration. Thus, at least officially Ukraine made a clear choice in favor of the European integration course since late 1990th. Both documents has certain loopholes and shortages, but still they pointed out the main goal of the State towards the EU membership and set down some demands on Public Administration bodies, civil servants etc. They contain principal stages and steps needed for approaching European legal system and political standards in the future also. Implementation of them contributed into rather limited but vitally important public servants professional training, stimulating further elaboration and adoption of some more specific governmental, ministerial and regional Programs, subordinated to the abovementioned priorities. Moreover since 1998 onward the MFA of Ukraine become negotiating with the EU partners articulating Association Agreement as the next desired goal for the agenda of relationship. The later move of Ukrainian diplomats got a cold shoulder from European partners, who prefer to underline that both sides have to fully realize the potential of existing legal agreements and only then to start thinking on some new principal advancement.

Still, some political initiatives of official Kyiv did not went out in vain. European Council in Helsinki has adopted new Common strategy of the EU on Ukraine (1999), which made certain concessions to some aspiration of the eastern partner. The Strategy observed and greeted pro-European aspirations of Ukraine. Document stated the preparedness of the EU to support Ukraine insofar as Kyiv will be doing reforms, which make Ukraine closer to the EU. Without proclaiming the principle "more for more", it's seems to be one of the first document of the EU where this principal has been implemented. This document could be valued positively in general for Ukraine. It seems to be important also because it has clarified certain goals of the EU policy towards Ukraine, specified the country importance as the strategic partner and granted some important promises to the country and its leadership, while making them preconditioned. In the same time these promises made by the EU does not go too far. They do not meet Ukraine's

expectations regarding either integration perspective or association with the EU⁵.

Prior to the unprecedented Enlargement of 2004 the EU had to resolve a lot of political, legal and economic issues of truly urgent character. The relation with new neighborhood required new respond and vision from Brussels and other European capitals. A general framework of that relation has been constructed within the Neighborhood policy⁶. The policy proposed a share responsibility for a peace, democracy, economic prosperity etc for neighboring countries who would be willing to accept the role of the EU friends⁷. Amidst important and attractive incentives proposed with the new EU policy it worthy to mention the Free trade agreement, possibility of Association Agreement, with the following movement towards Single Market and some other proposals⁸. Countries of the new Neighborhood got an offer of moving forward closer cooperation with the United Europe via three years long Action Plan⁹. They have to opt up this instrument and negotiate with the EU on the content of the document individually.

While some points of Neighborhood policy met urgent needs of Ukraine and opened up some new possibilities of its movement to the EU market and resources, the general idea and concept of the Neighborhood policy faced with critics and negative remarks of Ukrainian politicians, Civic Society leaders and experts. They argued that the 'status' of the EU neighbor does not correspond with Ukraine's European ambitions. It does not imply any specificity within the very general promises for European countries like Ukraine and Moldova, who officially proclaimed their strategic goal of the EU membership. Despite of that these countries have been regarded equally with not-aspirant States regarding European integration prospect, like Belarus or Azerbaijan, or even more curios, putting them on equal foot with Libya or Egypt. So, to an extend Ukrainians, who sincerely confess European future for their country feel themselves in a position of being honorary placed under the widen fancy of the Enlarged EU.

⁵ Anatoliy Kruglashov, "Ukraine's ticket to Europe; who sells, where to buy?" in *Ukraine, between integration and partnership* (Collection Voisinages Europeens, Bruylant, 2010, 335-336

⁶ David Cadier, "Is the European Neighbourhood Policy a substitute for enlargement?" *The Crisis of EU enlargement* (2013), http://www.lse.ac.uk/IDEAS/publications/reports/pdf/SR018/Cadier_D.pdf, 52-58 (12 June 2016).

⁷ Kerry Longhurst, "Injecting More Differentiation in European Neighbourhood Policy: What Consequences for Ukraine?." *Russie. Nei. Visions* (32, 2008): 7.

⁸ Alina Ioana Pristas, "The Republic of Moldova – from Partner to Associate of the European Union," *Anelele Uneversitatii din Oradea Relatii Internatioale si Stidii Europene* (2015), Tom VIII: 61-62.

⁹ Юрій Макар and Оксана Добржанська, "Східне партнерство та Україна", *Зовнішні справи* (2011), № 3: 15-16.

Despite the general disappointment with the new proposal made from Brussels Ukraine elite become to use some benefits of the Neighborhood policy pragmatically. For instance the negotiation on the three-year Action Plan was concluded right on the eve of the Orange Revolution. The mass-protest movement in Ukraine has been certainly inspired with European ideals, and the desire of Ukrainians voters to choose the leader who would be able to move country faster to the EU. Not only the EU flags but European ideals of democracy and human rights waved upon protestors and fueled their emotional passion when they fought against brutal electoral fraud and anti-democratic trends of late Kuchma-Janukovych regime. Responding to the mass expectations of his supporters V. Jushchenko even promised from the tribune of Maydan in Kyiv to apply for the membership of Ukraine in the EU soon after his election. For sure, this claim seemed to be either naïve or manipulative one, because both sides weren't ready for the negotiations on the membership and Ukraine does not meet Copenhagen criteria in general.

European enthusiasm of Ukrainian protesters met some positive echo in the EU member-states and has been complemented with certain adjustments to the Action plan, earlier postponed by the EU institutions because of the electoral fraud of V. Janukovych government. Demonstrating its European course the new Government of Ukraine canceled visa for the EU citizens, as well as for some other western countries. The gesture aimed also into prompting the EU to do the same with regard to Ukrainian citizens. The EU replied with visa liberalization in June 2008 and promised to move forward with negotiating on the visa-free movement for Ukrainians. The deal is still not completed. But the main expectations of Ukrainians to get 'a clear signal for the future membership' in the EU has been remaining not attended properly with key European Institutions but European Parliament till now.

While first years of V. Jushchenko presidency could be estimated as the slow but steady progress towards Europeanization of the country and acceleration of its relations with the EU in general and member-states in particular, the last years of his government liked out leaving behind tiding up disillusion with his leadership both domestically and internationally. In the beginning of his spell in office Ukraine looks closer to the EU in some aspects then in the end of his contradictory presidency.

The important gain for Ukraine's diplomacy of that time is the beginning of the New Agreement talks with the EU. The whole story around has been aired with intriguing moves from both sides. While Kyiv strove for the Association agreement (keeping in mind the kind, which has been signed up by CEE countries in the middle of the 90th), Brussels and leading countries of the EU tried lower down the status of the new deal. Firstly they had begun negotiation with the offer to deal with PCA+, which met no appreciation of official Kyiv. Later they surprised Ukraine with the concept of "strategic

partnership agreement” and only after consecutive rejection from Kyiv those tricky substitution of a new Agreement reluctantly made concession to Ukrainian appeal for the Association agreement. As a bonus for Ukraine’s perseverance the European Commission launched the official negotiations a half of year prior Ukraine’s entrance to WTO.

Meantime the acceptance of mutually approved new deal Agreement’s formula does not mean avoidance of any further misunderstanding. Under the Association Agreement both parties tended to understand a bit different stories. Ukraine seeks for the acknowledgement of its European Union membership prospective, while the EU tends keeping up the next formula: all, but membership on the foreseeable future. Negotiation went on slowly but under the umbrella of Association agenda Ukraine progressed with shaping up both component of the deal, e.g. Political Association and Free trade zone Agreement. Finally, document has been elaborated as the biggest one in the history of EEC/EU Associations’ Agreement. It’s interesting to consider some opinions on the voluminous document¹⁰. The official speakers from Brussels insist that because of this impressive text Ukraine has been granted with the unprecedented support and new possibilities from the EU side. In my opinion, it could be acceptable argument yet not a final one regarding the value of a document. I guess, that the detailed document meant not only widening the agenda and venue of the further cooperation. It contains the hidden desire of the EU precisely define both sides obligations and their limits. This way implying certain distrust of the EU towards Ukraine and implicit avoidance of too loose interpretations of the articles and far going obligations to the latter.

Sure, these documents have been opening up a lot of new chances for Ukraine’s modernization and urgent reforms, making country’s economy more open and competitive with the Single Market of the EU. Keeping in mind many attractive features of the Association and Free Trade Zone instruments¹¹, the EU tries to influence new Ukrainian President Victor Yanukovich and his Government with incentives of keeping them up further democratic transition of Ukraine and its geopolitical drift westward. To a certain extend this policy was able to produce some positive results. The Government of Yanukovich faced with a lack of wider public support in the country and abroad had been showing the willingness to reach Association as soon as possible and demonstrate much higher level of accountability and effectiveness that V. Jushchenko did.

¹⁰ Roman Petrov, “The New Generation of the European Union Association Agreement with Ukraine, Moldova and Georgia” In *Facing the challenges in the European Union. Re-thinking EU Education and Research for Smart and Inclusive Growth (Eulnteg)* (Warsaw: Polish European Community Studies Association, 2015): 135.

¹¹ Тетяна Сидорук, “П’ять років Східного партнерства ЄС: результати та перспективи.” *Стратегічні пріоритети* 1 (2014): 177-178.

Taking into account abovementioned and some other considerations, Brussels tried to use the Association as the leverage of permanent pressure on V. Janukovych and his entourage, because he has been striven for the authoritarian consolidation of his power, including dubious if anyhow legitimate return to the Constitution of 1996, made by Ukrainian Constitutional Court. All-penetrative measures have been undertaken with Janukovych and his clientele in order to get total control upon countries resources, building up 'vertical of power' and, finally pressing home opposition. Arrests and sentences of some opposition leaders, like J. Tymoshenko, J. Lutsenko and other have been proving the dominant trend in country politics. Reluctantly, Janukovych had to make some concessions to the EU pressure and repeated promises of leading Ukraine towards United Europe. Later on it appeared to be a lip service rather.

However, these reiterated promises proved false, when Janukovych's government faced with growing pressure from Russia¹². Kremlin started to do all possible in order to block Association of Ukraine and some other Eastern Partnership countries with the EU¹³. Briefly, Putin's plans might be assed briefly as follows. Firstly, Kremlin elite got preoccupied with the idea of Imperial might and greatness¹⁴, dreaming about the restoration of its frontiers as they were at 1991 if not 1914. Secondly, Putin plans of Eurasian integration¹⁵, moving forward from Custom Union to Eurasian Union needed impressive arguments in favor of his political genius both for domestic and foreign consumers of that myth. Respectively Eastern Partnership countries advancement towards the EU had to be prevented and they turned back to the Russian sphere of influence. Thirdly, Western powers should recognize Russian as the only master of the post-soviet space and to accept it as a matter of fact. And, Russia's elite has decided to move ahead with these plans realization, by any means, including military ones. Vilnius summit of

¹² Kostanyan Hrant and Michael Emerson, "Putin's grand design to destroy the EU's Eastern Partnership and replace it with a disastrous neighbourhood policy of his own." *CEPS commentary* (2013), 4.

¹³ See more: Andrey Makarychev, "Russia, Ukraine and the Eastern Partnership: From Common Neighborhood to Spheres of Influence?" *Insight Turkey*, (2014), Vol 16, No 3: 181-199.

¹⁴ Dorin Dolghi, "Rethinking interest and Preferences within the EU-Russia Relations in the Context of Ukrainian Crisis" *Eurolimes. The Security Dimension of European Frontier vs the Legitimacy of Political Priorities of EU and EU Members States National Preferences* (Autumn 2014), Vol 18: 20-22.

¹⁵ Андрей Девятков, "Восточное партнерство»: актуальное состояние и ближайшие перспективы" *Plural. Journal of the History and Geography, "Ioan Creanga" Pedagogical State University* (2015), Vol. 3, No. 2: 116.

Eastern Partnership (2013) planned as a triumph of EaP was a very failure¹⁶ of the EU strategy in the post-soviet region. Armenia first quit with Association Agreement negotiation and under Russia's pressure opted up Custom Union as the alternative to its European path¹⁷. Then Ukraine's Government of Janukovych associate M. Azarov made all but Putin surprised denouncing further negotiation on the Association three weeks prior to the Vilnius Summit. Azerbaijan and Belarus did not consider Association as the option at all¹⁸. So, only smallest countries of Eastern Partnership, namely Moldova and Georgia remained concerned with the Association agenda. It seems that Putin's plans got a historic momentum that time.

But Ukrainian students and other civic activists distorted this victorious trend for Russia. 'EuroMaidan', spontaneously gathered in Kyiv and some other Ukrainian cities manifested the new political trend in Ukraine and around. Peaceful attempt of protestors aimed at securing Association agreement and further movement of Ukraine to the EU¹⁹ had been transformed into bloody upheaval, because of unwillingness of then-time Ukrainian authorities to listen their citizens' claims. The whole picture of what is branded now as 'the Revolution of dignity' is rather complex, contradictory and is far away of comprehensive understanding. Still the main trigger of them had to be recognized European aspirations of Ukrainian people and their strongest desire to see the country in the united family of European, not Eurasian nations.

Only after the shameful escape of V. Janukovych from Ukraine and radical changes in all key bodies of Ukrainian government, Kyiv signed up and ratified Association Agreement and Agreement on Free-Trade Zone. It could be portrayed as a fait accompli and the kind of success story should the price paid by Ukrainians wasn't so high and tragic.

II. Complication of Ukraine's European course, because either despite of Eastern Partnership

While EaP could be considered as the system of multilateral relations encompassing the EU and partners countries only, there is one country with keep its jealous eyes on the regional development. Eastern Partnership launch has encouraged Kremlin elite to consider the EU new regional policy

¹⁶ Vasile Rotaru, "The 'Common Neighborhood' after the Vilnius Summit" *EuroTimes. The Security Dimension of European Frontier vs the Legitimacy of Political Priorities of EU and EU Members States National Preferences*. (Autumn 2014), Vol. 18: 29.

¹⁷ Peter Havlik "Vilnius Eastern Partnership Summit: Milestone in EU-Russia relations – not just for Ukraine." *Danube. Law and Economics Review* (2014), N 5 (1): 22-23.

¹⁸ Katarzyna Wolczuk, "Perceptions of, and attitudes towards, the Eastern partnership amongst the partner countries' political elites." *Eastern Partnership Review* 5 (2011): 6.

¹⁹ Mihaela-Adriana Padureanu, "More expectations towards the European Neighborhood policy: the case of Ukraine" *Europolity. Continuity and Change in European Governance* (2015), Vol. 9, No 2: 232-233.

as a direct challenge if not a threat. It's really strange, because previously Russian officials were upset and concentrated on NATO enlargement²⁰, having nothing against European Integration²¹ and the EU eastward movement. August War in Georgia revealed aggressive turn of Russia policy towards post-soviet space²² and proved the potential of expanding its grips over more and more countries. The changes of Kremlin foreign policy has been complemented and originated from the fast Putin's regime evolution from hybrid democracy to authoritarian one²³. The changes of Kremlin rhetoric from the vague concept of "managed democracy" to even more weird idea of "sovereign democracy" and finally towards a naked pretence of claiming back the role of the Great power centered on Imperial legacy meant the immediate insecurity for Russia's neighborhood. New independent States were regarded with Kremlin politicians and their client political analysts as the transitory States, which are a kind of historic mistakes, predestined to be gathered together back under the rule of Moscow. And the whole strategy of Russia towards their post-soviet neighborhood tended at catching these countries up in the net of multilevel dependencies from Russia, starting from economic and concluding with cultural ones. New integration projects, initiated and sponsored with Russia as, for instance, the Single Economic Space (Edinoe Ekonomicheskoe prostranstvo), the Custom Union and finally, Eurasian Union might be regarded as a kind of proverbial 'salami tactic' application, a reminiscence of J. Stalin policy towards CEE, reapplied by V. Putin to the post-soviet countries now. The deeper the integration with Russia is, the smaller sovereignty remains for those countries captured in Russia's geopolitical and geo-economic orbit. Finally, nobody knows how far could lead Russian revisionism and expansionism²⁴, which is obviously inspired with

²⁰ Jeanne Park, "The European Union's Eastern Partnership." *Council on Foreign Relations* (2014), <http://www.cfr.org/europe/european-unions-eastern-partnership/p32577:4> (5 June 2016).

²¹ Сергей Николук, "Концепция «Русского мира» как идеологическая основа неототалитаризма" *Записки товарищества аматаров беларускай гісторыі імя Вацлава Ластоўскага*, Выклікі «рускага свету» і Беларусь (Рыга: Інстытут беларускай гісторыі і культуры, 2016), Выпуск 6: 19.

²² Edward W. Walker, "Twenty Years on: What we Thought Then, What we Know Now." In *Two decades of Development in Post-Soviet States: Success and Failures*, Preface by Sergiu Musteata (Iasi: Institutul European, 2014), 29.

²³ Ludmila Coadă, "The "Post-Soviet Space" Twenty Years on: Legacy, Changes and Challenges." In *Two decades of Development in Post-Soviet States: Success and Failures*, Preface by Sergiu Musteata (Iasi: Institutul European, 2014), 36-37.

²⁴ Jacek Saryucz-Wolski, "Has the European Union succeeded in its primary mission of securing peace?" In *Facing the challenges in the European Union. Re-thinking EU Education and Research for Smart and Inclusive Growth (Eulnteg)*. (Warsaw: Polish European Community Studies Association, 2015), 112-113.

an ideal of the lost Imperial Might and Glory should Kremlin plans will not be blocked with the international community and key global actors.

Thus, as far as Ukraine has been considered by the EU as a locomotive amidst other 5 EaP countries and a flagship country in this region²⁵ so for Moscow it is critically important to block Ukraine's movement westward and undermine its European integration process. Moreover, the lust after returning Ukraine to the sphere of Russia's domination would have been synonymous with both domestic and international triumph of Putin's regime and his personal leadership. In the end of 2013 this goal approached as close as ever for him. But the long-standing game with Putin's plans to get whole Ukraine under his control via V. Janukovych as the President come to the end as the failure, and Russia leadership became "punishes" Ukraine for its desertion off the Eurasian integration track.

As the instant outcome of this revenge Ukraine lost control upon Crimea and part of Donbas region. Country faces with the problem of mass migration from the territory of the conflict inflicted with direct Russian interference (more than a million of refugees), the number of dead (over 10 thousand) and wounded grows practically every day... It's only a part of the "bill" Ukraine has to pay against Russia's striking back for Ukraine's escape of Kremlin's camp of subordinated neighborhood. To add one has to consider also the systematic economic troubles in Ukraine, a substantial drop of GDP, accompanied with growing poverty (more than 70% of Ukrainians for now). Sure, after all, Russia tries to undermine Ukraine integrity and stability further, restlessly provoking political unrest in the country and inspiring disloyalty of Ukraine's citizens to the authorities. And Ukrainian authorities have to do a lot to withstand this pressure and earn trust of their compatriots. Unfortunately, it takes a lot of time and energy for citizens to make existing political elite be less selfish and more responsible.

Neither Ukraine, not the EU had been ready to face with such demanding situation. Having no military capacity, the EU tried to support Ukraine initially by diplomatic means, showing deepest inability of understanding what is going on in the region and what has happened with Russian's leadership. The UE leaders met with the opposition from within with regard to sanctions against Russia²⁶. New Ukraine's leaders did not get ready for unprecedented challenges in Ukraine vis-à-vis Russia aggressive moves and a threat of full-fledged war. Ukraine integral capacity to resist the second military power in the world seemed of lowest standard also. So, pushing

²⁵ Iryna Solonenko, "Added Value? Eastern Partnership and EU-Ukraine Bilateral Relations." *Internationale Politik und Gesellschaft* 3 (2011): p. 121.

²⁶ Anna Citkowska-Kimla, "Several comments on Polish-Ukrainian Relations after Russia's Annexation of Crimea from the perspective of Political Sciences" *Studia Politologica Ucraino-Polona* (2015), Tom 5: 10.

through the hardest domestic crisis in the beginning of 2014 Ukraine had to meet with much more troublesome affairs. Sure, the whole conceptual ground²⁷, rationale and institutional design of the Eastern Partnership did not suit counteraction of those challenges at all. Neither the designers of the Program thought about a possible crisis in Ukraine and around while constructed this policy in the region. This crisis reveals not only some profound weakness of the EaP, but of the EU in general.

Outside of the clear security deficit the current stage of the EU evolution is marked with the lack of intrinsic political cohesion²⁸ with regard to some profound challenges it faces with both from outside and within. Russian aggression in Georgia, slightly disguised under the defense of Russian citizens of South Ossetia (till the conflict Russia officially recognized the latter as a part of Georgia, therefore, why the majority of inhabitants there had been converted with Kremlin authorities into Russian citizens – it's rather a rhetoric question), and later in Ukraine opened up the potentially long period of growing instability in Europe and Eurasia. The EU as it is for now is not well prepared to deal with this problem, demonstrating its vulnerability²⁹. Making sure with this it's enough to take into consideration a weakness of the EU with regard to Russian propaganda. Recently the EU makes first steps of counteraction against it spread over the member-states and the neighborhood. Disorientation of the EU member-states' societies vis-à-vis Russian hybrid war, hesitation of the political leaders to act together with agreed strategic vision are worrying symptoms of some diseases affecting United Europe bodies and personal. One has to recall that they had some time to be prepared to what come as a kind of 'surprise', when V. Putin started signaling publicly and unequivocally to the West leaders about his ambitious some years precluding events of 2014³⁰. Plus, a lack of analytical capacities of the EU institutes with regard to foreseeing the nearest future security risks or too idle reactions on them, all of these issues required adequate mobilization of the EU political will and institutional resources. Massive immigration, Dutch Referendum on Association Agreement with

²⁷ Лариса Мицик, "Політика Східного партнерства Європейського Союзу: концептуальні засади" *Часопис історико-юридичного факультету: Збірник наукових праць* (2015), Випуск 6: 124-125.

²⁸ Тетяна Сидорук, "Позиції держав-членів ЄС щодо російсько-українського конфлікту" *Вісник Львівського університету. Серія міжнародні відносини* (2015), Випуск 36, Частина 3: 14.

²⁹ Ioan Horga and Ana-Maria Costea, "The Ukrainian Crisis: Between National Preferences/Interests of EU Member States and the EU Security" *Eurolimes. The Security Dimension of European Frontier vs the Legitimacy of Political Priorities of EU and EU Members States National Preferences* (Autumn 2014), Vol. 18: 190.

³⁰ Ірина Богінська, "Геополітичні розрахунки Росії в «Українській кризі»: Острів Росія–Континент Крим–Держава Новоросія." In *Східноукраїнський конфлікт в контексті глобальних трансформацій* (2015): 48, 51.

Ukraine and Brexit are adding more worrying colors to the whole palette of EU problems nowadays. It seems that both political class and citizens of United Europe have to accept whatsoever unpleasant fact the comfort of previous post-Cold war era decades is fading away and it's too much idealistically to think about just returning back to this 'normality' any more.

Coming back to the EaP itself it's worthy to underline however some positive features of the Program. First of all, it has logically separated the EU stance to the European neighborhood from African and Asian Neighbors³¹. It suggested a pretty attractive package of economical and social benefits for the post-soviet countries, which are concerned with building up closer relations with the EU. It laid down some new legal and institutional provisions for partners' countries political approximation to the EU, including Association Agreements. Finally, it stimulates intergovernmental, cross-border cooperation, and makes possible certain engagement of Civic Society actors into political and social dialogue.

Yet, there are some negative aspects of the EaP there too. First of all, the composition of 6 countries alleageable for the Program is rather a complication, then the asset. Three of the countries aimed at the EU membership (Ukraine, Moldova and Georgia), two are actively engaged in Russia's led integration projects (Belarus and Armenia), and one country tries to be distant of both European and Eurasian integration process (Azerbaijan). It makes practically impossible the equal and coordinated approach to EaP countries for Brussels and the EU at all. The mechanism of the EU – EaP countries cooperation is borrowed largely from the pre-Enlargement policy, earlier successfully applied to CEE. It's in a core the same policy of conditionality, but with the principal expulsion of a 'final' reward for aspirant countries – their prospect of the EU membership. By and large carrots are much smaller then wiper, in a case. Financial resources promised and really invested into EaP, are much more modest, then these countries need for effective modernization and approximation to the EU law, single market etc. For instance, what had been theoretically available for Belarus from the EU funds weighted incomparable less the Russian's aid in general. Distribution of these resources appears inadequate including per capita dimension for countries concerned. So, EaP is to a very extend really more demanding then rewarding for countries engaged with them. And, finally while the Program has been designed to promote democracy and good governance in the post-soviet countries, it remains overtly of intergovernmental by the nature, including Civic Society of all partners countries as minor if any true partner in

³¹ Сергій Толстов, "Східноєвропейська політика ЄС: цілі, методи, способи реалізації." *Actual problems of international relations* (2015)6 1, 125: 34-35.

the policy-making process³². Thus, the gap amid the declared goals of EaP and existing governmental practice is crucial and hardly diminishing. Balancing pros and cons of EaP is still problematic task, but it's clear that for few reasons the Program does not reach the initial set of goals, has been designed with short-sightedness optics and is in the urgent need for all-comprehensive reconsideration and thorough revision.

Conclusions

In general, the political initiative of Eastern Partnership could be valued as the step forward from the very unclear and vague Neighborhood policy. It implies certain difference of the EU relations with the European neighbors and has specified some principal policy targets in the post-soviet region. The proposal made for the countries of region, including Free Trade Zone, visa-free regime and Association agreement have been regarded as the positive change and advancement since the outdated format of Partnership and Cooperation agreement by the countries of region concerned. In the same time, EaP lacks some important prerequisites to be considered as a success story.

First of all, it applied the regime of conditionality without the "final reward" for the countries of regions, which aim to get the full EU membership in the future. It provokes misunderstanding and disappointment amidst these countries' elite and societies. Then, the policy ignored Russia's as a country with pretence of domination in the region. It combines non-inclusion of Russia in the EaP with the moves, which had been regarded with Kremlin as the further eastward expansion of the West for the sake of diminishing and isolating Russia. The fear fueled with over-compensation in the shape of Imperial Greatness of Russia produced a dangerous and explosive combination. It blasted out soon after. Countries of EaP have not been able to cooperate in horizontal level and with the EU because their different and sometimes confronting interests and, consequently, multidirectional integrating strategies. Finally, resources proposed in the framework of EaP do not match basic expectations and urgent needs of Ukraine and other partners' countries. A weak, opportunistic and temporal compromise between the EU leading countries, EaP is overwhelmed with democratic and peace-loving rhetoric of officials and documents issued, while has been de-facto helpless and of limited usefulness in a new turbulent era, which evidently comes to Europe and World henceforth.

Some suggestions could be made in order to better the policy of the EU towards EaP countries. Countries with the EU membership aspirations (Ukraine, Moldova, Geogia) should be differentiated and prioritized from the rest of three countries embraced in Eastern Partnership. They have to be

³² Elżbieta Kaca, Jacek Kucharczyk, and Agnieszka Łada. "Eastern Partnership Civil Society Forum & how to improve it." *The Institute of Public Affairs* (2011): 2.

inspired and encouraged with their preparations to the next step of European integration, with a clear prospect of the future membership under the Copenhagen criteria provision. While implemented this way the policy of conditionality might be truly legitimate and effective. Adequate resources should be allocated to these States from European funds in order to support the reforms there and, especially accelerating the Europeanization process there. Alongside with the prior attention to the security agenda as inevitably issue number 1, socio-economic reforms are to be supported and demanded by Brussels and the EU members. In the same time, political reforms in Ukraine and the rest of EaP countries is the key towards further strengthening of their sovereignty and sustainability. Thus, conditionality should be accompanied with new initiatives and moves from Ukraine, Georgia and Moldova.

Dialogue and engagement of the Civic Society should be expanded, because the civic activism could add a real energy towards reforms in those countries and first of all to change elite there, which are predominantly ineffective, irresponsible to the public demands and remain corrupted. The focus from the EU side would be better made on the policy-making engagement of NGO's, and their cross-national horizontal cooperation. A case of the Dutch referendum has shown the lack of cross-European communication and proves an existence of growing misunderstanding and distrust amid European nations (both the EU and non-EU).

Eastern Partnership has to be reconsidered in the framework of the new thoroughly elaborated strategic vision for the EU itself. The obvious absence of the inspiring while realistic perspective for the EU further development made the United Europe less proactive and more inept. It coincides with the lack of political leadership and authoritative visionaries of XXI century Europe, instead tending to be a stagnation stigma for the nations and institutes of the EU. Taking up these and some other measures would allow overcome numerous shortages of EaP, making both the EU and New Eastern Europe safer, more secure and prosperous.

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THE ROLE OF POLAND IN FINANCING REFORMS IN THE COUNTRIES OF THE EASTERN PARTNERSHIP¹

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Abstract. *The Eastern Partnership program was established in May of 2009 and became a part of EU external policy. It contains a complex concept addressed to all countries participating in the Program. Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine have established a wide range of close political and economic cooperation with the European Union. Under Eastern Partnership cooperation the beneficiary countries can count on financial and organizational support in the implementation of the wide range reforms in their economies. The proposed article aims to present the main sources of financial support addressed to the Eastern Partnership countries and the current state of implementation of the Eastern Partnership objectives. The article shows the nature and purpose of the establishment of the Eastern Partnership, presents the specificity of programs addressed to the Partnership countries by the European Union, Poland, the European Investment Bank and the Visegrad Group countries.*

Keywords: *financial instruments, Eastern Partnership, reforms in the countries of the Eastern Partnership.*

1. Introduction

Since the enlargement of the European Union by countries from Central and Eastern Europe there was a natural strive to ensure stability and security of all EU Member States. On the initiative of the EU, Eastern European countries were brought closer to the Union. In May 2009 the Eastern Partnership programme was inaugurated. The programme is a comprehensive concept of introducing its addressees to the EU's external policy. Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine all were offered a wide range of close economic and political cooperation with the Union. Within the programme these states can count on support in the implementation of advanced reforms, the success of which depends not only on the willingness of the EaP countries but also on the EU designing special programmes, appropriating funds and developing rules for their use.

The goal of this article is to present the main sources of financial assistance addressed to Eastern Partnership countries coming from the budget of the European Union and appropriated by the Polish government for

¹ Preparing this article, the authors used material gathered for the article by Ewa Latoszek, Agnieszka Kłos, "Sources of financing reforms in the countries of the Eastern Partnership", European Studies, Centre for Europe at the University of Warsaw, #3 (75), Warsaw 2015.

development aid. Furthermore, this article aims to outline the current status of implementation of the Eastern Partnership objectives and of the assistance plan for EaP countries that was developed by Poland. The article also indicates the point and purpose of establishing the Eastern Partnership, and details it the specific nature of the programmes addressed to the EaP countries and developed by the European Union, the European Investment Bank and the Visegrad countries, especially Poland. Due to different time horizons of individual programmes, their specific nature and a lack of aggregate statistical data regarding the level of disbursement of funds addressed to the states of the Eastern Partnership, it is difficult to assess their effectiveness. However, if we look at the current state of implementation of the objectives of this project, successes such as the signing of association agreements with Georgia, Moldova and Ukraine have been noted. Thanks to these agreements the EaP states will be able to count on a continued support and a gradual integration with the EU.

2. The point and purpose of establishing the Eastern Partnership

The history of the attempts of the European Community Member States to formulate a more or less coherent policy towards Eastern Europe is as long as the functioning of these integration structures. However, during the peak of the Cold War tension, East-West relations were driven by the logic of confrontation. It was only the 1960s and 1970s that brought some normalising measures. The symbolic examples of such measures were the political initiatives launched by the leaders of France and Germany – in the case of general Charles de Gaulle it was the ‘Europe from Atlantic to Ural’ concept, and for the German Chancellor, Willy Brandt, his ‘Eastern policy’². The most important milestone, however, was the Autumn of Nations at the turn of the 1980s and the 1990s, which led to the collapse of the communist system in Central and Eastern Europe. These changes had a historically significant meaning for the whole of Europe. As a result of this peaceful revolution, the Cold War’s international system of power was destroyed, first on the European continent and then on the global scale. From the point of view of the European Communities and the emerging EU, these changes raised the urgency of the need for redefinition of the European integration objectives³. The development of disturbing events in Eastern Europe, characterised by the failure of the 2004 Orange Revolution in Ukraine and the intensification of

² Dariusz Milczarek, Olga Barburska, “The Eastern Policy of the European Union – a Challenge for Poland’s Foreign Policy”, in: Ewa Latoszek, Magdalena Przek, Agnieszka Kłós, Marta Pachocka, Ewa Osuch – Rak eds., *Facing the Challenges in te European Union. Re- thinking EU Education and Research for Smart and Inclusive Growth (EuInteg)*, PECSA, Warsaw 2015, 148

³ *Ibid.*, 148

authoritarian tendencies in Belarus, provided additional impulse. However, the predominant reason for concern was Russia's evident return to a neo-imperialist policy in relation to its neighbours, evidenced by the armed conflict in Georgia in 2008⁴.

The idea of creating the European Neighbourhood Policy was initiated in 2007 by Germany and found the support of the governments of Sweden and Poland. In May 2008 the Polish and Swedish foreign ministers, Radosław Sikorski and Carl Bildt, presented their project at a meeting of heads of diplomacy of the EU. This gave rise to the dynamic development of the initiative and already in June of that same year the European Council unanimously approved the idea and called on the European Commission to develop the details of the Polish-Swedish project. As a result, in December 2008 the European Commission put forward concrete proposals for the Eastern Partnership. This ignited the developing the concept of a coherent political initiative addressed to the six countries of Eastern Europe, i.e. Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. The launch of the Eastern Partnership would not have been possible without the involvement of the Czech Republic, which made it one of the priorities of its presidency of the EU Council. The initiative was officially launched on May 7, 2009 at the summit in Prague in the presence of representatives of all EU member states and the six partner countries. Designing the project, Poland and Sweden made use of an already existing European Neighbourhood Policy (ENP)⁵. One of the priorities of the Polish Presidency in the second half of 2011 was to ensure further development of the EaP. During that time the second Eastern Partnership summit took place in Warsaw in September. The Warsaw Declaration, adopted at the summit, constituted a clear political gesture that indicated readiness to deepen the integration between the European Union and its eastern partners. In pursuit of this aim, Poland consistently supported the establishment of new cooperation mechanism and the strengthening of sectorial cooperation within the framework of already existing EU programmes and institutions⁶.

Through the establishment of the ENP the EU sought to reduce the dividing line between the enlarged Union and its neighbours, which in turn would strengthen prosperity, stability and security throughout the region. When the ENP was created, it was expected that the countries which – as a result of the enlargement in 2004 – had become EU's neighbours would be

⁴ Ibid., 151

⁵ Eastern Partnership, http://eastern-partnership.pl/pw_pl/MSZ%20PW%20PL.pdf [accessed on 5 March 2016], 10, See also http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/international-affairs/eastern-partnership/index_en.htm [accessed on 5 March 2016],

⁶ Dariusz Milczarek, Olga Barburska, "The Eastern Policy of the European Union – a Challenge for Poland's Foreign Policy", 159

determined to accelerate their democratic and economic transition. These hopes were supported, among others, by the so-called ‘colour revolutions’ in Georgia in 2003 and in Ukraine in 2004. However, the transformation process was slower, and in many cases it proceeded in the opposite direction than the one expected. The situation in the EU’s Eastern neighbourhood – instead of improving – was becoming destabilised: Ukraine fell into political chaos, gas crises in Eastern Europe were making a comeback, authoritarian governments continued to rule in Armenia, Azerbaijan, Belarus and Moldova (although in a milder form), certain undemocratic practices of the Georgian authorities were observed, and to top it all, in August 2008, Russia invaded Georgia. In practice, the ENP was not proving to be very effective in stimulating changes in the countries of the Eastern neighbourhood. The responsibility for such a state of affairs falls on the neighbouring countries themselves, which lacked the political will necessary to introduce reforms, but also on certain weaknesses of ENP project itself. This induced some EU politicians to develop a new, more effective mechanism for stimulating reforms in the Eastern neighbours⁷.

A decision was made to create an initiative that would replace the existing selective support for reforms in Eastern Europe with an offer of comprehensive assistance in the processes of modernization and transformation. In December 2008, the European Commission put forward concrete proposals concerning the Eastern Partnership. In its Communication the Commission stated that „The European Union has a vital interest in seeing stability, better governance and economic development at its Eastern borders”⁸. In March 2009, after the European Council unanimously supported the Eastern Partnership project, the project became an integral part of the European foreign policy. The Eastern Partnership introduced several important changes to the existing ENP, such as:

- The distinction of Eastern neighbours from Southern neighbours and the introduction of the Eastern neighbourhood into EU foreign policy as an individual entity. The then-existing neighbourhood policies offered the same mechanism for countries of Eastern Europe and North Africa and the Middle East. Lumping together states from Eastern Europe and states from North Africa and the Middle East lowered the profile of relations between the EU and the countries of Eastern Europe. Moreover, some of those countries saw that as a signal that their pro-EU aspirations had little chance of success. It also had a demotivating

⁷ S. Ananicz, *Eastern Partnership*, Infos, Sejm’s Bureau of Research (BAS), September 24, 2009, #17(64), 1-2.

⁸ The Eastern Partnership – an ambitious new chapter in the EU’s relations with its Eastern neighbours, IP/08/1858, Brussels, December 3, 2008, http://europa.eu/rapid/press-release_IP-08-1858_pl.htm, [accessed on 5 March 2016].

effect on the process of transformation. Finally, treating two such different regions as one impeded the EU to develop effective foreign policies towards its neighbours.

- The broadening and giving shape to the benefits offered to those partner countries that demonstrate progress in reforming their institutions according to EU standards. The main benefit should be a deepening integration of partner countries with particular EU structures. However, the extent of integration is largely dependent on individual aspirations and actual progress in the introduction of reforms”⁹.

The aims and mechanisms of the Eastern Partnership were described in the joint declaration of the EU countries and the partner countries with the key benefits being: limiting Russian influence in the former Soviet republics, progressive integration of partner countries with the EU and a potential future accession to the EU¹⁰.

3. The main sources of financial support for the Eastern Partnership countries

The European Commission gave the Eastern Partnership project a budget of EUR 1.9 billion for the period 2010-2013 from the **European Neighbourhood and Partnership Instrument** (ENPI). The ENPI is a financial instrument of the European Neighbourhood Policy (ENP) and it is addressed to the ENP partner countries and Russia. It offers co-financing of the processes of strengthening governance and equitable social and economic development. The ENPI also supports cross-border and trans-regional cooperation and progressive economic integration of the beneficiary states with the European Union. The operating principles of the ENPI, its scope and the assistance program are detailed in Regulation (EC) No 1638/2006 of the European Parliament and of the Council of 24 October 2006 which lays down the general provisions establishing a European Neighbourhood and Partnership Instrument. The ENPI supports the following in particular:

- political reform: establishment and adaptation of institutional and administrative capacities, good governance, rule of law, respect for human rights, participation of civil society, multicultural dialogue and the fight against fraud, corruption, organised crime and terrorism;
- economic reform: economic development, market economy, intensification of trade and regulatory convergence with the EU in the areas of common interest with a view to gradual economic integration with the internal market;

⁹ Ibid., 1.

¹⁰ Joint Declaration of the Prague Eastern Partnership Summit, Brussels, May 7, 2009.

- social reform: integration, employment, non-discrimination, fight against poverty;
- sectoral cooperation, in sectors of common interest in particular: environment, sustainable development, energy, transport, telecommunications, health, food security, education and training, research and innovation;
- regional and local development, and regional integration (Euro-Mediterranean regions and regions of Eastern Europe) and
- participation in Community programmes and agencies.

In addition, the ENPI can provide support to electoral observation and post-crisis missions and to disaster preparedness. The budget for the ENPI amounted to EUR 11 181 million for the period 2007-2013, of which 95 % was for national and multi-country programmes and 5% for cross-border cooperation programmes. Bodies eligible for funding include institutions and administrations in partner countries and regions, mixed organisations, international and regional organisations, international financial institutions (IFIs), European institutions and – to a certain extent – agencies, and non-governmental players¹¹.

Countries covered by this cooperation are: Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Morocco, Moldova, the Palestinian Authority of the West Bank and Gaza Strip, Russian Federation, Syria, Tunisia, Ukraine. Support is granted on the basis of:

- national programmes;
- multi-country programmes;
- cross-border cooperation programmes (CBC).

National and multi-country programmes are financed solely by the ENPI and were allocated a budget of EUR 10 621 million, while cross-border cooperation programmes are financed by the ENPI, with an aid of EUR 527 million, and by the European Regional Development Fund (ERDF), with an aid of EUR 591 million, giving those programmes a total aid amounting to EUR 1 118 million. There are 15 cross-border cooperation programmes within the ENPI framework, including nine at land borders and six at maritime borders (Table 1).

Table 1. Cross-Border Cooperation programmes

Land-border programmes	Sea-crossing programmes
Kolartik/Russia	Spain/Morocco
Karelia/Russia	Atlantic Programme

¹¹ European Neighbourhood and Partnership Instrument (2007-2013), <http://eur-lex.europa.eu/legal-content/PL/TXT/?uri=URISERV:r17101> [accessed on 4 July 2015].

South-East Finland/Russia	Italy/Tunisia
Estonia/Latvia/Russia	Black Sea
Latvia/Lithuania/Belarus	Mediterranean Sea Basin
Poland/Lithuania/Russia	Baltic Sea Region (ENPI's contribution to the BSR)
Poland/Belarus/Ukraine	
Hungary/Slovakia/Ukraine/Romania	
Romania/Moldova/Ukraine	

Source: European Neighbourhood and Partnership Instrument 2007-2013, Development Territorial Cooperation, Ministry of Regional Department, <http://www.fundusze-strukturalne.gov.pl/NR/rdonlyres/A90E2814-68B6-4F0B-B2C1-9B5257177B46/34481/07> [accessed on 4.07.2015].

Poland participates in two programmes, i.e. Poland-Belarus-Ukraine with an allocated aid amounting to EUR 186.2 million, and Poland-Lithuania-Russia (Kaliningrad Oblast) with an allocated aid amounting to EUR 132.1 million for the period 2007-2013. The entity responsible for the implementation of these programmes is the Polish Ministry for Regional Development which acts as the Joint Managing Authority of the ENPI CBC Programmes. The nature of these projects may be of three kinds:

- joint projects, where each partner carries out a part of the activities of the project on its own territory;
- symmetrical projects, where similar activities are carried out in parallel on both sides of the border;
- projects implemented mainly or entirely in only one of the countries, but providing benefits to all or some of the partners involved.

It was agreed that the programme would end on 31 December 2016. However, it is crucial that all projects were contracted no later than 31 December 2013. The prerequisite was the completion of all actions within the scope of the projects by 31 December 2014. Finally, the financial closure of all contracts, ex-post programme evaluation, submission of the final report to the EC and the final payment from the EC must take place not later than on 31 December 2016.¹²

In addition to the above-mentioned resources, when the Eastern Partnership was established, the EU earmarked an additional EUR 600 million for the programme. The authorising officer responsible for the funds of the EaP programme is the European Commission. Depending on the specific

¹² Ibid.

nature of individual projects financed under the Eastern Partnership programme resources were to be transferred within the following three funds:

- Comprehensive Institutional Building (CIB), created to improve the institutional effectiveness of the Eastern Partnership states and their compatibility with EU institutions. These objectives were to be achieved with the Twinning programme and TAIEX instrument, as well as by the exchanges, training courses and internships, study visits of delegations from partner states to twin institutions in EU Member States and within the scholarship systems for professional training. The recipients of CIB are public administration institutions of partner states, EU Member States, and EU institutions involved in training and other programmes of institutional reforms. The Comprehensive Institutional Building programme was launched in 2011 with designated funds for the period 2011-2013 amounting to EUR 32.81 million for Armenia, EUR 19.20 million for Azerbaijan, EUR 30.86 million for Georgia, EUR 41.16 million for Moldova and EUR 43.37 million for Ukraine. Belarus was provided with a separate mechanism (i.e. Joint Interim Plan) and its allocation for 2011-13 amounted to EUR 5.88 million. The overall budget of the Comprehensive Institutional Building programme totalled at EUR 175 million.
- Pilot Regional Development Programmes, developed according to the experiences of the EU cohesion policy. Their objective is to equalize all differences between individual regions taking into consideration the needs and the territorial specific character of each of the Eastern Partnership states. These programmes are executed through supporting the development of local infrastructure, human capital, as well as SMEs in the most poorly developed regions of the partner countries. The programme was launched in 2012. The allocation of funds for the period 2012-2013 was the following: Armenia – EUR 7.12 million; Azerbaijan – 9.29 million; Belarus – 10.38 million; Georgia – 7.43 million; Moldova – 6.98 million; Ukraine – 30,79 million. The total budget of the project was EUR 75 million.
- The multilateral dimension of the Eastern Partnership included additional funds of EUR 350 million allocated to the programme, 160 million of which was designated for six flagship initiatives of the EaP. A minor part of the funds has been earmarked to finance activities within the so-called thematic areas and to organize the Civil Society Forum¹³.

The projects of the Eastern Partnership are also funded through other financing mechanisms that exist in the European Union, for example the **European Instrument for Democracy and Human Rights (EIDHR)**, which contributes to the development and consolidation of democracy and the rule

¹³ <http://eastbook.eu/faq-o-partnerstwie-wschodnim/#> [accessed on 4 July 2015].

of law and the observance of human rights and fundamental freedoms. The rules for granting aid under the above-mentioned instrument are laid out in Regulation (EC) No 1889/2006 of the European Parliament and of the Council of 20 December 2006 on establishing a financing instrument for the promotion of democracy and human rights worldwide. This Regulation replaced the previously existing European Initiative for Democracy and Human Rights. Aid provided under this instrument is aimed at:

- enhancing respect for human rights and fundamental freedoms in countries and regions where they are most at risk;
- strengthening the role of civil society, in particular, in promoting human rights and democracy, in supporting the peaceful conciliation of various groups of interests in the EaP countries and in consolidating political participation and representation;
- supporting actions regarding human rights and democracy in areas covered by EU Guidelines;
- supporting and strengthening the international and regional framework for the protection of human rights, justice, the rule of law and the promotion of democracy;
- building confidence in and enhancing the reliability and transparency of democratic electoral processes, in particular through monitoring electoral processes.

Aid provided under this instrument may take the following forms:

- projects and programmes;
- subsidies to finance projects submitted by international and regional intergovernmental organisations;
- small grants to human rights defenders;
- subsidies to cover operating costs of the Office of the UN High Commissioner for Human Rights and the European Inter-University Centre for Human Rights and Democratisation (EIUC);
- contributions to international funds;
- resources for EU election observation missions;
- public procurements.

The EIDHR had a budget of EUR 1.104 billion for the period of 2007–2013. Among entities eligible for funding are: civil society organisations; public and private sector non-profit organisations; national, regional and international parliamentary bodies – if the proposed measure cannot be financed under a related Community external assistance instrument; international and regional inter-governmental organisations; private individuals, where their help is necessary for achieving the aims of the Regulation establishing the EIDHR. By way of exception, other bodies or

entities may also be eligible for funding, if this is necessary to achieve the objectives of said Regulation¹⁴.

The **Neighbourhood Investment Facility** (NIF) serves to support infrastructure investments in the areas of energy and transport, environmental protection, development of the private sector (in particular of small and medium enterprises) and the social sector. The need for financing transport infrastructure in the EU's neighbouring regions is higher than what the EU, other donors, neighbouring countries or the IFIs can cover alone. To alleviate the funding gap, cooperation between all these partners had to be enhanced, including through better use of existing innovative financing instruments that the EU has put in place for its neighbouring regions. It was decided to increase the use of EU programmes so as to improve transport connections with the neighbouring countries. The Commission Communication „A budget for Europe 2020” suggested that infrastructure projects of EU interest that pass through neighbourhood and pre-accession countries could in the future be linked and financed through the new ‘Connecting Europe’ facility¹⁵, allowing financing from different headings of the EU budget under one integrated set of rules. In the Southern and Eastern neighbourhood regions, the Neighbourhood Investment Facility (NIF) combines grants from the EU budget and loans from international financial institutions to provide financing to key infrastructure projects in the transport, energy, environment and social sectors as well as for private sector development. The Commission declared that it would work together with international financial institutions and the neighbouring countries to enhance the submission of transport projects for financing by the NIF. It also declared it would seek the wider involvement of international financial institutions in the work of the NIF¹⁶. The European Commission allocated a total amount of EUR 767 million for the NIF for the period 2007-2013, which were complemented by direct contributions of Member States and held in a trust fund managed by the European Investment Bank. So far under the Neighbourhood Investment Facility EUR 678.9 million were used for infrastructure projects and private sector projects, while the total value of projects implemented under the NIF amounted to over EUR 19.3 billion. However, those sums were used not only by the Eastern

¹⁴ A financing instrument for the promotion of democracy and human rights in the world (2007-2013), <http://eur-lex.europa.eu/legal-content/PL/TXT/?uri=URISERV:l14172> [accessed on 4 July 2015].

¹⁵ See: the Commission Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, “A Budget for Europe 2020 – Part II: Policy Fiches”, Brussels, June 29, 2011, COM(2011) 500 Final.

¹⁶ The Commission Communication to the Council and to the European Parliament: The EU and its neighbouring regions: a renewed approach to transport cooperation, 52011DC0415, <http://eur-lex.europa.eu/legal-content/PL/TXT/?uri=CELEX:52011DC0415> [accessed on 4 July 2015].

Partnership countries. Under the NIF projects are carried out also in other countries than just Armenia, Azerbaijan, Georgia, Moldova, or Ukraine – for example in Egypt, Jordan, Lebanon, Morocco, Tunisia and others. Using NIF grants requires the submission of the project by one of the entitled European public financial institutions such as the European Investment Bank, the European Bank for Reconstruction and Development, the Austrian Development Bank, the Norwegian Investment Bank and others¹⁷.

In March 2011, the Commission, the European Investment Bank and the European Bank for Reconstruction and Development signed a Memorandum of Understanding on cooperation outside the EU, which included the extension of TEN-T to EaP countries as one of the actions. The Commission will also seek closer cooperation with the World Bank and other interested international financial institutions regarding transport issues outside the EU. The Commission's political leverage in the region combined with the financial capacity of the banks can give a boost to transport project financing in the neighbouring countries. The Commission will also promote interconnections with its neighbouring countries through other existing instruments, under the bilateral and regional support to neighbouring countries from the European Neighbourhood Policy Instrument. Those instruments include TAIEX, Twinning and ENPI cross-border cooperation¹⁸.

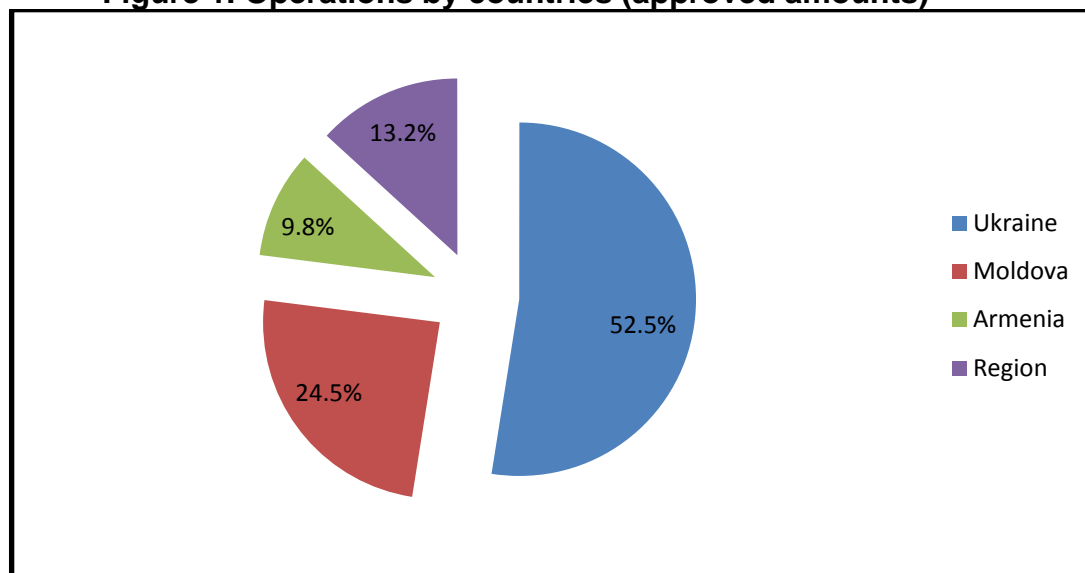
International financial institutions are playing an increasing role in the Eastern Partnership projects, especially the **European Investment Bank**. Under the current mandate, the EIB could lend up to EUR 3.7 billion to projects in Eastern Europe, Southern Caucasus and Russia during the 2007–2013 period. In this context, the EIB was prepared to consider supporting sound projects in the areas of transport, energy, telecommunications and environmental infrastructure. In addition, in Eastern Partnership countries, the EIB also offered support to SMEs through lending via banks. In 2010, to complement the mandate, the EIB – at its own risk – set up the Eastern Partners Facility (EPF) for an amount of EUR 1.5 billion, with a EUR 500 million ceiling for projects in Russia. This facility enabled the Bank to support investment grade projects, notably EU Foreign Direct Investments (FDI) in the region. Moreover, in December 2010, the EBI, in cooperation with the Member States concerned, launched the *Eastern Partnership Technical Assistance Trust Fund* (EPTATF) with a planned fund of EUR 10 million, which could significantly boost the investment attractiveness of partner countries through financing, among others, feasibility studies, legal and institutional expertise, environmental research, research on the social impact

¹⁷ The European Commission, "EU Neighbourhood & Russia – Neighbourhood Investment Facility", https://ec.europa.eu/europeaid/regions/eu-neighbourhood-region-and-russia/inter-regional-cooperation/neighbourhood-investment_en [accessed on 4 July 2015].

¹⁸ Ibid.

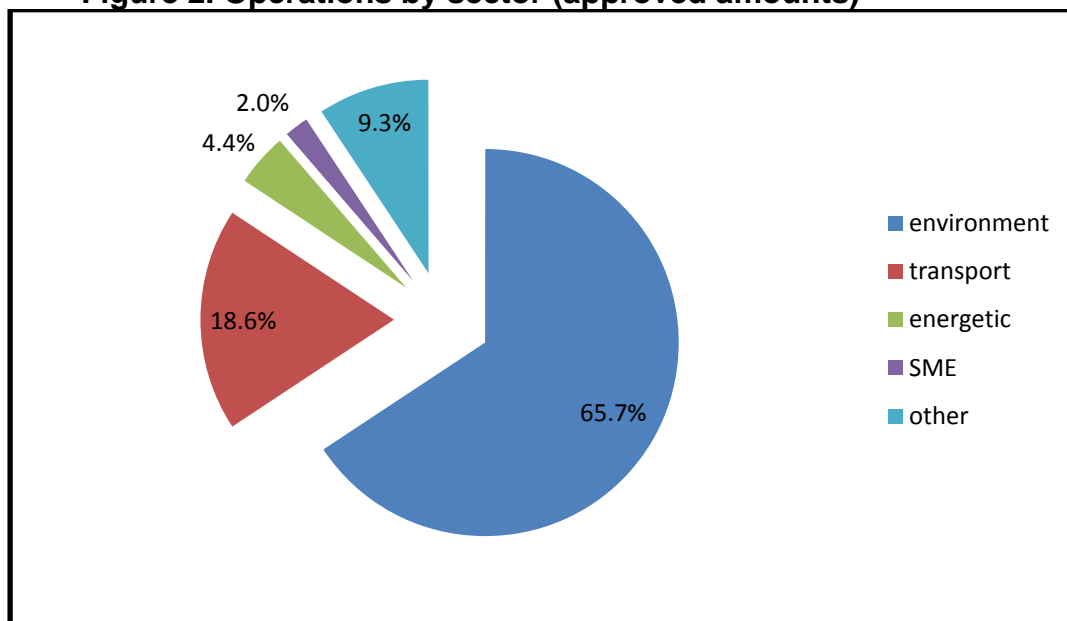
of projects and project management. The aim of the fund is to increase the quality and impact on the development of operations in the framework of the Eastern Partnership by making available the much-needed above-mentioned technical support. The main idea is to guarantee a faster and more successful implementation of the projects in Eastern Partnership countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine). In 2011, Poland contributed EUR 1 million to the EPTATF¹⁹. The largest shareholders of the Trust Fund are Austria, France, Latvia, Poland and Sweden. Together, these countries contributed EUR 13.6 million. It is expected that more and more countries will join this initiative. In June 2014, 14 EPTATF operations were approved with a total value of EUR 10.2 million. According to data from the European Investment Bank, the biggest beneficiary of the Fund is Ukraine, followed by Moldova and Armenia (see Figure 1). Analysing EIB operations by sectors of the economy, over 65% of the funds go to the environment sector, trailed by transport, energy and others (Figure 2).

Figure 1. Operations by countries (approved amounts)



Source: own elaboration based on: „Eastern Partnership Technical Assistance Trust Fund (EPTATF)”, EBI, <http://www.eib.org/projects/regions/eastern-neighbours/instruments/technical-assistance/index.htm> [accessed on 4 July 2015].

¹⁹ Partnerstwo Wschodnie [Eastern Partnership], http://eastern-partnership.pl/pw_pl/MSZ%20PW%20PL.pdf [accessed on 4 July 2015], pp. 39-40, <http://www.easternpartnership.org/community/interview/no-political-momentum-eastern-partnership> [accessed on 4 July 2015], Press release of the EIB, BEI/11/139, Luxembourg/Warsaw, 29 September 2011

Figure 2. Operations by sector (approved amounts)

Source: own elaboration based on: “Eastern Partnership Technical Assistance Trust Fund (EPTATF)”, EBI, <http://www.eib.org/projects/regions/eastern-neighbours/instruments/technical-assistance/index.htm> [accessed on 4 July 2015].

The states of the Visegrad Group have developed a programme of financial assistance for the Eastern Partnership countries in the form of the **Visegrad 4 programme** (V4EaP), which was initiated in 2011 by the governments of Poland, Hungary, Czech Republic and Slovakia with the goal of enhancing cooperation between the regions of the Visegrad Group and the Eastern Partnership. The main objective of the program is to facilitate the process of social and economic transformation, democratization and regional cooperation, in particular through developing civil society and supporting cooperation between local governments, universities and individual citizens building on the experience of the Visegrad Group countries, which have carried out these reforms in the past. The program was launched in early 2012 with a total budget of approximately EUR 1.5 million split between four separate grant and mobility programmes²⁰.

The idea of establishing a **European Endowment for Democracy** (EED) was conceived in response to the violent crackdown by Belarussian authorities of protests after the presidential elections in 2010 and the wave of

²⁰ <http://old.visegradfund.org/v4eap/> [accessed on 4 July 2015].

demonstrations against dictatorships in North Africa in the spring of 2011. In a short time the initiative gained support of EU Member States, the then EU High Representative Catherine Ashton, the European Commission and Commissioner Štefan Füle, and the European Parliament. The EED fund was established on 1 December 2011 by the Foreign Affairs Council of European Union. The fund is designed to support democratic changes and its basic form of action are transfers of funds to partner organisations, such as political foundations and non-governmental organisations. The idea behind the European Endowment for Democracy was that it would complement the EU's set of instruments for the promotion of democracy and human rights worldwide. It was supposed to be a complementary element that would allow for quicker and more flexible responses and to support those actors striving peacefully for democracy that might be less structured or sometimes informal. In a way that would be safer for both the beneficiaries and the EU. On May 27, 2013 the opening ceremony of the EED Secretariat took place in Brussels. The opening of the Secretariat meant that already in July 2013 the EED would begin to accept applications for support of initiatives for democratisation in the countries of the Eastern Partnership and the Southern Neighbourhood, and that the first grants could be transferred in early autumn 2013.²¹

The European Endowment for Democracy was a flagship project of the Polish Presidency in the EU. It was set up as a foundation, to which the EU and its member states were parties. The contributors included also non-EU countries, among others Switzerland and Canada. In less than two years the EED supported over 143 initiatives with a total sum of nearly EUR 8 million in countries such as Ukraine, Belarus, Tunisia, Egypt and Syria. However, the budget of the EED is significantly larger. For the period 2013-2015 the Member States together with Switzerland and the European Commission on behalf of the EU contributed EUR 24.673 million to the fund. Systematically other EU and non-EU countries have been declaring further grants. Jerzy Pomianowski, the EED Executive Director, in the report on the Fund's activities, has expressed optimism regarding the functioning and activities undertaken by the EED. Since the establishment of the Fund 1,000 requests for assistance have been received, of which 118 projects were initiated in 15 countries of the European Neighbourhood Policy (which is the Fund's current geographical mandate) totalling up to over EUR 6.5 million. A balance was maintained as approximately 52% of the grants went to activities and projects in the South and approximately 48% to those in the East. Andrzej Grzyb,

²¹ "Europejski Fundusz na rzecz Demokracji (EED) gotowy do działania" [European Endowment for Democracy (EED) ready for action], http://www.msz.gov.pl/pl/polityka_zagraniczna/polska_pomoc/europejski_fundusz_na_rzecz_demokracji_eed_gotowy_do_dzialania [accessed on 4 July 2015].

Member of European Parliament and member of the Fund's Board of Governors, has pointed to several challenges facing the European Fund for Democracy, those challenges include:

- The need to secure effective, long-term financing of the EED. Currently, only 13 out of the 28 EU countries that are parties to the EED Foundation contribute to the EED. Those countries being: Belgium, Bulgaria, Denmark, Estonia, the Netherlands, Lithuania, Latvia, Germany, Poland, Romania, Slovakia, Sweden and Hungary. The 14th founding party is Switzerland. There are questions regarding the future of the Fund, such as how to get other member states to fulfilling their obligations? Do we need to rethink the evolution of the legal form of the EED so as to better embed it in the structures of the EU institutions, which would ensure more sustainable financing, however, would it not lead to losing the fundamental value of the EED – flexibility? Perhaps the establishment of an international agreement binding the parties of the foundation (ie. the EU, its member states and others), where the scope and obligation to make permanent or at least long-term periodic contributions would be clearly stated, needs to be rethought?
- The problem of the visibility of EED and its effectiveness; on the one hand, we need to develop a brand of an institution that effectively and efficiently supports democracy so as to build trust among potential beneficiaries and donors, especially the EU countries that have not yet contributed financially to the Fund; on the other hand, with each successful project the Fund will attract attention and breed dislike among regimes in countries where pro-democracy movements are given support by the EED. This would obviously hamper operations or even cause a threat to the safety or health and life of both the beneficiaries and the representatives of the EED.
- The scope of the EED's geographical mandate. In the report of the Fund's activities the Board of Governors has signalled an intention to expand the mandate to countries outside of the ENP area. The Executive Committee has been working on a proposal for the definition of a new, broader, more flexible geographical mandate. Underlying the debate are probably the recommendations of the European Parliament and other documents of both the Parliament and the Council, which states that the main area of EED operations, at least in the initial phase, covers – but is not limited to – countries of the EU neighbourhood. On the other hand, the situation in some countries of the neighbourhood makes EED activities difficult, if possible at all. Hence probably the idea to take advantage of available funds where they could prove most effective in inducing change, whilst awaiting the

right and opportune time in some of the countries in the neighbourhood²². Supporting civil society in all countries covered by the neighbourhood policy is also the role of the **Neighbourhood Civil Society Facility (NCSF)**. Assistance under the NCSF is to contribute to the strengthening of the democratisation process (among others by increasing the role of non-governmental organisations, promoting media pluralism and by election observation missions), which includes developing civil society and its involvement in the political dialogue. The NCSF budget for 2011-2013 period amounted to EUR 22 million from the ENPI fund (split evenly between the Southern and Eastern dimension of the neighbourhood policy)²³.

4. Polish development cooperation with the countries of the Eastern Partnership and its sources of financing

In Poland, any development assistance is implemented on the basis of the Development Cooperation Act of 16 September 2011²⁴. Development cooperation is conducted on the basis of a Multiannual Development Cooperation Programme. The aforementioned act defines development cooperation as all actions undertaken by government agencies to provide developing countries with development and humanitarian aid, as well as global education measures implemented to raise the awareness and understanding of global problems and interdependencies. Development cooperation is carried out in accordance with the principles of human rights, the rule of law and good governance, which ensure the unlocking of proper social potential and guarantee the durability of the results of sustainable development. The Multiannual Development Cooperation Programme 2016-2020 is a governmental document that encompasses the entire Official Development Assistance (ODA) and follows up on the Multiannual Development Cooperation Programme 2012–2015. The new Programme includes the challenges facing Poland's development cooperation system in the context of both global (the implementation of the Millennium Development Goals was to be finalised by the end of 2015) and regional (the need to accelerate transformation in the Eastern Partnership countries, the situation in Ukraine) changes. The modifications proposed in the Programme are meant

²² Andrzej Grzyb, *Dylematy Europejskiego Funduszu na Rzecz Demokracji – refleksje sprawozdawcy PE* [Dilemmas of a European Endowment for Democracy – Reflections of an EP rapporteur], <http://andrzejgrzyb.eu/europejskiego-funduszu-na-rzecz-demokracji-refleksje-sprawozdawcy-parlamentu-europejskiego/> [accessed on 4 July 2015].

²³ Partnerstwo Wschodnie [Eastern Partnership], http://eastern-partnership.pl/pw_pl/MSZ%20PW%20PL.pdf [accessed on 4 July 2015], pp. 39-40, <http://www.easternpartnership.org/community/interview/no-political-momentum-eastern-partnership> [accessed on 4 July 2015].

²⁴ Journal of Laws – Dz. U. 2011 No 234 item 1386 as amended.

to make Poland's development cooperation even more effective and efficient²⁵.

In the period 2016-2020, development cooperation will be carried out in line with a new global development agenda that was adopted for 2015-2030 during the UN Sustainable Development Summit in New York in September 2015. Actions taken under the Sustainable Development Goals (SDGs) will develop and finish the processes that the Millennium Development Goals (MDGs) have started. Future SDGs are to take into account the economic, social and environmental aspects of sustainable development, i.e. eradication of poverty, ensuring durability of natural environment, as well as sustainable consumption and production. They are designed to be multi-dimensional, universal and global in nature, which means that they will virtually cover all areas of life and all countries²⁶.

The 2015 Development Cooperation Plan inaugurates the implementation of the Multiannual Development Cooperation Programme 2016-2020 (MDCP 2016-2020), adopted by the Council of Ministers on 6 October 2015. The main geographic area of the Polish development cooperation in 2016 covers four countries of the Eastern Partnership, four African countries and two countries from Asia and the Middle East, as set out in the guidelines of the MDCP 2016-2020²⁷. Polish development cooperation is carried out using funds from the special purpose reserve earmarked for the programme and funds from the Ministry of Foreign Affairs. In 2016 three flagship initiatives will be implemented:

I. The Eastern Partnership Academy of Public Administration (EPAPA)

The Ministry of Foreign Affairs in cooperation with the National School of Public Administration will continue to provide trainings for public officials from all Eastern Partnership countries under the Eastern Partnership Academy of Public Administration (EPAPA) project.

The EPAPA programme of specialised trainings includes lectures and workshops conducted by experienced experts and practitioners from Poland and other EU countries. The topics of the trainings cover, among others, European integration, including the implementation of association agreements, membership in international organizations, civil service, local government reform and the other matters according to demands expressed by partner countries.

²⁵ Multiannual Development Cooperation Programme 2016-2020, p. 3.

²⁶ *Ibid.*, 7.

²⁷ Plan współpracy rozwojowej w 2016 [Development Cooperation Plan 2016], Ministry of Foreign Affairs (MSZ), Warsaw, November 2015, 3.

II. Information Centre for Local Authorities in Moldova

The Centre, which opened in 2012, aims to provide support to Moldovan local government, non-governmental organisations and initiative groups in their efforts to strengthen local democracy, in particular in the absorption of aid and in building partnerships with institutions from Poland and other EU states. The Centre is run by the Solidarity Fund PL (*Fundacja Solidarności Międzynarodowej*).

III. Scholarship programmes provided via the Ministry of Foreign Affairs and the Ministry of Science and Higher Education

Scholarship policies are an important instrument of promoting the development of partner countries. Scholarships strengthen the human resources of a country and establish contacts that will bring mutual measurable benefits in the future. Scholarship recipients obtain new knowledge and experiences, which give them the potential to initiate and support long-term changes in their countries. The most talented of them get the opportunity to stay and pursue education at the best Polish universities under the four scholarship programmes co-financed by the Ministry of Foreign Affairs: Stefan Banach Scholarship Programme, Ignacy Łukasiewicz Scholarship Programme (excluding the Eastern Partnership countries), Konstanty Kalinowski Scholarship Programme, and Scholarship Programme for students of the University of Warsaw's Specialist Eastern Studies²⁸.

Polish development cooperation in Belarus will focus on supporting human capital, good governance, entrepreneurship and the private sector.

Under the 'human capital' priority Polish assistance will aim at achieving the following results:

- 1) better access to social services for people with disabilities, children without parental care and people living with communicable diseases;
- 2) increased social inclusion of people with disabilities, children without parental care and people living with communicable diseases;
- 3) improvement of the infrastructure and the functioning of centres for the disabled and for children without parental care.

Actions designed for achieving the above-mentioned results will be implemented within the framework of the 'Polish Development Aid 2016' call for proposals, by government administration bodies and under the Small Grants System.

Under the 'good governance' priority Polish assistance will aim at achieving the following results:

- 1) support for independent media;
- 2) building the institutional capacity of local authorities for efficient conduct of regional development policy.

²⁸ Ibid., 6-7.

Actions aimed at achieving the goal stated in point #1 will be carried out directly by the Ministry of Foreign Affairs. Actions aimed at achieving the goal from point #2 will be implemented within the framework of the 'Polish Development Aid 2016' call for proposals, by government administration bodies and under the Small Grants System.

Under the 'entrepreneurship and the private sector' priority Polish assistance will aim at achieving the following results:

- 1) the development of micro and small enterprises in rural areas and small towns;
- 2) improved access to high quality education and training, including technical education.

Actions aimed at achieving the above-mentioned goals will be carried out within the framework of the 'Polish Development Aid 2016' call for proposals, by government administration bodies and under the Small Grants System²⁹.

Polish development cooperation in Georgia will focus on supporting good governance and human capital. Under the 'good governance' priority Polish assistance will aim at achieving the following results:

- 1) improving the institutional capacity of public authorities for implementing reforms stemming from the EU-Georgia Association Agreement and the DCFTA, in particular the professionalisation of the civil service;
- 2) improving the institutional capacity of public authorities for the process of decentralisation of power, in particular regarding providing access to high-quality preschool education;
- 3) implementation of regional development policy, including support for the tourism sector;
- 4) development of national and regional systems of crisis management, building the capacities of public administration and enhancing the operational capacities, especially in regard to prevention of and response to natural disasters and man-made catastrophes.

Actions aimed at achieving the goals stated in points #1 to #4 will be carried via government administration bodies and under the Small Grants System. Actions aimed at achieving the goals stated in points #2, #3 and #4 will also be carried out within the framework of the 'Polish Development Aid 2016' call for proposals.

Under the 'human capital' priority Polish assistance will aim at achieving the following results:

- 1) better access to social services and the improvement of infrastructure and the functioning of centres for the disabled, victims of

²⁹ Ibid., 8.

- domestic violence and children without parental care;
- 2) social and vocational activation of people with disabilities and residents of rural areas;
- 3) strengthening the system of care and protection of children without parental care, people with disabilities and victims of domestic violence.

Actions aimed at achieving the above-mentioned goals will be carried within the framework of the 'Polish Development Aid 2016' call for proposals, by government administration bodies and under the Small Grants System³⁰.

Polish development cooperation in Moldova will focus on supporting good governance, agriculture and rural development. Under the 'good governance' priority Polish assistance will aim at achieving the following results:

- 1) improving the institutional capacity of public authorities at central, regional and local level for implementing reforms stemming from the EU-Moldova Association Agreement and the DCFTA, in particular regarding public safety and civil protection;
- 2) improving the institutional capacity of public authorities at central, regional and local level for implementing an integrated approach to development policy, on a regional and local scale;
- 3) improving the competitiveness of the Moldovan micro and small enterprises.

Actions aimed at achieving the above-mentioned goals will be carried by government administration bodies and under the Small Grants System.

Under the 'agriculture and rural development' priority Polish assistance will aim at achieving the following results:

- 1) enhancing the efficiency and competitiveness of agricultural farms;
- 2) better access to infrastructure and services in the agricultural sector;
- 3) implementing innovative solutions for the development and modernization of rural infrastructure, particularly regarding the diversification of energy sources, improving energy efficiency and water and sewage management;
- 4) development of non-agricultural activities in rural areas;
- 5) increased ability of agricultural entrepreneurs to form producer groups.

Actions aimed at achieving the above-mentioned goals will be carried within the framework of the 'Polish Development Aid 2016' call for proposals, by government administration bodies and under the Small Grants System³¹.

Polish development cooperation in Ukraine will focus on supporting good governance, human capital, entrepreneurship and the private sector.

³⁰ Ibid., 9.

³¹ Ibid., 10.

Under the 'good governance' priority Polish assistance will aim at achieving the following results:

- 1) developing the competencies of public administration staff regarding the implementation of reforms that stem from the EU-Ukraine Association Agreement;
- 2) supporting key reforms, especially the ones regarding local government and education and those that aim to ensure financial stability of the state, combat corruption, counter illegal cash flows and money laundering, and enhance the tax and customs administration system;
- 3) developing the national and regional system of crisis management, building the capacities of public administration and enhancing the operational capacities, especially in regard to prevention of and response to natural disasters and man-made catastrophes.

Actions aimed at achieving the above-mentioned goals will be carried by government administration bodies and under the Small Grants System, whilst those aimed at achieving the goals in point #2 will also be implemented within the framework of the 'Polish Development Aid 2016'.

Under the 'human capital' priority Polish assistance will aim at achieving the following results:

- 1) better access to social services and infrastructure regarding health care for internally displaced persons, in particular children and the elderly, this including psychological support;
- 2) increased social integration of internally displaced persons, in particular children and the elderly.

Actions aimed at achieving the above-mentioned goals will be carried in the oblasts of Kharkiv, Zaporizhia and Dnipropetrovsk within the framework of the 'Polish Development Aid 2016' call for proposals. Said actions will also be implemented via government administration bodies and under the Small Grants System.

Under the 'entrepreneurship and the private sector' priority Polish assistance will aim at achieving the following results:

- 1) developing entrepreneurship involving innovative tools and technologies, in particular renewable energy sources;
- 2) developing entrepreneurship among internally displaced persons in the oblasts of Kharkiv, Zaporizhia and Dnipropetrovsk;
- 3) improving the quality of education and training, and improving the infrastructure and equipment of educational and training centres, and better access to high quality education.

Actions aimed at achieving the above-mentioned goals will be carried within the framework of the 'Polish Development Aid 2016' call for proposals, under the Small Grants System and via government administration bodies.

In 2016, activities undertaken as part of development aid in Ukraine will be of a lasting and long-term nature and will be targeted at internally displaced persons so as to complement and strengthen existing and future initiatives in the field of Polish humanitarian aid addressed to IDPs and people affected in armed hostilities related to the Ukrainian-Russian conflict. Moreover, in 2016, activities related to improving the infrastructure and equipment of educational centres for children from internally displaced families will be carried out via the Solidarity Fund PL in the areas determined by the winner of the Lech Wałęsa Solidarity Prize in 2015. At the same time, projects implemented by Polish NGOs under the Poland-Canada Democracy Support will also be carried out via the Solidarity Fund PL. On top of that, the Fund will run an office in Kiev aimed to support the local government reform in Ukraine.

Under the Agreement between the Government of the Republic of Poland and the Cabinet of Ministers of Ukraine on financing the education of Ukrainian citizens in the College of Europe in Natolin signed on 25 November 2009, the Ministry of Foreign Affairs will co-finance scholarships for Ukrainian citizens. The objective of this idea is to support the Ukrainian aspirations towards membership in the European Union. Cooperation in the framework of international organisations will also be pursued³².

In the case of Afghanistan, which was among priority countries in the 2012-2015 period, an interim mechanism will be used, the aim of which will be to gradually phase out existing activities within the next two years, that is by the end of 2017. This mechanism will allow to deliver on undertaken commitments. In 2016, Polish development cooperation initiatives in Afghanistan will be carried out via the World Bank and the United Nations Development Programme (UNDP). Contributions to the Afghanistan Reconstruction Trust Fund and the Law and Order Trust Fund for Afghanistan will also be made³³.

Activities planned under development cooperation for 2016 are financed by government administration bodies (the so-called Counterpart Funds). Table 2 below contains data regarding the distribution of funds from the national budget's special purpose reserve administered by the MFA in 2015/2016 for aid to Eastern Partnership countries.

Table 2. Financial aid from the national budget's special purpose reserve (part of the MFA budget) to Eastern Partnership countries

Activity	Year 2015	Year 2016
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³² *Ibid.*, 11-12.

³³ *Ibid.*, 16.

Activities implemented and commissioned by the MFA – together	PLN 46 785 584	PLN 50 300 000
Activities implemented through Solidarity Fund PL	PLN 13 150 000	PLN 15 800 000
Support for independent news		PLN 21 600 000
Projects implemented by government administration bodies in selected countries of the Eastern Partnership and Palestine		PLN 6 000 000
Eastern Partnership Academy of Public Administration	PLN 700 000	PLN 600 000
Scholarship programmes	PLN 5 300 000	PLN 6 300 000
Poland's assistance in implementing the local government reform (Solidarity Fund PL)	PLN 2 000 000	
Election monitoring (FSM)	PLN 500 000	
Eastern Partnership - together	PLN 46 785 584	PLN 20 750 000
ARMENIA	PLN 703 700	
Projects implemented by government administration bodies	PLN 403 700	
Small Grants System	PLN 300 000	
AZERBAIJAN	PLN 420 000	
Projects implemented by government administration bodies	PLN 120 000	
Small Grants System	PLN 300 000	
BELARUS	PLN 24 724 760	PLN 3 800 000
Projects implemented under the "Polish Development Aid 2015" call for proposals	PLN 1 924 760	
Projects implemented under the "Polish Development Aid 2016" call for proposals		PLN 3 000 000
Support for independent news (co-production agreements) including TV Bielsat PLN 17 mln, Radio Racja PLN 4 mln, Euroradio PLN 0.6 mln.	PLN 21 600 000	

European Humanities University	PLN 300 000	
Small Grants System	PLN 900 000	PLN 800 000
GEORGIA	PLN 4 827 953	PLN 4 300 000
Projects implemented under the “Polish Development Aid 2015” call for proposals	PLN 2 792 132	
Module projects implemented under the “Polish Development Aid 2014” call for proposals	PLN 507 690	
Projects implemented under the “Polish Development Aid 2016” call for proposals		PLN 3 500 000
Small Grants System	PLN 800 000	PLN 800 000
Projects implemented by government administration bodies	PLN 528 131	
Projects of the MFA – support for transformation	PLN 200 000	
MOLDOVA	PLN 6 243 795	PLN 4 100 000
Projects implemented under the “Polish Development Aid 2015” call for proposals	PLN 4 473 998	
Projects implemented under the “Polish Development Aid 2016” call for proposals		PLN 3 500 000
Projects implemented by government administration bodies	PLN 1 169 797	
Small Grants System	PLN 600 000	PLN 600 000
UKRAINE	PLN 9 865 376	PLN 8 550 000
Projects implemented under the “Polish Development Aid 2015” call for proposals	PLN 3 445 457	
Projects implemented under the “Polish Development Aid 2016” call for proposals		PLN 5 000 000
Module projects implemented under the “Polish Development Aid 2014” call for proposals	PLN 647 789	
Projects implemented by government administration bodies	PLN 2 287 310	
Module projects being	PLN 154 820	

implemented by government administration bodies since 2014		
Cooperation in the framework of international organisations	PLN 2 000 000	
Contribution to UNDP for implementing “Promoting Entrepreneurship among Conflict-affected population” project in Ukraine		PLN 2 000 000
Co-financing schooling of Ukrainian citizens at the College of Europe in Natolin	PLN 530 000	PLN 750 000
Small Grants System	PLN 800 000	PLN 800 000

Source: own elaboration based on the Development Cooperation Plan in 2015, MFA, October 2015, Warsaw, pp. 29-31; and the Development Cooperation Plan in 2016, MFA, November 2015, Warsaw, 39-40.

5. State of execution of the Eastern Partnership goals in 2009-2015

The Eastern Partnership programme covers countries directly bordering the European Union and three countries of the Southern Caucasus. Some argue, however, that although officially the programme was extended to include those three states of the Southern Caucasus, it does not and will not be carried out to a similar extent in Georgia, Armenia or Azerbaijan both because of the foreign and internal policy priorities of those countries and because each of them has a different significance to Brussels. Joanna Dziuba points out that Georgia is the most interested in cooperating with the European Union, mainly due to the pro-Western government elites in Tbilisi. Moreover, in the Southern Caucasus region, Georgia is also the largest beneficiary of financial aid within the European Neighbourhood Policy framework. This mainly refers to the (in the years 2004-2008) frozen conflicts in Abkhazia (which borders with the EU through the Black Sea) and South Ossetia, where before August 2008 a number of programmes aimed at improving the lives of the local population and at conflict resolution were being carried out. Similarly, after the war with Russia, Georgia became a beneficiary of significant assistance, mostly financial, from Brussels and EU member states. Armenia and Azerbaijan are less enthusiastic about EU programmes as they try to maintain a balance in their politics. For Armenia this refers to political balance and economic issues remain in the background, while for Azerbaijan this is about clear economic calculations (concerning energy resources), less about pro-Western or pro-Russian rhetorics (as is the

case for Georgia). Joanna Dziuba also points out that through introducing reforms Georgia has moved closer to the EU, which has made talks on the removal of visa and trade restrictions between the parties possible. As for Armenia or Azerbaijan, such talks were never intended due to a lower level of reform required by the EU and laid down in the Partnership and Cooperation Agreement and the action plans of the ENP. Therefore, there can be no actual parallel fulfilment of objectives of the Partnership between Brussels and Tbilisi, Baku or Yerevan. Nor can the levels of engagement of the three partner countries be the same given the economic crises in Armenia or Azerbaijan. The collapse of the economy in 2007-2008 has shown Yerevan that in times of economic difficulties Moscow is much more likely to help than Brussels³⁴. Finally, we should not expect notable success regarding the regional dimension of the Eastern Partnership. The European Union is not able to resolve the over two-decade-long territorial dispute over Nagorno-Karabakh, while maintaining positive relations with the Southern Caucasus countries³⁵.

Prior to the Vilnius Eastern Partnership Summit of 28-29 November 2013, a significant shift occurred in the foreign policy of Armenia, a country which in previous years had quite consistently spoken in favour of integration with the European Union. On September 3, 2013, after a meeting between Vladimir Putin and Serzh Sargsyan, the presidents of Russia and Armenia, at the Nowo-Ogariowo residence near Moscow, the two countries adopted a statement according to which Armenia had decided to join the Russia-Belarus-Kazakhstan Customs Union and wanted to take part in creating the Eurasian Economic Union. President Sargsyan stated that that decision did not rule out further dialogue with the EU and that he appreciated the Union's support for internal reforms. However, in contrast to his previous declarations, president Sargsyan did not mention the country's strive to sign an association agreement with the EU³⁶. What this actually meant was putting a halt on Armenia's European integration process. This scuppered the chances for signing and implementing the association agreement that Yerevan and Brussels had been negotiating over the previous four years. The negotiations on the association agreement were launched in 2010 and included the future establishing of Deep and Comprehensive Free Trade Agreement (DCFTA). Since it is impossible to reconcile Armenia's membership in the Russian-led

³⁴ Joanna Dziuba, „Partnerstwo Wschodnie na Kaukazie Południowym – potencjał a rzeczywistość” [Eastern Partnership in the Southern Caucasus - potential vs reality], <http://www.psz.pl/168-archiwum/partnerstwo-wschodnie-na-kaukazie-poludniowym-potencjal-a-rzeczywistosc>, [accessed on 4 July 2015].

³⁵ Ibid.

³⁶ Szymon Ananicz, “Armenia odwraca się od UE” [Armenia turns its back on EU], <http://www.osw.waw.pl/pl/publikacje/analizy/2013-09-04/armenia-odwraca-sie-od-ue>, [accessed on 4 July 2015].

Customs Union with its participation in the EU's free trade area, initialling the EU-Armenia Association Agreement at the Eastern Partnership Summit in Vilnius in November 2013 became devoid of purpose.

Szymon Ananicz suggests that the EU considered deepening institutional cooperation with Ukraine, Moldova and Georgia as more important than relations with a small, more peripherally located Armenia. Nevertheless, Yerevan's unexpected withdrawal from integration with the EU was a blow to the Eastern Partnership programme. The failure of the association between Armenia and the Union might at the same time encourage Russia to ramp up the pressure on Ukraine, Moldova and Georgia. However, it should be noted that no other country undergoing the association process was as heavily dependent on cooperation with Russia as Armenia. Also, it is possible that the EU's response to the unfavourable dynamics in the countries of the Eastern Partnership could be easing the requirements set out for Ukraine for the signing of the Association Agreement in Vilnius³⁷.

Russian intervention in Eastern Ukraine in 2014 has left the EU's plans in turmoil, with two of the six countries (Belarus and Armenia) joining the Kremlin's Eurasian Economic Union, a rival to the EU, and Azerbaijan, with rich energy supplies that the EU needs, losing interest in the programme. Some say that EU member states cannot work out a common line of approach to what is now the key issue: either the EU starts promoting the Eastern Partnership programme even more actively than before or it lowers its ambitions. Prior to the summit in Riga, which took place on 21-22 May 2015, EU officials were publicly claiming they were still as committed as ever to the Eastern Partnership. But their rhetoric showed that Europe was trying not to provoke Russia and most voices coming from EU seem to have lost their previous belligerence³⁸. The EU-Armenia Visa Facilitation Agreement and the Readmission Agreement entered into force in 2014, as well as an agreement allowing Armenia to participate in EU Programs and to cooperate with EU Agencies³⁹.

The EU signed the Association Agreements with Georgia, Moldova and Ukraine on 27 June 2014. Thanks to those agreements, these countries may expect EU aid e.g. in the field of strengthening democracy and modernisation of their economies. The agreement signing ceremony took place on the second day of the EU summit. Georgia and Moldavia initialled their association agreements with the EU on 29 November 2013, at the Eastern

³⁷ Ibid.

³⁸ Guardian: "Unia Europejska zawałiła program Partnerstwa Wschodniego" [The Guardian: "EU's Eastern Partnership failure"], <http://pl.sputniknews.com/opinie/20150521/407998.html> [accessed on 4 July 2015].

³⁹ http://www.europarl.europa.eu/atyourservice/pl/displayFtu.html?ftuld=FTU_6.5.5.html [accessed on 5 March 2016].

Partnership summit in Vilnius. In April 2014, Moldova became the first Eastern Partnership country granted with a visa free regime. EU aid to Moldova under the European Neighbourhood Instrument (ENI) increased from EUR 40 million in 2007 to EUR 131 million in 2014. As soon as the Association Agreement with the EU was ratified by the Moldovan National Assembly, Russia introduced a series of measures targeting imports from Moldova and withdrawing the country's trade preferences under the Commonwealth of Independent States Free Trade Agreement (CIS FTA)⁴⁰.

As regards Ukraine, its association agreement with the EU was initialled as early as in March 2012. However, due to the political situation in the country the political part of the association agreement was not signed until March 2014. On June 27, 2014 Ukraine signed the second part of the agreement with the EU concerning, among others, free trade⁴¹. On January 1, 2016 the European Union and Ukraine started applying the Deep and Comprehensive Free Trade Area (DCFTA) which forms part of their association agreement. Until then Ukraine was benefiting from a unilateral abolition of customs duties by the EU. According to Martyna Końska, Russia's basic formal complaint formulated against the agreement is that "it would enable the duty-free importation of goods produced in the European Union to Russia through Ukraine. Representatives of Brussels have unsuccessfully tried to convince Russia that this risk was only theoretical, as international trade treaties already provide rules intended to mitigate such danger. The rules of origin of goods, which bind all WTO members including Russia, Ukraine and the European Union as a whole, apply in this case. Under the provisions of the DCFTA, goods exported from the EU to Ukraine will be exempt from customs duties, but will still be treated as produced in the EU and therefore will be subject to Russian import tariffs that apply to goods manufactured in the EU. The only exception would apply to imported semi-finished products, which may undergo far-reaching modification in Ukraine and as a result would be treated as if they originated in Ukraine, and thus would benefit from duty relief provided by Russia's free-trade agreement with Ukraine"⁴². Although the conclusion of an association agreement is only the first step in the process of accession to the European Union in the future, it does, however, result in deep integration with the EU and leads to an

⁴⁰ http://www.europarl.europa.eu/atyourservice/pl/displayFtu.html?ftuid=FTU_6.5.5.html [accessed on 5 March 2016].

⁴¹ Bruksela: umowy stowarzyszeniowe z Gruzją, Mołdawią i Ukrainą podpisane [Brussels: association agreements with Georgia, Moldova and Ukraine signed], <https://www.premier.gov.pl/wydarzenia/aktualnosci/bruksela-umowy-stowarzyszeniowe-z-gruzja-moldawia-i-ukraina-podpisane.html> [accessed on 4 July 2015].

⁴² Martyna Końska, Ukraina wchodzi do strefy wolnego handlu UE [Ukraine enters the EU free trade area], <http://www.obserwatorfinansowy.pl/tematyka/makroekonomia/ukraina-wchodzi-do-strefy-wolnego-handlu-ue/> [accessed on 5 March 2016].

increase in foreign investment. Ukraine will adopt a number of regulations in force in the EU, primarily in the area of energy and intellectual property protection. It will commit to adapting its production to the sanitary standards in force in the EU and it will introduce greater transparency of the general principles of doing business. Ukraine has also committed to improving its energy efficiency. It is estimated that Ukraine will include 80-90 percent of the EU trade legislation in its legal system, as it is not starting from scratch. In 2008 Ukraine became a member of the World Trade Organization (Russia joined the organization in 2011, following a record 18 years of negotiations) and had already begun the process of adapting its trade legislation to the practices applicable in the European Community⁴³.

As per March 4, 2015 10 European Union member states ratified the association agreement between the EU and Ukraine (including Poland⁴⁴), while the remaining member states sought to ratify the association agreements with Ukraine, Moldova and Georgia before the Riga Summit⁴⁵.

The participants of the fourth Eastern Partnership Summit took stock of the achievements made since the Vilnius summit in 2013 and set out a positive agenda for the future. The summit was the occasion to demonstrate EU's determination to pursue closer, differentiated relations with its independent and sovereign partners, whatever their individual level of ambition in terms of relations with the EU may be. Discussions focused on multilateral cooperation projects aiming at:

- strengthening institutions and good governance – the EU confirmed its engagement to help partner countries to strengthen institutions and their resilience to external challenges;
- enhancing mobility and contacts between people;
- developing market opportunities – by improving the business environment and legal certainty in Eastern European partners to SMEs and businesses – and focusing on the digital economy field;
- ensuring energy security and improving the interconnections for energy but also transport.

⁴³ Ibid.

⁴⁴ On November 28, 2015 the Sejm adopted the statute granting consent for ratification by the Polish President of the Association Agreement between the EU and Ukraine, see: <http://www.sejm.gov.pl/sejm7.nsf/komunikat.xsp?documentId=CA19681B5C7A4DA8C1257D9E002F1B3D> [accessed on 4 July 2015].

⁴⁵ Rafał Trzaskowski: szczyt w Rydze powinien dać sygnał, że UE chce wzmacniać PW [The Riga Summit needs to send a signal that the EU wants to strengthen the Eastern Partnership], Polish Press Agency dispatch of 4 March 2015, https://www.msz.gov.pl/pl/aktualnosci/msz_w_mediach/trzaskowski_szczyt_w_rydze_powinien_dac_sygnal_ze_ue_chce_wzmacniac_pw;jsessionid=705031FEFDC56756CA57A27142FC5DAD.cmsap4p [accessed on 4 July 2015].

At the Eastern Partnership Business Forum in Riga, on May 21, 2015, the European Commission launched the Deep and Comprehensive Free Trade Area (DCFTA) Facility for Small and Medium Enterprises (SMEs). This instrument should provide around EUR 200 million worth of grants and is expected to unlock new investments worth at least EUR 2 billion for the SMEs in the three DCFTA countries: Georgia, Moldova and Ukraine. What is more, on May 22, 2015, the European Commission and Ukraine signed a memorandum of understanding and a loan agreement in the amount of EUR 1.8 billion for the third EU Macro-Financial Assistance programme to Ukraine⁴⁶.

Conclusions

The European Union has developed a wide range of financial programmes and instruments that facilitate the implementation of political, social and economic reforms in the countries of the Eastern Partnership. As part of its aid to Eastern Partnership countries, Poland has designed activities which are supported by the Polish government within the framework of development aid. Good relations with the Eastern Partnership countries are particularly important for Poland as it borders directly with Belarus and Ukraine, and those borders constitute the Eastern border of the EU. Ever since its initiation, the Eastern Partnership has been undergoing constant changes, which result also from the current policy of Russia, which has been more than unhappy about the progress the former Soviet republics have been making towards the European Union. Unfortunately, despite support from the EU, Belarus and Armenia have abandoned further efforts at integration with the European Union and have decided to join the Eurasian Customs Union. Other countries, that is, Georgia, Ukraine and Moldova, are strengthening the ties between societies and strive towards the expansion of the borders of the European Community – evidenced by the signing of association agreements in 2014.

The analysis of aid instruments available under the Eastern Partnership Programme reveals their certain strengths and weaknesses. On the upside, the financial aid of the EU and other institutions allows the EaP countries to implement projects in various sectors both of the economy and of public administration. This also enables them to establish economic and advisory cooperation with the EU member states and learn from their experiences regarding the process of political transformation. Most

⁴⁶ Szczyt Partnerstwa Wschodniego, Ryga 21-22.05.2015 r., [Eastern Partnership summit in Riga 21-22.05.2015], European Council, <http://www.consilium.europa.eu/pl/meetings/international-summit/2015/05/21-22/> [accessed on 4.07.2015]; See also “EU to unlock €2 billion worth of investment for small businesses in Georgia, Moldova and Ukraine”, European Commission, Brussels, 21 May 2015, “EU and Ukraine sign Memorandum of Understanding for €1.8 billion in financial assistance”, European Commission, Riga, 22 May 2015.

importantly, however, this financial aid is also available to small and medium-sized enterprises, non-governmental organizations, local authorities and individuals. Undoubtedly, a big drawback of the instruments in question is the system of informing about them, which lacks in transparency, and a significant amount of instruments that are similar in nature and have similar objectives, which causes certain disinformation. Despite the informational chaos, Eastern Partnership countries actively apply for funds and continue to benefit from this form of assistance.

Due to different time horizons of individual programmes, their specific nature and a lack of aggregate statistical data regarding the level of disbursement of funds addressed to the states of the Eastern Partnership, it is difficult to assess their effectiveness. However, taking into account the current state of implementation of the objectives of the programme, ie. the signing of association agreements with Georgia, Moldova and Ukraine, a certain level of success of the EaP programme cannot be denied, nor can the development of aid instruments available to the EaP countries. With this in mind, in 2015, the European Commission initiated a new financing instrument for small and medium-sized enterprises in the framework of a deep and comprehensive free trade area designed for the three countries mentioned above. The objective of the new instrument is to provide SMEs with funds in the form of grants and to contribute to the launching of new projects.

Summary

The Eastern Partnership programme was established in May of 2009 and became a part of the EU external policy. It contains a complex concept addressed to all countries participating in the Programme. Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine have established a wide array of close political and economic cooperation with the European Union. Under Eastern Partnership cooperation the beneficiary countries can count on financial and organizational support in the implementation of the wide range of reforms in their economies.

This article aimed to present the main sources of financial support addressed to the Eastern Partnership countries and the current state of implementation of the Eastern Partnership objectives. The article shows the nature and purpose of the establishment of the Eastern Partnership, it also presents the specificity of programs addressed to the Partnership countries by the European Union, the European Investment Bank, the Visegrad Group countries and Poland.

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VISA-FREE REGIME FOR UKRAINE: PROSPECTS AND PROBLEMS

Olena NAZARENKO

Abstract. *The paper analyzes the problems and prospects for visa-free regime for Ukraine. Since the launch of the EU-Ukraine Visa Liberalisation Dialogue (2008) and the presentation to the Ukrainian authorities the Action Plan on Visa Liberalisation (2010), Ukraine fulfilled all the benchmarks. Ukraine has made the necessary progress and undertaken all the required reforms and commitments to ensure effective and sustainable achievement of the benchmarks of the VLAP. The progress achieved by Ukraine is steady and effective. Taking into account overall relations between the EU and Ukraine, the Commission can present, a legislative proposal to amend Regulation (EC) No 539/2001. However, the EU will take the final decision basing also the factors of security and migration risks and armed conflict in the East of Ukraine. These issues are analyzed in the paper.*

Keywords: *Eastern Partnership, Visa Liberalisation, Visa-free Regime, Action Plan on Visa Liberalisation, Schengen zone, Migration, Asylum policy.*

Eastern Partnership is a project launched on the EU initiative in 2009 with an aim of the six neighbor countries anticipating in the political and economical aspects. Eastern Partnership offers its partners – Azerbaijan, Armenia, Belorussia, Georgia, Moldova and Ukraine the new association agreements which may include providing the free trade zone; progressive integration to the EU economy; political dialogue; Visa Regime Liberalization etc. The EU has conducted only with three Eastern Partnership countries, namely Ukraine, Moldova and Georgia. Through these dialogues, the EU has taken gradual steps towards the long-term goal of visa-free travel on a case-by-case basis, provided that conditions for well-managed and secure mobility are in place.

Moldova has become the first country of the Eastern Partnership, carrying biometrical passports citizens may use visa-free travel regime to visit the EU for short period starting from April, 2015. What are the perspectives for Ukraine? The goal of the paper is to analyze the perspectives and main problems of providing Visa-free Regime in Ukraine.

The EU-Ukraine Visa Liberalisation Dialogue was launched in October 2008. In November 2010, the European Commission presented the Ukrainian Government with an Action Plan on Visa Liberalisation (VLAP). The VLAP sets a series of precise benchmarks for four 'blocks' of technically relevant issues, with a view to adopting a legislative, policy and institutional framework (phase 1) and ensuring its effective and sustainable implementation (phase 2). The benchmarks need to be met before Ukrainian nationals holding

biometric passports can enter the Schengen zone for short stays without the need for a visa.

Since the launch of the EU-Ukraine Visa Liberalisation Dialogue, the Commission has regularly reported to the European Parliament and to the Council on the progress made by Ukraine in fulfilling the benchmarks identified under the four blocks of the VLAP. That is:

Block 1: Document security, including biometrics;

Block 2: Illegal immigration, including readmission (Border management, Migration management, Asylum policy);

Block 3: Public order and security (Preventing and fighting organized crime, terrorism and corruption, Judicial co-operation in criminal matters, Law enforcement co-operation, Data protection);

Block 4: External relations and fundamental rights (Freedom of movement within Ukraine, Conditions and procedures for the issue of identity documents, Citizens' rights including protection of minorities).

Ukraine never was as close as now to Visa Liberalization with the EU, having executed the VLAP benchmarks. In the last (the sixth) Commission Report 2015 was said that: the progress achieved by Ukraine in all areas covered by the four blocks of the VLAP is steady and effective¹.

Based on this assessment and the commitments taken, and given the outcome of the continuous monitoring and reporting carried out since the launch of EU-Ukraine Visa Liberalization Dialogue in October 2008, the Commission considers that Ukraine meets all the benchmarks set in respect of the four blocks of the second phase of the VLAP. Taking into account overall relations between the EU and Ukraine, the Commission will present, early 2016, a legislative proposal to amend Regulation (EC) No 539/2001.

Main risks and problems linked to visa liberalisation for Ukraine deal with migration and security. Let us analyze some.

Problems of uncontrolled territories and border control

Moldova, Georgia, and Ukraine are united not only by striving for becoming an EU member, by being a member of Eastern Partnership, European Union Association Agreement but also by having on their sovereign territories frozen problems concerning uncontrolled territories (Transnistria, LNR-DNR, Abkhazia, South Ossetia) caused by Russia. Russia's aspiration to prevent Ukraine's, Moldova's and Georgia's European Integration is one of the reasons why it supports separatists in these countries.

Georgia has been facing this problem since 2008, Ukraine since 2014. Moldova has been facing the problem of Transnistria since 1991, thus, obtaining the most prolonged experience of a frozen conflict on its territory.

¹ Sixth progress report on the implementation by Ukraine of the action plan on visa liberalisation <https://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-905-EN-F1-1.PDF>

The action plans of visa liberalisation for the mentioned three countries of Eastern Partnership (Moldova, Ukraine and Georgia) do not contain solutions concerning resolving frozen conflicts.

Considering problems and prospects of introducing the visa free regime, one has to take into account Moldova's experience. The issuing of forged passports to those who were wanted was a primary factor that gave concern to the EU about Transnistria.

Since Moldova considers the occupied territories of Transnistria and its population to be its own territory and citizens respectively, those being wanted could receive Moldova's documents and passport by producing an identification document issued in Transnistria. To eliminate a possibility of receiving Moldova's passport by producing forged documents, a law establishing a special procedure had been passed and received information would be checked in the state register.

For the sake of controlling of migration flows on the Ukrainian and Moldavian borders a special mechanism had been developed. Its main tool was a requirement to all the foreigners crossing the border to register during 72 hours after crossing the border.

In order to simplify the process of registration of foreigners the Beauroute on foreigners' registration and asylum has launched additional territorial units which were based on internal customs control structure.

Also, an exchange system of data of citizen of third countries, crossing the border between Ukraine and Moldova was established.

Besides, Moldova formed mobile units dealing with surveillance of main routes and finding inner violators etc.

Moldova's experience proves the problem of effective migration control and border control to be of great importance.

Solving these problems allows applying quickly models tested and approved by the experts who assessed Moldova's readiness to visa liberalisation.

Concerning suitability of the Moldova's experience for application in Ukraine, definite solutions (such as migration control on the border with Transnistria) used by Moldova are being implemented in Ukraine (the ceasefire line on Donbas).

Moldova's achieving visa free regime with the EU despite having the Transnistria problem proves that a frozen conflict on the country's territory is not an insurmountable hindrance for achieving visa free regime for Ukrainian citizens. Hopefully, achieving visa free regime may contribute to the reintegration of uncontrolled Luhansk and Donetsk oblasts and the Autonomous Republic of Crimea. There is a possibility that prospects of visa free traveling to EU may alter an opinion of the population of these territories concerning Ukraine. Alas, it is only a hope. Since there are

examples of Transnistria and Cyprus which became an EU member, nevertheless did not regain control of Northern Cyprus (Turkish Republic of Northern Cyprus).

The increasing amount of asylum seekers in the EU member states from Ukraine

Liberalization of visa regime for the Balkan states in 2009 coursed an unexpectedly rapid growth of the ammount of applications for asylum. To avoid the same situation with the states of the Eastern Partnership the EU have introduced some changes. To ensure the decision making on including the states of the Eastern European Partnership to the list of the ones the citizens of which do not need visas for short term journeys, in September 2013 there was introduced the “mechanism of temporal mechanism of temporary abolition of visa free regime”. That enabled the EU to return visa regime for the citizens of the third states for the term of 6 months in case of serious reasonable threat for the security of the EU from the side of a member-state because of visa free regime. As an example one may concern a mass flow of illegal migrants and people overindulging the Asylum system. The relevant decision came in force on April, 28 2014.

Recently the EU faced the migration crisis. . In 2015 one million migrants arrived in Europe, accounting for the record number of 1.82 million detections of illegal border crossings reported by EU Member States. The number of detections was more than six times the previous record set in 2014. In 2015, 1 255 600 first time asylum seekers applied for international protection in the Member States of the EU, a number more than double that of the previous year².

According to the Eurostat data, 2014 was characterized by the growing number of asylum seekers from Ukraine, though their amount was less (even with the military conflict on its territory) if compared with the one from Russia, Syria or Afghanistan etc. Ukraine is just on the 12th place among countries which citizens are seeking the fortune in the EU³.

In which way the introduction of visa free regime for Ukraine may influence on the situation? The final answer is for time but as the example with Moldova shows, the amount of asylum seekers from Moldova after visa free regime introduction remains insignificant though a slight growth of the indicator can be observed (394 applications in 2014 can be compared with 379 applications in 2011, 244 in 2012 and 228 in 2013).

One cannot but mention that in case of migration one should take into

² Asylum in the EU Member States // <http://ec.europa.eu/eurostat/documents/2995521/7203832/3>

³ First time asylum applicants by citizenship, EU-28, relative change between Q4 2014 and Q4 2015 http://ec.europa.eu/eurostat/statistics-explained/index.php/File:First_time_asylum_applicants_by_citizenship,_EU-28,_relative_change_between_Q4_2014_and_Q4_2015.png

consideration an absolute value but not percentage.

The 57% increase in amount of applications of asylum seekers (comparing 2013 and 2014 indicators) could testify that the EU faced the mass inflow of refugees from Moldova. But in real life the absolute indicators of growth imply just 166 people, which is not enough even for one Boeing-737 boarding⁴. In the Eurostat data of 2015 the Moldovan asylum seekers are not even differentiated from the category "Others" as they are not distinguished within quantitative measures. The population of Ukraine is much bigger than of Moldova, but citizens of both mentioned states have no enough reasons for having their applications for asylum seeking accepted in the EU.

That makes one assume that the amount of asylum seekers from Ukraine will not increase in such an amount to become a threat for the EU.

For instance, 78% of all applications from Ukrainians in 2014 were not accepted and just 4% have been satisfied. Data to compare: for the citizens of Syria the possibility of getting the asylum is more that 90%. That let us to sum up that liberalization of the visa regime will not provoke the increase of abuse asylum procedures. The example of Moldova proofs that these indicators even decrease.

The probable increase of the amounts of boarder crossing violations

Even after the visa free regime introduction in Moldova the absence of valid visa remained the main reason of entrance refuse. An average number of people being refused a visa because of this reason was 33. That was generally because the travelers were not aware of the fact that visas are abolished just for owners of biometric passports. At the same time the amount of visa refuses based on lack of entrance reasons has increased almost twice – from 145 till 280. Not all travelers also know that in spite of vise free regime one should be able to prove the aim of the visit to the EU and to provide if concerned all the necessary documents' while crossing the board.

During the first year of the liberalised visa regime, over 460,000 Moldovans have travelled to the EU without a visa.

The total amount of Moldovans who visited the EU during the last year has been increased though not significantly enough as it might be and that is because of the financial opportunities if the people.

In 2015 the amount of people who tried to cross the board of Ukraine and the EU with illegal documents was not significant. Just 0,2% of all people attained on the EU borders were arrested on the EU-Ukrainian border. That is why the influence of the Ukrainian part of the EU border on the general

⁴ Moldova's success story // <http://www.batory.org.pl/upload/files/Programy%20operacyjne/Otwarta%20Europa/Moldova%20success%20story%20-%20policy%20paper%20-%20SBF%20IWP.pdf>

situation is paltry⁵. For example, in the first quarter of 2015 just 211 people have been caught while crossing the EU-Ukrainian board illegally, citizens of Syria and Afghanistan, not Ukrainians, prevailing among them.

To compare: on the route from the Western Balkans to the EU 32950 people have been stated which is 156 times more. This year the statistics shows even more vividly in fare of Ukrainians as the flow of migrants from Asia to the EU though the Balkans has increased in ten times.

It's obvious the amount of violations is not significant if compared with the number of conscious tourists. That is the grounds to consider that Ukraine fulfills conscientiously the provisions of VLAP as for borders management.

Visa liberalization and the labour market

Visa regime is one of the instruments of labour policy. But being concentrated on the illegal workers visa regime also influences diligent visitors and limit the prospects of the development of migrants' origin states.

Pushing labour migrants to illegality visa regimes favour shadow economy and growth of the amount of people with limited rights. At the same time, it's a burden for the state of origin, including the destroying impact on the families and in particular on children left by their parents at home country.

The price people and business pay, is significant.

The probable growth of the amount of part-time workers from Ukraine in the EU is obvious after visa free regime launching. One cannot predict it to be a popular process as "those who wanted to migrate have done that already". Labour migrants, who are already in the EU, may get an opportunity to visit their home countries more often. But financial sustainability not visa will be more influencing factor on the decision of the Ukrainian labour migrants to travel from country to country.

Visa free regime will provide an opportunity to get rid of the illegal status for those citizens of Ukraine who stay illegally in the EU which they do not want to leave being afraid of arresting on the border. Visa free regime being introduced, Ukrainians will get an opportunity to legalize their stay in Schengen area.

Every Schengen member-state which would like to avoid the simplified access of the Ukrainians to its labour market in case of visa abolition may use the relevant amendment on protective measures provided in article 4 (3) of the Regulation 539/2001 and insist on visa exemption as regards persons carrying out a paid activity during their stay of three months duration.

The illegal employment of Ukrainian citizens has already taken place. But it is not a problem of borders and Schengen visas because in a long-term prospect these instruments will not be able to play a role of labour market regulators. This role is played by other institutions in the sphere of legacy control. Taking severe measures to for the shadow economy sector

⁵ Тривожна тенденція та адекватна реакція // http://dpsu.gov.ua/ua/static_page/741.htm

the EU member-states may decrease illegal employment of both EU and non-EU citizens.

Labour migrants from Ukraine, who are employed on permits, are not considered “dangerous” in the EU. They do not break rules unlike those unofficially employed, for example with tourist’s visa. In 2014 the amount of Ukrainians, illegally employed in the EU who came back home, increased.

The majority of them came back home because of their own will but not because of deportation.

Consequences and prospects for economy

The visa free regime will stimulate significantly the contacts between different categories of highly qualified workers, for example, researchers, engineers, doctors and entrepreneurs. The amount of short-term exchanges and joint projects between countries will grow, especially in the sphere of education and civil society. It will push the development of outsourcing in some spheres in the companies based in the EU and their representatives in Ukraine.

Experience exchange, joint projects, employment of Ukrainian specialists in foreign companies, studying of Ukrainian students abroad should definitely influence the Ukrainian business environment. As it has been mentioned there is a possibility of labour resource flow from Ukraine, but anyway Ukrainian companies are to struggle with European ones for an employee. Competition is always stimulating.

Ukraine is to do its best for those who are studying, working, training in the EU, to come back to Ukraine with earned money to launch his own business with their knowledge and experience

More close collaboration with the EU is to stimulate the infrastructure development (construction of high-quality roads, rails, air communication) which means employment and investments in Ukraine.

Summary: Ukraine has never been so close to the abolition of the visa regime with the EU, as it is now. In the 2015 Report, the Commission noted: the progress achieved by Ukraine in all areas covered by the four blocks of the VLAP is steady and effective. The EU will take the final decision basing on technical criteria envisaged by the Action Plan on Visa Liberalization, but also the factors of security and migration risks and armed conflict in the East of Ukraine shall be taken into account.

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SECTION III: ASSOCIATION CHALLENGES

IMPLEMENTATION CHALLENGES OF THE EU-GEORGIA ASSOCIATION AGREEMENT

Gaga GABRICHIDZE

Abstract. *The implementation of the EU-Georgia Association Agreement is a long and complex process that will have a great impact on the Georgian legal system. In the paper an attempt will be made to identify the main challenges of legal, constitutional and institutional nature related to implementation of the EU-Georgia Association Agreement. For this purpose, the relevant institutional and legal frameworks and instruments existing in Georgia will be analysed. Furthermore, considerations about the identified problems related to implementation process will be discussed.*

Keywords: *Association Agreement; Implementation; Georgia; Eastern Partnership; European Neighbourhood Policy.*

EU-Georgia Association Agreement – the facts

The text of the EU-Georgia Association Agreement was initialled by the EU and Georgia on 29 November 2013, at the third Eastern Partnership Summit. The Agreement was signed on 27 June 2014. On the basis of Article 431 of the Association Agreement the provisional application of certain paragraphs of the Agreement has started from 1 September, 2014. Up to 80% of the Association Agreement including provisions establishing the Deep and Comprehensive Free Trade Area has entered into force.¹

According to the Association Agreement, it shall enter into force on the first day of the second month following the date of the deposit of the last instrument of ratification or approval.² The Georgian Parliament ratified the Association Agreement on 18 July 2014. On 18 December 2014 it was approved by the European Parliament. Furthermore, to date, all EU Member States have notified the Council of their ratification of the Agreement and it should therefore fully enter into force soon.

National institutional framework

The first body established in the course of the entry into force of the EU-Georgia Partnership and Cooperation Agreement³ (PCA) was the Governmental Commission for the Promotion of the Partnership and Cooperation between Georgia and the EU, which was chaired by the Minister

¹ Article 431.3 of the EU-Georgia Association Agreement.

² Article 431.2 of the EU-Georgia Association Agreement.

³ The PCA between the European Communities and their Member States, of the one part, and Georgia, of the other part, was signed on 22 April 1996 and entered into force on 1 July 1999.

of Foreign Affairs of Georgia.⁴ The Commission was responsible, inter alia, for fostering the harmonisation of Georgian legislation with that of the EU, supervision over the implementation of the decisions of Georgia-EU Cooperation Council and Committee and controlling the fulfilment of international obligations under the PCA. It was also assigned to develop Georgia's strategy for the enhancement of EU integration process. In 2001 the EU Cooperation Coordination Council was set up chaired by the President of Georgia.⁵ Amongst the duties of the Council was drafting the proposals and recommendations for the President of Georgia and the coordination and monitoring of targeted use of grants, financial, technical and humanitarian aid of the EU and its Member States. As regards the relationship between the Coordination Council and the Governmental Commission for the Promotion of the Partnership and Cooperation between Georgia and the EU, the latter provided the Coordination Council with the information concerning its activities, subject to review of the latter.

After the Rose Revolution of 2003 the new Government made considerable changes to then institutional system with a view to implementation of the decisions, made within the framework of the EU-Georgia cooperation. In particular, in 2004 the office of the State Minister for European and Euro-Atlantic Integration was introduced.⁶ The main duty of the office of the State Minister for European and Euro-Atlantic Integration is to coordinate the activities of the state authorities in the field of European and Euro-Atlantic integration. It is also entitled to develop the proposals for the harmonisation of Georgian legislation with that of the EU. In practice, this institution is the key coordinator in the field of enhancement of cooperation with the EU.

Also in 2004 the EU Cooperation Council and the Governmental Commission for the Promotion of the Partnership and Cooperation between Georgia and the EU were cancelled.⁷ However, the EU Integration Commission chaired by the Prime-Minister of Georgia was set up to promote the implementation of the EU-Georgia PCA and ensure the efficient participation in the ENP.⁸ Amongst the duties of the Commission are: to develop and promote the implementation of the proposals and

⁴ Decree of the President of Georgia On the Promotion of the Implementation of Partnership and Cooperation between Georgia and the EU, 24 July 2000, No317.

⁵ Decree of the President of Georgia On Setting up the EU Cooperation Coordination Council, 23 April 2001, No 150.

⁶ Decree of the President of Georgia On the Introduction of the Offices of the State Ministers in the Government of Georgia 14 February 2004, No61.

⁷ Decree of the President of Georgia On the Invalidation of Certain Decrees of the President of Georgia, 19 July 2004, No278.

⁸ Edict of the Government of Georgia On Setting up the EU Integration Commission, 10 July 2004, No76.

recommendations related to strategic trends of Georgia-EU cooperation and cooperation within the framework of the ENP, amongst them, promotion of the harmonisation of Georgian legislation with that of the EU.⁹ The commission serves as a tool for horizontal coordination. Also the Euro-integration departments and divisions were created within various ministries; sometimes the same duties are discharged by the departments for external relations or international public law of the respective ministries.

The situation was quite peculiar with regard to the Parliamentary Committee of Georgia for European Integration, which was set up also in 2004.¹⁰ The Committee claimed to be monitoring the implementation of the PCA and activities undertaken by the Georgian government on EU related matters and also to be reviewing the draft laws initiated by the Government or the other Parliamentary committees and checking their compliance with the EU standards.¹¹ However, neither the Rules of Procedure of the Parliament, on the basis of which the Committee was set up, nor the Charter of the Committee itself¹² provided for any specific, EU-related competences. Respectively only the name of the Committee referred to such specific authority. Despite the foregoing the Committee was fully discharging these duties in practice. However, most recently, this gap between the factual and normative was closed by adding the relevant competences into the Charter of the Committee. The opinions of the Committee on the compliance of the draft laws with the EU standards are not legally binding; though, potentially, the Committee may influence the political processes.

Institutional framework envisaged by the EU-Georgia Association Agreement

For the purposes of monitoring and enforcement of implementation process of the EU-Georgia Association Agreement, the Agreement itself establishes a multilevel institutional system.¹³ First of all, it should be mentioned here regular meetings at ministerial level that are to be held on the basis of mutual agreement.¹⁴ However, it is the Association Council¹⁵ that has a special place within the institutional system created by the Association Agreement. The Association Council, which shall meet at ministerial level and

⁹ Edict of the Government of Georgia On the Approval of the Charter of the EU Integration Commission, 9 September 2004, No76.

¹⁰ Rules of Procedure of the Parliament of Georgia, 17 February 2004.

¹¹ Information about the Committee on European Integration is available at <http://www.parliament.ge/index.php?lang_id=ENG&sec_id=989>, accessed 10 May 2012.

¹² Regulation of the European Integration Committee of the Parliament of Georgia, approved by the Bureau of the Parliament of Georgia on 13 June 2008, Decision N 1/8.

¹³ Provisions on the institutional framework is provided for in Title VIII, Chapter 1 of the EU-Georgia Association Agreement.

¹⁴ Article 403 of the EU-Georgia Association Agreement.

¹⁵ Articles 404-406 of the EU-Georgia Association Agreement.

consist of members of the Council of the European Union and members of the European Commission, on the one hand, and of members of the Government of Georgia, on the other, is responsible for supervising and monitoring the application and implementation of the Association Agreement. It may also examine any major issues related to the Association Agreement and any other issues of mutual interest. On the one hand, in the context of gradual approximation of Georgia's legislation to that of the EU, the Association Council is a forum for exchange of information on selected European Union and Georgia legislative acts and on implementation, enforcement and compliance measures. On the other hand, what makes it very important is that the Association Council has, in contrast to the Cooperation Council created under the EU-Georgia Partnership and Cooperation Agreement, the power to take decisions which are binding upon the parties. Amongst other things, it has a power to update or amend the annexes of the Association Agreement in order to reflect the evolution of the EU law and to ensure the dynamic approximation of the Georgian law to that of the EU.

The Association Council is assisted by the Association Committee¹⁶, which is composed of representatives of the parties of the Association Agreement at senior civil servant level. The assistance function of the Association Committee is not limited only to preparation of meetings of the Association Council. It has the power to adopt decisions in the cases provided for by the Association Agreement and, what is even more important, the Association Council may delegate to the Association Committee any of its powers, including the power to take binding decisions. Sub-committees, which may be set up by the Association Council or the Association Committee, have assisting function with regard to the Association Committee.¹⁷

At parliamentary level, a Parliamentary Association Committee¹⁸ created under the Association Agreement shall serve as a forum for Members of the European Parliament and of the Parliament of Georgia to exchange views. It has the power to request any information related to the implementation of the Association Agreement from the Association Council and to make recommendations to the Association Council.

Furthermore, an instrument of bilateral cooperation between the EU and civil society in Georgia in form of the Civil Society Platform has been established.¹⁹ It consists of representatives of civil society on the side of the EU, including Members of the European Economic and Social Committee,

¹⁶ Articles 407-409 of the EU-Georgia Association Agreement.

¹⁷ Article 409 of the EU-Georgia Association Agreement.

¹⁸ Articles 410-411 of the EU-Georgia Association Agreement.

¹⁹ Articles 412-413 of the EU-Georgia Association Agreement.

and representatives of civil society on the side of Georgia. The creation of the Civil Society Platform shall facilitate the implementation of the Association Agreement as its main function is to monitor the implementation process and to provide recommendations to bilateral bodies established under the Association Agreement.

Legal Status of the EU-Georgia Association Agreement in the Georgian legal order

The Association Agreement, as an international treaty, may face several challenges of constitutional nature. First, this is an issue of hierarchy of international treaties in the Georgian legal system and second, the issue of direct applicability. Besides, related to these questions is the problem of interpretation and application of norms of the Association Agreement by Georgian courts.

The hierarchical place of the Association Agreement

In order to ensure compatibility of Georgian legislation with the international duties of Georgia, the Georgian Constitution provides for specific provisions on the status of international treaties in the Georgian legal system. First of all, the Constitution defines itself as “the supreme law of the State”. Thus, it claims the highest place in the hierarchy of norms.²⁰ On the one hand, the Constitution prescribes that the legislation of Georgia shall comply with the universally recognised principles and rules of international law. At the same time, however, it provides for that an international agreement of Georgia, unless it comes into conflict with the Constitution or the Constitutional Agreement of Georgia, shall take precedence over domestic normative acts.²¹ Hence, the Constitution treats universally recognised principles and rules of international law on the one hand and norms of international treaties concluded by Georgia on the other differently. While the Georgian legislation including the Constitution shall comply with the former, “normal” norms of international law, particularly in the form of international agreements, are placed below the Constitution and above domestic laws.

Furthermore, the hierarchy of norms stipulated by the Constitution are reflected and specified in other acts of Georgian law. In particular, the Law on Normative Acts provides for that international agreements of Georgia that have entered into force in accordance with the Constitution of Georgia and the Law of Georgia on International Agreements of Georgia shall take

²⁰ Article 6.1 of the Constitution of Georgia. ‘Sakartvelos Parlamentis Utskebebi’, 31-33, 24/08/1995.

²¹ Article 6.2 of the Constitution of Georgia.

precedence over domestic normative acts unless they contradict the Constitution, the Constitutional Law and the Constitutional Agreement.²²

Direct applicability

The text of the Georgian Constitution support for a monistic interpretation of the domestic legal order. This means that international law does not need to be translated into national law. The act of ratifying an international treaty immediately incorporates that international law into national law. In other words, a properly ratified or accepted treaty forms part of the Georgian legal system and norms of this treaty automatically acquires domestic validity. However, the Georgian legislation provides for the direct applicability only for those international legal norms which can be identified as self-executing. In particular, according to Georgian legislation, provisions of the officially published treaties determining the specific rights and obligations and not requiring adopting specific acts within domestic legal order shall be directly applicable in Georgia.²³ That is, norms of an international treaty fulfilling these preconditions may be applied and enforced directly in Georgian courts without the necessity of domestic implementation.

As the Association Agreement is an international treaty, the question of direct applicability of norms of the Association Agreement should also be answered by taking into account whether a particular norm of the Association Agreement fulfils the preconditions of direct applicability defined by the Georgian legislation. Furthermore, decisions of the Association Council, as an institution created under the Association Agreement, have to pass the same test too.

Interpretation and application of norms of the Association Agreement by Georgian courts

Association Agreement, as an international treaty properly ratified by the Georgian Parliament, is an integral part of the Georgian law.²⁴ It belongs, as well as all other international treaties, to normative acts of the Georgian legal system²⁵ and is placed in the hierarchy of norms between the Constitution and “normal” laws.²⁶

In general, Georgian courts may refer to norms of international treaties ratified by Georgia because of their status as an integral part of Georgian law. However, only one international document stands out as by far the most mentioned international treaty in decisions of Georgian courts - the European

²² Article 7.3 and 7.5 of the Law of Georgia on Normative Acts, ‘Sakartvelos Sakanonmdeblo Matsne’, 33, 09/11/2009; Article 6.2 of the Law of Georgia on International Treaties of Georgia. ‘Parlamentis Utskebani’, 44, 11/11/1997.

²³ Article 6.3 of the Law of Georgia on International Treaties of Georgia.

²⁴ Article 6.1 of the Law of Georgia on International Treaties of Georgia.

²⁵ Article 7.1 of the Law of Georgia on Normative Acts.

²⁶ Article 6.2 of the Constitution of Georgia; Article 7.3 of the Law of Georgia on Normative Acts.

Convention on Human Rights.²⁷ One of the main reasons of this outstanding position is the fact that the European Convention on Human Rights contains many provisions which could claim the direct applicability.²⁸ It cannot be maintained that many other treaties have this feature, at least, to this extent. Therefore, it is not surprising that there is no mention of the EU-Georgia Partnership and Cooperation Agreement, the predecessor of the Association Agreement as the legal basis for EU-Georgia relations, in decisions of Georgian courts. This has not much changed after the Association Agreement has entered into force. So far only one reference to provisions of the Association Agreement can be found in the case-law of Georgian Courts. In particular, the Constitutional Court of Georgia, in its decision of 31 July 2015, pointed out that there is a right of employees to receive a compensation in the event of wrongful termination and added that Articles 228 and 229 of the Association Agreement recognise and protect standards established by the International Labour Organisation.²⁹ However, taking into consideration the substance of many norms of the Association Agreement, it can be expected that Georgian courts will more actively refer to them.

Although courts, as already mentioned, did not use the Partnership and Cooperation Agreement as a point of reference in their decisions, they did occasionally refer to other sources of the EU law. And that despite the fact that the referred norms do not have any effect in the Georgian legal order.³⁰ In other words, Georgian courts are not under any obligation to apply the norms of the EU law, but they did sporadically refer to them, namely with the aim to strengthen their own legal arguments.³¹ Thus, Courts use the authority of the EU law in order to make their arguments more convincing. Taking into consideration this practice, could it be assumed that a Georgian court would

²⁷ Concerning application of the European Convention on Human Rights see: K. Korkelia, 'Application of the European Standards on Human Rights in the Georgian Practice', *Constitutional Law Review* 2, 2010, pp. 21-37. Available at: <http://www.constcourt.ge/files/Journal_EN.pdf>, (Accessed 10 March 2016).

²⁸ Concerning the question of the place of the European Convention on Human Rights in the Georgian legal system see: A. Phirtskhalashvili, *Schutzpflichten und die horizontale Wirkung von Grundrechten in der Verfassung Georgiens vom 24. August 1995: eine vergleichende Untersuchung der staatlichen Schutzpflichten aus der Europäischen Menschenrechtskonvention und der georgischen Verfassung unter besonderer Berücksichtigung der deutschen Schutzpflichtenlehre*, Potsdam 2010, pp. 109 et seq.

²⁹ Decision of the Constitutional Court of Georgia, N 2/3/630, 31 July 2015.

³⁰ Decisions of the Constitutional Court of Georgia are available on the internet at <http://www.constcourt.ge/index.php?lang_id=ENG&sec_id=74> (Last accessed 15 March 2016). Decisions of the Supreme Court of Georgia are available on the internet at <<http://prg.supremecourt.ge>> (Last accessed 15 March 2016).

³¹ For more details see: G. Gabrichidze, *Auswirkung der Beziehungen zwischen Georgien und der Europäischen Union auf die georgische Judikative*, *Zeitschrift für Europarecht*. 15. Jahrg. (2013), Nr. 6, pp. 136-142.

interpret a legal situation in conformity with EU law even when EU norms referred would not strengthen its own opinion but would be entirely contrary to it?

In the Association Agreement there is no provision establishing similar duty for Georgian courts as the principle of conforming interpretation, which derives from the principle of sincere cooperation as provided for in Article 4.3 of the Treaty on European Union³² and the case-law of the European Court of Justice³³ and according to which national courts of the EU member states are under obligation to interpret domestic laws so far as possible in the light of the wording and the purpose of the EU law. Whereas, taking into account that this obligation applies independently of whether the relevant EU norms have direct effect or not, it gains additional significance.

With regard to implementation the Association Agreement the central role in interpreting the relevant domestic laws will play Georgian courts. As to the provisions of the Association Agreement the arbitration panel established for the purpose of dispute settlement³⁴ shall request the Court of Justice of the European Union to give a ruling on the question. The ruling of the Court of Justice of the European Union shall be binding on the arbitration panel.³⁵

This procedure of the referral only applies when a dispute poses a question of interpretation of a provision of EU law. Hence, it is limited to disputes that concern the interpretation and application of a provision of the EU-Georgia Association Agreement which imposes upon a party an obligation defined by reference to a provision of EU law. Therefore, within this procedure the European Court of Justice is not allowed to decide on direct applicability of a provision of the Association Agreement on the basis of specific substance of the norm.

However, by ratifying the Association Agreement Georgia entered into commitment to approximate large parts of domestic law to the EU law. This commitment would be called into question, or at least jeopardised, if it will not comprise interpretation of approximated laws in conformity with the EU norms.

Implementation systems and monitoring

In February 2014, that means, even before the signing the Association Agreement in June, the Government of Georgia adopted a decree on the

³² According to Article 4.3 of the Treaty on European Union, the Member States shall take any appropriate measure, general or particular, to ensure fulfilment of the obligations arising out of the Treaties or resulting from the acts of the institutions of the Union.

³³ 14/83 Von Colson and Kamann vs. North Rhein-Westphalia [1984] ECR 1891, para.28; 106/98 Marleasing SA v La Comercial Internacional de Alimentacion SA [1990] ECR I-04135.

³⁴ Article 248.1 of the EU-Georgia Association Agreement.

³⁵ Article 267 of the EU-Georgia Association Agreement.

measures for effective implementation of the Association Agreement.³⁶ The office of the State Minister for European and Euro-Atlantic Integration was assigned to prepare a National Action Plan for Implementation of the Association Agreement in close cooperation with and considering priorities of the respective line-Ministries and to prepare semi-annual and annual reports on activities carried out within the Annual National Action Plan for Implementation of the Association Agreement. However, with regard to the Deep and Comprehensive Free Trade Area, which forms the economic part of the Association Agreement, the main coordination and monitoring functions were transferred to the Ministry of Economy and Sustainable Development, which is assigned to coordinate and monitor implementation of the provisions of the Association Agreement concerning the Deep and Comprehensive Free Trade Area. Accordingly, it is also responsible for preparing an Annual National Action Plan for Implementation of the the Deep and Comprehensive Free Trade Area and semi-annual and annual reports on its implementation. Besides, under the above-mentioned decree other line ministries were also involved in the implementation process. They were assigned to increase capacity of the units working on European integration issues within the ministry and appoint a person responsible for European integration issues at the level of Deputy Minister. In addition, the line ministries should contribute to the work on the Annual National Plan and semi-annual and annual reports by developing and preparing specific sections within their responsibilities.

On 28 July 2014, with its decree No 1516, the Government approved the 2014 National Plan for the implementation of the Association Agreement.³⁷ It was followed by adoption of the 2015 National Plan³⁸ and the 2016 National Plan³⁹, on 26 January 2015 and 7 March 2016, respectively. All

³⁶ Decree No 186 of the Government of Georgia of 7 February 2014 On the Measures for Effective Implementation of the Association Agreement including The Deep and Comprehensive Free Trade Agreement (DCFTA) between Georgia and the European Union.

³⁷ Decree No 1516 of the Government of Georgia of 28 July 2014 on the 2014 National Action Plan for the Implementation of the Association Agreement between Georgia, of the one part and the European Union and the European Atomic Energy Community and their Member States, of the other part and the Association Agenda between Georgia and the European Union.

³⁸ Decree No 59 of the Government of Georgia of 26 January 2015 on the 2015 National Action Plan for the Implementation of the Association Agreement between Georgia, of the one part and the European Union and the European Atomic Energy Community and their Member States, of the other part and the Association Agenda between Georgia and the European Union.

³⁹ Decree No 382 of the Government of Georgia of 7 March 2016 on the 2016 National Action Plan for the Implementation of the Association Agreement between Georgia, of the one part and the European Union and the European Atomic Energy Community and their Member States, of the other part and the Association Agenda between Georgia and the European Union.

these documents are closely aligned with the Association Agenda which was formally adopted by the EU and Georgia on 26 June 2014 and establishes priorities for the period 2014-2016.

Annually action plans provide for the detailed list of measures to attain the priorities of the Association Agenda. Due to the nature of these documents, it is essential that they define measurable goals and objectives, institutions in charge and concrete deadlines. However, the civil society monitoring the process of implementation complains that, in practice, in many cases the indicators for measuring the progress achieved towards realization of goals and objectives are missing or do not correspond to the action.⁴⁰ Correspondingly, without indicators it is very difficult to evaluate whether and to what extent the Government succeeded in implementation of the planned reforms and actions. The criticism on the part of the civil society is also directed at how the existing indicators and tasks are formulated in the National Action Plans. It is obvious, that ambiguous formulation of goals and indicators makes difficult to identify problems and assess achievements.

Conclusion

The complexity and broad nature of the topics reflected in the Association Agreement, almost by default, gives rise to questions related to its implementation. In general, institutional system created and functioning in context of implementation of obligations deriving from the legal framework of EU-Georgia relations offers a balanced mechanism for the implementation of the Association Agreement. Besides, the constitutional framework concerning the place and effect of international legal norms establishes a comfortable legal position for international treaties concluded by Georgia, including, of course, the EU-Georgia Association Agreement.

Taking into consideration this, the most important question with regard to legal aspects of implementation of the Association Agreement will be whether Georgian courts will start to base their decisions on directly applicable norms of the Association Agreement or will continue to use the EU law just to make their arguments more convincing.

Monitoring mechanisms provided for in the Association Agreement will seek to ensure that the implementation process runs successfully. However, it should be also mentioned that the Government should define precise objectives and establish relevant and measurable performance indicators. Otherwise, missing or unclear indicators of the annually Action Plans may undermine the basis for sound monitoring and evaluation.

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THE ROLE OF EUROSCEPTICISM IN EU-EASTERN PARTNERSHIP RELATIONS

Oleksandra HISSA

Abstract. *The paper deals with the problem of Euroscepticism during implementation of Eastern Partnership politics. As it is known, successful implementation of Eastern Partnership politics should have ended with Association Agreement signing. Nevertheless not all the political parties and social groups desired to develop closer relationships, showing Eurosceptic moods and only 2 of 6 participating countries has signed the Association Agreement in the planned term. Ukraine has become one of the most problematic countries in EaP cooperation, as not signing of the Agreement by the then President caused population protest called Euromaidan. Even after the signing of the Agreement, it became clear that fighting Eurosceptic moods inside the country is not enough. The Agreement is still not ratified, as Eurosceptic moods in European Union itself also influence the situation. The paper examines some aspects of such Euroscepticism manifestation and its reasons.*

Keywords: *Association Agreement, Euroscepticism, Eastern Partnership, politics.*

To understand the role of Euroscepticism in the relations between the EU and the countries that take part in Eastern Partnership initiative, it is important, first, to examine the essence of Eastern Partnership (EaP) initiative itself.

In May 2008, Sweden and Poland have offered to create the Eastern Partnership initiative between the member states of the European Union and six countries of Eastern Europe – Ukraine, Moldova, Belarus, Armenia, Azerbaijan, and Georgia. The essence of the initiative was to strengthen EU relations with its neighbors in Eastern Europe.

Although as the authors of the concept of the Eastern Partnership at first became only Poland and Sweden, the corresponding project was supported in various ways by the Baltic countries, Hungary and Germany.

A month after the proposals to create the Concept of the Eastern Partnership on 20 June 2008, EU leaders meeting in the European Council welcomed the Polish-Swedish initiative and called on the European Commission to present specific forms this initiative implementation till the spring of 2009 [1, p. 19]. The Russian-Georgian war in August 2008 has raised the attention of the European Union towards the Eastern neighborhood and served as a catalyst for the development of the Eastern Partnership Concept. As a result, December 3, 2008 the European Commission

presented the EU member states and the European Parliament its opinion on the Eastern Partnership [2]. On this occasion, the European Commissioner for External Relations and European Neighbourhood Policy Benita Ferrero-Waldner said that EaP is the appropriate instrument, which makes it possible to some Eastern European countries that are already prepared to receive the status of EU associate member. In his turn, the President of European Commission Jose Manuel Barroso said that the Eastern Partnership is the instrument of political association and economic integration.

The Eastern Partnership implied the establishment of a deeper relationship between the EU and six mentioned countries, based on individual approach. These countries, in a result of participation in EaP initiative, should have signed the Association Agreement, however, different from those that were signed with the Balkan states, which had the prospect of joining the European Union. Eastern Partnership involves the creation of a truly free and comprehensive trade area, as well as the consistent removal of all obstacles to the free movement of people (included the abolition of visa regime) and cooperation in all aspects of security, especially energy security [3].

The main results of the EaP initiatives were discussed in EaP Summits. May 7, 2009 in Prague took place the founding summit meeting, where a joint declaration on the Eastern Partnership was adopted. The main objective of the new initiative was declared as "the establishment of the necessary conditions to accelerate political and economic integration between the European Union and interested partner countries" by promoting political and socio-economic reforms in the member countries of Eastern Partnership. In the Prague Declaration, it was stressed that in its activity the Eastern Partnership will be guided by the principle of "conditionality", which means that, moving forward can be possible only if the countries - participants will be able to meet certain EU requirements. The Eastern Partnership offered the prospect of an Association Agreement of the new generation, meaning deeper integration into the EU economy, a comprehensive agreement on the free trade zones, visas free travelling to the EU for citizens, implementation of energy safety measures and an increase of financial assistance [4].

The second Summit, in May 2010, Poland proposed to create "group of friends" of the Program and invited Russia to participate in this structure. It was assumed that Russia will be invited to discuss only a few local initiatives, for example related to the Kaliningrad region. Russia, however, refused to include Kaliningrad in the scope of the Eastern Partnership.

28-29 November 2013, the third summit of the Eastern Partnership in Vilnius was held. The summit was attended by the presidents of Transcaucasia countries and Ukraine, representatives of the governments of Belarus and Moldova, as well as EU authorities. Official Summit program of events assumed that 29 November, had to be held the signing ceremony of

agreements with the countries of the Eastern Partnership and the plenary session, during which the heads of state and members of governments of 34 countries had to discuss progress, future prospects and objectives of the program. In fact, representatives of Georgia and Moldova initialed the Association Agreement with the EU, while Armenia, Azerbaijan, Belarus and Ukraine abstained from signing it (despite the fact that the initialing of Ukrainian Agreement has already taken place).

Thus, among the 6 participating countries, only 2 have shown real progress in cooperation. Armenia, Azerbaijan and Belarus previously declared their unwillingness to sign such any agreements. It took a year for Ukraine to solve domestic political problems and to sign the Association Agreement. We consider such results to be the manifest of Euroscepticism.

First of all, let's define what actually Euroscepticism is in the frameworks of the EaP initiative. Actually, it doesn't really differ from the definition of Euroscepticism in general, usually defined as the criticism of, or opposition to the European Union among member states. The only difference is that EaP participants can't become EU members in the visible prospective, but still show Eurosceptic moods in their foreign politics. So in case of EaP the issue of the Euroscepticism must be examined in 2 dimensions: the Euroscepticism among the programme participants and in EU itself, concerning the issues of EaP.

First, let us try to define the level of Euroscepticism among the EaP participants.

As we know, during the Vilnius Summit the signing ceremony of agreements with the countries of the Eastern Partnership supposed to be held. Despite some problems in domestic politics, only Moldova and Georgia managed to reduce manifestation of Euroscepticism among their population and governments, and as a result, they occurred to be the most successful participants of Eastern Partnership initiative, signed Association Agreements and has already obtained their visa free regimes. Of course, the question of opposition to EU still exists in these countries, and will arise again and again from time to time with change of governments, but still these countries can't be called Eurosceptic in the frameworks of EaP cooperation.

The situation with four other countries is more complicated. For example, the participation of Belarus and their President Lukashenko was the subject of debate from the very beginning. Belarusian diplomats from the very beginning of the initiative advocated a more differentiated relations with different partner countries based on mutually beneficial cooperation and against the dividing lines in the region.

However, in recent years Belarus has turned its foreign politic to the West much more than earlier. On the one hand, Alexander Lukashenko is strongly criticized in Europe and accused in his unwillingness to follow

democratic standards, proposed by Europe. On the other hand, Lukashenko, cannot achieve the adequate response to all his aspirations and desires from Russia. But the main approval of Belarus Euroscepticism is its joining the Customs Union (CU) together with Russia and Kazakhstan in 2010. As it is known the standards of CU and Free Trade Area with the EU (one of the main parts of the Association Agreement) contradict each other. That is why the President has chosen the "multi-vector policy", turning its face either to the West, or to the East – according to their short-term political and economic interests.

The other Eastern Partnership participant, which joined the Customs Union and refused to sign Association Agreement in the frameworks of Eastern Partnership initiative, became Armenia. Two months before the supposed Association Agreement signing, Yerevan announced its intention to join the Customs Union, and as a result joined the created on its basis Eurasian Economic Union. At the core of the Euroasian integration of Armenia was the factor of the promised by Moscow protection prevailed over the social and economic factors. Besides, in May 2015, Armenia and Belarus refused to sign the declaration of the of Eastern Partnership summit, which contained statements about "the annexation of the Crimea", which showed absolutely pro-Russian orientation of the mentioned countries. Even though after the refusal to sign the Association Agreement EU and Armenia continue cooperation, all of them have rather declarative character.

Multi-vector can be also called the foreign policy of Azerbaijan. Azerbaijan traditionally pursues a policy of balancing between Russia, the West and the regional power. At the same time Baku was quite skillfully maneuvering between two competing gas pipeline projects - "Nabucco" that bypass Russia, and the "South Stream", initiated by Moscow, understanding that in both cases they will need the Azerbaijani gas. This means that no one will quarrel with Baku. The chief of Azeri presidential administration Novruz Mammadov said: "We won't be able to accept the EU-proposed Association Agreement. We aim to draft a partnership agreement – a document more adequately reflecting the level of our relations and cooperation with the European Union." [5]. After the long misunderstandings between European Commission and Azerbaijan concerning human rights abuse, which led to sanctions against Azerbaijan president Ilham Aliiev, Azerbaijan has launched an initiative of the strategic partnership agreement, instead of the Association Agreement. This document is rather a program, a plan of action aimed to expand cooperation with the EU in the energetic sphere.

But the most complicated case of EaP became the case of Ukraine. Indeed, after the election of President of Ukraine Viktor Yanukovich in 2010, known by his pro-Russian orientation, supporters of Eurointegration worried about the future of Ukrainian foreign politics, but EU integration really

continued. For example, in 2012, the EU initiated deals on free trade and political association with Ukraine and despite some domestic problems; Yanukovich managed to meet European criteria and had urged the Ukrainian parliament to adopt required laws. Nevertheless, the Ukrainian government suspended preparations for signing the association agreement on 21 November 2013. Yanukovich still attended the aforementioned EU summit in Vilnius on 28–29 November 2013 where the association agreement was originally planned to be signed but it was not. They explained it with economic problems and pressure from Russia. The decision to put off signing the association agreement led to pro-EU Euromaidan movement. These, in its turn, led to the removal of Yanukovich and his government by parliament after the 2014 Ukrainian revolution in February 2014.

The political part of the Association Agreement was signed on 21 March 2014 by the new Prime Minister, Arseniy Yatsenyuk. The economic part of the Ukraine–European Union Association Agreement was signed on 27 June 2014 by the new President, Petro Poroshenko. In January 1, 2016, Ukraine joined the Deep and Comprehensive Free Trade Area with the EU. Russian reaction to these events was negative and ended in war in Ukrainian territory.

As we can see, 3 of 6 countries didn't sign the Association Agreements. We think that it is the strict manifestation of Euroscepticism. These countries oppose the idea of EU because of economic (close economic ties with Russia), historical (historical ties with Russia – USSR), security (some countries seen the protector in Russia) reasons. As we can see all the main reasons of Euroscepticism are connected with Russia.

To our mind while building the neighbourhood policy, the EU has completely forgotten about the neighbours of the neighbours – Russia and underestimated its influence.

Russia, in its turn, believes that EaP project is a challenge to Russian interests in the region. According to Russian experts, the high-priority component of this new initiative was its energy "component" – in particular, the creation of alternative to Russian Europe's energy supply routes. And, of course, another obvious goal – was to undermine Russian geopolitical influence in Eastern Europe and the strengthening of the EU position here. That is why Russia made every effort to prevent the success of EaP initiative – by economic (embargo politics), informational (huge anti-EU information campaigns) and even military means (frozen conflicts).

Besides, Eurosceptic moods in European Union itself also influence the situation. The high result of Eurosceptics on the European Parliament elections (25%) shows the existence of crisis in Europe itself. Economic problems, problems of refugees, arise of national movements and so on

made the membership perspective for any of the EaP participants almost impossible.

The last example of EU sceptic moods concerning EU enlargement is the speech of the President of the European Commission Jean-Claude Juncker who said during a speech in The Hague in March 2016 about Ukraine: "Ukraine will definitely not be able to become a member of the EU in the next 20-25 years and not of NATO either". Juncker made his comments in the context of a referendum that the Netherlands held in April on the EU-Ukraine Association Agreement signing, where, by the way, 62% of voters opposed the idea of signing [6].

Giving the estimation to The Eastern Partnership initiative in general, we can't ignore the estimation of this initiative given by the Polish Minister of Foreign Affairs Witold Waszczykowski, who stated that the main problem of EaP is that it does not provide the possibility for its members to become members of the European Union, and only creates illusions for Eastern European nations, still remaining buffer zone between Russia and EU [7].

As we can see, the EP politics faces a lot of Eurosceptic manifestation from both – the participants and EU itself. Of course, the success of the initiative depends on the mutual willingness to unite, but some of the countries are too dependent on Russia, others still cannot decide which way is better for them. Therefore, the issue of Euroscepticism in EU – Eastern Partnership relations is directly dependent on Russia – EU relations. That is why, the one, that will conduct more active and resolute politics in the region will achieve the biggest influence among Eastern Partnership participants.

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“EURONEST” – THE PARLIAMENTARY ASSEMBLY FOR UKRAINE IN THE CONTEXT OF THE EUROPEAN UNION’S EASTERN PARTNERSHIP (on the basis of administrative documents of the Committee for European Integration of Ukraine)

Anastasia KAVUNNYK

Abstract. *The article is devoted to highlighting Ukraine’s participation in the “EURONEST” Parliamentary Assembly in the context of the European Union’s Eastern Partnership initiative, using as a basis the administrative documents of the Ukrainian Parliament’s Committee for European Integration. The study reveals the concept of "management records" and "official documents". Based on the sources analyzed, a classification of administrative records, establishment timeline and functions of “EURONEST” PA were formed.*

Keywords: *Ukraine, European Union (hereinafter - EU), Eastern Partnership (hereinafter - "EaP"), Euronest Parliamentary Assembly (hereinafter - “EURONEST” PA), Committee for European Integration of Ukraine, official documents, management records.*

Among other important developmental directions within EU’s “Eastern Partnership” initiative, Euronest is of particular significance to Ukraine. Its creation in 2011, preceded by a series of events of 2009-2010, contributed to the strengthening of multilateral legislative activities of member countries in the development of the Eastern Partnership initiative, particularly those of Ukraine. The structure of “EURONEST” Parliamentary Assembly includes the Secretariat, the Administrative Office and four committees on the following issues:

- economic integration, convergence of law and convergence with EU policies;
- energy security;
- political issues, human rights and democracy
- social issues, education, culture and civil society [4].

The results of their meetings are addressed at the plenary session of Euronest. In Ukraine’s political environment, the implementation of “EURONEST” PA is handled by the Committee for European Integration of Ukraine, which deals with the aforementioned issues and considers implementation options.

Under these circumstances, thorough analysis of scientific literature is gaining importance as it can facilitate coverage of these issues. Such literature, however, is scarce in Ukrainian historiography which confirms the relevance of this research. Its purpose is to study materials that cover

procedural stages of Euronest's initiation as an additional component of the EP initiative.

The source base of the subject are management records of the aforementioned Parliamentary Committee (hereinafter - PC) of Ukraine and "EURONEST" PA (2008-2016). The contribution to general and special document studies of I. Antonenko, V. Bezdryabko, G. Boriak, L. Dragomirov, L. Dubrovin, A. Zahoretska, K. Novohatsky, S. Kuleshov, N. Kushnarenko, A. Mankivski, S. Selchekno, G. Shvetsova-Vodke are of particular significance – their works are dedicated to specific aspects of history and historiographic documentation [2, 31]. The study of official documents employed the principles of document classification including the historical, objectivity, consistency and completeness principles. The historical and objectivity principles facilitate the use of historical experience of drafting and development of documentary forms of information [1, 35]. The national parliaments of Euronest partner countries act as legislative bodies therefore the documents created in the course of business are considered management or service documents.

Document analysis reveals management records as a historical source. By scientific definition of such researchers as B. Bezdrabko and S. Kuleshov, official documents serve as a historical source and are the content of management records.

The classification of official documents (those that circulate in an given institution), being relevant for management records, was completed in the course of the study, including the classification of memos, official letters (to the Chairman of the Parliament of Ukraine, the Ministry of Foreign Affairs and Euronest-participating deputies) and informational indexes. The administrative documents of a parliamentary institution include a Constituent Act, resolutions, recommendations and "EURONEST" PA committee reports.

Parliamentary Assembly "EURONEST" was founded in Brussels on May 3, 2011. The European Parliament was at that time chaired by President J. Buzek. The event was preceded by a series of legal documents:

- Resolution of the European Parliament, November 15, 2007 [5];
- Materials from the Interparliamentary Conference on the Eastern direction of the European Neighbourhood Policy of June 4-5, 2008 [3];
- the Eastern Partnership notice from the December 3, 2008 Commission;
- Declaration of the European Council on institutionalization of the Eastern Partnership on March 19-20 of 2009,
- Joint Declaration of the EP initiative Prague Summit on May 7, 2009 [6], which put forth the proposals for launching Euronest between the EU and representatives of six EaP countries (Azerbaijan, Armenia,

Georgia, Ukraine and Moldova) similar to multilateral parliamentary assemblies previously created with participation of the EaP.

The Constituent Act states that Euronest corresponds to the basic principles of EaP under its four thematic platforms [4]. Within the authority scope of the parliamentary institution is ensuring compliance of national legislations of the Eastern European partners with that of the EU, which includes project implementation on bilateral and multilateral levels. The results of plenary sessions determine the recommendations for the Eastern Partnership Summits. A good example can be the EP summit recommendations of September 29, 2011 (Warsaw) concerning the discussions regarding the full participation of Belarus in the Eastern Partnership and the intensification of political association as well as compliance with EU democracy and human rights standards in Belarus and Ukraine. The current "EURONEST" PA committee meetings discuss urgent issues that conflict with EU law, such as the Nagorno-Karabakh conflict between Azerbaijan and Armenia, persecution of political leaders in Ukraine, observance of democratic elections in Belarus etc.

From 2011 to 2016, "EURONEST" PA held five plenary sessions, which included four standard committee meetings, the Belarus workgroup and the Bureau (held in 2011 in Strasbourg, France, in 2012 in Baku, Azerbaijan, in 2013 in Brussels, Belgium, in 2015 in Yerevan, Armenia and in 2016 in Brussels, Belgium).

The Ukrainian delegation to the "EURONEST" parliamentary institution was formed in June 2010, specifically during the expanded meeting of the Bureau in Brussels. Boris Tarasyuk was elected chairman of the Ukrainian delegation as well as, by a unanimous decision of its members, Co-President of the Eastern component at the inauguration meeting on May 3, 2011.

In the following years, Ukraine played a prominent role in the development of "EURONEST" PA. As noted at the May 2011 Bureau meeting by the Chairman of the EaP delegation K. Vihenin, Euronest would not have occurred without the support of Ukraine [7]. Specifically, at B. Tarasyuk's initiative, Ukraine held the organizational meetings of EaP partner countries and the European Parliament which addressed the start of the parliamentary work. Thus, at a joint meeting held on May 18, 2009, the parliamentary committee representatives of EaP-participating countries adopted a document titled "The parliamentary committees guidelines regarding their participation in "EURONEST" PA". The delegations acknowledged the official start of the EU Eastern Partnership initiative and recognized the European identity of partner countries. They also discussed the parliamentary monitoring for "EURONEST" PA necessary for support and development of the Eastern Partnership. In its activities, "EURONEST" PA must be guided by the

principles agreed in the framework of the Eastern Partnership, namely the principles of differentiation, shared ownership and shared responsibility.

The organizational structure of “EURONEST” PA is agreed upon by the parties in item 15 of the document. Annual meetings of the Assembly at the parliaments of the partner countries were suggested. The Parliamentary Assembly continues its activities within the competence of the multilateral dimension of the EaP initiative, namely: "Democracy, good governance and stability", "Economic integration and convergence with EU policies", "Energy Security", and "Contacts between people". In his speech at the joint meeting, Mr. Tarasyuk said: "First of all, EURONEST's activities are defined as parliamentary control. Second of all – increasing the efficiency of parliamentary work is to be carried out through implementation of standard EU practices. This will be facilitated by information exchange, training, workshops and educational programs. And third, the support during adaptation of national legislations of the partner states will be implemented through fulfillment of bilateral and multilateral cooperation projects." This defined the format of inter-parliamentary cooperation.

An important meeting between the heads of EP partner countries' national delegations with the European Parliament held place on April 1, 2011 in Ukraine. It was devoted to coordination of regulatory documents of the Assembly and preparation for the inaugural meeting. The participants once again stressed the need for the launch of “EURONEST” PA as the parliamentary dimension of the Eastern Partnership. The meeting demonstrated a clear willingness of the parties to seek compromise in order to achieve the speedy launch of Euronest with full involvement of all interested parties. The Ukrainian delegation played an important role in assuring full participation in Euronest for Belarus.

Thus, the parliamentary institution “EURONEST” PA is another form of Ukraine's inter-parliamentary cooperation with the European Union within the Eastern Partnership initiative. This is the practical part of the process of coordination of Ukraine's legislature with that of the EU, as evidenced by the interaction and various types of management records of both parties.

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THE PRACTICE OF THE COURT OF JUSTICE OF THE EUROPEAN UNION AND POSSIBILITIES FOR UKRAINE

Tetyana KOMAROVA

Abstract. *The article deals with legal issues of mechanisms for protection of rights of private parties in the Court of Justice of the European Union. The research helps to understand the possibilities for Ukrainian private parties to protect their legal interests in the European Union. It is highly important in the context of entering into force of Association Agreement between the EU and Ukraine. The research is based on case law of the Court of Justice of the European Union and of the general Court of the European Union.*

Keywords: *the Court of Justice of the European Union, the General Court of the European Union, action for annulment of the EU acts, preliminary proceeding, the European integration, Association Agreement, the EU-Ukraine relations.*

The European Union, in contrast to classic international organizations, which mainly regulate relations between states, focused on participation of its citizens as immediate subjects of the European law. This puts the Union at new level - the organization with a unique legal mechanism which is not similar to any of the existing legal orders. Back in 1963 in *Van Gend en Loos* judgement the Court of the European Economic Community said: "The Community constitutes a new international order of international law for the benefit of which the states have limited their sovereign rights, albeit within limited fields, and the subjects of which comprise not only the Member States but also their nationals"¹. This judgement became fundamental to the successive practice of the Court of Justice of the European Union (the CJEU) and determined the vector of formation of a special model of effective protection of the rights of individuals within the EU.

Private parties (individuals and legal entities) began frequently use the EU law in order to protect their legitimate interests. This happens at the national levels and at the level of the Union. Absolutely, national courts of the EU Member States are those elements which help to implement the EU law, because supranational law are given in their hands and in this way it has become an integral part of the legal order of all Member States of the Union. However, at the same time with the national courts, a major role belongs to the CJEU², which in process of realization of its jurisdiction affects the

¹ Case 26/62, *Van Gend en Loos v Nederlandse Administratie der Belastingen* [1964] ECR 1.

² When we are using the term "the CJEU" we are talking about general name of the whole judicial system of the EU.

formation of the integrational legal order and contributes to effective achievement of the objectives of the EU.

Concerning Ukraine, unfortunately private parties are not sufficiently informed about the possibilities of legal protection within the EU, and in fact the position of Ukrainian business on European markets depends not only on strict compliance with the EU rules, but also on the ability to protect effectively their rights in the case of violations. It happens also because of lack of practical and doctrinal researches in Ukraine in such field in comparison with huge numbers of complex elaborations of European scientists. Such questions were developed mostly by western-European scientists: A. Arnall, P. Craig, G. de Burca, J. Shaw and others. Ukrainian scientists and scientists from other post-soviet countries touched this topic only in the context of studying of general issues of the EU law³. That's why one of the purposes of this article is to explain possibilities and some legal remedies for protection of private parties' interests in the EU.

It should be noted that today the European Union is the largest economic partner of Ukraine especially after changing of political situation connected with annexation of Crimea and aggravation of relations with Russia Federation. For example, in 2014 and 2015 the largest volume of Ukrainian trade was carried out with the EU (approximately 35 %). In addition, because of enlargement of the European Union, Ukraine became its geographical neighbour, and this consequently affected on mutual relations. The increasing penetration of Ukrainian business in the area of the EU marked the foundation of such a model of relationship which can be called as "sectoral integration" or "Europeanization of Ukrainian business". At the legislative level it has since 1993 when Ukraine determined its foreign policy as oriented on membership in the EU⁴. This is logical due to the belonging of Ukraine to the European civilization and its efforts to strengthen the democratic nature of the political system, legal order, national legislation and the legal status of individuals.

Later a common legal basis for European integration was formed. Usually such a basis is created by international agreements between the European Union and third countries - Partnership and Cooperation

³ See: Марк Львович Энтин, *Суд Европейских Сообществ: правовые формы обеспечения западноевропейской интеграции* (Москва: Междунар. отношения, 1987); Лев Матвеевич Энтин (Рук. авт. кол. и отв. ред.), *Европейское право. Право Европейского Союза и правовое обеспечение защиты прав человека: Учебник для вузов* (Москва: Норма, 2005); Анатолий Яковлевич Капустин, *Европейский Союз: интеграция и право* (Москва: Изд-во РУДН, 2000); Роберт Борисович Хорольський, *Правові засоби вирішення міжнародних спорів у рамках Європейського Союзу: Дис. ... канд. юрид. наук.* (Харків, 2001).

⁴ Resolution of the Verkhovna Rada of Ukraine "On the main directions of domestic and foreign policy of Ukraine", July 2, 1993.

Agreements and Association Agreements. Ukraine, for example, in 1994, signed with the European Communities and their Member States the Partnership and Cooperation Agreement (PCA), which entered into force in March 1998. One of the main objectives of the Agreement was to promote and develop trade, investment and economic relations, as well as laying the foundation for mutually beneficial economic cooperation. And this provision of the PCA has been of decisive importance for the further construction of mutually beneficial economic dialogue.

Radically new stage of the EU-Ukraine relations has began after the signing in 2013 of the Association Agreement, which fully entered into force on 1 January 2016. From this point the Association Agreement became an integral part of the national law of Ukraine in compliance with Part 1, Art. 9 of the Constitution of Ukraine and has primacy over ordinary norms of Ukrainian legislation (Part 2, Art. 19 of the Law of Ukraine "On international treaties of Ukraine"). The Association Agreement deepens the connection between the EU and Ukraine in all spheres, including economical.

In this context, transnational business requires legal remedies and guarantees of its activity. In general, there is a decades-folding mechanism of private international law, which is used by businessmen. It is based on the application of national laws and remedies of the EU Member States. However, in context of Europeanization of Ukrainian business, the question arises about protection from actions of the European institutions because a lot of economical spheres are under exclusive competence of the EU and that's why only the EU issues normative acts in such spheres. Such mechanisms, including legal ones, can give to Ukrainian natural or legal persons the protection of their interests within the legal order of the EU. This is particularly important with respect of settlement of disputes between third countries (and their private parties) and the EU.

As in the Union there is no separate judicial mechanism for resolving disputes between the EU and third countries (and their private parties), to which Ukraine and Ukrainian business are belong, they have to use common judicial mechanisms. These mechanisms provide Ukrainian private parties several ways of protection of their rights.

The first way - it is a direct action for annulment of acts of the EU institutions before the courts of the EU. Art. 263 of the Treaty on functioning of the European Union (the TFEU) provides an opportunity to initiate legal proceedings for the revision of the legality of legislative acts, acts of the Council, the Commission and the European Central Bank, other than recommendations and opinions, and of acts of the European Parliament, the European Council, bodies, offices and agencies of the EU intended to produce legal effects vis-à-vis third parties.

The grounds for such action for annulment may include: lack of competence of the institution to take the contested act, the violation of an essential procedural requirement, infringement of the Treaties or other EU laws or an abuse of power by institutions.

Article 263 of the TFEU can be used by three groups of applicants: 1. by a Member State, the European Parliament, the Council or the Commission; 2. by the Court of Auditors, by the European Central Bank and by the Committee of the Regions; 3. by private parties. If the first group of applicants may bring proceeding to the CJEU in order to protect any interests, the second - for the purpose of protecting their prerogatives, the third group of applicants must show to the General Court (namely, it has jurisdiction to deal with cases initiated by private parties) that the contested act affects their rights. In this regard, the third group of applicants usually called as "non-privileged"⁵. It also includes private parties from the third countries, ie, potentially Ukrainian businessmen who are operating in the territory of the EU. Under this procedure they have the same rights as private parties from the EU Member States.

Annulment of the EU acts by private parties is one of the most complex and controversial issues both in doctrine and in practice. They are non-privileged applicants, as they can bring proceeding to the General Court only "against an act addressed to that person or which is of direct and individual concern to them, and against a regulatory act which is of direct concern to them and does not entail implementing measures", as defined in Part 4 Art. 263 of the TFEU. There is no any problem if the act is addressed to Ukrainian private party or the group of persons, but if the Ukrainian private party wants to bring proceeding for annulment of act which is addressed to another persons, then he must prove not only the grounds for proceeding but the existence of two conditions: that the contested act affects him directly and individually. These conditions characterize the so-called "qualified link" between the act and individual and the General Court jurisdiction *ratione personae*, i.e. the existence of jurisdiction over the person who initiates proceeding. Practice shows that the CJEU give a restrictive interpretation of Art. 263 of the TFEU concerning this group of applicants (i.e. trying to decrease the probable circle of private applicants). This can be explained by the legal traditions of Western Europe, according to which it is very difficult to individuals to challenge national legislation.

The direct effect of the act to private party means the causal connection between the action of the act and its effect on the applicant. The key issue here is the existence of intermediate link between the act and the applicant to which act is not addressed. This link may be the Member State to

⁵ Anthony Arnall, *The European Union and its Court of Justice* (Oxford, New York: Oxford University Press, 1999), 40.

whom the act is addressed, and be more precise - an obligation of the Member State to implement such an act. If such a link exists, and instantly act does not change the position of an individual applicant, the act has no direct effect on the applicant. We are talking about situations where the act excludes the direct impact because it vested appropriate discretionary powers to the Member States⁶. In such circumstances, it is possible to challenge only Member State act of implementation and only at the national level. If the EU act comes into effect automatically and does not depend on the will and actions of a Member State, its direct effect qualifies as available.

Concerning individual effect, in *Plaumann* judgement there was set a criterion by which it could be established and so the right to bring a proceeding could exist. In *Plaumann* case the individual brought an action against the decision addressed to the EU Member States and the Court held: "Persons other than those to whom act is addressed can claim that it applies to them individually only on condition that the decision affects them or because of certain inherent characteristics, or the circumstances by which they are differentiated from all other persons and by virtue of these factors distinguishes them individually just as in the case of the persons addressed"⁷.

Apparently, under the criterion of *Plaumann* applicant must be a member of the relevant group of people, whose number of members is constant and determined at the time of adoption of the contested act and during its validity. In this respect, very important is *Toepfer v Commission* judgement, in which there was recognized an individual effect on the applicant of the Commission decision on imports of grain because it applied only to importers who have passed licensing in a fixed time and, consequently, their list was clearly defined⁸. P. Craig and G. de Burca called such situation as "the criterion of a closed group"⁹, since it became impossible to join this group because of the period for registration was expired.

One more example is *Piraiki-Patraiki* case in which Greece textile factory – cotton exporter to France – challenged the Commission decision, which allowed France to impose import restrictions. Factory prove to the ECJ that imposed import restrictions have a direct effect on its operations and concluded contracts for export of cotton cannot be executed. The ECJ recognized the right of the factory to challenge this Commission Decision addressed to France¹⁰.

⁶ Case 222/83, *Municipality of Differdange v Commission* [1984] ECR 2889.

⁷ Case 222/8325/62, *Plaumann v Commission* [1963] ECR 95.

⁸ Joined cases 106, 107/63, *Toepfer v Commission* [1965] ECR 405.

⁹ Paul Craig and Grain de Burca, *EU Law. Text, Cases and Materials*. Third Edition (Oxford: Oxford University Press, 2003), 495.

¹⁰ Case 11/82, *Piraiki-Patraiki v Commission* [1985] ECR 207.

As to the hierarchy between two requirements for proof of *locus standi* (direct and individual concern) the individual concern has the vital role. At first the CJEU verifies the existence of individual effect of an act on private applicant because it is the most difficult to prove. And if that existence is proved, it is not necessary to prove its direct effect.

It seems very interesting possibility of challenging by private parties such acts of general application, as regulations. For a long time there was thought that the challenging of acts of general application by individuals is not possible¹¹, because they could bring proceeding for annulment only concerning administrative acts, ie those which are addressed to private applicant. But the ECJ fixed the possibility of challenging regulations which are acts of general application. The Court confirmed the ability of regulations to be both an act of general application for one group of people and an act of individual effect for another limited group of people. This means that those who challenged regulations must prove not only the existence of individual and direct effect but that the contested act or its certain provisions are actually a decision concerning them because of certain circumstances which distinguish them from others persons, on which the act affects¹².

The ECJ emphasized in the case *Confederation Nationale* the legal distinction between decision and regulation. The Court noted that to determine in ambiguous situation where the existence of decision or regulation is, it is necessary to find out whether an administrative act individually concerns private party¹³. In addition, the criterion for differentiation should be found in general application of act or vice versa. General application of act means not only the extent of its spread geographically, but its non-personified application to objective situation. But again, this non-personified application should be limited by several entities and this makes possible to challenge regulation by individuals. Only after a person proves that the act in the form of regulation is in fact a decision for him, he should prove two conditions which are necessary for existence of *locus standi*, namely direct and personal effect of this act. Only by proving the existence of three, not two standard conditions that are put forward for all other acts, the applicant will have the right to challenge regulations.

Professor of Liverpool University Neuwahl N. holds a different view: if a person has proved that a regulation is a decision that affects the person or addressed to it, the person is not obliged to prove a direct and personal effect

¹¹ Christopher Harding, "The Private Interest in Challenging Community Action", *European Law Review*, 5 (1980): 354.

¹² Case T-60/96, *Merck & Co. Inc., NV Organon and Glaxo Wellcome plc v Commission* [1997] ECR II-849.

¹³ Joined cases 16/62 та 17/62, *Confédération nationale des producteurs de fruits et légumes and others v Council of the European Economic Community* [1962] ECR 471.

of this act¹⁴. In our opinion, if the person proves that a decision is addressed to it, then the existence of a direct and personal effect is not necessary, but if the recipient of act is still not clearly stated, such demonstration is necessary.

It is clear that in practice such a process of proof regarding regulations is quite difficult. Moreover, the EU institutions can protect their acts, taking them in the form of regulations. This special position of regulations would allow institutions even to violate the fundamental rights of individuals without the possibility of its protection. But the ECJ in its judgement in the case *Alusuisse Italia SpA v Council and Commission* said: "...objective of that provision (Art. 263 of the TFEU) is in particular to prevent the community institutions, merely by choosing the form of a regulation, from being able to exclude an application by an individual against a decision of direct and individual concern to him and thus to make clear that the choice of form may not alter the nature of a measure"¹⁵. Apparently the CJEU examines not only the name of act but also its nature, terminology, subjects and its legal effect.

Some other position the CJEU has regarding cases concerning such important areas of European economic integration as competition, anti-dumping rules and rules on countervailing duties. Activity of private parties in these areas often is governed by the Council regulations and as auxiliary sources – by the Commission regulation. As the annulment proceeding of regulations is very complex, the need to protect the participants of above sectors of the European economy through the procedure of Art. 263 of the TFEU led the CJEU to soften the requirements on proof of *locus standi*. The liberalization of the CJEU in the field of competition, anti-dumping and countervailing duties could be explained by their specificity. In these areas the most active are private parties (producers and traders), and changes in legal regulations often affect the position of all participants in these relations and that's why their activities require an effective remedies against illegal decisions of the Council and Commission.

Concerning challenging by private parties of directives, which are acts addressed to the Member States, almost similar approach is used as to regulations. A directive may be a decision¹⁶, but of course this is rather an exception.

As already noted, the CJEU gives a restrictive interpretation of Art. 263 of the TFEU concerning private applicants. As the practice of the CJEU has a significant impact not only on the rights and obligations of the parties in the cases, but on legal order of the EU and integration in general, such restrictive

¹⁴ Nanette Neuwahl "Article 173 Paragraph 4 EC: Past, Present and Possible Future", *European Law Review*, 21(1996): 22.

¹⁵ Case 307/81, *Alusuisse Italia SpA v Council and Commission* [1982] ECR 3463.

¹⁶ Case T-135/96, *UEAPME v. Council* [1998] ECR II-2335, Joined cases 172, 175-177/98, *Salamander AG and Others v Parliament & Council* [2000] ECR II-2487.

practice has been criticized not only by scientists¹⁷, but also by national authorities¹⁸. Many academic lawyers argue such criticism by the fact that the person's right to effective judicial protection is restricted and is not fully guaranteed. As noted by Professor Kovar R., in some cases this leads to a denial of justice¹⁹. This situation contradicts to the common constitutional values on which Charter of Fundamental Rights of the EU and Articles 6 and 13 of the European Convention on Human Rights are based.

It should be noted, however, that the CJEU is steadfast in its position on the restriction of private applicants under the procedure of Art. 263 of the TFEU and in the judgement in the case *Unión de Pequeños Agricultores* underlined that the effective judicial protection is guaranteed not only by separate Art. 263 of the TFEU, but by set of articles, namely indirect way of preliminary ruling procedure through the national courts (Art. 267 of the TFEU) and by invoking before the CJEU the inapplicability of illegal act (Art. 277 of the TFEU)²⁰. The CJEU imposes the basic obligation to protect the rights of individuals on the Member States and their courts in accordance with the principle of cooperation. In this context, the Court obliged the Member States to promote the full protection by establishing in national legal systems complex legal remedies and procedures that guarantee the right to effective judicial protection. This means that national courts should interpret and apply national procedural law in such a way that individuals have the opportunity to challenge actions of national authorities, based on the Union's acts of general application. The courts must permit the applicants to refer to the illegality of an act of the Union at proving the illegality of actions of the government or national regulations. The CJEU makes it clear that the weakness of the current system of challenging of the EU acts could not be changed by its case law, and such changes can be made only by amendments of the Treaty.

In our opinion, it is not possible to impose obligation to guarantee the right to effective judicial protection only on the Member States because legal order of the EU is much more complex. The EU institutions, including the

¹⁷ Angela Ward, *Judicial Review and the Rights of Private Parties in EC Law* (Oxford: Oxford University Press, 2000): 213-220; Anthony Arnall, "1952-2002: Plus Ça Change", *European Law Review*, 27, 5 (2002): 510; John Anthony Usher, "Direct and Individual Concern - An Effective Remedy or a Conventional Solution", *European Law Review*, 28, 5 (2003): 584; Cornelia Koch "Locus Standi on Private Applicants under the EU Constitution: Preserving Gaps in the Protection of Individuals' Right to an Effective Remedy", *European Law Review*, 30, 4 (2005): 511-516.

¹⁸ Francis Jacobs "EU Charter of Fundamental Rights Are New Judicial Remedies Needed?", *Human Rights & UK Practice*, 4, 1 (2003): P. 243-264.

¹⁹ Robert Kovar "Chronique de la jurisprudence de la Cour de justice des Communautés européennes", *Journal de Droit International*, 93 (1966): 710.

²⁰ Case 50/00, *Unión de Pequeños Agricultores v Council* [2002] ECR I-6677; Case 263/02 P (Sixth Chamber), *Commission of the European Communities v Jégo – Quéré et Cie SA* [2005].

CJEU, are also under such obligations. Therefore, the Court's position fully corresponds to the standards of legal protection. As it was noted by Schermers H. G. and, Waelbroeck D. F, judicial protection of individuals in the EU is now weaker than in the Member States. This means that the more Member States of the Union delegate their sovereign power, the less guaranteed become judicial protection. Combined with the lack of detailed parliamentary control over Union acts, difficulties in ensuring of judicial review of such acts do not give the institutions the possibility to stay within the traditional system of check and balances, which characterizes democratic states²¹.

In this respect, there is noteworthy expression of Arnall A., who notes that the European Communities was created by elites, so little can be found in Treaties for individuals. The main role was assigned to the Commission and the Council which interact little with society, and their acts was protected from full control of individuals²². But with time the Communities and the Union were changed and now citizens of the EU are unwilling to give control in the hands of elites - transparency and democratization became the main principles of functioning of the EU. So the reality in the future will push appropriate changes in the procedure of challenging Union acts by private parties in order to make integrational order more efficiently functioning.

But despite the complexity of the use of described mechanism, it is quite effective. Unfortunately the cases of participation of Ukrainian businesses in the EU litigation are incident but they became more frequently and this proves the possibility of such participation²³.

One of the first cases with Ukrainian party was when the Court of the First Instance (the CFI) accepted a joint application of the Polish steel producer and Industrial Union of Donbass (Ukraine), which is a shareholder in the Polish company. The application concerned the annulment of the Commission Decision, which recognized the aid which was paid to the Polish steel producer, as incompatible with the common market and orders the to recover it. Under the Decision the aid shall be repaid in full. The applicants, in turn, demand to annul the Decision, since it is contrary, in their view, to the EU law. Although CFI dismissed the actions, but Ukrainian applicant could

²¹ Henry G Schermers and Denis F Waelbroeck, *Judicial Protection in the European Union*. 6th ed. (The Hague /London /New York: Kluwer, 2001): 451.

²² Anthony Arnall, "1952-2002: Plus Ca Change", *European Law Review*, 27, 5 (2002): 509-510.

²³ For example Case T-249/06, *Interpipe Nikopol'sky Seamless Tubes Plant Niko Tube ZAT (Interpipe Niko Tube ZAT) and Interpipe Nizhnedneprovsky Tube Rolling Plant VAT (Interpipe NTRP VAT) v Council* [2009] ECR II-00383.

prove their individual concern in Decision which is addressed to another persons²⁴.

One of the recent example of the involvement of Ukrainian parties in European proceedings can be recent Judgement of the General Court in Case *Andriy Portnov v Council*, which sets aside the freeze on the funds of Andriy Portnov, one-time adviser to the former Ukrainian President Viktor Yanukovich²⁵.

In response to the Ukrainian crisis which began in late 2013, the Council decided, on 5 March 2014, to freeze the funds and economic resources of persons who had been identified as responsible for the misappropriation of Ukrainian State funds and/or for human rights violations in Ukraine. Mr Andriy Portnov, who was described by the Council as a “former Adviser to the President of Ukraine (Viktor Yanukovich)”, was included, for the period from 6 March 2014 to 5 March 2015, on the list of persons whose funds were frozen. The reasons given for his listing were as follows: “Person subject to criminal proceedings in Ukraine to investigate crimes in connection with the embezzlement of Ukrainian State funds and their illegal transfer outside Ukraine”. Mr Portnov brought an action before the General Court seeking cancellation of that listing. The Court finds that the Council identified Mr Portnov as responsible for the misappropriation of Ukrainian State funds solely on the basis of a letter of 3 March 2014 from the Public Prosecutor’s Office of Ukraine, which stated that the investigation into, amongst others, Mr Portnov had “made it possible to establish misappropriation of sizeable amounts of State funds and the subsequent illegal transfer of those funds outside Ukraine”. The Court considers that that letter fails to provide any details concerning either the facts alleged against Mr Portnov or his responsibility in that regard and a person cannot be considered responsible for the misappropriation of funds merely because he is the subject of a preliminary investigation. Of course this case has some political marking but it shows that European courts are impartial and their decisions are not based on political vector. A lot of similar cases with Ukrainian applicants, related Ukrainian destabilization are waiting for judgements (*Arbuzov v Council*, *Azarov v Council*, *Klymenko v Council*, *Klyuyev v Council*, *Pshonka v Council*, *Yanukovich v Council*).

So, Ukrainian private parties must understand that it is possible to use described remedies. By the way, inside the EU the level of activity of individuals, concerning application of Art. 263 of the TFEU, is quite different, depending on their nationality. Often the procedure of challenging the EU acts is used by private parties from Germany, France, the Netherlands and the

²⁴ Case 273/06, *ISD Polska and Industrial Union of Donbass v Commission* [2006] OJ, Serie C, № 294: 57-58.

²⁵ Case T-290/14, *Andriy Portnov v Council* [2015] OJ, Serie C, 429: 21–22.

UK. The most frequently they contest acts concerning competition law, i.e. of the sector, where the participation of private interest is very high; thus, the mechanism of control partially given into the hands of private individuals.

Ukrainian individuals should adopt an active experience in the protection of their rights as of European market participants from other countries which also are not members of the EU. An example could be China, which initiates annulment procedure against the EU acts especially in the sphere of anti-dumping measures for many times, and the CJEU recognized it right to be an applicant.

Returning to the additional opportunity to protect the interests of private parties, we should mention the possibility to intervene in cases already initiated in the CJEU. Paragraph 2 of Art. 40 of the Statute of the CJEU gives the right to individuals (and third countries) to intervene the litigation if they established an interest in the result of a case submitted to the Court. That is, if the Ukrainian private person could not challenge the act of the EU, and similar case was initiated by another person, he can use such an opportunity to intervene. Ukrainian individuals can influence the process, making statements and showing their legal position. Thus, in *Chris International v Commission*, in which the Commission decision concerning the protection of the British banana market was challenged, there was recognized the right of the Dominican Republic to intervene. Although the decision was addressed to the British Government, the Dominican Republic as a third country has managed to prove a direct and personal effect of act on its position as the major exporter of bananas²⁶.

Also it should be noted about quite original for Ukrainian legal system way of challenging of acts of the European Union - the use of preliminary ruling procedure (Art. 267 of the TFEU). The essence of the preliminary ruling procedure is that the national courts of the Member States may request the CJEU to give a ruling concerning the interpretation of the Treaties or the validity and interpretation of acts of the institutions, bodies, offices or agencies of the Union.

Individuals may indirectly protect their rights using this procedure by initiating proceedings before the national courts, which, in turn, may apply to the CJEU. Classical example is the case when in 1980 Italian court asked the ECJ about the compatibility of the French wine import tax with the Community law. As it became known later the parties have agreed to submit fictitious dispute before the Italian court because they were sure in inconsistency of the French tax with the EU law. On this fictitious dispute wine dealer Foglia asked wine importer Novello to pay the corresponding French tax. They appealed to the Italian court on the grounds that it was more willing to send preliminary request to the ECJ than the French courts. But the ECJ dismissed the claim

²⁶ Joined cases 91/82, 200/82, *Chris International Foods Ltd v Commission* [1983] ECR 417.

because of fictitious of the case²⁷. But this example has confirmed the readiness of private parties to use European remedies and their belief in the efficiency of European legal protection.

Such opportunity was used by Russian football player Igor Simutenkov. He was hired by the Spanish club “Deportivo Tenerife” and in order to play in national competitions for the Spanish club he had to obtain a license of the Royal Spanish Football Federation. However, the rules of the Federation state that citizens of non-EU countries cannot obtain the same licenses as citizens of the Union, and that number of such players is limited in the national competitions. The Federation refused Simutenkov in the obtaining a license provided for the EU citizens. Simutenkov challenged the Federation refusal in the Central Administrative Court and later in the Supreme Court of Spain, referring to the violation of Art. 23 of the Agreement on Partnership and Cooperation between the EU and the Russian Federation on non-discrimination of Russian workers in the EU. The Supreme Court of Spain decided to address preliminary request to the ECJ concerning interpretation of Art. 23 of the Agreement on Partnership and Cooperation, in order to determine whether the refusal was legitimate. In its judgement, the ECJ has recognized Art. 23 of the Agreement as norm of direct application and pointed out that the failure to obtain the relevant license was illegal²⁸. Thus, Simutenkov defended his right to work on equal terms with the EU citizens. By the same principle, the Ukrainian business structures can defend their interests in the national courts of the Member States to which they are, for example, export products or carry out their activities and believe that they are unlawfully discriminated. They should ask the national courts to make a request to the CJEU concerning legitimacy of the EU act or its correct interpretation. But it should be noted that the *obligation* to make such request to the CJEU is imposed only on the national courts of last instance, the courts of other instances have only such a *right*.

As can be seen from the above-mentioned examples, the Ukrainian individuals have real opportunity to defend their legitimate interests in the CJEU. It largely depends on their activity and understanding of practice of such proceedings. Especially right now when more and more opportunities for Ukrainian business are opening in connection with deep cooperation of the EU and Ukraine under the Association Agreement, which contains norms of direct application and provides appropriate access to the EU internal market. The direct application of norms means that they directly provide rights for individuals which could be protected in legal systems and by national courts. In connection with the introduction of a free trade zone, Ukraine has an

²⁷ Case 104/79, *Foglia v Novello* [1980] ECR 745

²⁸ Case 265/03, *Igor Simutenkov v Ministerio de Educación y Cultura, Real Federación Española de Fútbol* [2005] ECR I-2579.

expanded access to the EU internal market and the direct effect of such norms will enable the Ukrainian business to defend their legitimate interests and to refer in courts to a wide range of standards, which the Association Agreement grants to them.

In the near future we should expect activation of Ukrainian business in the CJEU, because under new Agreement Ukraine has undertaken legal obligations of convergence of regulatory standards, which are in the majority now impede the development of Ukrainian business and its access to the European level.

In any way the protection of the rights of individuals, as Western-European scholars say (for example Kilpatrick C.) - is a triumph of human rights over the objectives and principles of the policy. An effective mechanism for such protection, including sufficiently broad jurisdiction of the CJEU, confirm that the European Union has a unique integration legal system and legal order, which improve the protection of the rights of individuals also by the courts, and that, in turn, leads to the strengthening of the whole Union.

It should be noted that one of the components of the model of protection of rights of individuals in the EU is a dialogue between the CJEU and national courts of the Member States. This model depends on how these courts are adapted to each other. In order to give the EU law in hand of individuals the CJEU provides effective judicial protection, improves the efficiency of its judgements and of course develops judicial cooperation. All these processes can be realized within the case law of the CJEU.

In its early years the ECJ has established the division of the ways which can be used by judicial authorities of the EU and which by national courts. Aspects of substantive EU law were solved by courts of the Communities and the aspects of its implementation and procedural aspects were the responsibility of national legal systems and national courts. This led to the procedural autonomy of national courts. That's why it was complicated for individuals to assert the rights granted to them by the EU law before national courts or to receive compensation for the violation of such rights. Subsequently it was determined that the rights granted by the EU law, cannot be secondary to the rights granted by national legal systems²⁹.

Gradually, there was a retreat from such a division. In several judgements the ECJ replaced procedural autonomy of national courts by its own right to control the means of implementation of the EU law. The first harbinger of this was in *Simmenthal* case, in which the ECJ required not to apply the Italian legislation which, although not made the right provided by the EU regulations practically impossible to implement, but at the same time laid

²⁹ Case 33/76, *Rewe v. Landwirtschaftskammer fur das Saarland*, [1976] ECR 1989, esp. para. 5; Case 45/76, *Comet v. Productschap voor Siergewassen*, [1976] ECR 2043, paras. 12-16.

their effective protection. The ECJ has ordered the Italian Constitutional Court to set aside national laws that are incompatible with the EU law³⁰.

The next firm step on development of efficiency of the judicial protection of the rights granted by the EU law, was *Factortame* judgement, which obliged the British House of Lords to grant the interim injunction against the Crown to protect the rights, although the House of Lords didn't have such a powers under national law³¹. In *Emmott* case the ECJ ruled that until such time as a directive has been properly transposed, a defaulting Member State may not rely on an individual's delay in initiating proceedings against it in order to protect rights conferred upon him by the provisions of the directive and that a period laid down by national law within which proceedings must be initiated cannot begin to run before that time³². *Francovich* judgement opened a new era in the EU law evolution – it created new remedy of the EU influence on all national legal systems - state liability for the improper implementation of the EU law³³.

Cases involving gender issues show in the most indicative way the effectiveness of the EU remedies in protection of rights of individuals. One of the first such cases were *Von Colson* and *Harz*. In these cases before the ECJ the question were raised concerning conformity with the EU law of the provisions of the German Civil Code about damages for sexual discrimination in employment.

Under these provisions of the Civil Code of Germany the compensation for damages was meager. The practice of the EU about compensation shows that it is considered sufficient if national law does not make it very difficult to obtain or if such compensation is not lower than the compensation for the damage caused in any other sphere. *Von Colson* judgement requires compensation should "guarantee real and effective judicial protection"³⁴.

This judgement to some extent deprived the German courts autonomy in determining the amount of compensation. The ECJ also added that Member States should in future ensure that victims of discrimination have necessary remedies for protection. It requires Member States to ensure access to justice and guarantees for employment to victims of discrimination, adequate compensation and the imposition of penalties on responsible parties.

The precedent laid in *Von Colson*, has become a model, which was repeatedly used by the CJEU in cases about discrimination. A special feature

³⁰ Case 106/77, *Amministrazione delle Finanze dello Stato v. Simmenthal*, [1978] ECR 629.

³¹ Case C-213/89, *R v. Secretary of State for Transport, ex parte Factortame Ltd and others*, [1990] ECR I-2433.

³² Case C-208/90, *Emmott v. Minister of Social Welfare*, [1991] ECR I-4269.

³³ Case C-6 and 9/90, *Francovich and Bonifaci v Italy*, [1991] ECR I-5357.

³⁴ Case 14/83, *Von Colson and Kamman v. Land Nordrhein-Westfalen*, [1984] ECR 1891.

of this Judgement is that it was the first time the domestic courts were deprived of the autonomy in determining ways compensation and range of remedies in their national systems.

The next step of the ECJ in improving of the judicial protection was that he identified some of the main provisions of the Directive 76/207 (on equal treatment at work) as directly applicable. Thus, the Court fixed that the provisions of this Directive do not require the adoption of additional national acts for their implementation in order to become valid in the domestic legal system of a Member State³⁵.

Considered a large role the CJEU played in developing of such important issues, we should refer to the practice of national courts and consider how their practice has changed after the CJEU innovations.

In *Marshall* case the ECJ decided that Directive 76/207 on the equal position on the work require not the payment of adequate compensation but full payment plus a percentage for discriminatory dismissal³⁶. This has created an unprecedented boom in the UK. Firstly, it was canceled a maximum limit on compensation for damage caused by discrimination. Secondly, there was a need to do the same in regard to all forms of discrimination, and that was done. As a result, the British government paid more than 50 million pounds compensation. Third, the English Act on equal payment for women and men work have been amended to change the terms for compensation.

As can be seen, the activism of the CJEU shows a constant strengthening of the protection of the rights of individuals and the effectiveness of powers of all elements of the judicial system of the EU. This aspect represents an essential factor of European integration. This is an *acquis communautaire*. As some lawyers expressed, European integration is possible while the involvement of national legal systems in the gravitational field of the *acquis communautaire*, making the *acquis* as the main object of attraction of national legislation. European authors call the *acquis communautaire* as "one of the shrines of the EU". It is also natural that the European attitude to the law as one of the fundamental basics of modern European civilization, and in the legal sense the *acquis* is identified with the whole legal system of the EU³⁷. And therefore the role of the CJEU has phenomenological importance for the implementation of this principle, as its practice affects the development of the institutional system of the EU and the formation of the four fundamental freedoms and later development of national

³⁵ See: Светлана Глотова, "Прямая применимость (эффект) директив Европейских Сообществ во внутреннем праве государств-членов ЕС", *Московский журнал международного права*, 3 (1999): 175-188.

³⁶ Case 152/84, *Marshall v Southampton Area Health Authority* [1986] ECR 723.

³⁷ Геннадій Друзенко, "Що приховано за словами? Адаптація законодавства України до законодавства Європейського Союзу чи прийняття *acquis communautaire*?", *Юридична газета*, 21 квітня 2004, № 8(20): 4.

legal systems of the Member States. Thus there is constitutionalization of the EU legal system and of fundamental rights and freedoms of citizens. That is why the entry into force of the European Union Charter of Fundamental Rights became an important step in the approval of status of private persons in the EU. It should be noted that the Preamble to the Charter recognized the decision of the CJEU as one of the important sources of human rights. That is one of the proofs of fruitful work of the CJEU on human rights and protection of rights of private parties.

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THE EUROPEAN UNION'S NEIGHBOURHOOD POLICY AND THE REPUBLIC OF MOLDOVA'S ASSOCIATION PROGRAMMES

Ludmila ROȘCA

Abstract. *This analysis covers the main areas of the Copenhagen criteria: political, economic and the main economic and political objectives of the European Neighbourhood Policy. The author answers the question: To what extent Moldovan state institutions have benefited from the opportunities offered by the ENP? The idea of a special policy for the EU's new neighbors is exposed in the European Commission's Communication "Wider Europe - Neighbourhood: A New Framework for Relations with our Eastern and Southern neighbors," published in 2003. Content analysis of this document allows the author to highlight the purpose intended by the European Commission: establishment of an area of prosperity and good neighborliness, where dominates the cooperative and collaborative relationships between states, between states and European institutions. Moldova has enough reasons to participate in the ENP. The author points out the domestic and foreign policy priorities of the Republic of Moldova: accession to the European Union; Transnistrian conflict settlement, participation in the Single Market and other Community policies; institutional strengthening and removing the state from captivity; dynamic stability of the political system. The exploitation of opportunities offered by the ENP is reflected in the following documents: the Partnership and Cooperation Agreement between the EU and Moldova; the European Union - Republic of Moldova Action Plan. In conclusion, the author regretfully mentions the inability of Moldovan institutions to successfully explore the opportunities offered by the ENP, to ensure their functionality. The appearance, formality and superficiality of approaching the acute problems faced by Moldovan society by the current government have essentially changed relations between Moldova and the EU institutions.*

Keywords: *European Union, Republic of Moldova, European Neighbourhood Policy, Partnership and Cooperation Agreement between the EU and Moldova; European Union - Republic of Moldova Action Plan.*

Introduction. The theme is current under review, and has significant impact on Moldova's relations with the European Community States. Resizing agreements / messages sent by officials from Chisinau leadership super-state European institutions is a theme in the book of scientists from Moldova, especially of specialists in social and human sciences. More questions arise: Why Moldova didn't succeed in meeting accession requirements and align with Romania, the Baltic republics to the EU enlargement plan? What are the factors that drive forward the accession process? To answer these and other

questions related to European integration, the enlargement of the Community European States consider necessary to achieve an interdisciplinary study of the processes of building, consolidation, functioning institutions of state power in Moldova, simultaneously appealing to the experience of other countries that came out of the Soviet system, the communist system, and which at the moment are European Union member states.

The Moldova's European integration premises. The Declaration of Independence and adoption of the Constitution Act, 1994, opens real opportunities for change of regime for the transition to a different model of functioning institutions of state power, to market economy. After independence has started to build the state Moldova, people declared themselves as a democratic state of law. Refer EU documents, we find that the most important European values are: democracy, rule of law, human rights, market economy.

Referring to EU documents, we find that the most important European values are: democracy, rule of law, human rights, market economy. These values are supported by Members of the Moldovan Parliament, who signed the Declaration of Independence and the Constitution were adopted in 1994. In theory there were no serious obstacles for initiating accession process integration. In practice we find a different assessment from the European structures of state policy of Moldova and the Baltic countries. The choice of this model is the result of factor analysis. And the Baltic States and Moldova came at the same time under the same arrangement. No other country had the right to own foreign policy because even if called union of sovereign states, the Union republics, elements of the Union of Soviet Socialist Republics had the status of a subject of the federation, the political and administrative center, located in Moscow, decided all issues / processes of social life. Republican administrations take no decision without consulting the central authorities. In such circumstances it is difficult to raise your class of politicians, managers patriots, able to define the national interest and to make efforts to meet them. However, some fared better than us.

After initiating the process of strengthening institutions of political power in Moldova, the most important objective of the political class activity is a clear definition of national interest. *The Baltic States have clearly opted for accession to the European Community States and NATO, while the heads of institutions of the Republic of Moldova have proposed the development of mutually beneficial relations on all levels*¹. Addressing the European integration of the Republic of Moldova and the Baltic states led to the establishment of different attitudes towards them from the EU institutions. Accordingly, the Republic of Moldova only benefit European Community

¹ Planul de acțiuni Uniunea Europeană – Republica Moldova. Ghid. Chișinău: Gunivas, 2006, p. 27

Technical Assistance program (TACIS), then negotiated Partnership and Cooperation Agreement - a bilateral treaty focused on economic and trade relations. Regardless of the fact that the Moldovan leadership is in a state of uncertainty, doubts about her ability to detach from past experience, the subordination relations that we have with Moscow, the European Union gives opportunities to develop a new type of relationship mutually beneficial.

European Union following the launch of projects geared towards expansion, is interested to have at the eastern border political, economical and financial stability. The program is developed for this purpose the European Neighbourhood Policy. But neither the Partnership and Cooperation Agreement or the accession to the European Neighbourhood Policy does not involve the states participating in EU integration. Actions are geared towards preparing the partnership, checking intentions of Member State which wish to acquire EU membership. The interest of a united Europe which is fixed EU formula aims to create space of freedom, security and justice. This formula was proposed by the European Council in 1997. Its significance aimed at the ultimate goal pursued by the EU in the area of influence and interest of European bodies. As the purpose formula of *space of freedom, security and justice* requires a high level of legality and rule of law. The given achieved goal is fixed in the work plans of various European institutions concerned with regulating relations between member states and candidate on the issue of border security internal and external compliance of visa regime, measures relating to the offering shelter, politics, immigrants, the State regulation of foreigners living temporarily in the EU.

The position of structures of the united Europe towards Moldova's intentions is fully justified empirically. The first declaration of intent country to join the EU is recorded in the *Statement of Foreign Policy*, adopted by the Parliament, stating that the signing of the Agreement on Partnership and Cooperation between the EU and Moldova in 1994 - a first step towards integration Moldova's European. In 1996, Moldovan President Petru Lucinschi addressed an official letter to European Commission President Jacques Santer, where he relates about the goal of Moldovan citizens to become an associate member of the EU by the year 2000. Generalizing statements Moldovan state leaders can highlight several formulas, message which goes from intention to return; the statement to the clear strategic objective, set by the Concept of Foreign Policy for the years 1998-2002, adopted by the Government. Foreign Policy Concept of the Republic of Moldova stated: *European integration is "a major strategic objective of the country"*.

Currently, taking into account those declaration we can observe in reference to the time indicators, a high degree of naivety of leaders of legislative and executive institutions of the Moldovan state. Fixing the completion of Moldova's partnership process to the European Union until

2002, tell us about the ignorance by the national conditions and requirements into the European association. At the end of the twentieth century, the Moldovan citizens were not aware of any term of *Europeanization*, *Europeanism*. Then, we were concerned about assimilation terms of identity, social cohesion and sovereignty. In our opinion here is focused discerning approach of European integration by the citizens of the Baltic states and Moldova. They knew who I am. They were aware of their ethnocultural identity. Moreover, they had registered social memory image personalized identity thief – Russian people. They have allowed the favorable conditions to decide on the future of the state: integration into the European Union and NATO.

Moldovan state history contains multiple images of identity thieves ethno-cultural and national dignity. Five centuries of foreign domination practically dismantled the Moldovan each image about their identity, dignity and civic responsibility, love for country, immortalized only stories and folk songs. If we update psychologist's thesis we state: child's education begins 25 years before his birth, then clears the actual situation: I had a competent political class, patriotic, which would be managed social processes so that from time to time is identified the national interest of Moldovans who because of anti-Romanian policy of the Soviet state does not know, and I do not speak their native language, writing in a foreign script for it.

As about the *nation's history* educated generations in the communist regime of the Soviet system have known it than in reductionist form, where ideologies have left only two dates: 1359 creation of the Moldovan feudal state to 1812 - breaking space located between the Prut and Dniester in Moldova and attach it to Czarist Russia. The situation was described with small details in the so-called Bessarabia after annexation. Based on this incomplete information you can not develop historical consciousness, under which you could define your ethnocultural identity. Moldovan intellectuals have made huge efforts to raise awareness with respect to ethnocultural identity of Moldovans, but the results were minimal. During two decades in Moldova we have talked about the need to know and define the identity of ethnocultural about reaching consensus between ethnic groups that coexist in the same space and logically should have the same interest: consolidation and security of its own state. But the political and social reality is different: Moldovan political class and society, which by ethnicity is divided into two parts: speaking Romanian and Russian language, stands for two different geostrategic models - integration into EU structures; joining the Eurasian

Union. In the analytical guide: *European Union - Eurasian Union: comparative study*, the authors describe the potential viability of both models ².

The people should decide the partnership with any model of regional integration. The people united should be around national interest, clearly defined by the political class. In turn, the political class must come to the people with a program of actions geared towards satisfying political stability. The stability of political system is necessary to strengthen the Moldovan society. In this respect, the concept of social cohesion, social consensus is fresh. Respecting the balance between the interests of individual, social groups and the state – is the condition of stability of any political, economic, social system.

As Dan Paul says in his *The Theory of people's power*, Giovanni Sartori explains the sufficient rationality of writing the representative *The Reinterpreted theory of democracy* stating: „Among the least invoked ideas of democracy is that *the wrong ideas about democracy make democracy go wrong* ". A democratic system can not function without perfect knowledge of the theory of democracy; moreover that the right ideas about democracy have practical concrete consequences, they must be designed and implemented so as to always take into account the particularities of place and time, of the specific countries, regions, smaller communities of historical tradition and the political culture of the elites and the masses. In our country (in Romania - L.R) it's considered, says Dan Paul, that democracy means not only elections and eventual alternation in power of rival political forces³. Unfortunately the conclusion of the scientist Dan Paul reflects fully the democracy's appreciation by politicians from Chisinau.

In the Moldovan society the situation much more complicated because when engaging democratization the model wasn't assimilating by politicians or by the intellectual elite. Being concerned in part by resizing traditional values, the formation of historical consciousness, the intellectual elite of Moldovan society during the two decades the intellectual elite ignored the requirements and conditions of democratization, for an efficient run. So at the moment not only attest that democratization *goes wrong*, but that multiplied the negative consequences of the process: ignoring politics supports absenteeism's affirmation; economic liberalization has resulted in a profound economic crisis conditions, the multiple forms of poverty, the massive migration of labor; the significant changes in the demographic structure of the population, aging and mortality endanger the existence of subsequent generations etc. All this could

² Valentin Beniuc, Ludmila Roșca, Nicolae Afanas, *Uniunea Europeană – Uniunea Euroasiatică: studiu comparat*. Ghid analitic. Chișinău: S.n. 2015 (Tipogr.Print Caro), 2015, 155 p.

³ Sartori Giovanni, *Teoria democrației reinterpretată*. Traducere de Doru Pop. Iași: Polirom, 1999, 512 p., p.11.

be reduced in terms of political stability and recovery of all branches of national economy. The stability of political system is ensured, first, by the ability of political groups: interest, associative, unasociated partners, to assume institutional responsibility for everything that happens in Moldova. This would allow them to understand that any political action that supports the division of society into two parts: proeuropeans and pro-Asians, pro-communist and pro-democrats, contrary to the national interest, which at the moment is not clearly defined, it is conceptualized and It is not treated by citizens. Understanding and proper selection of domestic and foreign policy priorities of the state of democracy supposes the assimilation theory, which is a priority of integrating all citizens in the community, their participation in all spheres of public life: political, economical, cultural.

In this context, the analysis of the phenomena cohesion / social exclusion is recent and has a practical significance for the proper implementation of the model of democracy, rule of law, social state. Moreover, in a society characterized by multiple integration processes at all levels of socio-political organization: local, national, regional, global interconnections politics and economics ensures the success, effectiveness of management processes socio-political, or not being treated, adequately appreciated, lead to confrontations, crises, intensifying conflicts.

The term social cohesion was first used by Emile Durkheim who was concerned with the social exchange and human sociality. Emile Durkheim pointed out that social exchange can be achieved only in companies with a low level of labor division. The French sociologist points out that there is an alternative explanation of the social division of labor and sociality. It is about dynamic density or moral, about the density of relationships between members of a community of people. To explain the relationship of proportionality between the size of the dynamic density of the community and the degree of labor division, Durkheim E. aims to answer the question: Why between individual autonomy and his dependence on society are established relationships just the same as the relationships between the labor division and the dynamic or moral density? For this purpose, the scientist explains two phenomena: the repressive society and the sociality restitution. Both forms of sociality have a common basis that is not designated by the social balance, but rather by the moral authority of the group both in terms in which society satisfies the individuals differentiated needs (organic solidarity) and the conditions under which it expresses standard needs common to all members of the society (mechanical solidarity). The restitution society is based on social exchange between individuals according to the economic exchange model⁴. In this context, the French sociologist by social cohesion term

⁴ Pop Dan, Teoria unificată a puterii poporului./ Sartori Giovanni, *Teoria democrației reinterpretată*. Traducere de Doru Pop. Iași: Polirom, 1999, 512 p., p.11-22.

emphasizes a future order of the society characterized by an interrelated relation sustained by loyalty and solidarity of society members.

The aspects/components of the social cohesion are: the strengthening of social relations, the recognition and respect of values by all social groups, the adoption of a common model of values interpretation, processes, events, the living of a common identity and the same sense of community, the trust exhibited by each group/member in relation to other people. The theoretical concept of social cohesion resizes: the existence of values/feelings on which is defined the membership in a social group; the ability of human society to ensure equality between its members and prevent any marginalization of citizens; the ability of the individual forms of participation in decision-making, to respect principles of democracy and to demonstrate their effectiveness; society's ability to mediate conflicts over resources and power, and to tolerate controversies; society's ability to mediate political diversity. Social cohesion is ensured firstly through multiple affiliations which places the individual in a plurality of groups. Secondly, the decision-making processes do not seem to favor any single group or individual, but also allow groups that lose the political battle to reconfigure their interests in different ways by different institutions and different coalitions in order to win another time. A third way to ensure social cohesion is faith in democracy, which is characteristic to social majority.

The naivety of Moldovan leaders demonstrates their lack of knowledge about the phases / processes of association with the EU structures. In our opinion, European integration of the national state supposes the full going through process of Europeanization. In the study: The transformative power of the EU. Europeanization through membership conditions in Central and Eastern Europe, Heather Grabbe wonders: Why have the candidate countries to EU structures accepted a condition that clearly contravened their interests? Heather Grabbe answers: because of the demanding states addiction to EU structures. In 1997 a Hungarian official declared to the author: In any conditions accession is more advantageous than non-adherence. For this reason the states have initiated preparations and negotiations for accession to the EU. As Heather Grabbe, who personally monitored the accession to the EU of the following states: Bulgaria, Hungary and Poland, mentioned that preparations and negotiations represent interconnected processes, but each has a distinct character and its own logic. Negotiations are related to "us and them" and it is a process in which each side seeks the best possible result, but preparations for membership are related to "us" in future and form a

process in which candidates align to EU rules and try to become alike the member states. Europeanization involves both processes⁵.

Since 1989, the EU influence in the Central and Eastern Europe region act largely by the conditions of accession, which generated new ways of Europeanization. For candidate countries of Central and Eastern Europe, the problem lies in the continued implementation of EU policies, despite the imposition of a period of transition and uncertainty. Applicant countries were caught in a process of Europeanization whose dynamics and logics were independent of negotiations. The governors of these states have supported the process because they have already invested considerable political capital in order to align to EU policies, so that the withdrawal would become too expensive. Moreover candidate countries have become elements of the European political space, which encouraged them to act as partners of the member states.

Europeanization is a research domain and a concept. Mrs. Grabbe's work approaches to the Europeanization as a process which concerns the way the EU has influenced the following countries: Bulgaria, Hungary, Poland, regarding the issue of person's free movement within the Single Market and the control of people movement across the EU's external borders under the Schengen conditions. Europeanization implies the EU policies and their implementation at national level. Europeanization, according to Heather Grabbe, represents the compliance to the requirements for membership and the adoption of model policies norms and the model of the EU institutions.

Considering the criteria for EU membership is important to resize the declarations of the European Council of Copenhagen from June 1993, which is the normative basis for EU enlargement, namely for the approximation and integration into the EU. In the Declaration is mentioned that "the associated countries of Central and Eastern Europe will become EU members if they wish so", which means acceptance and compliance of the accession conditions/requirements. The political criterion reflects the state of things that I described above: "the stability of institutions guaranteeing democracy, the supremacy of law, the human rights and respect and protection of minority rights." Examining the political situation in Moldova on the eve of the 25th anniversary from the Declaration of Independence adoption, we ascertain that institutions are in oligarchy captivity, for this reason their work; the adopted decisions of their leaders are unpredictable. Both the institutions of state power, as well as their rulers mimic their activity, promoting their group interests, creating artificial obstruction for the lawful operation of some institutions. So has happened on October 15 2015 when at the initiative of the

⁵ Heather Grabbe, *Puterea de transformare a UE. Europeanizarea prin intermediul condițiilor de aderare în Europa Centrală și de Est*. Trad. Aurelia Pîrlițanu. Chișinău: Epigraf SRL, 2008 (F.E.P.Tipogr.Centrală), 2008, 248 p.

Democratic Party, Strelet government was ousted. Subsequent acts of Democrats from the Moldovan Parliament highlighted the group interest - to appoint Vladimir Plahotniuc as Prime Minister.

In Moldova there are no words about interdepartmental communication/collaboration, we are witnessing an up to absurd absolutization of the formalism, reductionism. To justify this statement we will update the political class actions from December 2015 to January 2016. In this context, NGOs have sent a declaration condemning the undemocratic manner in which government Filip was sworn, stating: The signers of this declaration condemn distortion of the democratic process in Moldova through the formation, voting and swearing of the Government Filip. This seriously affects confidence in this Government. We call on policy makers to respect the principles of the rule of law, the legislation and restoration by swift and firm actions of lost confidence in state institutions. On December 15th, 2015 the President of Moldova, Mr. Nicolae Timofti declared the that the Democratic Party of Moldova (DPM) exercised pressure on his person in order to convince him to nominate for the prime minister position Vladimir Plahotniuc. On December 21st 2015, after the failure to form a parliamentary majority for proposing a candidate for the Prime Minister position, the Republic of Moldova President has designated himself as a candidate Ion Sturza. On January 3d 2016, Mr. Sturza and his cabinet members publicly signed a declaration of integrity proposed by the civil society. On January 4th 2016, Ion Sturza was about to ask for the Parliament vote of confidence. Lack of quorum, the Parliament session did not take place, and the Speaker of the Parliament qualified this fact as a failed attempt to give a vote of confidence to the Government. Several civil society organizations supported through a public appeal that a lack of quorum of a Parliamentary session cannot represent a parliamentary vote of no confidence for the Cabinet of Ministers, and the Parliament will exhibit on the program of activity and the Government list in plenary meeting. However, President Timofti continued the consultations with the parliamentary fractions in order to identify another candidate for the prime-minister position.

On January 20th 2016, at around 12:00, was published the Parliament session agenda which sought a vote of confidence to the Government. At that hour was not made public any Government draft work program and no list of members of the proposed Government. At 16:40 o'clock the Parliament gave a vote of confidence to Pavel Filip candidate and his Cabinet. The government was voted in a session that lasted about 30 minutes; the designated prime minister has read his speech in 8 minutes and in 2 minutes presented the Cabinet of Ministers list. Arbitrarily, the questions and answers session has been omitted. The Government program and the list were not debated, contrary to art. 98 paragraph (3) of the Constitution. The

undersigned organizations condemn the haste with which the new government was sworn considering investing methods of the Cabinet of Ministers contrary to democratic norms and the Constitution.

Considering the pressures exerted on the President to appoint a candidate for the prime minister position persistently promoted only by a political party, the subsequent insistence to nominate the same candidate by a parliamentary majority on which hovers suspicions that was formed on basis of corruption, blackmail and intimidation, boycott by deputies of the candidate initially designated by the President complying with the requirements of the Constitution, the sudden withdrawal of the second candidate nominated by the President, the Government Filip shirking from signing the declaration of integrity proposed by the civil society, voting it in parliamentary rapid and unclear proceedings, and the secretly swearing by the Government Filip, the Signers declare that the above circumstances do not allow us to trust the government voted on January 20th 2016 until this Government will demonstrate through concrete actions the contrary⁶ [7].

At the Moldovan Parliament session from January 20th 2016, at which the Filip government was voted, by a parliamentary majority formed by unknown criteria, the procedure was reduced to 10 minutes. Moldovan President received the ministers' oath at midnight. For 14 months the civil society, the opposition parties, some extra-parliamentary parties organized protest actions, involving tens and even hundreds of people. Demonstrators no longer trust politicians, the leaders of state institutions. According to the theory of legitimacy of power, developed and promoted by Max Weber, currently in Moldova the power lost its legitimacy. The question arises: How could we correlate these two situations with the Copenhagen political criteria?

The economic criterion: "The existence of a functioning market economy and ability to compete on the EU internal market? In the last two years in Moldova there were stolen considerable sums from the banking system, so as to make ourselves known worldwide with the phenomenon "robbery of the century", more than a billion dollars, over 20 billion lei [8; 9; 10; 11; 12; 13; 14; 15]. At the same time experts in the field affirm that Moldova's economy is characterized by a deep crisis, that the national economic recovery is possible only by having serious internal and external investments. As for the production and promotion of culture goods on sale market in our history is documented in little successful enterprise, for the rest a managerial, organizational illiteracy is present. Moldova has natural resources (time, climate, human resources), but they should be managed according to the rules of market economy.

⁶ <http://www.zdg.md/stiri/stiri-politice/ong-urile-condamna-modul-nedemocratic-in-care-a-fost-investit-guvernul-filip>, accesat la 20.03.2016.

The *acquis* criterion is: "the ability to assume the obligations of membership, including adherence to the aims of political, economic and monetary union". Unfortunately, the cabinets of ministers: Filat I, Filat II, Leanca made efforts for the preparation and signing of the Association Agreement with the EU. Meanwhile, in this period occurs "robbery of the century", several actions that contradict the aims of political, economic and monetary union. The speech of the heads of the state institutions of the Republic of Moldova is pro-European but their activities are anti-European, it can be framed in the theory of authoritarian, oligarchic regime. If we will compare the political, economical, juridical situation in Moldova, in the first decade of XXI century, with the current situation, produced by the so-called pro-European government in 2010-2014; 2014-present, we can see a chain of attempts of devaluation of the European model of European integration, the removal from the EU structures. Although the political discourse of the Parliament Deputies of Moldova, the Filip Government promotes the same intention: of approach, association and European integration, the leaders / institutions' activity speak otherwise their statements.

The Copenhagen European Council statements contain clear requirements towards the candidate states to accession and association. They point on the dialectical unity between political speech and activity, results of the reform / rebuilding process of political, legal institutions, of national economy. "An important aspect of political pro European discourse is the institutional membership to Europe, acquired through a complex process of political socialization by which citizens of European countries would own history of the united Europe, the contents of the Agreements concerning the functioning of the supranational structures, the interpretation of need and motivation of common actions . This Europeanization process occurs as a result of which people (citizens of Member States or candidate States) assimilate the concept of European. Institutional membership in Europe is a qualifier and a result of the integration process, the EU Member States' cooperation in various fields of social life: economic, political, and cultural"⁷.

Conclusion. What do we, Moldovans, have to do? To produce the change in mentality, in behavior, in addressing political / social in proper appreciation of national interest. What could a peaceful, hardworking, good nation which approaches others / the other with kindness, fairness dream about? Stability, peace and prosperity. These can only be provided by the national state institutions formed after democratic rules, which operates under the Constitution. In a world characterized by multiple integration processes, political institutions cannot fully honor commitments / promises to citizens, if

⁷ <http://unimedia.info/stiri/investigatie-the-black-sea-legatura-dintre-furtul-miliardului-si-firma-e-nergokapital-de-la-tiraspol-111204.html>, accesat la 20.03.2016.

they do not collaborate with regional / international organizations, with developed countries, with neighboring states. We are a peaceful nation, Moldovans greatly regret the tragic events in Ukraine, so that encourages politicians to multiply form of manipulation to overestimate results of the government.

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ON REASONS BEHIND ARMENIA'S INTEGRATION CHOICE: EU VIS-A-VIS RUSSIA-LED EEU

Tigran YEPREMYAN
Narek MKRTCHYAN

Abstract. *The article deals with the challenges that Armenia faces in choosing between European and Eurasian integration projects. The EU and Russia-led Eurasian integration processes provide new framework to analyze Armenia's integration choice through the small states theory. Particularly, the paper tries to conduct discussion on the key political factors that were behind the decision of President Serzh Sargsyan to join Russian led Customs Union and to take part in the formation of the Eurasian Economic Union. The article attempts to address the possible impacts of Ukrainian crisis on Armenia's elite perception of regional security and reasons of the absence of Maidan scenario in Yerevan. In addition, the article takes into consideration the factor of Armenian Diaspora in Russia in explaining Armenia's intention to join the Customs Union. For this case a useful perspective comes from cultural studies, par excellence Gramsci's concept of hegemony, and one from International political economy, particularly neo-Gramscianism. This comprehensive perspective allows us better understand Armenia's problems and prospects on the way to its aspirations of integration with the European Union.*

Keywords: Armenia, EU, Eurasian Union, Small State, Integration, Security, Diaspora, Neo-Gramscianism.

Introduction and Theoretical Framework

Since the disintegration of Soviet Union the small states of South Caucasus has been in the geopolitical interests of both West and Russia, which initiated various integration projects to attract former Soviet states by their offered development or security incentives. The Republic of Armenia has been negotiating the Association Agreement (AA) and the Deep and Comprehensive Free Trade Agreement (DCFTA) with the European Union for more than three years. Pre-September 3, 2013 Armenian political discourse on integration preference has been represented as a unique Armenian penchant for Euro-integration in the near future. By speaking about Armenia's European integration choice the President of Armenia Serzh Sargsyan during 2011 address at the Parliamentary Assembly of the Council of Europe pointed out: "The people of Armenia have made their historic and irreversible choice. Our road to becoming closer to Europe has been unique in a natural way. For us, it is a homecoming to the European civilization and cultural realm, to

which we belong, and where we have been ever-present.”¹ Such kind of statements followed by many other high officials like deputy Foreign Minister and secretary of the National Security Council of Armenia, etc.² However, the situation has been abruptly changed after President Serzh Sargsyan's visit to Moscow on September 3rd, 2013, where he surprisingly shifted Armenia's long-praised European integration direction and officially declared about Armenia's readiness to join Russia-led Customs Union and to participate in the processes of formation of the Eurasian economic union.³ The political discourse on integration choice has been subjugated into transformation too. To achieve public consent towards the presidential announcement the ruling elite of Armenia started to handle national security issues. The policies of *securitization* in Armenia created quite an important source to characterize the choice as a “rational decision.”

Nevertheless, the echoes from the West represented Yerevan's decision as a result of Russian pressure and blackmailing policies. The case of Armenia's decision attained much more geopolitical importance especially after Ukraine's announcement to stop the signing of AA with the EU. The article tries to address the possible impacts of the Ukrainian crisis on Armenia's elite perception of regional security. The paper also puts an emphasis on domestic reasons that challenge the Republic of Armenia to pursue alternative and sovereign integration preferences. Among domestic factors it should be noted the role and the will of ruling regime in establishing democratic institutions, which in turn would provide Armenia with new abilities to maneuver among great powers. Indeed, it would provide unique mechanisms to use nation's potential at home and in Diaspora in an attempt to compensate the smallness of the Republic of Armenian in international system. Consequently, to examine above discussed characteristics some concepts from small state theory should be applied into the text.

Thus, if due to the security concerns the decision of Armenia has been conceptualized as rational, then one should find an answer to the following question: *Do Armenia's regional preferences shaped by the offered security guarantees by a regional actor?* In this regard it seems that the EU lacks to provide security guarantees for Armenia. If Armenia's choice has been made

¹ Statement by the President of the Republic of Armenia Serzh Sargsyan at the Parliamentary Assembly of the Council of Europe, 22.06.2011, Strasbourg, <http://www.president.am/en/statements-and-messages/item/2011/06/22/news-91/> (accessed 16 March 2016).

² “Armenia close to signing Association Agreement with EU – NSC chief,” *PanARMENIAN.Net*, http://www.panarmenian.net/eng/news/123013/Armenia_close_to_signing_Association_Agreement_with_EU__NSC_chief (accessed 14 March 2016).

³ The RA President Serzh Sargsyan's Remarks at the Press Conference on the Results of the Negotiations with the RF President Vladimir Putin, 03.09.2013, Moscow, <http://www.president.am/en/interviews-and-press-conferences/item/2013/09/03/President-Serzh-Sargsyan-press-conference-working-visit-to-Russian-Federation/> (accessed 15 March 2016).

under blackmailing policy, then the problem is more domestic than external. In case of efficient system of governance, willful leadership and inclusive institutional framework, Armenia would have much more opportunities to pursue sovereign integration choices.

Although the concepts of small states' power vary from author to author, common characteristics make the theory applicable to context of South Caucasus countries. The theory has been developed since 1960s but because of bipolar world order it sentenced to be stayed unvoiced. Despite the theory does not identify concrete definition for small states, there are some key features which are used by theorists to define small state as a category in international relations. Among the characteristics that define power of small states are as follows: *lack of security*; when a small state realize that it should rely on other states to obtain security⁴, small *physical* and *population sizes*⁵, *geographic area* and *geopolitical interests*; when small states can act against great powers if the territory of a certain small state is geo-strategically important for a great power⁶, limited economic and energetic resources etc. In the case of Armenia limited energy resources, relationships and alliances with great powers in pursuing security provide opportunity to present its foreign policy through the characteristics of small states theory. However, the smallness of a state is not enough to characterize it as a weak state. Thus, it is crucial to differentiate between a "perception of inability" and "objective reality" in small state's quest to be secure in international system. What makes distinction between "weak" and "small" is the ability and the will of ruling elite of a small state to construct a kind of identity that will shape out an *authorship* in international system.

In other words, if a state's people, elite and institutions perceive themselves to be small, or if other states' peoples and institutions perceive that state as small, it shall be so considered.⁷ If a small state lacks substantial economic or military resources to be transformed into an essential actor in IR, then ruling authority should apply national and cultural resources of a state to generate special "*brand*" that will influence its foreign policy behavior. The interests and willingness of small state's leaders are key driving forces that will make them to take advantage of the accessible opportunities of the international system. Hence, the issues concerning national security, group

⁴ See Robert Rothstein, *Alliances and Small Powers* (NY and London: Columbia Univ. Press, 1968).

⁵ See David Vital, *The Inequality of States: A Study of the Small Power In International Relations* (Greenwood Press, 1980).

⁶ See Ronald Peter Bartson, *The Other Powers: Studies in the Foreign Policies of Small States* (London: George Allen & Unwin Ltd., 1973).

⁷ Robert Keohane, "Lilliputians' Dilemmas: Small States in International Politics," *International Organization* 23:2, (1969): 296.

interests and willingness of ruling elite are key factors to explain the September 3rd decision of President Serzh Sargsyan.

Strategic Partnership with Russia

Since the independence, the Republic of Armenia stood between choices to accept or reject the incentives offered by international institutions, international organizations, individual states, etc. Initially the smallness of Armenia did not become a preventing factor for Armenian nation to organize national-ideological mobilization and then came victorious out from the Nagorno-Karabakh war. Consequently, the achieved independence and victory transmitted more confidence and opportunities to conduct relationships with the USA and Russia, Iran and the EU, or USA and Iran in a way that no conflict of interests took place.⁸ This balanced foreign policy later would be conceptualized as “complementarity” aiming at ensuring good relations with all the major powers and, most definitely, at opening ways to ease the burden of dependency on Russia.⁹

However, nobody can argue that there is no challenge: within this context a new challenge rises for Armenia regarding the formulation of unequal relations between small state and great powers. Particularly, it has been in the agenda when official Yerevan should define its integration policies towards regional actors like Russia and the European Union particularly before the Vilnius summit, when Armenia made a U-turn in favor of membership in the Eurasian Union. The Eurasian integration project with its sub-projects is considered as a vehicle for Russia to be engaged in ‘normative rivalry’ and competition with the EU in the so-called ‘shared neighborhood’ where the EU has exercised a monopoly until now.¹⁰ Russia also promotes the ECU in the post-Soviet countries that were actively participating in the Eastern Partnership and have scenario of concluding an AA and DCFTA with the EU.

Since 1993, Russia was actively looking to its “near abroad”, including the South Caucasus, to restore its eroding influence. Moreover, Russia saw stability in the South Caucasus, including Armenia, as vital to stability in the North Caucasus. Former Russian Foreign Minister Andrey Kozirev made Russia’s position known by stating,

⁸ Վարդան Օսկանյան, *Անավարտ Տասնամյակ; ելույթների ընտրանի* (Երևան, Միլիիթաս հիմնադրամ, 2009), 21: Vardan Oskanyan, *Anavart Tasnamyak; eluytneri yntrani* (Yerevan: Civilitas himnadram, 2009), 21.

⁹ Khatchik Der-Ghoukassian, “Balance of Power, Democracy and Development: Armenia in the South Caucasian Regional Security Complex,” *Universidad De San Andres (Argentina) and Aiprg, Working Paper No. 06/10* (2006): 15-16.

¹⁰ Rilka Draganeva and Kataryna Wolczuk, “Russia, the Eurasian Customs Union and the EU: Cooperation, Stagnation or Rivalry?” *Chatham House Briefing Paper REP BP* (January 2012): 6.

“This region [i.e. South Caucasus] is the zone of our vital interests. If Russia loses its positions there, other forces could take our place, and that will be inevitably leading to destabilization in North Caucasus.”¹¹

To increase its influence over Armenia the Government of Russian Federation and the Government of Armenia signed an agreement in 2002, which it inclined to resolve not only the fate of external debt of Armenia, but also the fate of many industrial, energetic and scientific properties remained from the Soviet Union. As a consequence of that agreement a number of strategic companies transferred to the ownership of Russian Federation in return of Armenia’s \$93 million debt to Russia.¹² What is needed to address is the fact that since 2002 Russia has forgiven more than \$130 billion of its external debts from other countries. In comparison with that amount the Armenian debt seems negligible. And here a question arises about the reasons for the differences in the approach to its strategic partner in the region and other states that do not have such a close relationship with Russia. Russia as a military partner of Armenia, blackmails national security issues of Armenia, after which Armenia appears to have little choice but to accept Russian “friendship” on whatever conditions it is offered. Thus, as argued by Sherr, Russia combines hard and soft power approaches, which he calls “soft-coercion” in order to exert the influence that is indirectly coercive, relying on disguised methods (blackmail, sanctions) and not traditional forms of security (energy).¹³ In that line, James Nixey posits that Russia has a good arena to exercise its soft power in the South Caucasus because of ethnic conflicts as well as different types of economic leverages possessed.¹⁴ Of course, in this context the frozen conflict of Nagorno-Karabakh is only one indicator of Armenia's vulnerability, which should be understood also by economic and energy dependences on Russian assertiveness.¹⁵

Russian companies being successfully represented in energy (Gasprom, Inter RAO UES), mining, banking (VTB Bank), transport (Russian Railways), telecommunication (VimpelCom and MTS) and insurance (Rosgostrakh, INGO, RESO etc.) sectors of Armenian economy are keen to

¹¹ Tiffany Petros, “Evolution of Armenia's Foreign Policy,” *DFI International & AIPRG*, Working Paper No. 03/13, (2003): 4.

¹² Asbed Kotchikian, “The Dialectics of Smallness: State-Making in the South Caucasus,” *Hobart and William Smith Colleges and AIPRG*, Working Paper No. 06/13 (January 2006): 13.

¹³ See James Sherr, *Hard Diplomacy and Soft Coercion: Russia’s Influence Abroad*, 1st ed. (London, UK: Chatham House, 2013).

¹⁴ See James Nixey, “The long goodbye: Waning Russian influence in the South Caucasus and Central Asia,” *Chatham House, REP RSP BP* (March 2012).

¹⁵ Khatchik Der Ghougassian, “Farewell to Complementarity: Armenia’s Foreign Policy at a Crossroad,” *The Armenian Weekly*, 2014. <http://www.armenianweekly.com/2014/04/01/farewell-to-complementarity-armenias-foreign-policy-at-a-crossroad/> (accessed 19 March 2016).

increase Russia's political and economic influence over Armenia. Among the mentioned companies we would like to put an emphasis especially on influential role of Gazprom in Armenia. In 2013, the governments of Armenia and Russia signed a gas agreement according to which the Armenian side pledged to transfer 20 percent of its *ArmRosGazprom* shares to *Gazprom*; this made the latter's ownership in *ArmRosgazprom* increase to a full 100 percent;¹⁶ the claimed reasoning behind this deal was to forego the accumulated debt of \$300 million for Russian gas consumed in the years 2011-13.¹⁷ As a consequence the ruling elite of Armenia started to claim that Russia offers gas to Armenia at the cheapest possible price in the whole region. To back up the statement President Serzh Sargsyan stated: "thank God, nobody is talking about the gas price which is fixed in the treaty signed with Gazprom. Why aren't they talking? Because it is the lowest possible price at which Russia could sell gas to any country."¹⁸ This announcement came to prove the relevance of September 3rd decision aiming at stressing Russia's importance for Armenia's energy security. However, following Serzh Sargsyan's statement the Iranian Ambassador to Armenia announced that Iran is ready to supply cheaper gas to Armenia.¹⁹ Unfortunately, Russian energy leverages over Armenia especially the control over 75 percent of the Iran-Armenia gas pipeline²⁰ hinders the later to participate in other regional energy projects and to diversify its energy sector. And today when Gazprom has 100% monopoly over Armenian gas supply and an opportunity to use energy and infrastructural projects offered by Islamic Republic of Iran, it will also take advantages from the future economic and political prospects of New Silk Road.

Behind the September 3rd decision we want to distinguish completely different and unnoticed reason. It should be believed that the September 3rd decision was made also in an attempt to preserve the ruling regime. In case of detachment from Russian orbit the overthrowing of the ruling regime by Russian media propagation mechanisms would appear not an easy endeavor especially under increasing public grievances in Armenia. Such kind of

¹⁶ Gazprom increasing its stake in *ArmRosgazprom* to 100 percent, *Gazpromnews*, <http://www.gazprom.com/press/news/2014/january/article182633/> (accessed: 5 March 2014).

¹⁷ "Gazprom Buys Remaining Stake of ArmRosgasprom," *NewEurope*, Published 08:59 January 19, 2014. <http://www.Neuropce.Eu/Article/Gazprom-Buys-Remaining-Stake-ArmRosgasprom> (accessed 25 March 2016).

¹⁸ President Held A Consultation with the Leadership of the Ministry of Energy and Natural Resources: *Press Releases of the President of the Republic of Armenia of 28.03.214*. <http://m.president.am/en/press-release/item/2014/03/28/President-Serzh-Sargsyan-meeting-in-the-Ministry-of-Energy-and-Natural-Resources/> (accessed 26 March 2016).

¹⁹ "Cheaper Offer for Gas," *168.am Newspaper*, 8 Dec. 2013, <http://en.168.am/2013/12/08/865.html> (accessed 26 March 2016).

²⁰ Gaidz Minassian, "Armenia, a Russian Outpost in the Caucasus?" *IFRI, Russie. Nei. Visions* N. 27 (2008): 8.

foreign policy behavior is not new for Russia. As for precedent examples one can refer to the “property against debt” deal made by President Kocharyan that was paid off in terms of support from the Russian government during the political instability caused by 1999 parliamentary terror. Similarly, after Georgian (2003), Ukrainian (2004) and Kirgizstan (2005) revolutions, among the ways to avoid possible scenario in Armenia and preserve its influence, Vladimir Putin saw the necessity of reinforcing Karabakh clan regime.²¹

The European Union and Armenia

The bilateral relations between the EU and Armenia launched in 1990s under the framework of Partnership and Cooperation Agreement (PCA) signed in April 1996. The establishment and strengthening of security and stability in the South Caucasus countries are seen as one of the top priorities of the EU. The pivotal step made by the EU towards the institutionalization of relations with Armenia was the decision of the European Council to include the South Caucasus countries into the framework of European Neighborhood Policy (ENP) in 2004 and the Eastern Partnership (EaP) program in 2009.²²

The ENP developed by the EU aims to avoid the emergence of new dividing lines between the enlarged EU and its neighbor states. The ENP might be understood in the context of a security community building or of integration of ENP partner countries into a broader European security community.²³ One should notice that in case of Armenia the EU’s regional security role is quite blurring. The uncertainty towards the South Caucasus security-related issues and particularly towards the Nagorno-Karabakh issue is evident even in the Action Plans, where the EU uses the term “territorial integrity” for Azerbaijan’s and “self-determination of peoples” for Armenia’s parts. As a regional power the EU has done little for the conflict resolution and uses only its *soft power* to maintain and promote security in the region. One of the indicators of weakness of ENP as security building community can be regarded the decision of the Republic of Armenia to join Russia-led Customs Union, which the ruling elite of Armenia justifies by referring to security guarantees offered by Russia. Among disappointments from the EU’s limitations in terms of providing security can be considered the event when the EU member state Hungary extradited murderer Safarov to Azerbaijan, who killed sleeping Armenian fellow student Gurchen Margaryan in Budapest in 2004.

Within the context of “football diplomacy” the Republic of Armenia gave a signal to the EU expressing willingness to implement one of the key

²¹ Ibid., 9-10.

²² EU-Armenia relations: Fact Sheet. European External Action Service, Brussels, 29 February 2015. http://eeas.europa.eu/factsheets/docs/armenia_factsheet_final.pdf (accessed 2 April 2016).

²³ Pernille Rieker, “Importance of the European Neighborhood Policy: A role for Norway?” *NUPI, Policy Brief* (January 2014): 1.

priorities of ENP such as the avoiding of dividing lines in the European neighborhood partner countries. Nevertheless, after Turkey's unwillingness to ratify the Zurich Protocols (2009) with Armenia the EU could not convince or put pressure on Turkey to conduct bilateral relationships and open borders with Armenia. In case of open borders it would be possible to diminish Armenia's economic dependence on Russia and provide Armenia with additional opportunities to figure out other integration choices. Thus, due to aforementioned developments the overcoming of Armenian blockade by Turkey-Azerbaijan axis through deepening the economic and military cooperation with Russia attained common sense status among most of Armenian society and political elite.

To better understand the public consent of Russia's supremacy over Armenia, one should also take into consideration the phenomenon of threat exposed to Armenia by Turkey. As long as the Armenian genocide (1915-1923) remains unrecognized by Turkey and a number of Western countries, Armenia will continue to rely on the security umbrella provided by Russia. Thus, the Russian military bases²⁴ in Armenia seem to trigger consent in the Armenian society for the Russian presence. In this regard, without alternative security guarantor, Armenia appears to rely on immediate security umbrella offered by Russia.

Nevertheless, it is important to understand what kind of security guarantees the ruling elite of Armenia hopes for when its preferred strategic partner continually delivers weapons and military equipment to Azerbaijan in conditions of Turkish-Azerbaijani war-rhetoric. In addition, one can strongly believe that Russia's militarized foreign policy towards the South Caucasus countries tends to make Russia much more threat rather than security generator in the region. The military cooperation between Azerbaijan and Russia, which was accounted for an amount \$4 billion, was directed to hinder the European path of Armenia.²⁵ This is the point, when ruling circles of Armenia should express willingness to act "against" Russia's blackmailing towards Armenia's national security issues. A counter policy should be implemented obligating Russia to perceive the territory of Armenia as geostrategically important enough for providing multidimensional assistance, rather than represent itself as a mere guarantor of the national security of Armenia.

Farewell to Armenia's Dual Prospects with the EU and Russia?

²⁴ Russia has 3 bases in Armenia; 102nd base in Gyumri, 426th base in Erebuni, and a border guard unit in Meghri near state borders between Iran and Armenia. The new Russian-Armenian treaty on prolonging the Russian military presence in Armenia up to 2044 was signed on August 20, 2010.

²⁵ "Baku Says Russian Arms Trade at \$4 Billion," *Asbarez*, 13 Aug. 2013, <http://asbarez.com/112796/baku-says-russian-arms-trade-at-4-billion/> (accessed 20 March 2016).

Indeed, Armenian foreign policy makers foresaw possible hard reactions from Russian side. To avoid possible pressure and blackmailing from Russia and to continue taking advantages of the European technical and financial assistances, President Serzh Sargsyan claimed "*both and*" approach meaning that Armenia is ready politically to be with the EU and economically with Russia. As closer Armenia moved to the EU as faster Russia started to increase its blackmailing and pressure over Armenia. Such kind of foreign policy formula would work in favor 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 new approach of "either...or." Accordingly, after Serzh Sargsyan's September 3rd announcement of joining the Russian led Customs Union, the foreign Minister of Lithuania, who simultaneously held the rotating EU presidency, assumed Armenia "has blocked its chances of signing a free trade deal with the European Union by choosing to join the Russia-led union... We respect any choice of countries but they cannot enter both organizations at the same time because of different tariff requirements."²⁶ In such circumstances new opinions about the farewell to Armenian foreign policy doctrine labeled as *complementarism* started to be included into the Armenian and international political and academic discourse. Thus, after Serzh Sargsyan's decision of joining Russia-led Customs Union a problem arose whether Armenia would be able to continue the logic of complementarity in a way as Vassilyan argues: "benefit not only by being able to direct its guise equally towards both the EU and its member-states and Russia and take advantage of the technical and financial assistance offered by the former and military guarantees ensured by the latter, but it has also managed not to be the 'apple of contention' between the United States (US) and Iran."²⁷

Initially, the echoes from the EU after 2 October 2013 Parliamentary Assembly of the Council of Europe session, when President Serzh Sargsyan stated that Armenia was ready to sign political portion of AA,²⁸ was quite strict e.g. EU commissioner Stefan Fule said "No Armenia-EU document is being readied to be signed at a Vilnius summit."²⁹ Nonetheless, the EU understood that the isolation of Armenia from the Euro-integration projects would grant

²⁶ "Fule Says Customs Union Incompatible with AA/DCFTA," *PanArmenian.net* 12 September 2013, <http://www.panarmenian.net/eng/news/169897/> (accessed 12 March 2016)

²⁷ Syuzanna Vasilyan, "Armenia from a Foreign Policy of 'Complementarity' to 'Supplementarity'? A Sandwich Story!" *International Affairs Forum*. <http://www.iaforum.org/Content/ViewInternalDocument.cfm?ContentID=8084> (accessed 14 March 2015)

²⁸ "President Sargsyan says Armenia to continue cooperation with EU," *ArmeniaNow.com*, 2 October 2013. http://armenianow.com/news/48880/armenia_president_serzh_sargsyan_strasbourg_pace_speech (accessed 2 March 2016).

²⁹ "No Armenia-EU deal to be inked in Vilnius: EU Commissioner Rep.," *PanArmenian.Net*, 5 October 2013. <http://www.panarmenian.net/eng/news/170893/> (accessed 2 March 2016)

Russia additional opportunity to monopolize its status of being the mere center of power for Armenia. Hence, the EU changed its foreign policy stance towards Armenia. Consequently, Peter Stano, Spokesperson of Stefan Fule announced, “We’re trying to find routes for further cooperation with Armenia, based on the existing achievements.”³⁰

It seems the EU creates new environment through which Armenian foreign policy makers could make it believable that complementarity is still in agenda. The first glance is enough to record the fact that the EU perceives Armenia as geostrategically important for him even within Russia-led unions. French President Francois Hollande at joint press conference with Armenian President Serzh Sargsyan 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...”³¹ Five months later the European Commission decided to increase the funding for Armenia from 150 million (2011-2013) to 140-170 million euros within the framework of ENP for the period from 2014 to 2017.³² Thus, the bilateral relations with Armenia are important for the EU to have more or less reliable South Caucasian partner within the Russia-led Eurasian Economic Union with ever present non-democratic member states. On 7 December 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, “Our shared common values and strong commitment to democracy, human rights, rule of law will be at the basis of the new agreement.”³³

The Impact of the Ukrainian Crisis

A central question in the geopolitical and security related literature on the Eastern Europe concerns the rationale under which the EU engages in the development of strategic relations with countries in its immediate neighborhood and Russia in its “near abroad.” Hence, ongoing *securitization*

³⁰ Ibid.

³¹ Joint Press Conference Delivered by President Serzh Sargsyan and French President Francois Hollande: *Interviews and Press Conferences of President of the Republic of Armenia*, 13.05.2014. <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 March 2016).

³² “The Commission Sets out Cooperation Priorities for the Eastern and the Southern Neighborhood for coming years,” *European Commission Press Release*, Brussels, 8 September 2014. http://europa.eu/rapid/press-release_IP-14-977_en.htm (accessed 20 March 2016).

³³ Introductory remarks by High Representative/Vice-President Federica Mogherini at the launching of negotiations for a new agreement between the EU and Armenia, European External Action Service, Brussels, 07/12/2015. http://eeas.europa.eu/statements-eeas/2015/151207_03_en.htm (accessed 2 April 2016).

processes on both sides aims for establishing a ring of countries around its periphery that will be “stable” and “friendly.” In this regard the New Eastern Europe that encompasses six countries (Ukraine, Moldova, Belarus, Armenia, Georgia and Azerbaijan) has a vital importance for both sides. However, as Barry Buzan specifies the Eastern Europe contains two different security sub-complexes: the western group of states (Ukraine, Moldova, Belarus), the Caucasus (as a mini-complex). For most of the states, security concerns relate mainly to other states in the sub-complex plus Russia.³⁴

Moreover, there is a wide range of conflicts through out of the region that helps Russia to manage the sovereignty of that states. However, it is not like only Armenia is dependent for security on Russia, but rather they are interdependent.³⁵ Because Russia perceives that the control over the South Caucasus is one of its most important national security elements. Most notably, the situation in the North Caucasus is directly affected by the situation in the South Caucasus. A loss of Russian control over the region is seen in Moscow as a severe setback in Russia’s ambition to remain a great power with a capacity to project its influence towards the Middle East; to this aim, Russia has relied upon its relationship with Armenia as an anchor in the Caucasus.³⁶ In contrast to Armenia Ukraine does not depend on Russia for security, but rather Russia is its biggest security threat.

Due to the Kiev’s announcement to postpone the signing of AA/DCFTA with the EU at the Eastern Partnership summit in Vilnius, thousands of protesters took the Independence Square or *Maidan*, which turned violent and sparked not only the war between pro-Russian and pro-Western governmental forces in Ukraine, but also created new geopolitical situation in the European and Post-Soviet spaces. The situation especially worsened after the results of the Crimean referendum on rejoining Russia. However, considering the importance of the right of nations to self-determination for Nagorno-Karabakh case, the decision of Armenia to vote in favor of Russia in the UN Resolution vote on Crimea was presented as rational. Consequently, deputy foreign minister Shavarsh Kocharyan justified Serzh Sraghsyans’s deal on Crimea at the UN General Assembly by claiming that Armenia could not sacrifice the right of nations to self-determination to the principle of territorial

³⁴ Barry Buzan and Ole Wæver, *Regions and Powers the Structure of International Security* (New York: Cambridge University Press, 2003), 397.

³⁵ Tigran Yepremyan, “Nagorno-Karabakh in the Eastern European Security Complex,” *New Eastern Europe Magazine: Articles and Commentary*, Published on Wednesday, 06 April 2016 09:16, <http://neweasterneurope.eu/articles-and-commentary/1944-nagorno-karabakh-in-the-eastern-european-security-complex> (accessed 7 April 2016).

³⁶ Svante E. Cornell, *Small Nations and Great Powers: A Study of Ethno political Conflict in the Caucasus* (London and New York: Taylor & Francis E-Library, 2005), 383.

integrity.³⁷ If we take into account the same possible scenario in Transnistria of Moldova, then nobody can put under distrust the claims of the West to contain Russia's militaristic foreign policy towards its "near abroad."

Russia's military, economic and energy leverages over Armenia, and Russia's speculative policies towards the South Caucasus region and Nagorno-Karabakh issue are a key to understand the reasons why no *maidan* took place in Armenia after President Sargsyan's announcement in Moscow. As a result of Ukrainian protests President Viktor Yanukovich was overthrown and had to flee from Ukraine to Russia. This event and further developments in Ukraine created serious worries among Armenian ruling and opposition circles. Many politicians criticized the Ukrainian violent events and actively used the motto "Armenia is not Ukraine." The ruling and the most prominent opposition political figures of Armenia remarked the difference of Armenian case from Ukraine outlining the possible risk of a new Nagorno-Karabakh war. The leader of opposition (Armenian National Congress Party) and Ex-president Levon Ter-Petrosyan at a meeting in Yerevan on 1 March 2014 by criticizing President Sargsyan's diplomacy and speaking about possible developments in Armenia in accordance with *maidan* model stated: "We are not so many in number as the Egyptians and the Ukrainians, we are not a nation that has no problem like Karabakh so as to have a luxury to afford a civil war."³⁸ So, the *smallness* of Armenia and national security issues were used by politicians to manipulate public consciousness. Indeed, such kinds of statements were keen to influence both ordinary citizens and elite's perceptions of the EU and Russia in terms of providing security.

Former Georgian President Mikhail Sahakashvili, speaking about the situation in Ukraine, said that Russia repeated the same scenario as it had done in Georgia. He claimed that similar to the situation of Russian-Georgian war (2008) the West employs economic sanctions against Russia then criticizes the operations of *Russian armed forces* in Ukraine instead of providing assistance to Ukraine and applying serious confrontation against Russia in an attempt to limit the space for Putin's maneuvers.³⁹ This means that the European soft power would continue to be considered as less attractive for the states with armed conflicts as long as the EU cannot express political will to confront aggressors in the security domains.

³⁷ "Armenia's Vote on Crimea will not Impact Relations with Ukraine," *news.am*, 29 Mar. 2014, <http://news.am/eng/news/201623.html> (Accessed 20 March 2016).

³⁸ Լևոն Տեր-Պետրոսյանի ելույթը 2014 թ. մարտի 1-ի հանրահավաքում, *Ilur.am* (Levon Ter-Petrosyan's Speech at March 1 Rally), <http://www.ilur.am/news/view/25628.html#sthash.QKvt40CG.dpuf> (accessed 20 March 2016).

³⁹ Mikheil Saakashvili, "Groundhog Day and Putin the Predator," *Foreign Policy Magazine*, August 26, 2014, http://www.foreignpolicy.com/articles/2014/08/26/groundhog_day_and_putin_the_predator_saakashvili_putin_ukraine_georgia (accessed 20 March 2016).

The Role of Armenian Diaspora in Russia: from a Neo-Gramscian Perspective

In comparison to other small states, Armenia has strong global Diaspora that exceeds the overall population of Armenia about three times. The largest Armenian communities reside within such an important international actors as the United States, Russia and France. The economic and political significance of Armenian Diaspora and its multidimensional support to homeland should be seen as a power compensating the “smallness” of Armenia in international system. Next to the traditional parties, new Diaspora organizations such as the Armenian Assembly of America, the Forum of Armenian Associations of Europe and the Union of Armenians of Russia have evolved since Armenia’s independence. While the first two structures, which have succeeded in gaining a certain influence, limit their activity to lobbying for Armenia’s interests in Washington and Brussels, getting additional foreign aid, getting support for the Armenian point of view in the Karabakh conflict, and fighting to receive recognition for the Genocide,⁴⁰ the Armenian Diaspora structures of Russia have become an important tool in the hands of Moscow to influence on Armenia’s foreign policy.

In order to keep the current system of Armenian-Russian relations, it is very important for Russia to provide a dialog between coercion and consent. An Italian political theorist Antonio Gramsci (1891–1937) postulated the categories of *consent* and *coercion*: the latter categories do not correspond with the former, but they are not mutually exclusive.⁴¹ The state which seeks to lead should simultaneously use the concepts of coercion and consent. Because every system of hegemonic relationship is maintained not only by coercion but also by consent, under which the political and cultural values of hegemonic group are accepted and assimilated by “*subordinate classes*.” As Gramsci wrote in his famous Prison Notebooks:

*“Every relationship of “hegemony” is necessarily an educational relationship and occurs not only within a nation, between the various forces of which the nation is composed, but in the international and world-wide field, between complexes of national and continental civilizations.”*⁴²

Hegemony does not mean domination: hegemony occurs when there is a harmony between subordinate groups and “*ruling classes*.” The establishment of hegemony involves the processes of the consent-formation, under which the ruling classes demonstrate more leadership than domination. The creation of consent leads up to dominance by forming solidarity in

⁴⁰ Tatoul Manaseryan, “Diaspora the Comparative Advantage for Armenia,” *DFI International & AIPRG Working Paper No. 04/14* (January, 2004): 20.

⁴¹ Antonio Gramsci, *Selections from the Prison Notebooks*, edited and translated by Quentin Hoare and Geoffrey Nowell (London: Smith Lawrence & Wishart, 1971), 445-556.

⁴² *Ibid.*, 666.

society. The most significant step towards societal solidarity is compromise. Consequently, solidarity is achieved by the coordination of different interests existing in society. This is the process, in which the ideology plays a productive role. According to Gramsci's analysis, dominant ideologies become one of the most important tools in the hand of ruling classes for establishing hegemony.⁴³ In order to understand the concept of hegemony, it is quite important and necessary to investigate Gramscian concepts of "historic block" and "organic intellectual,"⁴⁴ and Gramscian understanding of the relationship between *base* and *superstructure*.⁴⁵

Robert Cox developed Gramscian theory of hegemony to the international context.⁴⁶ Neo-Gramscians emphasize the role of the structure of coercion and consent in hegemony formation, when ideas of dominant classes are accepted by subordinated classes through the *common sense*.⁴⁷ According to Cox the relationships among social forces, forms of state and world orders are interrelated and social forces can influence states and world orders. This tree level relations play pivotal role in various international processes.⁴⁸ So, the flows of the capital of Russia's Armenian community to Armenia provide a unique opportunity for Russia to reinforce its economic and political influence on Armenia. The relationships of Russia's Armenian Diaspora and Armenia mostly can be defined as business in character. The Diaspora community as an emerging *class* cannot operate in Russia without coinciding its interests with the economic, political and foreign policies of Russia. Therefore, the political system in the host land is highly important, since it determines the extent to which the Diasporas might influence the

⁴³ Mark McNally and John Schwarzmantel, *Gramsci and Global Politics: Hegemony and Resistance* (London and New York: Routledge, 2009), 97-98.

⁴⁴ Stephen Gill, *American Hegemony and the Trilateral Commission* (Cambridge and New York: Cambridge University Press, 1990), 42-43.

⁴⁵ The term is used in Marxist theories to analyze the relationships between economy (*base*) and other social forms like ideology and culture (*superstructure*). Base includes productions, workers and consumers; superstructure includes state, family and the ideologies of society. Marxists argues that the nature of superstructure is determined by the nature of the base, therefore any changes of base also alter the superstructure.

⁴⁶ Randall Germain and Michael Kenny, "Engaging Gramsci: International Relations Theory and the New Gramscians," *Review of International Studies*, Vol. 24, No. 1 (1998): 3-21. Robert Cox introduced a new idea of world order putting Gramsci's concept of hegemony into the study of IR. This *Neo-Gramscianism* estimates the ideologies of Marxism and Realism as a base of critical approach toward world order and inter-state relations. Neo-Gramscian understanding of hegemony differs from Gramsci's concepts of hegemony. In order to describe hegemony in a neorealist concern, Cox uses the term *dominance* tending to show that a state's dominance may be insufficient to create hegemony.

⁴⁷ Anna Jean Ayers, *Gramsci, Political Economy, and International Relations Theory: Modern Princes and Naked Emperors* (New York: Palgrave Macmillan, 2009), 140.

⁴⁸ Robert Cox, "Social Forces, States and World Orders: Beyond International Relations Theory", *Millenium* 10/2 (1981): 126-155.

homeland politics in addition to the host land ones. The more liberal the host land's political system is, the easier it is for Diaspora to influence on foreign policy matters in the host land towards the homeland. In case of authoritarian host land Diaspora organizations are becoming a policy tool in the hands of the authorities of host land. Thus, the nature of the host land regime determines the way that the Diaspora community organizes and interacts among it and also with homeland.⁴⁹

Thus, it can be assumed that many business and financial organizations of the Armenian Diaspora of Russia are agents of Russian policy. This phenomenon has both domestic and foreign implications for Russia. Armenians in Russia are quite successful economically and professionally, and constitute socially and politically well-organized community.⁵⁰ After the collapse of Soviet Union Russia received a new wave of immigration from Armenia.⁵¹ As a result, today the Armenian population of Russia estimates 1.2 million according to the population census⁵² and around 2.5 million according to experts.⁵³ About 84 percent of total transfers belongs to Russia (\$1 billion 295 million). This means that another country indirectly provide 30% of Armenia's domestic consumption.⁵⁴ Moreover, non-commercial money transfers of individuals from Russia to Armenia via banking system in 2013 amounted around \$1 billion 606.6 million, in case that total money transfers of individuals from Russia to Armenia via banking system in the same year was around \$1 billion 727.9 million.⁵⁵ The statistics show that both non-commercial and total money transfers in 2013 were higher than in 2008 pre-crisis period, and this dynamics tends to increase (see fig. 1 & fig. 2).⁵⁶

⁴⁹ Bahar Baser and Ashok Swain, "Diaspora Design versus Homeland Realities: Case Study of Armenian Diaspora," *Caucasian Review of International Affairs*, Vol. 3 (1) – (Winter 2009): 50.

⁵⁰ Manaseryan, "Diaspora the Comparative Advantage for Armenia," 5.

⁵¹ Robin Cohen, *Global Diasporas: An Introduction*, 2nd edition (London and New York: Routledge, Taylor & Francis e-Library, 2008), 56-57.

⁵² The Results of the National Population Census of Russia 2010, http://www.gks.ru/free_doc/new_site/perepis2010/croc/Documents/Vol4/pub-04-01.pdf (accessed 20 March 2016).

⁵³ Виктор Дятлов и Эдуард Мелконян, *Армянская диаспора: очерки социокультурной типологии* (Ер. Институт Кавказа, 2009), 103. Victor Dyatlov and Edward Melkonian, *Armenian Diaspora: Essays on the Socio-Cultural Typology* (Yerevan: Caucasus Institute, 2009), 103.

⁵⁴ For more see - Statistical Bulletin of the Central Bank of Armenia – 2011, 18-19, https://www.cba.am/EN/periodicals/vich_tex_12_eng.pdf (accessed 20 March 2016).

⁵⁵ For more see - Statistical Bulletin of the Central Bank of Armenia – 2013, 18-19, https://www.cba.am/EN/periodicals/vich_tex_13_eng.pdf (accessed 20 March 2016).

⁵⁶ Migration and Skills in Armenia, Results of the 2011/12: Migration Survey on the Relationship between Skills, Migration and Development, European Training Foundation and Caucasus Research, Resource Centers (Armenia) 2013, 14-15.

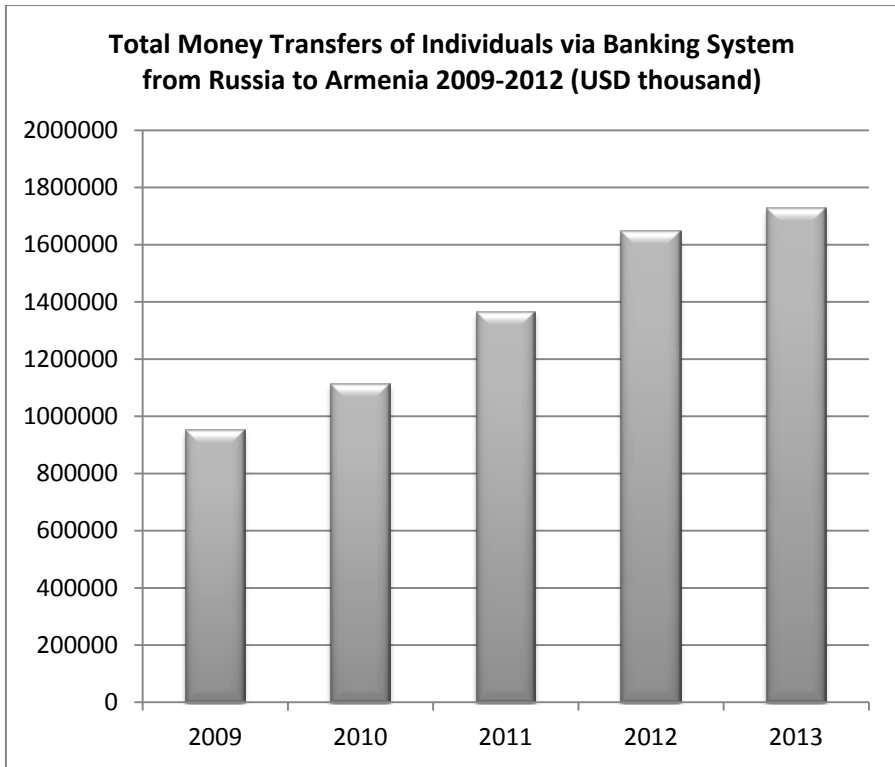


Fig.1

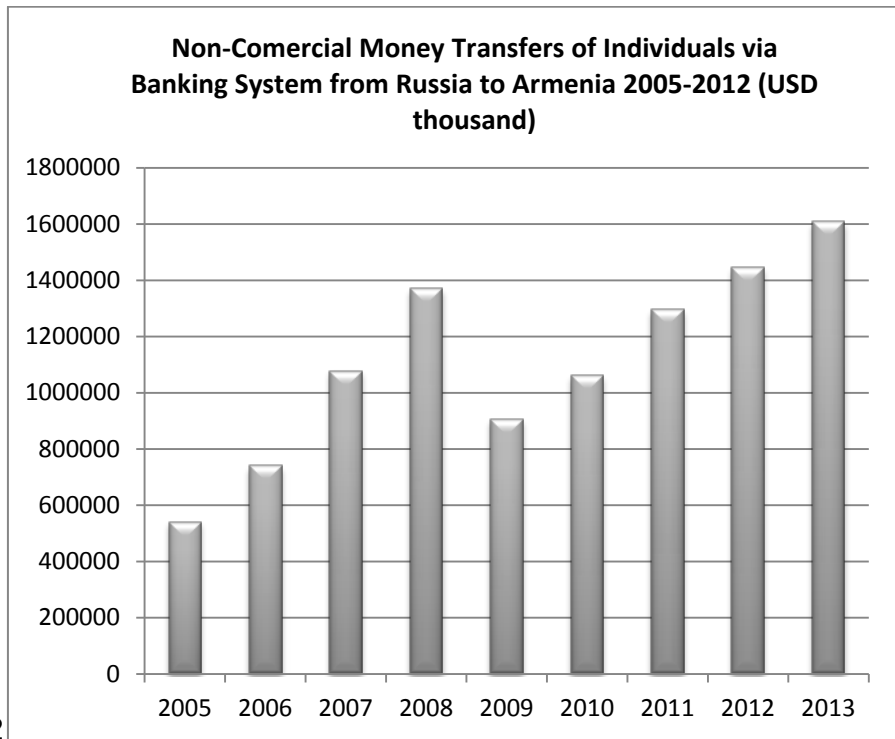


Fig.2

Consequently, the flows of the capital of Russia's Armenian community to Armenia provide a unique opportunity for Russia to reinforce its economic and political influence on Armenia. On the other hand it is a matter of fact that rich and influential Diaspora with more than 2 million people has quite big significance, and it is necessary for Russia to provide societal consensus.⁵⁷ In order to institutionalize relationships with the Armenian Diaspora in Russia the host country encouraged the establishment of different institutions and agents. In this regard Armenian nongovernmental organizations and business companies established in Russia (The Union of Armenians of Russia, Tashir Group of Companies, etc.), which are transnational in character, are playing an important role. The largest Armenian organization is "the Union of Armenians of Russia," which has its regional branches in 70 federal units and more than 340 cities of Russian Federation.⁵⁸ Thus, the existence of powerful Armenian Diaspora in Russia provides an opportunity for Russia to strengthen its influence on social, cultural and economic spaces of Armenia. Therefore, the Diaspora community simply cannot operate in Russia without coinciding its interests with the economic, political and foreign policies of Russia.

Conclusion

To sum up, behind the decision of the Republic of Armenia to join Russia-led Eurasian projects lie security, economic and group interests related issues. Hence, as a European nation Armenia has been highly motivated in and was actively working on its integration with the European Union, but on the other hand locating in hostile environment, it rationally chooses military alliance with Russia and participates in its Eurasian projects in order to keep the balance of power in the region and to protect itself. However, in the context of recent huge amount of offensive military equipment delivery to Azerbaijan by Russia and the Four-Day War (1-5 April, 2016) launched by Azerbaijan against the *de facto* state of Nagorno-Karabakh (Artsakh) Republic, Armenian-Russian "strategic partnership" demonstrates weakness. In such circumstances Armenia will also have to rethink its membership in the Collective Security Treaty Organization, accordingly, in the Eurasian Economic Union.⁵⁹ As a small state Armenia does need strategic partners in the region such as Russia that has a capability of effective power projection. On the other hand relations with

⁵⁷ Tigran Yepremyan and Andrei Enachi, "Diasporas' Role in the Integration Paths: the Cases of Armenia and Moldova," *European Studies Journal*, European Union and Eastern Europe (I), No. 5/2015: 178-202.

⁵⁸ Dyatlov and Melkonian, *Armenian Diaspora: Essays on the Socio-Cultural Typology*, 123-128 (in Russian).

⁵⁹ As two founding members of these organizations, Belarus and Kazakhstan, openly and constantly act against the national interests of Armenia. Therefore, Armenia needs to focus on the bilateral relations with Russia.

partners that share all of the same values are also important. Above all Armenia should make efforts to develop the value-based relationship with the European Union and to cooperate as effective as possible and not to allow its fragile effectiveness to be cancelled out. The argument that the state is “small” and “weak”, because of resource scarcity, is only partially applicable to Armenia as the global Armenian Diaspora compensates its smallness. However, the Armenian Diaspora in Russian being connected with Armenian ruling business and oligarchy circles operates in accordance with rule of games created by Russian and Armenian ruling groups’ interests.

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SECTION IV: BORDERS AND SECURITY

FOREIGN POLICY AND SECURITY COOPERATION WITHIN THE EASTERN PARTNERSHIP: LEGAL PERSPECTIVE

Oleksandr DAVYDENKO

Abstract. *The Revolution of Dignity in Ukraine followed by the annexation of Crimea and hybrid war waged by the Russian Federation in the Eastern Ukraine dramatically changed the state of play in the EU Eastern neighbourhood. The article considers the legal framework of the EU cooperation with EaP countries in the CFSP area in order to establish the necessary steps to improve the EU's involvement in crisis resolution within the region. The issue is analysed both from the EU internal legal-institutional perspective and in the light of provisions of the Association Agreements with Georgia, Moldova and Ukraine.*

Keywords: *CFSP, CSDP, EU External Relations Law, ENP, Eastern Partnership, Association Agreements.*

Presentation of the problem

EU foreign policy embodied in CFSP/CSDP is a result of long-lasting evolution of political cooperation between the European states. The Lisbon Treaty introduced the concept of the EU external action which joins together a number of EU common external policies, external dimension of EU common internal policies and the relevant mechanism of decision making and cooperation. While economic cooperation with ENP partner countries usually runs smooth as the relevant procedures are well-crafted and the supranational method of the EU internal decision-making is used. *A contrario* cooperation with the third countries in CFSP/CSDP is strongly influenced by intergovernmental nature of these policies, resulting in unanimity requirement during the EU decision-making process.

Methods and results

In the introduction the concept of hybrid war was analysed in order to clearly understand the current state of play in the Eastern neighbourhood. Then, the dichotomy between intergovernmental and supranational elements of the EU external action framework was briefly explained. In the third section the origins and legal nature of ENP and EaP was studied with a special attention to foreign policy and security issues. Finally legal and institutional aspects of bilateral and multilateral cooperation on CSFP/CSDP matters within EaP were scrutinised. The research results were formulated in the conclusions and recommendations section.

1. Introduction: the Russia-Ukraine conflict as a “hybrid” challenge for EaP

The Revolution of Dignity in Ukraine followed by the annexation of the Crimea and hybrid war waged by the Russian Federation in the East of Ukraine dramatically changed the perception of security threats around the world, especially in the EU and its Neighbourhood. Russia's actions in the Crimea and in Donbas proved that it can use a wide range of hybrid warfare methods in any part of the world. European Parliament stressed in its resolution of 10 June 2015 on the state of EU-Russia relations (2015/2001(INI)) that "Russia actively uses hybrid warfare, deliberately blurring the lines between military/paramilitary activity and political activism". European Parliament defined hybrid war as a type of aggressive activities, "including information war, blending elements of cyber warfare, use of regular and irregular forces, propaganda, economic pressure, energy blackmail, diplomacy and political destabilisation"¹.

Hybrid war is a type of warfare in which "the adversary tries to influence influential policy-makers and key decision makers by combining kinetic operations with subversive efforts. The aggressor often resorts to clandestine actions, to avoid attribution or retribution"². Modern hybrid war is a combination of multiple conventional and unconventional means of warfare, including the use of regular military forces, special forces and irregular forces, support of local unrest, economic warfare, cyber attacks, diplomacy, information warfare and propaganda. Besides, it is characterized by the involvement of non-state actors, usage of information technologies and strategies, as well as advanced weapon systems.

Hybrid warfare greatly politicised the international law domain and became one of its grey areas. International community has not yet established a unified legal approach towards new "hybrid" realities of the world politics. Hybrid warfare strategy exploits the existing dividing lines between intervention, use of force, armed attack and situations of internal disturbances and tensions, non-international armed conflicts or international armed conflicts. The concept of "armed attack" embodied in Article 51 of the UN Charter and Article 5 of the North Atlantic Treaty does not cover the situation of hybrid war until it reaches the relevant threshold and can be treated as an armed attack or act of aggression. The active denial of the states conducting aggressive actions of their involvement in hybrid operations is one of the primary methods for states to avoid crossing the armed attack threshold. One of the most alarming trends in modern hybrid conflicts is the

¹ European Parliament, Resolution of 15 January 2015 on the situation in Ukraine (2014/2965(RSP)), <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P8-TA-2015-0011> (accessed 5 March 2016).

² Peter Pindjak, Deterring hybrid warfare: a chance for NATO and the EU to work together?, *NATO Review Magazine*, <http://www.nato.int/docu/review/2014/Also-in-2014/Deterring-hybrid-warfare/EN/index.htm> (accessed 5 March 2016).

use of law as a weapon (lawfare), which means that states manipulate the law for their strategic interests, trying to justify the application of treaties or customs arising from the historic context incomparable to the situation in question³.

The influence of these international political and legal developments on the ENP and EaP is also tremendous. The Arab spring and the Russia-Ukraine conflict revealed that despite the number of novels of the Lisbon Treaty in the EU external action area, including CFSP and ENP, the existing legal and institutional framework limits the EU's possibility to tackle with the threats and challenges in the Neighbourhood and beyond. The constant need to find the lowest common denominator when formulating the EU's foreign policy strategy resulted in the *de facto* exclusion of the EU foreign policy officials from the negotiations during the Euromaidan events and current conflict resolution efforts. Not surprisingly Peter van Elsuwege concludes that the crisis in Ukraine is "another litmus test for the credibility of the EU's external action"⁴. Unfortunately despite the fact that the Lisbon Treaty (Article 15 (6) TEU and Article 18 TEU respectively) empowered the President of the European Council and the High Representative of the Union for Foreign Affairs and Security Policy (the High Representative) to represent the Union in CFSP matters, actually their level of involvement in the Ukrainian crisis resolution is rather symbolical as they are not present at the negotiations table, except for the participation of the High Representative Catherine Ashton in the Minsk negotiations in August 2014. Meanwhile, Germany and France have become the main figures in the EU external representation not only on the Ukrainian-Russian conflict but also on conflict in Syria, Israel-Palestinian conflict and even the refugee crisis. Thus, CFSP still has a strong intergovernmental nature and the Member States wish to retain and even regain their control over foreign policy domain, while some of them try to monopolise the EU external representation without having any legal ground for such ambitions.

2. Some legal and institutional aspects of the EU's post-Lisbon external action framework

The main provisions on the EU external action can be found in Title V TEU "General Provisions on the Union's External Action and Specific Provisions on the Common Foreign and Security Policy" and in Part Five TFEU "The Union's External Action", containing provisions on common commercial policy, development cooperation, sectoral cooperation with third

³ Shane R. Reeves, Robert E. Barnsby. The New Griffin of War: Hybrid International Armed Conflicts, *Harvard International Review* (Winter 2013): 17.

⁴ Peter van Elsuwege. Another litmus test for the EU's Common Foreign and Security Policy, *VerfBlog*, 2014/3/20, <http://verfassungsblog.de/another-litmus-test-for-the-eus-common-foreign-and-security-policy> (accessed 10 March 2016).

states, humanitarian aid, restrictive measures, international agreements, Union's relations with international organisations and third countries and Union delegations, and solidarity clause. The goals of the EU external action formulated in Article 21 (2) TEU cover all its areas, including CFSP. This provision is aimed at securing coherence and integrity of the EU external action. CFSP preserved its intergovernmental nature and is governed by special rules and procedures different from those prescribed for the other area of the EU external action. The special status of CFSP results in the fragmentation of the EU external representation and the EU external action in general, which thus consists of a supranational economic component inherited from the European Communities and intergovernmental political/security component created by the Maastricht Treaty.

The process of the EU's foreign policy institutionalisation resulted in the establishment of the complex though effective, balanced and flexible system of the EU external action conducted by a vast number of the EU institutional actors, including, *inter alia*, European Council, the High Representative and the European External Action Service (EEAS). European Council preserved its leading role in the elaboration of the EU's general foreign policy strategy and its approaches towards neighbour states. The post of the High Representative has a complex legal-institutional structure as she is also the Vice-President of the Commission, an *ex officio* member of the European Council chairs the Foreign Affairs Council. Besides, she is the main contact person for the European Parliament in issues relating to CFSP. Thus, the High Representative is responsible not only for improving the coherence and consistency of the EU external action, but she is also responsible for the coordination between the communitarian and intergovernmental components of the EU external action. In Barosso Commission 2010-2014 ENP was excluded from the High Representative's mandate, thus Catherine Ashton could influence on it mainly through CFSP/CSDP framework. The situation changed in Juncker Commission 2014-2019 as according to the mission letter to Federica Mogherini she should guide the work of the Commissioner for European Neighbourhood Policy and Enlargement Negotiations. Besides, the long-debated issue of the High Representative's deputisation was also resolved and now the Commissioner for ENP and Enlargement Negotiations can officially deputise the High Representative in areas related to the Commission competence. In practice the High Representative is mainly involved in ENP implementation during crisis situations in neighbour countries, for example crisis in Libya in 2011 or Minsk negotiations in 2014, while the day-to-day work is within the competence of the Commissioner for ENP and Enlargement Negotiations, who is supported by the Directorate-General for the Neighbourhood and Enlargement Negotiations (DG NEAR) working closely with the EEAS.

The EEAS is a *sui generis* body of the EU, placed under the authority of the High Representative, granted with functional autonomy and legal capacity necessary to perform its tasks and attain objectives. The overall goal of the EEAS is ensuring consistency, coherence and effectiveness of the EU external action⁵. Smooth functioning of the EEAS is crucial for ENP as according to Article 9 of the Council Decision 2010/427/EU it shall contribute to the programming and management cycle of the European Neighbourhood Instrument (ENI), which is the main financial instrument of ENP for a period from 1 January 2014 until 31 December 2020. Moreover, any proposals regarding the ENI, including those for changes in its basic regulations and programming documents are prepared jointly by the EEAS and DG NEAR under the responsibility of the Commissioner for ENP and Enlargement Negotiations. Such documents are submitted for adoption by the Commission as a joint proposal of the High Representative and the Commission. Thus, the new distribution of competencies in the Commission between the High Representative and the Commissioner for ENP and Enlargement Negotiations should have a positive impact on the effectiveness of ENP financial instruments. Besides, the EEAS is responsible for elaboration of differentiated and pragmatic approaches to the challenges emerging in the Neighbourhood, mainly those having CFSP implications. Meanwhile, the EU's external action budget, including CFSP and ENP, is managed by the Service for Foreign Policy Instruments (FPI), which is the Commission service working in close cooperation with the High Representative and the EEAS.

3. Origins and legal nature of the ENP and EaP

ENP is one of the most dynamic component of the EU's multifaceted external action. It is aimed at integrating the EU's policies and programmes directed at the Neighbourhood into a single differentiated mechanism. ENP was inspired by the need to establish general principles, framework and instruments for cooperation with the EU neighbourhood aimed at softening the "exclusion effect" for the neighbouring states, which were not involved in the fourth and fifth EU enlargement⁶. In general, ENP is aimed at the establishment of an area of security, prosperity and stability in the Neighbourhood. The main goals of the ENP, as defined by the Council, are: to reduce poverty and create an area of shared prosperity values based on free trade, deeper economic integration, intensified political and cultural

⁵ Oleksandr Davydenko. "EEAS in the EU External Action Architecture," *European Studies – The Review of European Law, Economics and Politics*, Volume 1 (2014): 102.

⁶ Karen E. Smith Enlargement and Conditionality: Incompatible or Mutually Reinforcing? in *New Terms of Engagement: Global Europe report 02* ed. Richard Youngs, 28 (London: Foreign Policy Centre, 2005).

relations, enhanced cross-border co-operation and shared responsibility for conflict prevention and conflict resolution⁷.

ENP should be understood as a regional form of implementation of the European Security Strategy 2003⁸, which is aimed at promotion of security in the Neighbourhood by creating the circle of stable neighbour countries in the East and in the Mediterranean⁹. The term “stability” includes national, regional and global level as well as combines political and economic components. The fact that ENP has a strong security background does not lead to a conclusion that it falls solely within the EU’s CFSP competence. ENP reflects a comprehensive approach to security issues, thus it can be labelled an “umbrella policy”, which brings together all aspects of EU external action into a coherent overarching political instrument encompassing both EU and Member States external policies¹⁰.

Unlike development policy, energy policy or common commercial policy ENP does not have any explicit legal basis in the EU founding treaties. Meanwhile, the Lisbon Treaty introduced Article 8 into TEU containing the neighbourhood clause, which obliges the EU to develop a special relationship with neighbouring countries and to conclude specific agreements with them. Such specific relationship should include deep forms of cooperation combined with the highly differentiated approach towards every single neighbour. However, Article 8 TEU only expresses the EU’s intent to develop special relations with the neighbouring states through all the EU external policies and instruments without specifying the role of ENP in establishing and developing relations with the neighbouring states.

ENP has hybrid legal nature as it combines legally-binding (Partnership and Cooperation Agreements, Association Agreements) and non-binding instruments (action plans, association agendas, communications etc). Bart van Vooren stresses that “the hybrid legal framework was a conscious choice from the outset: an informal policy-making process which would lead to a financing regulation to implement soft legal action plans which re-oriented and substantiated the content of legally binding framework agreements”¹¹. It

⁷ Council Conclusions of 16 June 2003 on Wider Europe – New Neighbourhood, Doc. 10447/03, <http://data.consilium.europa.eu/doc/document/ST-10447-2003-INIT/en/pdf> (accessed 15 March 2016).

⁸ Christophe Hillion “The EU’s Neighbourhood Policy towards Eastern Europe,” in *Law and Practice of EU External Relations: Salient Features of a Changing Landscapes* ed. Alan Dashwood and Marc Maresceau, 314 (Cambridge: Cambridge University Press, 2008).

⁹ European Council. *A Secure Europe in a Better World: European Security Strategy* (Brussels, 12 December 2003), <http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf> (accessed 10 March 2016).

¹⁰ Bart Van Vooren and Ramses A. Wessel, *EU External Relations Law: Text, Cases and Materials* (Cambridge University Press, 2014), 544.

¹¹ Bart Van Vooren, *EU External Relations Law and the European Neighbourhood Policy: A Paradigm for Coherence* (London: Routledge, 2012), 223.

should be noted that the main ENP financial instrument has a hard law basis in the Regulation (EU) No 232/2014 of the European Parliament and the Council of 11 March 2014 establishing a European Neighbourhood Instrument. The Regulation is based on Article 209(1) and Article 212(2) TFEU and was adopted in accordance with the ordinary legislative procedure, which clearly proves its legislative nature.

ENP methodology includes conditionality, joint ownership, regional cooperation and deepened integration. Conditionality borrowed from the accession toolbox has been an immanent element of the ENP since its inception. It has political and economic implications which are closely interlinked. Joint ownership method could not be fully implied in the area of economic cooperation and legal harmonisation, where conditionality traditionally prevails. Meanwhile, joint ownership is very important for the area of justice and home affairs, CFSP and CSDP, where the EU strives to engage neighbour countries in elaboration of common approaches towards countering of security threats and challenges.

A number of political, economic and legal factors provoked geographical split of the ENP leading to establishment of the Union for Mediterranean (UfM) and the Eastern Partnership (EaP). In May 2008 Poland and Sweden presented a joint initiative of the Eastern Partnership – a plan for the EU cooperation with its Eastern European neighbours providing for their participation in the EU policies and programmes, and gradual integration into the EU's internal market. EaP initiative, formulated in the European Commission Communication "Eastern Partnership"¹² of 3 December 2008, strengthened the trend for differentiation and development of special relationship with the countries declaring their European aspirations. Noteworthy, the Communication didn't contain any references to the security issues save for the secure environment for the mobility. The list of Eastern partners includes the countries of the ENP Eastern dimension: Azerbaijan, Belarus, Armenia, Georgia, Moldova and Ukraine. EaP framework combines multilateral and bilateral forms of cooperation. Bilateral cooperation dominates and is based on political association and economic integration in the form of Deep and Comprehensive Free Trade Area (DCFTA). Multilateral component is the main peculiarity of the EaP as the EU has never recourse to such a form of cooperation with its Eastern neighbours before.

The Joint Declaration of the Prague Eastern Partnership Summit of 7 May 2009 reads that the main goal of the EaP is to create the necessary conditions to accelerate political association and further economic integration between the EU and partner countries, promote stability and multilateral

¹² Communication from the Commission to the European Parliament and the Council, *Eastern Partnership* (Brussels, 3.12.2008, COM(2008) 823 final), http://eeas.europa.eu/eastern/docs/com08_823_en.pdf (accessed 14 March 2016).

confidence building. On the bilateral level these goals are to be achieved by means of the AAs including provisions on DCFTA. The next EaP strategic paper “Eastern Partnership: A Roadmap to the autumn 2013 Summit”¹³ published in May 2012 was focused on the AAs negotiations with a strong accent on DCFTA and other related issues. The document was almost silent on foreign policy and security cooperation with the only mentioning the need to launch exchanges on how to enhance cooperation on international security issues and CSDP.

4. The evolving legal and organisational framework for cooperation in the CFSP area within the EaP

Duality of legal and institutional framework of the EU relations with its neighbours, stemming from the pre-The Lisbon pillar structure, was reflected in the EU-Ukraine AAs negotiations. CFSP matters were clearly excluded from the DG RELEX competence and each time there emerged a need to discuss even a couple of lines relevant to CFSP the representatives of the Council Secretariat were to accompany the EU delegation. The Lisbon Treaty empowered the EEAS to represent the EU on such matters though it should still consult the Council before engaging in such negotiations¹⁴. European Parliament according to Article 218 TFEU was timely and fully informed at all stages of AAs negotiations. Such a complex negotiation framework clearly demonstrated the lack of coordination and coherence between the EU supranational external policies and CFSP even after the Lisbon Treaty. However, such situation is typical for all so-called “mixed agreements”. Taking into account the abolishment of the EU pillar structure by the Lisbon Treaty and establishment of the EU single international legal personality not all of the agreements containing CFSP provision automatically become mixed. Mixity clearly emerges every time when the provisions on the matters falling with the Member States competences are inserted into the association or other framework agreements, for example clauses on political dialogue or nuclear non-proliferation. AAs with Ukraine, Georgia and Moldova contain such provisions which resulted in the need to be ratified by all the Member States according to their respective laws and procedures. Moreover, the legal basis for the Council Decision on the signing of the political provisions of the EU-Ukraine AA (17 March 2014) combined CFSP provisions of Article 31 (1) and Article 37 TEU with the provisions on association of Article 217 TFEU. The combination of CFSP/TFEU legal provisions is “a logical consequence of the

¹³ Joint Communication from the European Commission and the High Representative of the European Union for Foreign Affairs and Security Policy, *Eastern Partnership: A Roadmap to the autumn 2013 Summit* (Brussels, 15.05.2012, JOIN(2012) 13 final), http://eeas.europa.eu/enp/pdf/docs/2012_enp_pack/e_pship_roadmap_en.pdf (accessed 10.03.2016).

¹⁴ Guillaume Van der Loo. *The EU-Ukraine Association Agreement and Deep and Comprehensive Free Trade Area: A New Legal Instrument for EU Integration without Membership* (Leiden: Brill Nijhoff, 2016), 102.

continuing bipolarity of the EU's external action as reflected in Article 40 TEU"¹⁵.

Convergence in CFSP area is one of the major instruments of political association. Texts of the AAs concluded by the EU with Georgia (Article 5), Moldova (Article 5) and Ukraine (Article 7) include provisions on cooperation in the CFSP area. Articles on cooperation in CFSP area of the AAs with Moldova and Georgia are the similar with the only difference that the latter contains provisions on the principle of host nations consent on stationing foreign armed forces on their territories. Article 7 of the EU-Ukraine AA mentions enhanced mutually-beneficial dialogue in the field of space as one issues of dialogue and cooperation in CFSP area. Besides, it provides that the Parties shall address in a timely and coherent manner the challenges to the common principles and values at all appropriate levels of the political dialogue provided for in the AA, including at ministerial levels. The other CFSP-related provisions includes commitments on conflict prevention, crisis management and military-technological cooperation, disarmament, arms export control and fighting against illicit trafficking of small arms and light weapons, and finally cooperation and gradual convergence in the area of foreign policy and security.

EU-Ukraine AA includes a separate Article 10 dealing with the cooperation in CSDP area providing for enhanced cooperation in conflict prevention, crisis management and military-technological cooperation, including establishment of close contacts between Ukraine and the European Defence Agency (EDA) to discuss military capability improvement, including technological issues. Administrative arrangement between the European Defence Agency (EDA) and the Ministry of Defence of Ukraine was signed on 7 December 2015. Only three other non-EU states have signed such arrangements with EDA – Norway, Serbia and Switzerland. The EDA core functions include developing defence capabilities, promoting research and technology, promoting armaments cooperation, creating a competitive European Defence Equipment Market and strengthening the European Defence Technological and Industrial Base¹⁶. The arrangement sets the framework for the exchange of views and information between the Ministry of Defence of Ukraine and EDA and also details the provisions for the Ministry of Defence of Ukraine participation in EDA project and programmes open for non-EU countries. Meanwhile, the participation of Ukraine in any EDA

¹⁵ Guillaume Van der Loo, Peter Van Elsuwege and Roman Petrov, "The EU-Ukraine Association Agreement: Assessment of an Innovative Legal Instrument", *EUI Working Paper LAW* 2014/09: 7-8.

¹⁶ United Kingdom, *European Scrutiny Committee*, House of Commons, 7th Report of Session 2015-16 (London: the Stationary Office Limited, 6 November 2015), 111, <http://www.publications.parliament.uk/pa/cm201516/cmselect/cmeuleg/342-vii/342.pdf> (accessed 18 March 2016).

programmes or projects should be approved by EDA Steering Board on case by case basis. According to the Ministry of Defence of Ukraine the main goals of EU-Ukraine cooperation in 2015 were broadening of dialogue format between the Parties, preparation for common military exercises and multinational peacekeeping operations, participation of the Armed Forces of Ukraine in the formation and functioning of the EU tactical battlegroups, training of the Ukrainian Armed Forces on CSDP issues, cooperation with the EaP countries on CSDP matters¹⁷.

The AAs are complemented by Association Agendas, which replaced the bilateral action plans with the relevant EaP partners. EU-Ukraine Association Agenda as endorsed by the EU-Ukraine Association Council on 16 March 2015 contains a separate subtitle “Foreign and Security Policy” containing the jointly agreed priorities for bilateral cooperation within the AA framework in the CFSP/CSDP area. The Parties agreed, *inter alia*: to consult and coordinate their efforts in finding a sustainable political solution to the situation in some regions of Donetsk and Luhansk Oblasts, caused by the illegal activities of the Russian Federation; and to support the work of the OSCE Special Monitoring Mission. EU-Georgia Association Agenda also contains provisions on the CFSP issues, namely those concerning the peaceful settlement of conflict in Abkhazia and South Ossetia regions of Georgia. Respectively, EU-Moldova Association Agenda contains provisions on the cooperation in settling the Transnistria conflict.

Georgia, Moldova and Ukraine signed bilateral framework agreements for their participation in the EU crisis management cooperation. These agreements specify the framework for partner countries` participation in the EU CSDP missions and operations by defining the procedure and general conditions on their participation in military and civil crisis management operations, status of personnel and forces, rules governing the exchange of classified information. In the Joint Declaration of the Eastern Partnership Summit (Riga, 21-22 May 2015) EU welcomed the contribution by Ukraine to the EU-led Naval Military Operation (EUNAVFOR Atalanta), the contribution by Georgia to the EU Military Operation in Central African Republic (EUFOR RCA) and by the Republic of Moldova to EU Training Mission in Mali (EUTM Mali). Ukraine has also contributed for several times to the EU battle groups. The first experience of a kind was Ukraine`s participation in HELBROC Battlegroup (Greece, Bulgaria, Romania and Cyprus) operating during the second half of 2011. As a result of the events in the East of Ukraine following the annexation of the Crimea Ukraine had to terminate its participation in the EU battlegroups. However, Ukraine renewed its participation in the EU battlegroups in 2016, namely during the first half of the year representatives

¹⁷ Ministry of Defence of Ukraine, “International cooperation”, <http://www.mil.gov.ua/diyalnist/mizhnarodne-spivrobotnicztvo> (accessed 5 April 2016).

of the Ukrainian Armed Forces will participate in the Visegrad Battlegroup led by Poland.

On the 18th December 2015 the European Commission and the High Representative presented a joint communication “Review of the European Neighbourhood Policy” based on the results of a discussion between the interested stakeholders during 2015. The document defines stabilisation as the main ENP goal for recent years and provides that “the revised ENP will offer a tailor-made approach to cooperating on security-related matters”¹⁸. The 2015 Review calls for establishing close coordination of the security cooperation within ENP with the wider CFSP/CSDP activities by means of the EU Member States` and EU agencies involvement in the implementation of support in the security sector.

The EaP multilateral track was designed to support progress in partners` bilateral relations with the EU, to provide a forum for sharing information and experience, to facilitate the development of common positions and joint activities, to foster links among the partners themselves and to provide a *fora* for discussion on further developments of the EaP. Organisational structure of EaP multilateral dimension includes meetings of EaP Heads of State/Government held every two years, annual meetings of Ministers of Foreign Affairs, four thematic platforms supported by the work of thematic panels in specific areas. CFSP/CSDP issues are discussed within the Platform 1 “Democracy, good governance and stability”, which contains a specific panel on CSDP responsible for conducting a dialogue on political and practical aspects of participation by interested partner countries in EU CSDP missions and operations, and facilitating implementation of the bilateral Framework Participation Agreements.

In June 2015 European Council mandated the High Representative to prepare the EU Global Strategy on Foreign and Security Policy by June 2016. The Lisbon Treaty improved the institutional framework for coordination and cohesion in the EU external action, but it “did not fill the vacuum of a missing EU foreign policy identity”¹⁹. The existence of the EU Global Strategy on Foreign and Security Policy would contribute to the EEAS efforts in increasing the coherence of the EU external action leading to a situation when the EU`s CFSP and its external economic policies are coordinated, or at least one of

¹⁸ Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *Review of the European Neighbourhood Policy* {SWD(2015) 500 final} (Brussels, 18.11.2015, JOIN(2015) 50 final), http://eeas.europa.eu/enp/documents/2015/151118_joint-communication_review-of-the-enp_en.pdf (accessed 10 April 2016).

¹⁹ Niklas Helwig, “The EU Global Strategy on Foreign and Security Policy: political direction by member states is needed in shaping Europe`s foreign policy goals,” *FIIA Comment* 13 (2015), http://www.fiaa.fi/assets/publications/comment13_2015.pdf (accessed 8 April 2016).

them does not create obstacles for the successful implementation of the others.

The “one size fits all” approach to the EaP has finally reached its limits as the split within the Eastern dimension of ENP became obvious. Consequently, a clear security and CSDP dimension should be added to the programmes for the EaP partner countries which have concluded AAs. Such dimension should focus on broad security sector reform and EU’s engagement in the frozen conflicts inspired by the Russian Federation in Ukraine, Georgia and Moldova²⁰. One of the recent examples of this shift towards the strengthening of the EaP security dimension is the launch of the European Union Advisory Mission for Civilian Security Sector Reform Ukraine (EUAM Ukraine). According to Council Decision 2014/486/CFSP of 22 July 2014 EUAM Ukraine is the non-executive civilian CSDP mission aimed at advising the relevant Ukrainian bodies in the elaboration of renewed security strategy and its implementation. EUAM Ukraine is also mandated to elaborate a Political Framework for Crisis Response in Ukraine, including the possible deployment of CSDP mission in Ukraine.

Conclusions and recommendations

Hybrid security challenges, namely annexation of the Crimea and hybrid war waged by the Russian Federation against Ukraine, proved that the existing EaP framework is not well-equipped to counter such threats. Bilateral cooperation in foreign policy and security issues has a substantive hard law basis in the AAs concluded by the EU with Georgia, Moldova and Ukraine. These countries have also concluded framework agreements for their participation in the EU crisis management operations and missions. Besides, current goals for bilateral cooperation in CFSP/CSDP are specified in the Association Agendas, which are soft law instruments aimed at ensuring flexibility of the respective Association Agreement implementation. Thus, the EaP bilateral track has got a sufficient legal framework, while its success depends solely on the partner countries’ willingness to implement these commitments and the EU’s ability to secure unity in its approaches towards the crisis resolution in the Eastern neighbourhood.

EaP multilateral track in the area of foreign and security policy is still underdeveloped both from the legal and political point, while the cooperation between Georgia, Moldova and Ukraine is highly desirable as they are countering nearly the same external threats and internal challenges. Such a situation can be explained by the fact that despite the strong security rationale behind the ENP and EaP, the ENP strategy papers have never contained any concrete references to security cooperation until the last review in 2015.

²⁰ Margriet Drent, Dick Zandee and Eva Maas, “Defence matters: more urgent than ever,” *Clingendael Report*, April 2015, http://www.clingendael.nl/sites/default/files/Defence_matters_report_clingendael_apr2015.pdf (accessed 3 April 2016).

Finally, the EU's work on the Global Strategy on Foreign and Security Policy should be highly appreciated as it could bring the life back into the EaP and ENP. Taking into account the mainly soft law nature of these EU external policies the appearance of an overarching strategy could quickly create the necessary synergies between the different areas of bilateral and multilateral cooperation within the EaP. Besides, the merger of general foreign policy and security goals within the single strategic paper would constitute a breakthrough in dealing with hybrid threats within the EU Neighbourhood by means of properly coordinated and comprehensive efforts in all of the areas involved in hybrid warfare.

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EASTERN PARTNERSHIP BETWEEN THE PERMEABILITY AND IMPERMEABILITY OF EU EASTERN BORDERS

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Abstract. *Discussing about the permeability / impermeability of the Eastern or Southern EU borders from the economic perspective, in relation with the European Neighbourhood Policy, one can observe the oscillation between permeable frontiers before the economic crisis that erupted within the EU and impermeable borders during the crisis. In 2008 the European Commission observed that the European Neighbourhood Policy (ENP) has not reached the desired parameters, considering that they cover a space that is too wide. In our opinion the economic minuses of the ENP were not due to only to the program itself, but also to the effects of the economic crisis that hit the EU. The fact that the ENP was split in the Euro-Mediterranean Union (2008), the Eastern Partnership and the Synergy of the Black Sea in 2009 can be seen as a measure of stimulation of the involvement of the Neighbouring policy. But under a rational analysis regarding the economic successes of the three programs we cannot sustain with many arguments that they produced a major mutation in the stimulation of the economic connections along the external frontiers. As a consequence, we can conclude that the apparition of the crisis led to the loss of permeability of the external EU frontiers which was replaced by the impermeability process of the external EU borders.*

Keywords: *EU, Eastern Partnership, frontier, permeability / impermeability.*

1. Permeability versus impermeability

The concepts permeability / impermeability are concepts that were met more often in physics. According to Gerard Blake “boundary permeability is the product of barrier characteristics of the boundary (the outcome of legal, geographical, historical, and social factors) and the pressures on the boundary from the people, goods, capital, services, and ideas”¹. Thus, the permeability/impermeability of the borders can explain the result of some actions or effects that are political, economic and communicational in their nature and that can be translated through cross-border cooperation/conflict,

¹ Gerard Blake, “Boundary, Permeability in perspective”, in Heather N. Nicol, Ian Townssend-Gault, *Holding the Line. Borders in a Global World*, UCB Press, Vancouver, Toronto, 2005, 17.

openness / closeness, and inclusion/exclusion². Between permeability and impermeability different levels of openness or closeness exist. In this regard the EU's frontiers can be divided in two: the internal frontiers of the organization that have a high level of permeability and the external ones that are more impermeable³. But at a closer look we can notice even within the organization different levels of permeability / impermeability, like for example is the case of the euro zone/non-euro zone, the Schengen area/ the non-Schengen area, the space where there are no restrictions regarding the free movement of labour force and the ones where there are such restrictions, the space where the refugees are received and the space where they are not or have some restrictions. These different levels are determined by time, space and action variables. At external level, if we analyse the Eastern border of the EU, having the EU neighbouring with states like Belarus, Ukraine and the Republic of Moldova, we can notice different level of permeability / impermeability, but at the same time their relationships can be characterized keeping in mind the global framework of frontier permeability between neighbours⁴. These levels can be determined by several factors that can be identified as follows:

1.1. The evolution of the entire EU towards widening/deepening in accordance with its Eastern frontier.

Taking into consideration the relationship between permeability / impermeability of the EU and the Eastern border we will enter the intense debate regarding the territoriality and sovereignty of the EU which was influenced by the internal evolution of the organization after the Maastricht treaty and by the widening of the EU towards the East, phenomenon that transformed the EU's nature into a post-Westphalian structure⁵. Within a state territory, the sovereignty was absolute within the limits of its borders. At the same time the drawing of state boundaries had the effect of creating national consciousness through exclusion⁶. But, at regional level, the evolution of the EU towards a post Westphalian state created an organization in which the sovereignty is delimited between different levels of organizing: communitarian, national, regional and local. Additionally, the territoriality dimension is flexible, fact which makes its frontiers to be more permeable, thus more powerful. Taking into consideration the fact that there were created mechanisms through which states began to have a more diminished control

² Horga, Ioan, Dana Pantea, "Europe from Exclusive Borders to Inclusive Frontiers", in *Eurolimes*, vol. 4, Autumn 2007, 5-10.

³ G. Blake, *op.cit.*, 17-18.

⁴ David Newman, Anssi Passi, "Fences and Neighbours in the Postmodern World: Boundary Narratives in Political Geography", in *Progress in Human Geography*, 1998, 22 (2), 186-207.

⁵ Jan Zelonka, *Europe as Empire. The Nature of the Enlarged European Union*, Oxford University Press, 2006, 2.

⁶ G. Blake, *op.cit.*, 20.

over the economy, the social sector, human security, migration and to a partial level the political dimension, the organization had to be sure that its neighbours, especially the ones from the Eastern part, will assume and deliver actions that comply under the post-Westphalian logic⁷ in which the decisions would be applicable only within the territorial limits of the Member States⁸. Only if for example, the policies of the EU in the aforementioned domains are open to a more neo-medieval logic, its frontiers will be more and more impermeable. At the security level, whereas the permeability of the frontiers can generate more cooperation and this in turn will generate stability and predictability, the impermeability could prolong the mistrust between the parties, thus the recurrence of defection, thus the absence of cooperation.

1.2. The EU policy towards the East

Before discussing about the Eastern Partnership (EaP), we have to analyse the European Neighbourhood Policy (ENP) as an EU strategy.

The success that was registered by the EU in terms of enlargement, but at the same time the enlargement fatigue and the time in which the EU needed in order to adjust to 27 and now 28 member states generated the ENP project. It was envisioned as a strategy through which the EU would disseminate its values, principles and security objective in the states that were situated near the organization both as South, but also at East and that were not prospective members on short and medium terms. The program was designed to have the neighbouring states reach a partial integration, through close economic and political cooperation. At the same time, the membership perspectives were kept out⁹. Making an assessment of the 10 years, since the ENP was launched, Sieglinde Gastöhl stipulated that “the ambitious goal of expanding the zone of prosperity, stability and security beyond the EU’s borders is far from being achieved. The EU’s neighbourhood has become politically more fragmented and unstable, the pace of economic and democratic transitions has slowed down and the EU reluctantly finds itself in competition with Russia over the shared Eastern neighbourhood”¹⁰. At the same time the ENP reached some progress in what regards the domestic reforms from the partner states, the agreements that were signed especially with the states from the EaP and the EU financial support for those countries. Even if we can notice that the EU frontiers’ permeability level increased

⁷ Herbert Dittgen, “World without Borders? Reflections on the Future of Nation-State”, *Government and Opposition*, 1999, 34 (2), 161-179.

⁸ G. Blake, *op.cit.*, 21.

⁹ European Commission (2004), Communication from Commission, *European Neighbourhood Policy- Strategy Paper*, COM (, 373, 12 May 2004), 5.

¹⁰ Sieglinde Gsthöhl. “EU trade relations beyond the Neighbourhood Economic Community”, in Sieglinde Gastöhl, Erwan Lannon, *The European Union’s Broader Neighbourhood. Challenges and opportunities for cooperation beyond the European Neighbourhood Policy*, New York, Routledge, 2015, 107.

between 2004 and 2013, we have to mention also the impermeability that existed and exists in multiple aspects. For example, Russia initially criticised the ENP for being founded on EU norms and conditionality, which the country has clearly rejected in its own relationship with the EU¹¹.

Some authors consider that the EU's strategy regarding its neighbours was characterized by ambiguity¹². Nicu Popescu and Andrew Wilson consider that the successful 'export' of the EU to Central Europe gave room to a vision in Brussels in the early 2000s whereby the entire European continent and its southern neighbourhood could be structured around the EU in a system of concentric circles – with the EU member states at the core, followed by candidate countries and then with a friendly neighbourhood to the East and South that would gradually adopt EU norms.¹³ Analysing the concrete results that the EaP has achieved over the years from its launch, we can notice some visible progress in some thematic areas, but the systemic perspective of the program is now far from what its initiators has envisioned it and even farther from what the direct beneficiaries hoped for. If we are discussing about the commercial relations between the EU and its neighbours, there can be noticed a tendency in reproducing the “core-periphery pattern of development in the EU neighbourhood instead of long-term income convergence as the ENP countries struggle to implement export led growth strategies”¹⁴. The EU has developed relationships that are rather characterized by the zero sum logic, rather than the win-win one, thus persisting the impermeability of its frontiers regarding the entering of some agricultural and industrial products that would have affected the EU market. The impermeability of EU frontiers can be noticed also in the case of labours force movement, sector that is one of the most important for the ENP states.

Even from the launching of the EaP some authors considered that this program would have a limited impact¹⁵, taking into consideration the lack of membership perspectives of the ENP countries in general, which “may not

¹¹ Laure Delcour, Hrant Kostanyan (2014), “Towards a Fragmented Neighbourhood: Policies of the EU and Russia and their Consequences for the Area that lies in between”, in CEPS Essay, 17, Brussels, CEPS, 2-3.

¹² Anneret Bendiek, Heinz Kramer, “The EU as a “strategic” international actor: substantial and analytical ambioguities”, in *European Foreign Affairs Review*, 15, 4 (2010), 453-474.

¹³ Nicu Popescu and Andrew Wilson: ‘The Limits of Enlargement-lite: European and Russian power in the troubled neighbourhood’, ECFR Report, June 2009 and ‘Turning Presence into Power: Lessons from the Eastern neighbourhood’ ECFR Policy Brief, May 2011.

¹⁴ *Ibidem*, p. 108; Dimitris Kallioras (2013), “Trade Activity Between the EU and the ENP Countries. A “Reproduction of the Core-Periphery “Patrn?””, SEARCH Working Paper 2/06 September, 7 http://www.ub.edu/searchproject/wp-content/uploads/2013/09/SEARCH_Working-Paper_2.06.pdf (Accessed on 20.03.2016).

¹⁵ *Ibidem*, 105.

motivated to undertake domestic reforms”¹⁶. In the absence of the conditionality instrument that was successfully applied in the case of candidate states that were under accession process, the question remained in what regards the modality in which the EU would succeed in developing and maintaining the permeability of its frontiers in order to make the know-how transfer and at the same time to keep the impermeability level high enough so that vulnerabilities, risks and threats would not be able to block the Eastern frontier. At the same time, the ENP interactions were forming such a variety that they encompassed elements of “process of gradual formal and informal “horizontal institutionalisation”¹⁷ till the extension of the EU's boundaries in order to go beyond the formal membership”¹⁸.

Unfortunately the EU did not implement a post-Westphalian behaviour towards its partners in what concerns its sovereignty and territoriality in relations with its frontiers' functions. Rather than that, its actions can be analysed through the lens of a Westphalian state that has impermeable frontiers. As Jean Zelonka noticed “the last wave of enlargement has opened the door to further EU accessions on the strategic rather than strict economic, legal, or cultural grounds”, this being also the case of Ukraine¹⁹.

From 1998, the beginning of negotiations between the EU and the Central Eastern states that became part of the organization in 2004 and 2007, there were claimed some complaints from the states that soon would become direct neighbours of the EU regarding the restrictions that were to be imposed once the candidate states became part of the organization. These complaints would be present throughout the entire negotiation process of the Central and Eastern states (10+2), even if additional frontier points were opened as it was the case of Poland which opened 15 frontier points at its borders with Belarus and Ukraine²⁰. Apart from these evolutions, we assisted to a process of re-

¹⁶ Sandra Lavenex, “A governance perspective on the European neighbourhood policy: integration beyond conditionality?” in Rachel A. Epstein, Ulich Sedelmeier, *International Influence beyond Conditionality*, London, New York, Routledge, Journal of European Policy Series, 2009, p. 143 (143-160); Judith G Kelley, “New wine in old wine skins: policy adaptation in policy adaptation in the European Neighbourhood policy”, in *Journal of the Common Market Studies*, 2006, 44, 1, p. 36; pp. 29-55; Frank Schimmelfennig, Hanno Scholz, “EU Democracy promotion in the European Neighbourhood. Political conditionality, economic development and transnational exchanges”, in *European Union Politics*, 2008, 9, 2, 187-215.

¹⁷ Frank Schimmelfennig, Ulich Sedelmeier, “Theorizing EU enlargement: research focus, hypothesis and state of research”, *Journal of European Policy*, 2002, 9, 4, 503.

¹⁸ Sandra Lavenex, “A governance perspective on the European neighbourhood policy...”, p. 144; Sandra Lavenau, “EU external governance in “Wider Europe”, *Journal of European Public Policy*, 2004, 11, 4, 684.

¹⁹ J. Zelonka, *op.cit.*, 2.

²⁰ *Ibidem*, 80.

bordering of the Polish-Ukrainian borders (2003-2008)²¹, in the sense that being under accession process the Polish state needed to implement some EU measures from bureaucratic, legal and political point of view in order to protect the internal borders of the organization²².

Although the EU is a structure that bases its actions on multilateral cooperation²³, element that can be seen within the European political leaders' speech, within the *European Strategy for Security*²⁴ or on a regionalism that is based on clear strategies, there are numerous situations in which the "bilateralism predominates over regionalism"²⁵. The EU's strategy for bilateralism was used mainly in order to encourage the implementation of reforms in partner states. The bilateralism and differentiation strategy proved to be useful instruments for the EU in its regional strategy²⁶ taking into consideration that every state confronted itself with different issues regarding its security in the larger sense. Thus, the EU emphasized the need for "a free trade agenda and has found it easier to do this bilaterally than on a region-to-region basis"²⁷, taking into consideration that not all regional were characterized by positive dynamics between the partner states, like for example Armenia-Azerbaijan. Regarding the relationships with the ex-soviet space, since 1992, the EU started delivering aid to individual countries through bilateral agreements rather than by using multilateral channels²⁸.

The EU enlargement did not develop itself direct proportionally with a coherent regional strategy²⁹ so that there would not emerge a cooperation vacuum between the states that became part of the EU (10+2 in 2004 and 2007) that the ones that were part of the ENP and later of the EaP (especially in the case of Ukraine, the Republic of Moldova and Georgia). In their case the EU applied rather a mixed method formed by bilateralism, regionalism

²¹ Karolina S. Follis, *Building Fortress of Europe, The Polish-Ukrainian Frontier*, University Pennsylvania Press, Philadelphia, 2012, 5.

²² *Ibidem*, 12.

²³ Alexis Vahlas, "The Concept of multilateralism as New Legal and Political Borders of the European Union Foreign Policy", in Ioan Horga, Ariane Landuyt, *Communicating the EU Policies Beyond the Borders*, Oradea University Press, 2013, 195-208.

²⁴ Elena Lazarou, Geoffrey Edwards, Christopher Hill, Julie Smith, "The evolving doctrine of multilateralism in the twenty first century", in Caroline Bouchard, John Peterson, Nathalie Tocci, *Multilateralism in the 21 century. Europe's quest for effectiveness*, London, New York, Routledge, 2014, 55.

²⁵ Karen E. Smith, *European Union Foreign Policy in a Changing World*, 3ed, Cambridge, Polity, 2014, 78.

²⁶ *Ibidem*, 86.

²⁷ *Ibidem*, 91.

²⁸ Nina Bachkatov, "L'Union Européenne et la Russie: Entre convergence et méfiance", in S. Santander (ed), *Puissances émergentes: un défi pour l'Europe?*, Paris, Editions Ellipses, 313-335.

²⁹ K. E. Smith, *op.cit.*, 86.

with an emphasis on the first one³⁰. Therefore, the EU enlargement doubled by the one of NATO's created "new insider/outsider, inclusion/exclusion dynamics in the European security" and nevertheless it broke the economic, social, political ties between the states that became part of the EU economic and political block and the Trans-Atlantic military community and their neighbours from the East³¹.

The fact that the EU has encountered difficulties in the promotion of regional cooperation can be explained also by the lack of cooperation and institutional capacity between partner states, but also by the challenges of the security – inter-state conflict (Russo-Georgian conflict, Russo-Ukrainian conflict), domestic /state collapse, transnational crime and proliferation of military technology³². The weakness or lack of necessary factors for cooperation and integration, including peace and security, and economic stability inhibited also the regional cooperation³³.

2. Permeability / impermeability of the EU/EaP border

We will bring into question, on the one hand, the permeability of the Eastern borders of the EU in relation to its Eastern partners which continued to evolve in terms of documents, the progress of political, economic and cultural ties between the EU and the member countries of the Eastern Partnership, culminating in signing association agreements with the EU by Georgia, Moldova and Ukraine. On the other hand, we will highlight two examples which show that despite the progress that has been achieved, there is some regress in the sense that the frontier between them is still impermeable.

2.1. Permeability of the EU/EaP border

The Ukrainian crisis and the EU relations with Russia lead to the appearance of new types of borders frequented more or less by authors in this matter³⁴. Firstly, we have to deal with the border between two types of regional integration, the EU type, through the Eastern partnership and the one promoted by Russia through the Eurasian Customs Union. The choices of the EU integration by the Eastern neighbours must be accomplished through the fulfilment of its conditions which, according the future developments, will deeply affect the core of state, governance system, security cultures and overall the European Security System³⁵. From the Russian perspective, the

³⁰ *Ibidem*, 91.

³¹ Andrew Cottey, *Security in 21st Century Europe*, ed. 2, New York, Palgrave Macmillan, 2013, 24-25.

³² Andrew Cottey, "Regional security governance in Europe's East", in Shaun Breslin, Stuart Croft, *Comparative regional security governance*, London, New York, Routledge, 2012, 49.

³³ K. E. Smith, *op.cit.* 92.

³⁴ Horga Ioan, Istvan Suli-Zakar, "Still Eurolimes", in *Eurolimes*, vol. 20, 2015, pp. 7-19.

³⁵ Dorin. I. Dolghi, "Rethinking Interest and Preferences within the EU-Russia Relations in the Context of Ukrainian Crisis", in *Eurolimes* 18, *The Security Dimension of European Frontier*

regional integration in Eurasian Customs Union represents a counterbalance to the EU project having the aim to create an area of free trade, which might facilitate trade relations, investments, and preferential economic relations between Russia and its neighbours. The pillars of Eurasian Customs Union project are: “the concept of global regionalization, a multipolar world and the geopolitical concept of Hinterland”³⁶.

Secondly, the border between the EU and Russia went from the perception of good relations that existed until the Vilnius Summit to the one of poor relations starting 2014. Between 2000 and 2013 the EU and Russia both tried to increase their influence in the Common Neighbourhood region. The EU worked through soft power and economic incentives like the Association Agreements, the Deep and Comprehensive Free Trade Agreements and by what it is considered to be part of a carrot strategy. The Russian Federation tried the same through hard power and possible sanctions like higher gas prices, or by banning the different exported goods, especially from Georgia, Moldova and Ukraine thus through what it is called the stick strategy³⁷. Together with the outburst of the Ukrainian crisis, the EU introduced series of economic sanctions that aimed people and companies directly related to Kremlin administration, the political pressures and diplomatic sanctions added to this, culminating to Russia's exclusion from G8. As a retaliation to these measures, starting from August 2014, Russia imposed a one-year embargo on the imports of meat, fish, cheese, fruits and vegetables from the EU. Apart from these actions, Russia continued a process of *divide et impera* within the EU member states, where some EU governments could oppose other sanctions or could promote the idea of lifting some sanctions or to finance the radical parties from across of Europe³⁸.

Finally, the Ukrainian crisis lead to the apparition of veritable borders between some of the states from the Old Europe and other from New Europe. This political and communication border, on one hand, encompasses states like France, Germany, Italy, Spain, Greece, Austria, Benelux, countries of the Old Europe that sustained the formulation of sanctions towards Russia, but in the process of applying them they adopted a conciliation position, falling within the multilateralism logic³⁹ of the EU external policy. States from the New Europe such as Bulgaria, the Czech Republic, Slovakia and Hungary

vs the Legitimacy of Political Priorities of EU and EU Members States National Preferences, edited by Dorin Dolghi and Octavian Tacu, Oradea, Oradea University Press, Autumn 2014, 14.

³⁶ *Ibidem*, 18.

³⁷ A.M. Costea, *op.cit.*, 102.

³⁸ D. I. Dolghi, *op.cit.*, 25-26.

³⁹ Alexis Vahlas, “The Concept of multilateralism as New Legal and Political Borders of the European Union Foreign Policy”, in Ioan Horga, Ariane Landuyt, *Communicating the EU Policies beyond the Borders*, Oradea University Press, 2013, 195-208.

joined them, shaping their positions in the same logic of multiculturalism with various levels of reporting, from an understanding position towards Russia's interests in Ukraine, in the case of the Czech Republic and Slovakia to the criticism of the sanctions imposed to Russia, such as the case of Hungary.

On the other hand there are states with firm positions that are appearing on a unilateralist scale from taking a firm stand until the condemning of the Russian administration for the intromission in Ukraine's business. Here we find on one hand, states from the Old Europe, such as Great Britain, Ireland, Sweden, Denmark and the states from the New Europe, the Baltic Countries, Poland and Romania. Due to their geographical position, at the Eastern border of the EU, their unilateral position stood out through an un-doubtful promotion of Ukraine's integrity, on the request of the military state from NATO and the coordination of the political action in the Ukraine. Together with the United States of America these countries little by little are forming a block, called *Intermarium*⁴⁰. According to Robert D. Kaplan, the American Administration will have to put the safety of the *Great Intermarium amongst its priorities*. It is not only the problem of military aid, but also diplomatic commitments towards each of the counties in the Baltic space and the Black Sea. The purpose is not only the resistance in front of Russia, but also the maintaining of the internal cohesion of the EU and NATO capacities⁴¹.

Actually, this border between the Old and New Europe in the context of the Ukrainian crisis was nothing but a more clear coagulation of the individual interests of the EU member states, on one hand, and the states of the Old Europe with major economic interest in Russia. On the other hand, the Member states in the New Europe felt threatened at the level of their strategic interest by Russia getting closer to the EU borders and implicitly the national borders of some states. Thus, some divergences appeared within the EU between the legitimacy of political priorities of EU and the EU Members States national preferences⁴². This division among the EU member states is almost a dependent pattern that is adopted with regularity in the case of Moscow. Partly, it was possible due to the energy card since ones of the largest powers of the EU are dependent of Russian gas: Germany, Italy, etc.

⁴⁰ The concept of *Intermarium* reunites the states situated between the Baltic Sea and the Black Sea. It was created by the interbelic Polish leader Josef Pilsudski and it aimed the creation of a state-buffer between Germany and the URSS for the antagonise the imperial tendency of both these counties.

⁴¹ Robert D. Kaplan, "Europe New Medieval Maps", in *Wall Street Journal*, 19 January 2016 <http://www.wsj.com/articles/europes-new-medieval-map-1452875514>, (Accessed on 1.02. 2016).

⁴² See *Eurolimes, The Security Dimension of European Frontier vs the Legitimacy of Political Priorities of EU and EU Members States National Preferences*, edited by Dorin Dolghi and Octavian Tacul, Oradea, Oradea University Press, Autumn 2014, 18.

Secondly, the same states have strategic partnership with Russia; therefore their preferences will be in accordance with their relationship. Thirdly, some EU member states developed almost generalized negative attitudes towards Russia, as the Baltic States, given the communist past, the Russian expansionist approach and the common border. All these behaviours have also political reasons. Within the EU we can also identify states that have largely economic preferences towards Kremlin, like France and Britain. All these differences, plus a fluctuant interests towards the Eastern part of Europe are creating the necessary premises for a dysfunctional strategy of the EU towards the East.

Actually, even before the EU was confronted with this major crisis at its borders, still in 2008 in the context of the Georgian crisis, the EU member states kept their distinct national preferences relating to Russia. Therefore, the EU and NATO were no longer working towards a de-securitization of the situation, since they witnessed a fragmentation among the member states' national preferences and interests towards the regions or vis-à-vis the Russian Federation. Actually what happened in the case of the Georgian crisis and was about to repeat in many aspects in the case of the Ukrainian crisis was anticipated by some scholars. Mark Leonard and Nicu Popescu⁴³ noticed even since 2007 the appearance of five groups of states with various orientations compared Russian Federation. First group is called *Trojan Horses* represented by Greece and Cyprus. These states "were prone to use their veto right in order to block EU policies that might affected the interest of Russia"⁴⁴. The second group, call *Strategic Partners*, is represented by France, Germany, Italy and Spain states that have developed over the years bilateral strategic partnership whit Russia⁴⁵. Third group, *Friendly Pragmatics*⁴⁶ developed a positive strategy towards Russia, but only from economic point of view. Mark Leonard and Nicu Popescu identified several states: Belgium, Bulgaria, Austria, Finland, Hungary, Luxembourg, Malta, Portugal, Slovenia and Slovakia⁴⁶. In the fourth group called *Frozen Pragmatic* we find the states as Belgium, Czech Republic, Estonia, Latvia, Sweden, Great Britain, Netherlands, Ireland and Denmark, Romania, whit economics preferences towards Russia, but choosing to develop cooperative approach towards the European framework⁴⁷. The last group *New Cold Warriors* is known for

⁴³ Mark Leonard & Nicu Popescu, „A Power Audit EU-Russia Relations”, *FRIDE*, 2007, http://fride.org/uploads/file/A_power_audit_of_relations_eu-russia.pdf, 29-30 (Accessed on 2.02.2016).

⁴⁴ A.M. Costea, *op.cit.* 121.

⁴⁵ M. Leonard & N. Popescu, *op.cit.*, 31-35.

⁴⁶ *Ibidem*, 36-41.

⁴⁷ *Ibidem*, 42-47.

leading hostile policy towards Moscow⁴⁸ and is represented by Lithuania and Poland⁴⁹.

The Ukrainian crisis caused some clarifications in the composition of these groups, but in essence the types of groups remain the same, with the mention that especially *New Cold Warriors* became more compact. Some countries, such as Poland, which had until the annexing of Crimea a friendly pragmatic attitude being very active through its external affairs minister Radoslaw Sikorski, who participated at the negotiations between the Ukrainian opposition and the regime of Viktor Yanukovychi, in February 2014, in the Weimar format (France, Germany, Poland) became a very vehement critic of the Crimean annexation. There was a breach between France and Germany which took over initiatives of the negotiations between Russia and Ukraine in the format known under the name of Normandy and Poland, which was left aside. But all these data made Poland become a loudspeaker of a group formed by the Baltic countries and Romania. This group is joined by Bulgaria, together with NATO's decision to create six command centres in the region.

Taking into consideration Russia's action in the South Eastern part of Ukraine, the EU's strategy changed and the negative political national preferences tended to be more powerful, since the first stage of sanctions proved to be inefficient for a high level of regional security. States felt threatened by Russia's expansionist moves; therefore the EU's preference stopped reflecting the most powerful state's preference and the political driven ones took the leadership in establishing the common view of the entire organization. For the first time since the crisis erupted, the EU went further and passed beyond the minimum common denominator that reflected the will of the most powerful state as in September the EU adopted the sanctions against the Russian economic sectors⁵⁰.

Therefore, although the natural tendency of states is to cooperate in order to balance the threat, it depends on the threat's perceived power. The EU member states seem to be blocked in a dependent relationship vis-a-vis

⁴⁸ A.M. Costea, *op.cit.*p. 130.

⁴⁹ M. Leonard & N. Popescu, *op.cit.*, 48-50.

⁵⁰ "Council Regulation (EU) No 959/2014 of 8 September 2014 Amending Regulation (EU) No 269/2014 Concerning Restrictive Measures in Respect of Actions Undermining or Threatening the Territorial Integrity, Sovereignty and Independence of Ukraine," *Official Journal of the European Union*, 57, L 271, 12 September 2014, accessed 20 September 2014, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2014:271:FULL&from=EN>; "Council Regulation (EU) No 960/2014 of 8 September 2014 Amending Regulation (EU) No 833/2014 Concerning Restrictive Measures in View of Russia's Actions Destabilising the Situation in Ukraine," *Official Journal of the European Union*, 57, L 271, 12 September 2014, accessed 20 September 2014, <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L:2014:271:FULL&from=EN>.

Russia, but at the same time a war is a possibility that the West, especially the EU, cannot risk taking place in its own neighbourhood. At the same time it is not a rational choice to isolate Russia, because an isolated Russia will become more unpredictable, therefore no matter the result of the Ukrainian crisis (total fragmentation, federalization, maintenance of the status-quo) cooperation between the regional powers has to be achieved. From this triangle the Ukrainian state seems to have to lose the most especially in terms of stability, security, economy, even territorial integrity.

2.2. No. of Borders Checkpoints between EUMS from Eastern EU Borders and EaP countries (with Belarus, Moldova, Ukraine)

Two examples in which we can apply the concepts of permeability / impermeability of EU's frontier regarding the economic and people-to-people aspect. For example, as we can notice below the number of cross-border checkpoint. At the level of EU member states for example the Romania-Hungary benefits of a border of 448km and 22 check point from 20 km apart from each other. At the level of the border between Poland and Germany, there share a border of 467 km and there are 24 check points (from which 3 are via river), one at 18.9 km. These relative high numbers of checkpoints represent an empirical level in which the border crossing is more than encouraged at the level of individuals. At the same time the small distances between the checkpoints are also a result of a relatively developed infrastructure.

At the same time the border between Romania and Ukraine is approximately about 646 km, people being able to cross via 10 check points, one at each 65 km, a distance that is double. Between Poland and Ukraine (border of 542 km) the situation is more balanced as there are 16 checkpoints each at 34 km apart. Comparing the data within the EU, the distance between checkpoints is relatively higher fact that can be explained by the bilateral relationship between the states and a less developed infrastructure. At the same time, we could say that at the level of people-to-people and at economic one, having relative high distances between checkpoints represents a discouragement to deeper cooperation, thus the lack of frontier permeability.

Cross-Border Checkpoints	Roads	Railways	Pedestrian Bicycles	Rivers	No. of Check points/Km
PL-UA (542 km)	8	8 (3 cargo)	-	0	16/34 km
SK-UA (97 km)	2	3 (2 cargo)	1	0	6/ 15, 5km
HU-UA (137 km)	5	3 (2 cargo)		0	8/ 18 km
RO-UA (646 km)	3	4	-	3	10 / 64,6 km)

RO-MD (423 km)	6	2	-	-	8/52,5 km
PL-BY (416 km)	6	4	3		13/32 km
LIT-BY (318 km)	4	3	-	2	9/34, 7 km
RO-HU (448 km)	14	4	4		22 /20 km
PL- Ger (467 km)					24/18,9 km
LIT-PL (105 km)	3	3	1		7/15 km
BY-UA (975 km)					33/ 29 km
UA-RUS (2295 km)					37/ 67,7 km

2.3. The Price of the local and international calls (Orange PrePay)

The same situation can apply at the level of communications, the high costs being an exponent of impermeability of borders at the Eastern frontier of the EU as it can be seen below. The discrepancies between the costs between the situation from within the EU and from outside the organizations are evident, but at the same time it can be explained by the deeper cooperation that exists within the EU and the agreements that are signed by the EU as a block and the bilateral ones.

Country	Call local	CNC	COC	RNC	SMS	Internet
EU*	0,05 euro/min	0,23 E/min	0,23	0,23 E/min	0,02 euro/min	0,05 euro/min
Moldova	0,68 E/min	1,22 E/min	1,54 E/min	0,48 E/min	0,38 E/min	0,38 E/min
Ukraine	0,79 E/min	1,49 E/min	1,59 E/min	0,79 E/min	0,39 E/min	0,39/min
Belarus	0,79 E/min	1,79 E/min PL	2,19 E/min	1,19 E/min	0,39 E/min	0,79 E/min
Georgia	0,79 E/min	1,79 E/min PL	2,19 E/min	1,19 E/min	0,39 E/min	0,79 E/min
Armenia	0,79 E/min	1,79 E/min PL	2,19 E/min	1,19 E/min	0,39 E/min	0,79 E/min
Azerbaijan	0,79 E/min	1,79 E/min PL	2,19 E/min	1,19 E/min	0,39 E/min	0,79 E/min
Russia - Ukraine		0,15 E/ min	0,19 E/min	0,125 E/min	0,07 E/min	0,095 E/min

* the costs for Roaming service within the EU starting from April 2016 versus the roaming costs in the EaP states.

3. Conclusion:

- a) The permeability of the EU frontiers manifested itself on an effective manner until the economic crisis erupted. Apart from this event, there can be noticed different impermeability forms especially in the case of association agreements' conditionalities.
- b) The Ukrainian crisis put under pressure the permeability of the EU's Eastern frontier.
- c) The permeability / impermeability different levels can be a variable in defining the success or lack of it of the EaP
- d) The development of the EaP can be achieved through the EU's Eastern frontier permeability assurance especially in the case of communication costs.

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THE FOUNDATIONS AND THE INSTITUTIONAL FRAMEWORK OF THE EU AND EAP STATES' RELATIONS IN THE FIELD OF MIGRATION AND ASYLUM

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Abstract. *The objective of this paper is to explore and stress the place and importance of the migration and asylum issues in the context of the Eastern Partnership policy initiative. Existing since 2009 the Eastern Partnership currently covers relations between the 28 EU members, three Eastern European countries (Belarus, Moldova and Ukraine) and three Southern Caucasus ones (Armenia, Azerbaijan and Georgia). As the migration and asylum area is very complex and multidimensional in terms of its subject scope, geographical scope and stakeholders involved, in this paper I will first present the overview of the EaP, in order to discuss the role of migration-related issues within the proper context.*

Keywords: *European Union, European Neighbourhood Policy, Eastern Partnership, mobility, migration, Global Approach to Migration and Mobility, EU, GAMM, EaP, ENP.*

Introduction

Specialised literature on the European Union relations with the Eastern Partnership (EAP) states, also called Eastern partners or partner countries, is very rich and diversified across scientific disciplines, focusing on different aspects of these relations, i.e. aims, mechanisms, results and future developments. However, there still are some analytical gaps which can be explored and discussed. One of them is the question concerning the EU relations with the EaP states in the field of migration and asylum, which requires a more comprehensive, cross-cutting and systematic approach.

In recent years the European Union has been facing the migrant and refugee crises, which have become an important test of solidarity for the member states¹. The limited effectiveness of the common migration and asylum policy as well as disagreements and divisions arising between members make it necessary for both the researchers and policy-makers to rethink and revise the fundamentals, aims, tools and mechanisms of this policy².

¹ See: Marta Pachocka, "The European Union and International Migration in the Early 21st Century: Facing the Migrant and Refugee Crisis in Europe", in *Facing the Challenges in the European Union. Re-thinking EU Education and Research for Smart and Inclusive Growth (EuInteg)*, eds. E. Latoszek, M. Proczek, A. Kłos, M. Pachocka, E. Osuch-Rak, 531–557 (Warsaw: Polish European Community Studies Association – Elipsa, 2015).

² See: Marta Pachocka, *Looking beyond the current migration and refugee crises in Europe: a common policy of the EU and the outlook for the future – in search of solutions*, conference

Although multi-sector debates on how to face and solve both crises have been conducted at least since 2014 at the EU and its member states' levels, they still seem to be far from allowing the sides to reach any form of a mid- to long-term policy agreement. While the EU's attention is mainly focused on the crisis situation in the Mediterranean region and its consequences for the member states, the EU relations with some important stakeholders are temporarily neglected, with strategic aspects of the EU external policy set aside for later deliberations.

The objective of this paper is to explore and stress the place and importance of the migration and asylum issues in the context of the Eastern Partnership policy initiative. Existing since 2009 the Eastern Partnership currently covers relations between the 28 EU members, three Eastern European countries (Belarus, Moldova and Ukraine) and three Southern Caucasus ones (Armenia, Azerbaijan and Georgia). As the migration and asylum area is very complex and multidimensional in terms of its subject scope, geographical scope and stakeholders involved, in this paper I will first present the overview of the EaP, in order to discuss the role of migration-related issues within the proper context.

1. Eastern Partnership – an overview of the EU policy initiative

As a result of its enlargement in 2004 and then 2007, the EU has gained both new member states and neighbours. Among new EU members were countries of the former Eastern Bloc from Central and Eastern Europe, which had experienced in the early 1990s a systemic transformation in political and socio-economic terms. This changed not only the internal situation of the Union, but also significantly affected the geopolitical and geo-economic circumstances connected to the EU's role in the region and created the need to revise existing EU external policy.

During the French Presidency in the Council of the European Union (July–December 2008) Nicolas Sarkozy, at that time the Head of State, initiated the project of the Union of the Mediterranean. In response, Poland and Sweden focused on tightening EU's relations with neighbouring countries in the East which used to be part of the USSR³. In June 2008 the European Commission was invited by the European Council to draft a proposal for Eastern Partnership initiative. The Extraordinary European Council of 1 September 2008 called for acceleration of this project, to provide a clear sign

paper, Jean Monnet Seminar "Migrations", 22-23 February 2016, Tunis, European Commission.

³ *Neighbours of Visegrad and EU: Eastern Partnership*, Visegrad.info, 26 April 2010, <http://www.visegrad.info/enp-eastern-dimension/factsheet/neighbours-of-visegrad-and-eu-eastern-partnership-.html> (accessed 20 April 2016).

of EU commitment after the ramifications of the conflict in Georgia⁴. In December 2008 the Commission announced its *Communication* to the European Parliament and the Council on Eastern Partnership⁵. The opening words of this document were as follows: “The European Union has a vital interest in seeing stability, better governance and economic development at its Eastern borders. At the same time, our partners in Eastern Europe and the Southern Caucasus all seek to intensify their relations with the EU. The Union's policy towards them must be proactive and unequivocal: the EU will give strong support to these partners in their efforts to come closer to the EU, and will give all necessary assistance with the reforms this entails, through a specific Eastern dimension within the European Neighbourhood Policy (ENP)”. What is more, the conclusions of the same *Communication* clearly articulated that: “Deepening our relations with the partners through the Eastern Partnership is thus both a strategic imperative and a political investment for the EU, which will pay dividends to Europe's citizens”⁶. Soon, in March 2009, the European Council unanimously supported the ambitious Eastern Partnership project, making it a key part of the EU foreign policy and thus, a guideline to be followed thereafter⁷.

Consequently, in the first half of 2009 the initiative of the Eastern Partnership became one of the priorities in the area of the EU external relations of the Czech Presidency in the Council of the EU⁸. In its *Work Programme* for the period January–June 2009, the Czech Republic stated that: “In accordance with historical ties and current challenges, the Presidency will give priority to the strengthening of cooperation between the EU and the Eastern European and Southern Caucasus countries. The key topics will include the deepening of energy, economic, trade and environmental partnerships; respect for fundamental rights and freedoms; support for democratisation and transformation processes; facilitating mobility and management of migration; supporting mutual contacts on various levels; and political and security cooperation”⁹. In this context, the EaP project was devised as “a new comprehensive and reinforced policy of the EU eastward”

⁴ Commission of European Communities, *Communication from the Commission to the European Parliament and the Council – Eastern Partnership*, {SEC(2008) 2974}, Brussels, 03.12.2008, COM(2008) 823 final.

⁵ Ibid.

⁶ Ibid.

⁷ Ministry of Foreign Affairs of the Republic of Poland, *Eastern Partnership*, Warsaw 2011, 12, <http://berlin.msz.gov.pl/resource/d72e1c0c-9670-4ec4-b60e-89ab8ce5c7cf> (accessed 20 April 2016).

⁸ Czech Presidency of the Council of the EU, *Work Programme of the Czech Presidency “Europe without Barriers” 1 January – 30 June 2009*, January 2009, 23, http://www.eu2009.cz/assets/news-and-documents/news/cz-pres_programme_en.pdf (accessed 20 April 2016).

⁹ Ibid., 23-24.

aimed at developing the European Neighbourhood Policy while retaining balance between the individual geographical partnerships of the EU¹⁰.

The Eastern Partnership was officially launched at the Prague Summit on 7 May 2009 in the presence of representatives of the EU, EU member states, European Parliament, Committee of the Regions, European and Social Committee, European Bank for Reconstruction and Development, European Investment Bank, and six countries from Eastern Europe and Southern Caucasus to whom the Eastern Partnership was dedicated, i.e. Armenia, Azerbaijan, Georgia, Moldova, Ukraine and Belarus. A *Joint Declaration* adopted in Prague by contracting parties became the basic founding document of the EaP. According to the *Prague Declaration* the Eastern Partnership is based on “commitments to the principles of international law and to fundamental values, including democracy, the rule of law and the respect for human rights and fundamental freedoms, as well as to, market economy, sustainable development and good governance”. Its main objective was written down as to “create the necessary conditions to accelerate political association and further economic integration between the European Union and interested partner countries” to lead to, among others, to stability, security and prosperity not only of the EU and EaP states, but also of the entire European continent¹¹. Since then, biennial meetings of the EU and the leaders of partner countries commenced, during, so-called Eastern Partnership Summits. So far, successive summits were held in Prague (2009), Warsaw (2011), Vilnius (2013) and Riga (2015), each time resulting in a joint declaration of participants.

In order to achieve its objectives, the Eastern Partnership is implemented through two parallel tracks: a bilateral one aiming at strengthening the already well established EU relations with each of six Eastern partners and a multilateral one concentrating on challenges common to all partners involved¹². The aim of the bilateral cooperation is to encourage political and socio-economic reforms in partner countries in order to: foster political association and further economic integration with the EU, enhance sector cooperation and support mobility of citizens and visa-free travel as a long-term goal. Bilateral cooperation programmes devote special care to provide assistance in the priority areas identified in each country's multi-annual programming document, and grant complementary support within the

¹⁰ Ibid., 24.

¹¹ Council of the European Union, *Joint Declaration of the Prague Eastern Partnership Summit, Prague, 7 May 2009*, Brussels, 07.05.2009, 8435/09 (Presse 78), http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/107589.pdf (accessed 20 April 2016).

¹² European Commission, DG for Development and Cooperation – EuropeAid, *EU cooperation for a successful Eastern Partnership*, 2012, 2-3, https://ec.europa.eu/europeaid/sites/devco/files/eastern_partnership_flyer_final_en.pdf (accessed 20 April 2016).

Comprehensive Institution Building programme to implement the agreements with the EU. Additional assistance is also given to Eastern neighbours as a reward for developments achieved in building deep and sustainable democracy (under umbrella programme)¹³.

In turn, the multilateral path of the Eastern Partnership is complementary to bilateral relations and based on two main pillars (Figure 1)¹⁴.

1. thematic platforms, which help the flow of best practices and mutual interest issues in four key policy areas:

- democracy, good governance and stability,
- economic integration and convergence with EU policies,
- energy security,
- contacts between people,

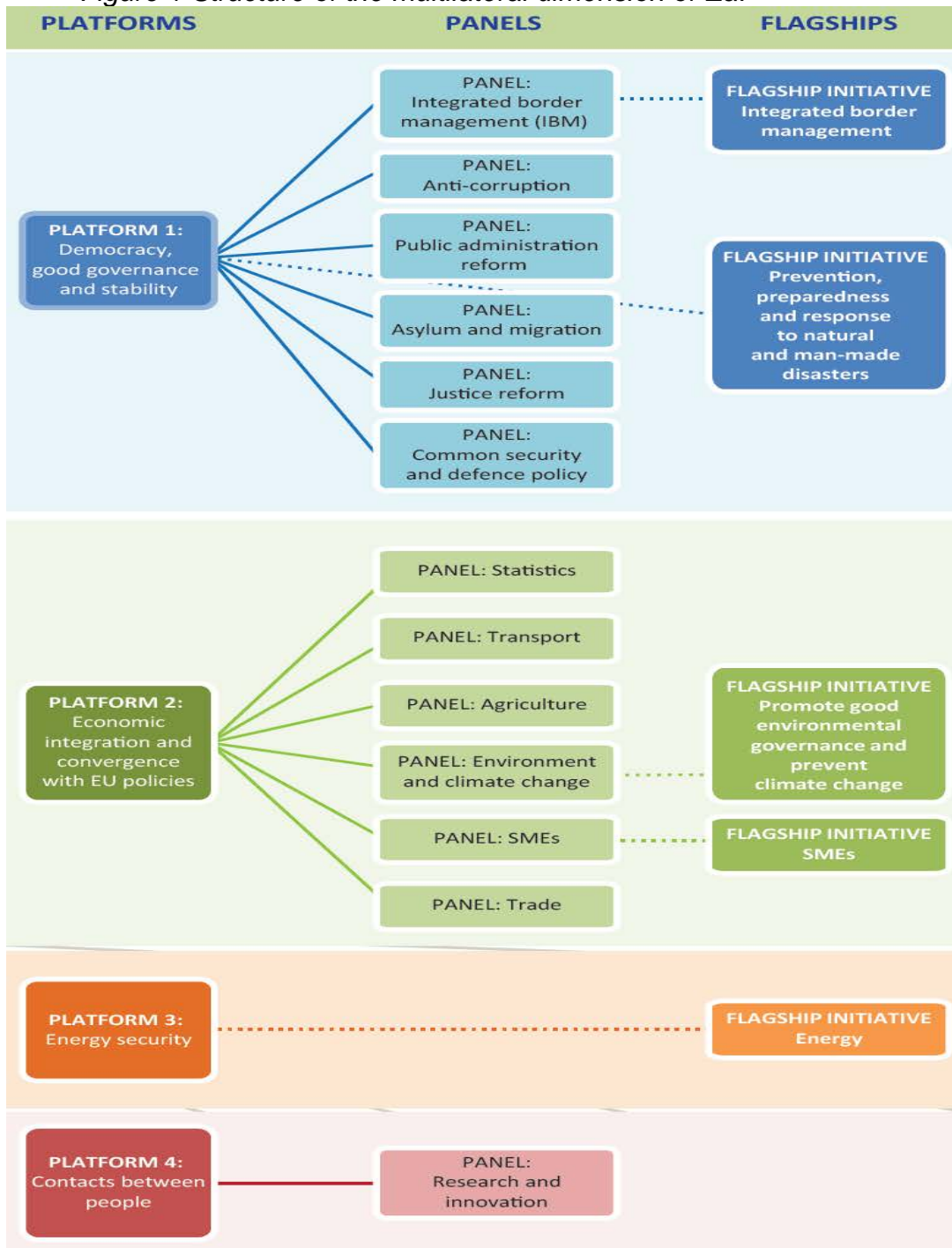
2. flagship initiatives that, as regional cooperation programmes, encompass:

- a program of integrated border management,
- support for the development of small and medium enterprises (SME Facility),
- regional electricity markets, energy efficiency and renewable energy sources,
- environmental governance,
- prevention, preparedness and response to natural and man-made disasters.

¹³ European Commission, DG for Neighbourhood and Enlargement Negotiations, *Eastern Partnership*, http://ec.europa.eu/enlargement/neighbourhood/eastern-partnership/index_en.htm (accessed 20 April 2016).

¹⁴ European External Action Service, *EU Relations with Eastern Partnership*, http://www.eeas.europa.eu/eastern/about/index_en.htm (accessed 20 April 2016); Ministry of Foreign Affairs of the Republic of Poland, *Eastern Partnership*, op. cit., 24.

Figure 1 Structure of the multilateral dimension of EaP



Source: European Commission, DG for Neighbourhood and Enlargement Negotiations, Support for the Eastern Partnership - Stories, facts

and figures from the *European Neighbourhood Instrument 2014, January 2016*, 25, <http://ec.europa.eu/enlargement/neighbourhood/pdf/eastern-partnership-results-2014.pdf> (accessed 20 April 2016).

EU's key role as global actor is heavily backed by its financial assistance. In 2007-2013, funding of the European Neighbourhood Policy, including the Eastern Partnership since 2009, was garnered from the European Neighbourhood and Partnership Instrument (ENPI). Cooperation programmes with Eastern European Partners in 2010-2013 were granted almost €2.5 billion. In the period of 2014-2020, it is the European Neighbourhood Instrument (ENI) replacing the ENPI that is the main EU financial instrument for implementation of the ENP and the EaP¹⁵. The priorities concerning the use of the granted funds are defined in multi-annual programming documents. For countries with a Partnership and Cooperation Agreement (PCA) or an Association Agreement (AA) with the EU these documents are called Single Support Frameworks (SSFs). While, for other countries, such as Belarus, these programs are called Multi-annual Indicative Programmes (MIPs). The first batch of multi-annual programming documents (2014–17) for all EaP countries was adopted in July/August 2014, except for Ukraine, where priorities for the use of assistance are defined yearly due to its unstable situation¹⁶.

2. The overview of EaP frameworks and policy aims related to migration and asylum

Important notes concerning migration and asylum issues in the EaP context have already appeared in the aforementioned Commission's *Communication* from December 2008¹⁷, and later in the *Prague Declaration* from May 2009, which established the Eastern Partnership. The latter document stated that: "Supporting mobility of citizens and visa liberalisation in a secure environment is another important aspect of the Eastern Partnership. It will promote mobility of citizens of the partner countries through visa facilitation and readmission agreements; the EU, in line with its Global Approach to Migration, will also take gradual steps towards full visa

¹⁵ European Commission, DG for Neighbourhood and Enlargement Negotiations, *Support for the Eastern Partnership - Stories, facts and figures from the European Neighbourhood Instrument 2014*, January 2016, 5-6, <http://ec.europa.eu/enlargement/neighbourhood/pdf/eastern-partnership-results-2014.pdf> (accessed 20 April 2016); European Commission, DG for Development and Cooperation – EuropeAid, *EU cooperation for a successful Eastern Partnership*, op. cit., 2-3.

¹⁶ European Commission, DG for Neighbourhood and Enlargement Negotiations, *Support for...*, op. cit., 5-6.

¹⁷ Commission of European Communities, *Communication from the Commission to the European Parliament and the Council – Eastern Partnership*, op. cit.

liberalisation (...) provided that conditions for well-managed and secure mobility are in place”¹⁸.

Issues and topics related to migration and asylum, also in the framework of the Eastern Partnership, fall under the Directorate-General (DG) for Migration and Home Affairs of the European Commission¹⁹. It is responsible for two key policy areas defined as:

1. migration and asylum (covering issues related to legal and irregular migration, integration, readmission, return),
2. internal security (comprising fight against organised crime and terrorism, extended police cooperation, management of the EU’s external borders) including cooperation with industry and the Europe for Citizens programme²⁰.

Due to its scope, the DG’ policy in the field of migration and home affairs has both internal and external dimensions. As a result it facilitates the development of contacts and cooperation with many non-EU states on migration- and security-related topics.

The European Council in its conclusions adopted on 26-27 June 2014 identified the strategic guidelines for legislative and operational planning for the area of justice, freedom and security in the near future. Within the framework of its *Strategic agenda for the Union in times of change*, the Council set up three priorities for the next five years. The one directly connected to migration was described as an effort to “better manage migration in all its aspects: by addressing shortages of specific skills and attracting talent; by dealing more robustly with irregular migration, also through better cooperation with third countries, including on readmission; by protecting those in need through a strong asylum policy; with a strengthened, modern management of the Union’s external borders”²¹.

The general framework for the EU external migration and asylum policy is outlined by EU’s Global Approach to Migration and Mobility (GAMM) adopted in 2005 as EU’s Global Approach to Migration. In 2011 it was described by the Commission as “the overarching framework of the EU External Migration Policy” which is rooted in the spirit of true cooperation and partnership with non-EU countries, to allow them to target their priorities in the

¹⁸ Council of the European Union, *Joint Declaration...*, op. cit.

¹⁹ European Commission, DG for Migration and Home Affairs, *Eastern Partnership*, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/international-affairs/eastern-partnership/index_en.htm (accessed 20 April 2016).

²⁰ European Commission, DG for Migration and Home Affairs, *Policies*, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/index_en.htm (accessed 20 April 2016).

²¹ European Council, *Conclusions of the European Council (26/27 June 2014)*, Brussels, 27.06.2014, EUCO 79/14, http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/ec/143478.pdf (accessed 20 April 2016).

area of migration and asylum²². Moreover, the aforementioned recommendations also listed key institutions responsible for the implementation of GAMM, with each acting according to its competences. They were: the European Commission, the European External Action Service, including the EU Delegations, and the EU Member States. In this vein, the key goals of the GAMM are to²³:

1. better organise legal migration and foster well-managed mobility,
2. prevent and combat irregular migration, and eradicate trafficking in human beings,
3. maximise the development impact of migration and mobility,
4. promote international protection, and enhance the external dimension of asylum.

In terms of the GAMM's geographical priorities in regional cooperation, the European Commission indicated in its *Communication* from 2011 on the EU Neighbourhood as the first focus the Southern Mediterranean and the Eastern Partnership²⁴. Currently, in the framework of the GAMM, southern and eastern neighbours still take priority with special attention awarded to countries of origin and transit through the following actions²⁵:

1. the Africa-EU Partnership on Migration, Mobility and Employment and the Rabat Process (in the South),
2. the Prague Process, and the Eastern Partnership Panel on Migration and Asylum (in the East),
3. the migration dialogue with Latin America,
4. dialogue with the countries along the Silk-route, including in the framework of the Budapest Process.

There are different instruments to facilitate the implementation of GAMM. These encompass political ones such as policy dialogues and action plans, legal ones like visa facilitation and readmission agreements, and various means of support, including operational support and capacity building²⁶. However, the tools available still need to be systematically

²² 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 Global Approach to Migration and Mobility*, Brussels, 18.11.2011, COM/2011/0743 final.

²³ European Commission, DG for Migration and Home Affairs, *Global Approach to Migration and Mobility*, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/international-affairs/global-approach-to-migration/index_en.htm (accessed 20 April 2016).

²⁴ European Commission, *Communication from the Commission to the European Parliament...*, op. cit.

²⁵ European Commission, DG for Migration and Home Affairs, *Global Approach...*, op. cit.

²⁶ Ibid.

developed and applied through tailor-made bilateral partnership frameworks negotiated between the EU and each of the countries concerned²⁷.

One of above-mentioned instruments are Mobility Partnerships (MP), as well as the Common Agendas for Migration and Mobility (CAMM), both bilateral cooperation frameworks under the GAMM, deal with mobility issues, visas and the necessity to return of irregular migrants, but there are differences. The first one includes mention of negotiation of visa facilitation and it is mostly used in neighbourhood-countries, while the other one does not and is recommended to be used for other third countries. So far, there are seven Mobility Partnerships signed with: Cape Verde, the Republic of Moldova, Georgia, Armenia, Morocco, Azerbaijan and Tunisia. Two Common Agendas on Migration and Mobility have been signed with Ethiopia and Nigeria²⁸.

3. Migration and asylum issues in the context of the EaP

As a part of multilateral cooperation in the framework of EaP, the Eastern Partnership Panel on Migration and Asylum was initiated during the EU Prague Summit in 2009. It was brought to life under the first thematic platform of EaP multilateral path dedicated to democracy, good governance and stability. It is a platform for open discussion of migration and asylum issues for Eastern partners and the EU²⁹. Its main goals, in line with the principles of the EU Global Approach to Migration and Mobility, were to³⁰:

1. strengthen asylum and migration systems of six EaP countries,
2. advance the dialogue on migration and asylum policies between the Eastern partners and the EU, as well as amongst the Eastern partners,
3. facilitate exchange of best practices to achieve approximation with international standards.

At the heart of Panel activities, there are two Panel meetings usually co-organised by one EaP country and one EU member and aimed at policy discussions. Additionally two expert workshops are conducted annually. They are organised with the goal of working out issues connected to planning and implementation³¹. Table 1 and table 2 present a broad and diversified scope of the topics that have been discussed and raised respectively during the panel meetings and expert workshops since 2012.

²⁷ European Commission, *Communication from the Commission to the European Parliament...*, op. cit.

²⁸ European Commission, DG for Migration and Home Affairs, *Global Approach...*, op. cit.

²⁹ European Commission, DG for Migration and Home Affairs, *Eastern Partnership*, op. cit.

³⁰ Eastern Partnership Panel on Migration and Asylum, <http://eapmigrationpanel.org/en/about-panel> (accessed 20 April 2016).

³¹ Ibid.

Table 1 The EaP Panel on Migration and Asylum meetings in 2012–2016

Date	Location	Topic	Organizing countries
3-4 May 2012	Tbilisi	Panel Meeting on National Refugee Status Determination Procedures	Georgia and Germany
18-19 October 2012	Chisinau	Panel Meeting on Circular Migration	Moldova and Poland
20-21 March 2013	Tbilisi	Panel Meeting on Readmission, Return and Reintegration	Georgia and Hungary
13-14 November 2013	Prague	Panel Meeting on Integration of Migrants and Rights of IDPs	the Czech Republic and Azerbaijan
10-11 June 2014	Vilnius	Panel Meeting on Smuggling of Human Beings	Lithuania and Belarus
6-7 November 2014	Warsaw	Panel Meeting on Labour Migration	Poland and Ukraine
5-6 March 2015	Budapest	Panel Meeting on Migration Data Management and Migration Trends	Hungary and Moldova
4-5 June 2015	Kyiv	Ad-hoc Panel Meeting on Registration, Integration and IDPs	Ukraine and the Czech Republic
26-27 November 2015	Tbilisi	Panel Meeting on Family Reunification	Georgia and the Czech Republic
14-15 April 2016	Chisinau	The EaP Panel on Migration and Asylum Meeting on Irregular Migration and Trafficking in Human Beings	Moldova and Poland
November/December 2016	Minsk	Panel Meeting on Migration Strategies	Belarus and Lithuania

Source: own work based on: EaP Panel on Migration and Asylum, Panel and expert meetings, <http://eapmigrationpanel.org/en/meetings> (accessed 20 April 2016).

Table 2 The EaP Panel on Migration and Asylum expert workshops in 2012–2016

Date	Location	Topic	Organizing countries
10-11 September 2012	Bucharest	Expert Workshop on Country of Origin Information (COI) in the Context of Refugee Status Determination Process	Romania and Armenia
21-22 May 2013	Warsaw	Expert Workshop on Victims of Trafficking in Human Beings	Poland and Armenia
12-13 December 2013	Budapest	Expert Meeting on Statelessness	Hungary and Moldova
26-27 March 2014	Chisinau	Expert Meeting on Detention	Moldova and Sweden
8-9 December 2014	the Hague	Expert Meeting on Credibility Assessments in Asylum Procedures	the Netherlands and Georgia
6-7 May 2015	Minsk	Expert Meeting on Labour Migration: Practical Aspects of Admission and Control	Belarus and Latvia
21-22 October 2015	Kyiv	Expert Meeting on Unaccompanied Minor Asylum Seekers	Ukraine and Sweden
2-3 June 2016	Stockholm	Expert Meeting on Resettlement and Other Forms of Admission of Persons in Need of International Protection	Sweden and Armenia
October/November 2016	Riga	Expert Meeting on Information Technology in Migration Management	Latvia and Ukraine

Source: as table 1.

As indicated by the existence of these initiatives, tools and the aforementioned meetings and workshops, since 2009 the EaP has been constantly evolving in response to the needs and ambitions of six Eastern partners in the field of migration-related issues. So far, the EU has concluded a series of agreements with EaP countries in order to regulate and facilitate

migration³². Within the Global Approach to Migration and Mobility there are frameworks based on mutual commitments and initiatives on mobility, migration and asylum issues, the so called Mobility Partnerships. They regulate the mobility of the citizens of the EaP countries, which is promoted through visa facilitation agreements, as well as help manage the return of irregular migrants from these states through readmission agreements.

Among their first signatories were Eastern partnership countries. As of March 2016, the progress in this field was as it follows³³:

1. The EU and Moldova signed a Mobility Partnership in June 2008 and the EU-Moldova Visa Facilitation Agreement and Readmission Agreement entered into force in October 2007. An amended version of the Visa Facilitation Agreement with Moldova entered into force in July 2013.
2. The EU and Georgia signed a Mobility Partnership in 2009 and the EU-Georgia Visa Facilitation Agreement and Readmission Agreement entered into force in March 2011.
3. The EU and Armenia signed a Mobility Partnership in 2011. The Visa Facilitation Agreement was signed in December 2012 and the Readmission Agreement in April 2013. Both agreements entered into force in January 2014.
4. The Mobility Partnership between the EU and Azerbaijan was signed in December 2013. The EU and Azerbaijan signed the Visa Facilitation Agreement in November 2013 and the Readmission Agreement in February 2014. Both agreements entered into force in September 2014.
5. The EU-Ukraine Visa Facilitation Agreement and Readmission Agreement entered into force in June 2007. An amended version of the Visa Facilitation Agreement with Ukraine entered into force in July 2013.
6. In 2014, the EU and Belarus started to negotiate Visa Facilitation and Readmission Agreements. In 2015, the negotiation of a Mobility Partnership started as well.

To elaborate on visa liberalisation, which is an important aspect of EU-EaP relations in terms of migration and asylum issues, it is crucial to mention the “Visa Liberalisation Dialogues” led by DG for Migration and Home Affairs with three Eastern partners – Ukraine, Moldova and Georgia, aiming at visa-free travel on a case-by-case basis as well as their outcome. Visa

³² European Commission, DG for Migration and Home Affairs, *Eastern Partnership*, op. cit.

³³ European Commission, DG for Migration and Home Affairs, *Eastern Partnership: Mobility partnerships, visa facilitation and readmission agreements*, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/international-affairs/eastern-partnership/mobility-partnerships-visa-facilitation-and-readmission-agreements/index_en.htm (accessed 20 April 2016).

Liberalisation Action Plans (VLAP) with their four benchmarks concerning document security (biometrics), border management, migration and asylum, public order and security, and external relations and fundamental rights, served as the basis for these dialogues. The Action Plans' implementation has been observed by the Commission via progress reports presented to European Parliament and the Council. What follows is the current state of affairs (early 2016)³⁴:

1. The EU-Ukraine Visa Liberalisation Dialogue was launched on 29 October 2008 and the VLAP was presented to Ukraine on 22 November 2010. EC in its final sixth Progress Report on Ukraine issued in December 2015 stated that the country met “all the benchmarks set in respect of the four blocks of the second phase of the VLAP”. On this basis the forward steps were supposed to be taken by the Commission in early 2016³⁵.

2. Visa Liberalisation Dialogue with Moldova was launched on 15 June 2010. After four years the citizens from the Republic of Moldova became exempt from visa requirement, as long as they hold a biometric passport and only want to travel to Schengen for a short time. This came into effect on 28 April 2014 and is a direct consequence of Moldova's success in meeting all of the requirements set in the Visa Liberalisation Action Plan.

3. The Visa Liberalisation Dialogue with Georgia was launched on 4 June 2012 and the resulting Action Plan was given to the Georgian authorities on 25 February 2013. The final (fourth) progress report – was released in December 2015³⁶. On 9 March 2016 the European Commission proposed to remove the need for Georgian citizens with a biometric passport to hold a visa, due to Georgia's success in implementing their Action Plan's benchmarks.

³⁴ European Commission, DG for Migration and Home Affairs, *Eastern Partnership: Visa liberalisation with Moldova, Ukraine and Georgia*, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/international-affairs/eastern-partnership/visa-liberalisation-moldova-ukraine-and-georgia/index_en.htm (accessed 20 April 2016).

³⁵ European Commission, *Report from the Commission to the Council and the European Parliament – Sixth Progress Report on the Implementation by Ukraine of the Action Plan on Visa Liberalisation*, {SWD(2015) 705 final}, Brussels, 18.12.2015, COM(2015) 905 final, 12, <https://ec.europa.eu/transparency/regdoc/rep/1/2015/EN/1-2015-905-EN-F1-1.PDF> (accessed 20 April 2016).

³⁶ European Commission, *Report from the Commission to the Council and the European Parliament – Fourth progress report on Georgia's implementation of the action plan on visa liberalisation*, {SWD(2015) 299 final}, Brussels, 18.12.2015, COM(2015) 684 final, http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/international-affairs/general/docs/fourth_report_georgia_implementation_action_plan_visa_liberalisation_en.pdf (accessed 20 April 2016).

EU cooperation with Eastern Partnership countries in the migration- and asylum-related issues heavily relies on financial and technical assistance, provided with the help of diverse financial instruments, such as the Asylum, Migration and Integration Fund (AMIF) and the Internal Security Fund (ISF), which are both under Directorate-General for Migration and Home Affairs. Additionally, there are other instruments, such as the European Neighbourhood Instrument (ENI) – a key instrument allowing cooperation of the EU with the Eastern partners. In addition to this, DG for Development and Cooperation manages such instruments as Global Public Goods and Challenges (GPGC) and the former Thematic Programme for Migration and Asylum (TPMA). Moreover, additional funding comes from member states' bilateral financial aid and national sources of partner countries to help to finance Mobility Partnerships' actions and goals and to support the implementation of the Visa Facilitation and Readmission Agreements³⁷.

Conclusions & Perspectives

Public and academic opinion concerning the assumptions, aims and the effectiveness of the Eastern Partnership is divided and, on the whole, rather critical. Undoubtedly both sides – EU members and EaP countries – have their own aims and particular interests to be achieved through their involvement in this political initiative. However, a question arises: to what extent this tightened cooperation of the EU with the six states from Eastern Europe and Southern Caucasus is a waiting room for the full EU membership, or a geopolitical strategy to strengthen the position of the EU in the region, especially towards Russia, or to what extent it is an attempt to build a geographically sustainable neighbourhood policy between the Mediterranean region and Eastern neighbours, and finally, to what extent it is a candid attempt of the EU to share its know-how and experience in order to provide development assistance and political advice to these transforming states.

Initial assumptions of the EU concerning the development direction for the EaP are constantly being verified and their feasibility is put to test by practical application. The effort to ensure a truly successful implementation of EaP is facing some limitations, both from EaP group and the EU, as well as the international environment.

The EaP states are very diverse, starting with their current internal situation and arriving at their complex external relations (also with one another). Therefore in reality, they are not a uniform group of countries, and so their potential for future relations with the EU is different. Ukraine is the most likely to join the EU, however, it will not be the nearest future. Apart from the delays in ensuring the development of democracy mechanisms and

³⁷ European Commission, DG for Migration and Home Affairs, *Eastern Partnership: Financial and technical assistance*, http://ec.europa.eu/dgs/home-affairs/what-we-do/policies/international-affairs/eastern-partnership/financial-assistance/index_en.htm (accessed 20 April 2016).

appropriate socio-economic progress, the main difficulty comes from its unstable internal situation – the widening political gap between the Eastern and Western Ukraine coupled with Russia's aggressive policy towards it (the illegal annexation and the occupation of Crimea and Sevastopol since 2014 and the involvement in the armed conflict in the eastern Ukraine leading to lower political stability of the state and weakening its territorial integrity). A worrying sign for the EU-Ukraine relations were the negative feelings of the Dutch society towards strengthening the cooperation with Ukraine under the Association Agreement, as Dutch voters overwhelmingly rejected this EU-Ukraine partnership deal in national referendum held in early April 2016. Even though the vote was not binding, as the parliament of the Netherlands had approved the EU Association Agreement with Ukraine in 2015, it became an important test of public opinion in one of the key EU member states. It draws attention to the Eurosceptic tendencies on the rise in some EU societies.

The EU's relationship with the Republic of Moldova is very close. However, this country is torn by an internal problem concerning its Transnistrian region, which in early 1990s. of the 20th century proclaimed itself as the Pridnestrovian Moldavian Republic. This territory is recognized as an independent state only by South Ossetia and Abkhazia, while formally it remains an integral part of Moldova.

The EU-Belarus cooperation has been progressing at the slowest pace since 2009, the main reason being that it is not a truly democratic state, but an authoritarian regime led by Alexander Lukashenko as its president with very broad competences. Even though Belarus is a member of the Eastern Partnership initiative, its involvement is limited to a multilateral track and it is its civil society that remains the key partner in bilateral dialogue.

Armenia, in turn, in 2013 decided not to sign the Association Agreement with the EU and instead opted for tightening its relationship with the Russian Federation by joining the Eurasian Economic Union in 2015 with Russia, Belarus, the Republic of Kazakhstan and the Kyrgyz Republic. In the meantime the EU and Armenia took an effort to work on a new future legal agreement which resulted in an official launch of negotiations in December 2015.

There are also other factors which further increase the complexity of the mutual relationships between some EaP countries, which are: ongoing Armenian–Azerbaijani border conflict and another one at the borderline between Nagorno-Karabakh and the Aran region of Azerbaijan manifested in sporadic border clashes and fighting. Moreover, since the war with Georgia in 2008 Russia has maintained control over Abkhazia and South Ossetia, which separated from Georgia to become independent states with Russian support. Finally, it is worth noting that it is difficult to consider the chances of joining

the EU for the three Southern Caucasus states stemming from their geographical location, far from the borders of the EU, and especially in Asia.

EU societies are not equally interested in developing relations with six EaP states. Definitely, most involved in the EaP project so far were countries such as Poland, partly due to the fact that its eastern borders are at the same time the external borders of the EU, shared with Ukraine and Belarus. Moreover, the Arab Spring, the civil war in Syria and the 2014+ migrant and refugee crises in the Mediterranean have led to an increased EU involvement in the situation in its southern neighbours, especially the origin countries for the migrants in the Middle East and Northern Africa. The EU itself is going through a political crisis, including the crisis of the Schengen zone, connected to these matters. However, by concentrating its efforts on the Mediterranean region the EU underestimates the importance of the migration movements from the east, especially from Ukraine to Poland. More and more Ukrainians immigrate to Poland and take up jobs legally, as well as study at the Polish universities. In addition, it is hard to estimate the exact number of Ukrainian migrants who often come to Poland illegally to do seasonal work. In 2014 the European Asylum Support Office (EASO) reported 14 thousand asylum requests in 28 EU member states, Norway and Switzerland submitted by Ukrainian citizens, which means a 13-fold increase in comparison to the prior year. It means that if the conflict with Russia continues to intensify in the eastern part of Ukraine, the number of migrants will grow further. The EU ought not to neglect this matter and it should be considered in its external migration and asylum policy.

Six EaP states as EU neighbours have been and still are considered a geographical priority region under the EU's Global Approach to Mobility and Migration adopted in 2005. This results in developing among others Mobility Partnerships between the EU and some of EaP partners. Cooperation within the Eastern Partnership has huge potential and is of key strategic value not only for the EU as a global actor, but also for its member states and six EaP countries. This policy initiative should further gain in importance given the growing political instability in the eastern EU neighbourhood in recent years, mostly due to political and military steps taken by Russia in the region.

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CROSS-BORDER COOPERATION AND EVALUATION OF THE EASTERN PARTNERSHIP TERRITORIAL COOPERATION PROGRAMME BETWEEN ROMANIA-MOLDOVA-UKRAINE

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Abstract. *The concept of cross-border cooperation has undergone changes in recent years given the way regional and European politics have understood and shifted regional policy. There has been a shift after the rapid expansion of the EU during the last 15-20 years, a change that has prompted newer member states to concentrate more on integration rather than bringing in new members. Evaluating cross-border programmes at the eastern borders of the EU is a result of these changes as well as structural and funding shifts due to entering the new budget cycle of 2014-2020.*

Keywords: *cross-border cooperation, programmes, evaluation, development.*

Introduction

Cooperation between states at various levels has always been a method of encouraging exchanges of different natures: economic, cultural, social. In the context of an expansive European Union, the use of cross-border cooperation mechanisms has had a role in spreading European values and developing strong relations between partnered countries.

The focus of this article will be that of cross-border cooperation between a member state of the EU (Romania) and two non-member states (Republic of Moldova and Ukraine) in a context that involves strong ethnic and economic ties in an area of importance for the EU both from a security and strategic perspective as well as for future expansion of the European project. The role played by academic research in the evaluation of cross-border cooperation can be best attributed to on-going evaluation of cooperation programmes (Horga, 2013). The speciality of on-going evaluation is down to continuous monitoring of projects and their effectiveness in terms of fulfilling programme objectives as well as national and regional interests of the partners involved; the underlining benefit of such evaluations is that it can offer solutions to implementation challenges by showcasing comparative models used in similar situations (Horga, 2013).

The concept of cross-border cooperation and its evolution in recent years

Cross-border cooperation is represented through a direct collaboration between neighbouring regions along the borders. This sort of cooperation can

span many different fields and links together local and regional administrations. The aim of this type of cooperation is to encourage joint approaches when it comes to tackling common problems in border areas, thus developing these regions in the spirit of common development (European Commission, 2015). Other authors view this cooperation in direct relation to the process of EU enlargement that also brought with it new forms of cooperation such as cross-border cooperation (Hinfray, 2013). This idea has also been noted in a report formulated by the European Commission on economic and social cohesion back in 2001 stating that border regions that often suffer from accessibility and lack of economic opportunity through support granted by cross-border cooperation programmes no longer show significant differences in income per head and unemployment when compared to other regions of the EU (European Commission, 2001).

In certain situations, cross-border cooperation can be a result of efforts by local and regional authorities that also form a Euroregion. There is also the case of cross-border cooperation build on the framework of regional development offices in member states that promote development of local economy and institutions towards projects that cater to common goals; this is the case of Romania as the regional development offices within the country handle part of the EU development funds allocation.

Cross-border cooperation is built on vertical and horizontal partnership structures, the principle of subsidiarity and making local and regional authorities responsible for developing and implementing cross-border projects that tackle common issues. Within Europe these border regions differ in terms of how homogenous they are, their development level and ultimately their geography. The geographical implications of border regions within the EU have had a significant impact in terms of strategic interests, especially in the Eastern borders.

Border regions have had quite a difficult history and as such have ended up separating regions and different ethnic populations that in the end share a common heritage and common identity. Before the sustained growth in terms of EU membership in the last 20 years these regions have had little options in terms of development as populations tended to move from the border regions towards the central regions of the country and as such these regions ended up with less population and resources as all economic activities also followed this trend. The exceptions here lie with regions that have shown to poses natural resources; these regions that have developed their industrial potential have developed despite being on the borders. Regions that have not had these resources have ended up on the periphery of economic and transport routes (European Commission, 2007).

Another reason behind the development of EU border regions comes from the positive results that have been observed through the cross-border

mobility programmes encouraged through the EU. As the internal borders within older member states of the EU have disappeared, the promotion of cultural and economic exchanges had become easier. Having more opportunities for Europeans to interact with each other have also helped to develop a common identity as well as boost efforts towards better integration (Sigalas, 2010). The effects of these policies remain debatable in terms of their effectiveness in creating a sense of identity and supporting regional cooperation; several authors have argued about these policy efforts in terms of their social, economic and even political impact (Sigalas, 2010).

The EU has also developed tools in order to deal with the specific issues that have been identified as part of border regions. Tools such as regional development programmes, strategies for cross-border development and operational programmes were created under the banner of INTERREG.

There needed to be a set of differences in how the EU perceived cross-border cooperation between established member states, new member states and states that have not yet become part of the EU structure. There are different factors that come into play when it comes to internal borders (that have all but gone from the structure) and borders that are between member states and non-member states. In order to deal with these types of cross-border cooperation the EU has developed in time specific tools and programmes aimed to each specific region:

- INTERREG is the biggest EU initiative in this field, dealing with handling EU structural funds with three different types of cooperation: A, B and C;
- PHARE CBC was launched in 1994 in order to support cross-border cooperation among states in Central Europe (at that point in time Central European states were mostly outside of the EU);
- TARCIS CBC was designed to handle the western borders of countries such as Russia, Belarus, Ukraine and the Republic of Moldova.

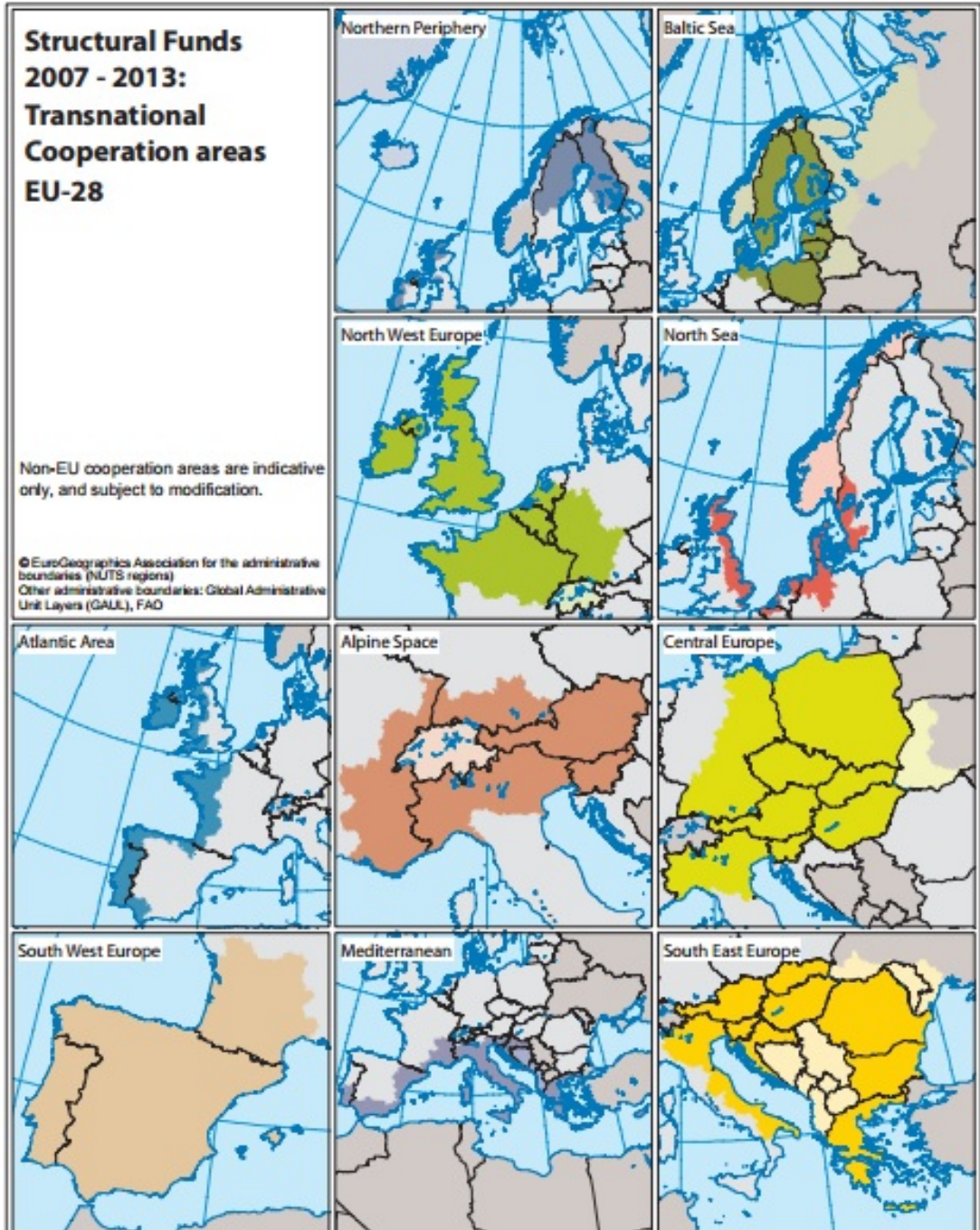
The evolution of cross-border cooperation has always been in line with changes on a political economic and geopolitical scale within Europe. Creating the Single Market within the EU in 1993 was a contributing factor to the disappearance of internal borders within the EU and as such cross-border cooperation morphed in different types of cooperation. At the same time, since the 1990s, the concept of traditional borders was moved outwards and has come to define the exterior frontiers of the EU; as more and more countries became part of the EU, borders kept going further East. The countries outside the EU framework started to gain new attributes, as targets for further enlargement. The tools of cross-border cooperation would be used in this case in order to prepare these countries for a future within the EU structure. The programmes and initiatives developed by the EU for these regions were aimed at tackling 3 main objectives: convergence, increased

regional competitiveness and transnational and interregional cooperation (Sassano, 2013).

Borders to the East of the EU were especially difficult to integrate into a cooperation framework given the economic and social disparity of the former Eastern Bloc states. Communities around these regions suffered from underdevelopment in terms of buying power, income, infrastructure and at times large ethnic groups were separate by the political borders set in place after World War II. The EU programmes proposed a cooperation that will strengthen the ties of community in order to get people to work together towards a common future (European Commission, 2007). Cross-border cooperation was design to include all day to day activities in terms of work, free time, culture, social issues, housing, planning and was designed to bring partners from both sides of the border to work together on a local, regional and national level (European Commission, 2007).

These new developments in European cross-border cooperation gave it a whole new dimension, one that complemented the European Neighbourhood and Partnership Programme and its objectives. On a structural level these changes could be observed in time as cross-border cooperation programmes became more decentralized, giving partners more powers in terms of management and implementation. Decentralization of funds and management is viewed as having a direct impact on the increase in competition between regions and devolution of competences; the idea here is that regions will be more inclined to develop self-assessments of their resources and opportunities and will try to develop their competitive advantages and in turn increase the quality of life in the cities and communities of that region (Dühr, Stead and Zonneveld, 2007). By the time the 2007-2013 cycle for structural funds came into action, previous initiatives such as INTERREG (by that time referred to as INTERREG IV) became a direct part of EU's structural funds programme and was given the objective to aid European territorial cooperation alongside the other two objectives convergence and competitiveness (Dühr, Stead and Zonneveld, 2007).

Figure 1. European transnational cooperation between 2007-2013

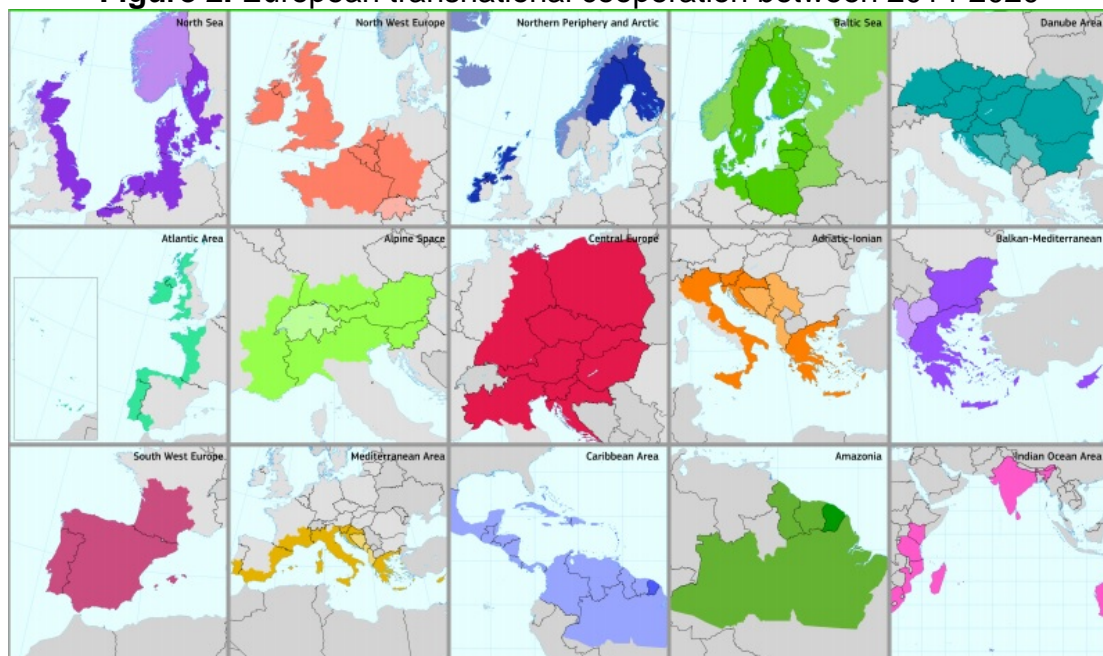


Source: European Regional policy, Structural Funds: Transnational cooperation areas 2007-2013, available at: http://ec.europa.eu/regional_policy/images/map/cooperat2007/transnational/transnat_mosaic.pdf

The evolution of cross-border cooperation (transnational cooperation in certain cases between member and non-member states) has been very closely observed by the EU in order to determine the effectiveness of this policy shift and the impact of Europeanization as a tool for influencing exterior regions of the EU.

The next structural funds cycle 2014-2020 comes with a slightly different approach towards transnational cooperation. The number of cooperation programmes have been increased, from 13 in 2007-2013 to 15 in 2014-2020 through INTERREG V evaluated at 2.1 billion euros (European Commission, 2015).

Figure 2. European transnational cooperation between 2014-2020



Source: European Regional policy, Structural Funds: Transnational cooperation areas 2014-2020, available at: http://ec.europa.eu/regional_policy/en/policy/cooperation/european-territorial/trans-national/

Romania's cross-border cooperation programmes with Republic of Moldova and Ukraine

There are many differences that define border regions within Europe, most of them having to do with social or economic disparity; at the same time there are a number of issues that are present in all regions and have become a common problem. Addressing these common issues is part of the EU's approach to create a framework for cooperation and as such these have been targeted through programme objectives and set as priorities (Brie, 2010)

Promoting a coherent and balanced social and economic development in border regions has been the most important priority for the EU. The focus point here has been on commerce and local investment as well as promoting cross-border businesses, tourism, infrastructure and cooperation in three sectors: energy, transport and communication.

Common challenges such as issues dealing with public health, the environment and prevention of organized crime makes up the second priority. Actions that are promoted in this case include common planning, surveillance, natural resources management and waste control. Water pollution is highlighted as an important issues in cases where countries share large bodies of water such as the Baltic Sea, the Black Sea and the Mediterranean Sea. Alongside these actions there is also incentives for cooperation in stopping corruption, illegal immigration and human trafficking.

Common borders need to keep up safety standards and must efficient in dealing with regular operations and procedures that are required for a functioning frontier. The security of international transport and logistics can be improved by creating better infrastructure and bringing in better equipment.

The last priority on the list has to do with the actions that engage local communities in the border regions in activities that lead to a more active civil society. In this respect cooperation in the fields of education, society and culture play a pivotal role in promoting democracy and common values.

Cross-border cooperation is built on using land and sea borders as frameworks for different types of actions. This approach depends, of course, on the natural terrain around the border regions and the number of countries that share that region. Cross-border cooperation can also use sea basins for regions that are on the external frontiers of the EU such as the Baltic Sea, Black Sea and Mediterranean Sea regions (European Neighbourhood and Partnership Instrument - Cross-border cooperation strategy paper 2007-2013, Indicative Programme 2007-2010, 2007).

Another avenue for cooperation looks at structures and infrastructure that is man-made. In this case these can be cross-border committees (as is the case between Finland and the Russian Federation or between Hungary and Poland) or regional structures (Council of the Baltic Sea States, Black Sea Economic Cooperation, etc.) or other structures such as Euroregions.

The cross-border cooperation programs are legislated through the European Commission regulation no. 951/2007 that lays down all the rules on cross-border cooperation programmes that are financed under the European Commission regulation no. 1638/2006 that states EU Parliament and Council approved provisions on ENPI (Official Journal of the EU, 2007).

The evaluation we have conducted on cross-border cooperation concentrates on the period between 2007 and 2013 in order to judge the effectiveness of the programme. It was designed to create a framework for

cooperation at the exterior border with the EU in order to fix issues of disparity between the interior space of the EU and neighbouring countries that are potential candidate states for future integration. The cooperation programme between Romania, Ukraine and Moldova was the first of its kind and was adopted by the European Commission on the 29th of July 2008.

Figure 3: The counties from Romania, Ukraine and the Republic of Moldova included in the cross-border cooperation programme¹



Source: Ministry of Regional Development and Public Administration, press release, 20 June 2013.

Some of the adjacent were also included in the programme in an effort to improve cross-border cooperation in the region. As such the included administrative territories are Brăila (Romania), Ivano-Frankivska and

¹ The counties of Botoşani, Galaţi, Iaşi, Suceava, Tulcea and Vaslui from Romania, the regions of Odessa and Chernivtsi from Ukraine as well as the whole territory from the Republic of Moldova.

Vinniyska Oblast, ten districts from Khmelnytska Oblast and twelve districts from Ternopil'ska (Ukraine).

The total budget for the cooperation programme was 137,4 million Euro out of which 126,72 million Euro were the EU's contribution through the ENPI mechanism and 11,4 million Euro the contribution of the countries partners in this programme (Broșura anuală a Programului Operațional Comun România-Ucraina-Republica Moldova, 2009).

Evaluating cross-border cooperation

This paper's efforts will concentrate on analysing the effectiveness of the cross-border cooperation programme through the perspective of the progress made at the border between Romania, the Republic of Moldova and Ukraine.

In order to understand the way funds have been distributed we need to take a look at the priorities for the projects that were established at the start of the programme. The underlining objectives of cross-border cooperation is *to improve local economy, strengthen social cohesion and help sustain the natural environment*.

These objectives are directed towards creating safer borders by building partnerships:

- Promoting economic and social development on both sides of the border;
- Overcoming common challenges in areas such as environment, public health, safety and security;
- Creating better conditions for the mobility of people, goods and capital in the border region by creating projects that connect and engage people.

Each priority is targeted towards specified beneficiaries and is structured in a way that suits the variety and complexity of the activities that are eligible. The cross-border projects are coordinated by different private and public bodies such as local administrations, national administrations, universities, NGOs and regional chambers of commerce. The contribution that was estimated on the part of these organizations was around 10% (minimum) of the project costs.

According to a revised draft on the programme that was published in May 2015, the cross-border cooperation programme has been further developed to include secondary priorities that act as objectives for projects funded by the programme (Joint Operational Programme Romania-Republic of Moldova 2014-2020). Looking further into some of the proposed goals we see an emphasis on particular areas that relate to the 3 main priorities:

- Business development, support for education, research and development, protecting local culture and heritage, social inclusion, efficient local governance – included in the Strategic objective A;

- Climate change adaptation, energy cooperation as well as cooperation in the fields of safety and security – included in the Strategic objective A;
- Development of transport infrastructure, communication networks as well as promoting border management and security – included in the Strategic objective C.

The effectiveness of cross-border cooperation on objectives A and B can be reviewed for the 2007-2013 budgetary cycle. In this respect we will be taking a look at some of the projects that have been funded in all three countries and judge their relevance more than anything. There have been two calls for proposals and 8 major projects carried out by central government or agencies of the partner countries. During the first call for proposals there have been 16 different projects implemented on the Strategic objective A and 5 projects implemented on the Strategic Objective B. Some of these projects also include priority elements found under Strategic objective C:

Table 1. Projects between RO-MD-UA centred on Strategic Objectives A and C.

Beneficiary (Nationality – ISO code)	Country partners in the project (ISO code)	Project name	Time frame (Months)	Grant from the EU (<EURO>)	Percent age of the EU grant in project budget (%)
Public city organization: „Business Center“ Cernăuți (UA)	UA-RO	Developing mountain side tourism (BBMTD)	17	334.645,05	89,55
The city of Siret (RO)	UA-RO	Boosting tourist infrastructure in the Siret – Hliboca area	12	151.920,00	90,00
The county of Botoșani (RO)	UA-RO	Cross-border infrastructure between the county Botoșani (RO) – district	24	2.686.516,41	90,00

		of Herța (UA)			
The city of Siret (RO)	UA-RO	Restoring and modernizing the „Mihai Teliman“ Cultural Centre in Siret	24	295.920,00	90,00
National University of „Yuriy Fedkovych“ Chernivtsi (UA)	UA-RO	Historical and ethnographic heritage - sustainable development in Bukovina	24	1.326.869,25	89,99
The village of Căndești (RO)	UA-RO	Modernizing infrastructure in the village of Căndești	20	1.729.611,76	89,00
The county of Suceava (RO)	UA-RO	Modernizing infrastructure 175, km 30+800-30+900, 31+090-32+625, 35+900-39+000, between Pojorâta – Izvoarele Sucevei	21	2.343.725,39	89,90
County Work Placement Agency Suceava (RO)	RO-UA	Labour mediation center “We believe in a new hope”	18	432.656,10	90
Soroca District Council (MD)	MD-RO-UA	Medieval jewelry: Khotyn, Soroca, Suceava, MEJEKSS	24	2.701.997,77	89,97

National Polytechnic University of Odesa (UA)	UA-RO	International Student Centre for recreation and Tourism (ISCRT)	24	1.606.820,00	89,84
County Council Iași (RO)	RO-MD-UA	TransAgRom aniapolis Cross-border support for businesses	36	2.783.401,01	64,53
Organizația pentru Dezvoltarea Sectorului Întreprinderilor Mici și Mijlocii (MD)	RO-MD	Lead your Way to Business	22	334.411,24	89,00
Consiliul Raional Ialoveni (MD)	MD-RO	Support Centre for Cross-border business – workshops, exposition, conference	24	1.586.210,62	89,94
Fondul Regional pentru Susținerea Antreprenoriatului (UA)	UA-RO-MD	InterNet – Internationalization and networking for SME and support structures	24	406.724,68	89,97
Universitatea Economică de Stat din Odesa (UA)	UA-RO-MD	Cross-border business cooperation network UA-RO-MD	12	241.888,74	89,79
Agenția de Dezvoltare Regională (UA)	UA-RO	Creating a favourable climate for investment at	18	440.848,62	89,87

		the borders between RO and UA			
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Source: Official RO-UA-MD cross-border cooperation portal www.ro-ua-md.net.

As shown in the table above, the more costly projects included infrastructure and consolidation efforts on a regional government level as well as complex cross-border initiatives aimed at promoting common cultural heritage (such is the case of the *Medieval jewellery: Khotyn, Soroaca, Suceava, MEJEKSS* project). It is interesting to note that most of the projects have been funded in a quite large proportion (89-90%) through irredeemable funding by the EU, with only one project being the exception (*TransAgRomaniapolis Cross-border support for businesses*) with only 64,53% funding. While culturally closer to the Republic of Moldova, Romania has been involved in a larger amount of projects with Ukraine as a sole partner; this could be explained given the high degree of development between the cities of Romania's North-Eastern region and Ukraine's South Eastern region that make up this cross-border cooperation space. The mixed communities of Romanians and Ukrainians living on each side of the border could have been a factor also.

Table 2. Projects between RO-MD-UA centred on Strategic Objective

B

Beneficiary (Nationality – ISO code)	Country partners in the project (ISO code)	Project name	Time frame (Months)	Grant from the EU (<EURO>)	Percent age of the EU grant in project budget (%)
Department of Public Health Botoşani (RO)	UA-RO	Preventing blue death syndrome	12	131.200,00	89, 90
State administration of the Novoselytsya District (UA)	RO-UA- MD	Improving safety in the Prut river valley	24	1.255.873, 58	90,00
District	MD-RO-	Improving	24	659.759,61	89,72

Council of Făleşti (MD)	UA	cross-border management of solid waste in Romania, Republic of Moldova and Ukraine (SMWM)			
Local Council of Tuluceşti (RO)	RO-MD	Developing a water management system in the village of Tuluceşti (RO) and the village of Sireţi (MD)	24	2.560.386,35	89,99
Alexandru Ioan Cuza University (RO)	RO-MD	Pilot resource centre for aquatic biodiversity conservation on the Prut river	36	2.928.863,18	90,00

Source: Official RO-UA-MD cross-border cooperation portal www.ro-ua-md.net.

Cooperation on an environmental level has improved results between Romania and the Republic of Moldova, with the majority of the projects and funding concentrating on these countries. We can observe the same level of funding offered by the EU, with all projects achieving 89% or higher distribution of resources. It is also interesting to note that all the projects that have been directed towards consolidation of hydrological resources of importance in the region, most notably being the Prut River that forms a natural border between the Republic of Moldova and Romania.

The second call for proposals was received much more favourably by local organizations and institutions. The number of projects tripled, with 50 successfully funded initiatives. Around this time there have been proposed projects for all three of the main priorities of the cross-border cooperation programme:

- Priority 1: 15 projects;

- Priority 2: 12 projects;
- Priority 3: 23 projects.

The level of cross-border cooperation had presented increased activity within the framework of this second call as most projects approved were aimed at implementation in all three countries. Business and agriculture have become the drivers of development while infrastructure projects aided in creating better connections between the people living on the border and the available resources.

Conclusions and proposals

We can note that most of the funds allocated under the program were aimed at economic development (56 668 623 Euro and 45%), which should attract in the near progressive economic development potential of the area.

Analysing the reports we can give two interpretations: judging by the percentage of distributed funds, the main priority is priority 3 (23 projects), but with reference to the number of projects implemented (as it appears from available data), the main priority is priority number 1: a total of 12 projects (of auctioning from 2009) from a total of 74 projects.

The 3 participating countries have also benefited from an extension of the budgetary cycle. A decision of the European Commission from December 2015 (18.12.2015 C 9183 final) extended the technical assistance part of the programme until 31 December 2018 as well as funding on the basis of reasoned requests analysed by the Joint Monitoring Committee. This extension can be viewed as a strengthening of relations of interregional cooperation and that it meets the development needs of the area as well as a necessity given the lack of experience in programme implementation of the three partner countries.

The analysis presented in this paper comes with a number of suggestions from the authors on improving the implementation process of cross-border cooperation initiatives:

- Greater transparency of official information from the competent authorities;
- A wider promotion: news web site, town halls counties involved to inform citizens more about the projects and also provide greater assistance towards their direction;
- Promoting the common needs of the population in target area, thereby boosting the submission of projects;
- More emphasis on creating jobs in the border area;
- Restructuring trilateral approach is one of the key recommendations which relies on the effectiveness of two programs instead of one bilateral trilateral. The latter has given rise to interpretations related to Romania's position and, in addition, should take into account the

different reactions of the Moldovan and Ukrainian opposite the pressure or criticism of Brussels;

- Stimulating an effective cooperation between government institutions and local governments, academia, business and NGOs in Romania, Moldova and particularly Ukraine by providing a better understanding of the institutional framework of the EU Strategy for Danube region;
- The organization of conferences, seminars, trainings, workshops in which ideas to promote cross-border cooperation program.

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SECTION V: IDENTITY, ACADEMIA AND CIVIL SOCIETY

EUROPEAN STUDIES – IS IT A SUFFICIENT INSTRUMENT OF EUROPEANIZATION IN THE EASTERN PARTNERSHIP COUNTRIES?

Oleksandr DEMYANCHUK

Abstract. *European Studies as the field of research and academic discipline presents in the majority of universities in the World. The content and scope of it cover a broad spectrum – from Area Studies characteristic mainly to the American and Asian countries to deep and thorough study of the European Union institutions, policies, law, and politics. Since the beginning of 2000s European Studies has begun its development more or less intensively in the East European countries which have European Integration ambitions. This article discusses the issue of existing and desirable content of the European Studies for the Public Administration systems to be more compatible with the EU standards and expectations. There are examples of activities on public servants and researchers education/training for these purposes.*

Keywords: *European studies, Europeanization, Eastern Partnership.*

The term European Studies now has many different meanings. First of all it is the research field which includes Big Europe Economy, Politics, Social Policy etc. Also it is strictly related to the Area Studies in a global scale for theoretical and applied purposes at public authorities, academic institutions, businesses and non-governmental organizations throughout the World. And, the last but not least, this is a broad set of educational programmes and courses at all levels – from secondary schools to undergraduate, graduate, postgraduate and vocational institutions.

It is difficult to define the time when the European Studies received its title. For example, the Journal of Contemporary European Studies before 2003 focused mainly on the Area Studies but since that time had broadened the coverage of issues publishing research articles mostly related to political, economic and social development of the European Union, its member states, as well as its relations with the outer World. In the first issue under the new title the Editorial and Introductory Survey strictly defines its focus on “the global, national, cultural and institutional contexts within which European Studies now operates”¹.

At the same time Michael L. Smith in his article published as early as in 2003 said that the European Studies “as a distinct multidisciplinary degree programme... in UK universities dates back to the early 1970s... In 2000 about eighty institutions offered more than 120 undergraduate degree

¹ Editorial and Introductory Survey. (2003). *Journal of Contemporary European Studies*, 11, 1, 7-20.

programmes and around 70... Masters programmes under the generic heading of European Studies.”²

Today Internet search on the European Studies term shows millions of results. There are almost no universities all over the World without the European Studies programmes or at least separate courses. The geography is very broad – from New Zealand to Asia to Africa, North and South America, and of course, Europe. The discipline syllabi and curricula essentially vary between simple brief familiarization with history, structure and principles of the European Union functioning and complex degree offering programmes on graduate and postgraduate levels. The University of Hong Kong programmes in European Studies “concentrate on European intellectual history and philosophy, the core foundations of European civilization, European politics and foreign policy, culture and identity, literature, as well as developments in Russia.”³

It is commonly understandable that the European Studies academic programmes at American and Asian universities are focused rather on delivering information about the European Union and wider Europe than on developing specific analytical skills in students: issues of domestic and local development are more important than Area Studies of a distant polity with unusual institutional structure and unique policy making processes. A very similar approach is seen in the core of European Studies programmes promoted by the EU policies towards its European neighbors.

Comparison of curricula and syllabi of European Studies related courses in a Big Europe (in a geographical sense) reveals a significant gap in a scope and content which exists between the EU universities/schools and those at the neighboring countries. Actually all the universities at EU member states offer Bachelor, Master and PhD degrees in European Studies focusing on History, Economics, Politics, and Social Policies of the European Union and its neighbors. For example, one of the leading institutions in the field – Maastricht University – defines its Master Degree Programme in European Studies as follows: “The Master of Arts in European Studies focuses on the international dimensions of policy, governance and administration. The programme looks beyond the institutions of the European Union and the mechanics of European integration to examine global developments and multi-level governance in a broader context. The programme employs an interdisciplinary approach, combining political science, history, international relations, economics and cultural studies. The focus is on the underlying

² Smith, Michael L. Creating a New Space: UK European Studies Programmes at the Crossroads. (2003). *Journal of Contemporary European Studies*, 11, 1, 21-34.

³ School of Modern Languages and Cultures, Faculty of Arts, the University of Hong Kong. <http://www.europe.hku.hk/>

issues of power and influence, governance and culture.”⁴ Michael Smith in the article cited here tells about the European Studies post-graduate programmes at the UK universities as oriented on deep knowledge and analytic skills development in law, politics, public policy making, and international affairs of the EU. Similar approaches and scopes of the European Studies programmes can be found at many universities of EU member states.

Another situation with the European Studies is seen at the East European neighbors of the EU. Communications with the colleagues from Georgia, Moldova and Ukraine within the Project “Innovating Teaching and Learning of European Studies - INOTLES” (TEMPUS Programme)⁵ have revealed generally much more restricted approaches to studies of the European Union at the partner countries than at the EU universities. Recent decade has been characterized by a broad scope of various programs and activities aimed at bringing to Ukraine and other post-soviet countries knowledge about the European Union, its institutional structure, legislation, policies, and numerous opportunities to strengthen relations between the EU and neighboring states as well as citizens on both sides of the regions. A significant role of it was played by the Ministry of Education and Science which had undertaken decisive steps towards the Bologna Process. Scattered before, the efforts of numerous NGOs, secondary and higher education experts had brought to the academic community an important document – “Concept of Education Content for the Ukraine’s European Dimension”⁶. For example, the “EU Study Days in Ukraine” which is the Project of EU Mission in Ukraine has defined its mission as follows: “to offer Ukrainian university students and alumni deeper and broader knowledge about the main characteristics of the EU and the relations between the EU and Ukraine”⁷. Introductory courses with mostly informational content were developed and introduced at secondary schools and in university undergraduate programs. Beginning from the general information targeted on school and university students as well as NGO activists the EU and Ukrainian organizations had broadened the coverage of European issues and the audience involving a very important group of learners – public servants.

But is it adequate or at least sufficient for the countries of the so called “Eastern Partnership” to meet the expectations and requirements concerning

⁴ FASoS Master’s Programmes European Studies Maastricht University. <http://www.maastrichtuniversity.nl/web/show/id=325697/langid=42>

⁵ INOTLES website: <http://www.inotles.eu/>

⁶ Kontseptsiya zmistu osvity dlia Yevropeys’kogo vymiru Ukrainy. /Concept of the Education Content for the Ukraine’s European Perspective. Authors: S. Kobernik, N. Kuzmyna, O.Ovcharuk et al. <http://osvita.ua/school/method/581/> (last visit 09 April 2016).

⁷ EU Study Days in Ukraine. <http://eustudydays.com/about/languageknowledge.eu/languages/english>

the Europeanization of their societies, economy, law, and political sphere? Does it provide good perspectives for these countries in their way to EU membership?

When we compare the European Studies content in Ukraine and in the countries outside Europe as a continent we will find almost absolute similarity with even broader scope in, say, the United States, Australia, New Zealand, China and Japan. For these countries the European Studies are mostly the special kind of Area Studies as they include European History, Geography, Economy and Social Studies without deep insight into the essence of political, legislative, economic and social processes as these have little influence on their countries life.

Completely another case represents Ukraine, Moldova and other countries of the Eastern Partnership. They are not only the neighbors of the European Union – they actually are the integral part of a Big Europe with common historical, cultural, and economic heritage. These countries have declared their intension to become full members of the European Union and hence need much deeper insight into the EU affairs. They have to build their economies for to become compatible with the Common Market environment, adapt their legislation, and, the most important, develop the system of European values within their societies.

School and university courses/programs of European Studies however broadly implemented will bring positive results in a couple of decades. Meanwhile the gap between the European Union and the rest of Europe in economy, trade, and life standards in general becomes deeper and hence the Eastern Partnership countries should move faster in a right direction and remove a lot of external as well as domestic barriers of political, administrative and legislative nature.

One of the problems which inhibits the Europeanization processes is the system of political decisions making which has been inherited from the Soviet authoritarian regime. It may be characterized by at least (and not completely) the following drawbacks:

- The administrative vertical of deciding in the Ukrainian (and in the other Eastern Partnership countries) political system contradicts the main principles and procedures of decision making in the EU and its member states.
- Despite the reforms begun after the Revolution of Dignity (2014) all the sectors of social life are still highly regulated and hence are the sources of corruption.
- The State Budget system is rigidly centralized and controlled by the executives rather than legislature.
- Street bureaucracy services quality is still on a very low level.

- The whole legislation is based mainly on the old values and moral principles and hard to be accommodated to the EU laws.

We may consider 2003 as the year of beginning the European Studies boost in the Eastern European countries. Accession of 10 countries which in the Soviet times belonged to the Warsaw block has given the hope to the rest of Europe for further EU enlargement and perspectives for the EU membership. As I have said in the first lines of this article it was also time when the goals and scope of European Studies had been revised in the European academic community. The European integration perspectives had called upon a chain of decrees by the President Leonid Kuchma. One of these decrees had approved the Program of Ukraine's integration to the European Union.⁸

In fact the whole activity was intensive only during first year or two. Then the political elite of Ukraine was discouraged by the EU officials because of indefinite terms and vague perspectives of accession. To that moment the success of this activity appeared to be minimal (which perhaps was one of the reasons why the European officials were so strictly negative). The whole work on the Ukrainian legislation adaptation to the European one completely failed and was stopped. Public servants were being dismissed from their positions so often that there was no sense to organize a large scale in-service training for them.

Nevertheless a lot of efforts continued to be applied to the public servants in-service training on the EU issues (actually a specific kind of the European Studies). Telenor Corporation (Norway) and the National University of Kyiv-Mohyla Academy with a formal support of the State Committee on Public Service of Ukraine signed in 2006 the Agreement on the Project "Democracy and Public Service Capacity Building in Ukraine". The Project had been implemented at in the period 2006-2010.

The main activities of the Project were trainings in seven separate courses:

- Democracy and eGovernment Public Sector Modernization
- European Union and the European Economic Area
- EU Neighborhood Policy and Programmes
- ICT Based Modern Project Management and Leadership
- Development and Implementation of Public Policies
- Administrative Decisions
- Collaboration between the State and Civil Organizations

⁸ Pro Programu integratsii Ukrainy do Yevropeiskogo Soyuzu./ On the Program of Ukraine's Integration to the European Union. – Decree by Leonid Kuchma, the President of Ukraine. No. 1072/2000 on 14.09.2000 with the amendment by the decree No. 1411/2004 on 16.11.2004. - <http://zakon5.rada.gov.ua/laws/show/1072/2000>

The courses were taught by the international group of professors who came from France, Belgium, Norway, United Kingdom, and Ukraine.

During 4 years of the Project implementation about 1000 students from the public administration, NGOs, academic institutions attended the classes, prepared learning papers and presentations, passed exams. Almost 200 students visited Brussels for visiting the EU institutions – European Parliament, European Commission, and the Council of Regions. As the Project was organized and sponsored by the Norwegian corporation Telenor, one of the focuses was on the European Economic Area, and the students had visits to the Norway Representation Office at the European Union.

The Project performance survey had brought us to several conclusions.

1. The public servants were not motivated by the perspectives of advancement because their promotion depended on another criterion than their knowledge, qualification and skills in European Studies. So, they considered the trainings as the means of satisfying their curiosity rather than preparation to new functions.
2. The students had not enough general preliminary knowledge (Philosophy, Political Theory, International Relations etc.) which made trainings less efficient.
3. The amount of information conveyed to the students was too big to create more or less integral picture of the European Union structure and functioning. Hence, it was rather acquaintance than insight into the EU essence.
4. As the students mostly did not have sufficient knowledge of foreign languages the trainers had to rely upon the translated texts which also decreased quality of training and restricted understanding of the EU main institutions and principles of their functioning.

Altogether, this brought not sufficient effect of the Project activities. Both trainers and students during the discussions came to understanding that the recommendation of the international organizations on transferring the EU experience into the Ukrainian public service system cannot be implemented without thorough adaptation to our realities and features of Ukrainian political system.

Proceeding from this experience we at the National University of Kyiv-Mohyla Academy have established in 2010 a new Graduate Program focused on European Studies. The main idea of the Program was to combine general theoretical preparation in Political Science with deep study of European Union in a context of domestic political and social realities. This 2 years Program requires students to accumulate 120 ECTS points and defend Master Thesis on relevant issues of studies.

As a part of the European Studies Graduate Program we have offered students the more narrowed curriculum in German and European Studies implemented jointly with the Friedrich Schiller University in Jena, Germany due to the financial support of DAAD. This curriculum included Germany related courses instead of Ukraine oriented and required students to spend one semester in Jena.

At the beginning the Germany-related courses were taught by visiting professors from Jena but due to a number of scholarships for Ukrainian teachers and professors in 2-3 years they took teaching several courses in their hands. Simultaneously our post-graduate students did their research on various European Studies related topics, and in 2010-2016 five Candidate dissertations and one – for Doctor of Science* were defended. (It is worthwhile to note that all these dissertations were oriented on investigation of EU affairs rather than on issues of European integration of Ukraine or merely EU neighborhood policies.)

The last advance in developing European Studies at our University was due to the fulfilment of the Project “Innovative Teaching and Learning of European Studies – INOTLES” under the TEMPUS umbrella. During 2014-2016 the consortium of 9 universities from the Netherlands, Belgium, United Kingdom, Ukraine, Moldova and Georgia developed and implemented 5 modules:

- Institutions of the European Union
- European Union and International Law
- Research Methods in European Studies
- Public Policies of the EU
- EU Foreign Policy.

Together with the theoretical courses in Political Science (for example, the course “Theories of Political Decisions Making”) and practical disciplines on Ukrainian Political and Public Administration systems we have created a harmonized Graduate Program which may help in developing a theoretical background for the future full-scale European integration of Ukraine.

Now our University prepares the new program for public servants’ in-service training. The courses are developed, the learning materials collected, teachers trained and armed with innovative methods of teaching. This new program differs from the traditional ones in the character of skills and knowledge that the trainees will receive: to build the Public Administration system and to staff it with the properly educated specialists it is necessary to base training on the democratic values and rationale characteristic to the EU institutions.

* Ukraine has two levels of academic degrees – Candidate of Sciences (more or less equivalent to PhD) and Doctor of Science (like Habilitat in Germany and Poland). – *O.D.*

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DIASPORA CONTRIBUTION TO THE EUROPEANIZATION PROCESS IN THE REPUBLIC OF MOLDOVA

Andrei ENACHI

Abstract. *The purpose of this article is to develop the research on the main role and contribution of Diaspora community in the complex process of Europeanization process of the Republic of Moldova. Members of Moldovan Diaspora communities are trying to have a greater impact on the development of their homeland country, especially for its European future. Professionals, experts, scientists, and students who reside temporarily or permanently abroad expressed their ideas, views and wishes regarding the situation in their homeland by Moldovan diplomatic missions abroad. Their main actions are oriented to show the Diaspora's support for democratic values and for the European vector of development of their homeland.*

Keywords: *Diaspora, Republic of Moldova, Europeanization, democratization, political system, European values, national values, democracy, migration, political transnationalism, country of origin, country of destination.*

The Theoretical Framework

Diaspora is usually defined differently by many countries taking into account their diverse experiences and recent evolution of this concept, mainly related to the evolution of migration process and establishment of many ethnic communities outside of their origin states.

Diaspora members are part of a community of migrants who have settled in different countries of their origin and at the same time who maintain their connection with their ancestral homeland¹.

Today we face another aspects and features of the Diaspora communities, mainly described as important factors of inter-state and transnational relations. Diaspora community is usually sharing the identity of its homeland that represents an important part of their personal identity. In this sense, the Diaspora communities are mainly motivated by their aspects of identity to have a certain influence on the political and especially on foreign policy aspects of their homeland. This incentive comes out from the contemporary statute of the most of Diasporas, which are considered to be a part of international community and are recognized as non-state actors.

The process of Europeanization is an important development factor and can have a great impact on the country's welfare, on the life of ordinary citizens and especially on the migrant communities outside the country which

¹ Singhvi, L.M. *The Indian Diaspora. The Report of the High Level Committee on Indian Diaspora (HLCID)*, (19th December 2001).

have a hope to return back to their homes. The process itself is much related to the economic growth and political stability, the ability for implementing EU rules and regulations, but also to the domestic power to mobilize all efforts for following the development process. Thus, the Diaspora have direct link into this process, having direct impact on the development of home economy and its foreign relations with residing state.

Usually Diaspora communities are important voice for the promotion of Europeanization process for their homeland society; this is also the case of the Republic of Moldova. Moldovan Diaspora during last years became on of the main supporter of the country's European path.

There are many ways and possibilities for migrant communities to manifest their political views and support for the foreign policy of their homeland. Among the most traditional and ordinary forms are the constitutional right to vote, expressing support for pro-EU political parties and platforms, but also by remittances that represent an important economic support for their homeland.

Introduction

After the collapse of the Soviet Union, the Republic of Moldova re-obtained its independence (27 august 1991), but this achievement was short because later the country fall into political, economical, and society crisis which lasted for a long time.

This period is characterized by the lasting impacts of poverty, lack of opportunities and well-paid jobs, situation which forced many Moldovan citizens to seek employment opportunities in wealthier neighboring states, including those from the Commonwealth of Independent States (CIS) and European Union (EU). According to some research data $\frac{1}{4}$ of labor force of Moldova is involved in the permanent or circular migration. This brought Moldova in the top of emigration countries in the world, with 21.5 per cent of its working age population abroad². Since 2005, the migrant flows increased significantly and Moldova became a significant donor country of labor force for the CIS and EU member countries.

As a result, Moldovan professionals have taken advantage of the mobility of labor and decided to practice their professional activity in more stable European economies or seek opportunities in other regions of the world. This result can be attributed to the variety of push factors, such as political instability and economic governance, need for a more qualified education and training.

The migration process has its positive aspects but it also its negative part. Moldova is seriously affected by this phenomenon which is becoming its nr.1 problem for development and Europeanization process. Country loses its

² CIVIS, IASCI. *Consolidarea legăturii dintre migrație și dezvoltare în Moldova*. (The World Bank Report, Chisinau, 2010).

main skilled labor force. Women migrants from Moldova are also affected by this situation being one of the main risk groups for human trafficking and sexual exploitation.

For the majority of Moldovan migrants the community that they left at home represents an important part of their identity, seeking not only to keep contact with their compatriots but rather to help and contribute in solving country's main development obstacles, bringing development opportunities and generating welfare.

Moldovans from abroad see their homeland future only as being a part of European family. At the same time the current political instability and economical crisis are shows that our country is not yet ready for asking a clear roadmap for joining EU. In this sense, Moldova has to deal with many internal issues in order to be able to adjust the legal framework, reform its economy, and adapt the political system together with the mentality change at the level of our civil society. The country's main economy products for exports need to be redesigned, as the economy is still mainly based on agriculture, and wine being its main product for exports.

State and Diaspora sharing a common development vision

Moldova signed the Association Agreement (AA) and the Deep and Comprehensive Free Trade Area (DCFTA) with EU, on 27 June 2014. This was a new step within the framework of EU-Moldova relations, aimed to support the Europeanization process of the country through reforms, economical stability and growth.

The signing of the AA and DCFTA with EU brought many benefits for Moldova, as EU became country's main trading partner. Thus, Moldova also increased significantly its commercial exchanges with EU countries, favoring a greater integration of Moldova into the European economic area, attracting new investments and creating more opportunities for Moldovan products for accessing the EU market.

Moldova's European integration became a strategic priority for the country further development. This choice was also supported by the Moldovans living and working outside the country, as its main migrant flows shifted from Russia to EU countries, this happened mainly after Russia imposed restrictions on export products from Moldovan, especially on wines and apples, afterwards exports were shifted to markets of the EU countries. Due to its economical instability, Moldova became dependent on remittances coming from its citizens who are working abroad, especially from Russia and Italy.

Today, Moldovan migrants who are established already abroad for 10 years and more, tend to manifest their identity attachment towards their homeland within the recent created Diaspora communities. The main activities are oriented towards promoting their views and issues asking to be

recognized as members of their homeland, they mostly interact with the authorities of the states of residence, their activities are related to the situation and developments in their homeland, usually they are organizing public actions, events, official meetings or flash mobs, using this opportunities for expressing their views regarding their homeland situation.

Following the Government decision on closer relations with diaspora organizations, we will revise the most relevant actions done for bringing diaspora in closer relations with its homeland state.

In 2008, the Moldovan Government has developed an Action Plan, encouraging the Moldovan labor migrants to “return home”, for their reintegration. The plan refers to different activities on informing workers about job opportunities at home, returning procedures, opening their own business, increasing opportunities for youth employment, social protection. Another governmental decision was to develop better migration management policies. In this sense, many studies were realized, creating a better vision for best suitable and needed actions, such as: “*Mapping of the Moldovan Diaspora in Italy, Portugal, France and United Kingdom*”³, aimed at researching social-economic profile of Moldovan citizens temporarily or permanently staying abroad, Moldovan Diaspora communities.

According to results of this study, the level of interest of Moldovan migrants for the social, political and economic situation in Moldova is quite high, as the majority of them regularly search for information regarding the development of their home country (31.3 per cent regularly and 51.0 per cent occasionally), and from Italy (43.0 percent regularly and 40.0 percent occasionally)⁴.

This comprehensive research carried out by collecting the opinions of different social stakeholders: Moldovan Government, Moldovan Diaspora leaders, IOM representatives, diplomatic missions abroad, local public authorities from Moldova and studied countries, revealed important information for development of new tools, instruments and actions for a better involvement and encouragement of diaspora to participate in socio-economic development of their home country.

Taking into account the fact that migration is very important for our country, being affected by this process Moldova started to orient its efforts towards developing its legal framework for this new phenomenon. The need was to create the platform for ensuring its citizens from abroad with the right tools for interaction with their homeland state.

Many governmental institutions, public authorities, NGO’s and other actors were involved in this cooperation, dividing the main tasks of handling

³ Dina Cheianu-Andrei. *Mapping of the Moldovan Diaspora in Italy, Portugal, France and United Kingdom*. (International Organization for Migration - Mission to Moldova, 2003),

⁴ Idem., p.55.

with the migration process between State Chancellery, Ministries of Interior, Labor and Foreign Affairs. The results were not impressive and later on the decision was to create a specialized agency for dealing with our migrants abroad: BRD. BRD became the leading body for the state policy and actions regarding Moldovan Diaspora, assisted by the above mentioned ministries which continued to have an important contribution to this process.

Diaspora Communities in Moldova's Foreign Policy

For ensuring its citizens living abroad with protection and connection with their homeland state, Moldova oriented its foreign policy and international cooperation strategy for having closer relations with states where its citizens are emigrating or already have residence. Main actions were oriented towards establishing stronger economic and social links, by signing important agreements for granting recognition of their studies and diplomas, ensuring the basic social assistance and medical care for our citizens who are living in the respective states.

Ministry of Foreign Affairs and European Integration of the Republic of Moldova (MFAEI) has an important role in State & Diaspora relationship by providing our citizens abroad with main consular services, through our consular missions. Together with IOM Mission in Moldova was initiated a program for creating a module that gives the possibility of on-line registration for our citizens abroad in order to receive consular services.

These modules were placed on the MFAEI and its diplomatic missions' abroad websites, having the aim to enriching the statistical database of Moldova on its nationals residing abroad, establishing their profile, that will strengthen the link between Moldova and its citizens who are living or working abroad⁵.

Moldova's foreign policy orientation for EU had also manifested in the terms of migration as it strengthened its cooperation with many EU countries where our compatriots reside or work temporarily. The results of this also had an impact on Moldova-EU relations.

Our Diaspora in Italy was one of the first among our Diaspora communities abroad to show support for the European path of Moldova. In this sense, they organized some public actions in order to support the signing of agreements with European Union. Such actions were organized in the biggest market of Padua, Prato della Valle. Participants adopted a declaration that was handed to the Italian Ministry of Foreign Affairs⁶.

Moldova concluded Mobility Partnership (MP) with the European Union by signing a Joint Declaration (*on the 5th of June 2008 by 15 EU MS and 3*

⁵ The On-line Consular registration Module for Moldovan nationals staying abroad finalized. EU Co-operation news. Newsletter of the EU Delegation to Moldova. 9 April 2013. p. 8.

⁶ Diaspora supports Moldova's European course <http://www.trm.md/en/social/diaspora-sustine-parcursul-european-al-republicii-moldova/> (accessed 20 March 2016).

organizations). Moldova and Cape Verde were the first pilot countries to join the. This is a joint initiative of the European Commission (EC) and the International Center for Migration Policy Development (ICMPD).

The MP facilitated regular migration between the EU and Moldova; it created a basis and conditions, and determined the procedures and mechanisms of social and legal protection of labour migrants. At the same time, the MP promoted various means of assistance for the working migrants.

The main aims of this initiative are oriented towards gathering several projects and initiatives in the area of migration and related primarily to: Strengthening institutional migration management capacity; promotion of legal migration; strengthening relations with Diaspora; promoting return and reintegration of Moldovan migrants; efficient investment of remittance; ensuring social protection; border surveillance and security documents; cooperation in fight against illegal migration and human trafficking.

EU Member States participating in the framework of the MP with Moldova through various projects in the field of migration are: Bulgaria, Czech Republic, Cyprus, France, Germany, Greece, Italy, Lithuania, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden, Hungary, European Commission, Frontex and the European Training Foundation.

Mobility Partnership gives positive results in terms of migrants starting small and medium businesses in the country, such as the PARE 1+1 Program (since 2011), a government program for attracting remittances and investment. After first year of implementation this program attracted 2.4 EUR millions of remittances into migrants for small businesses. For the year 2015 it was expected that the project brought total investments of MDL 48 mln., about EUR 2.5 mln⁷.

MP is also used for creating possibilities for the transfer of social security benefits from a country of destination to Moldova. Some results in this sense are the already signed 11 bilateral agreements during 2009-2014 on social security and legal protection of Moldovan migrant workers in the EU, with ongoing negotiations with four additional countries.

For the benefit of strengthening the link between State and Diaspora, during one year (2011-2012) was launched a Diaspora Small Grants Mechanism, aimed to boost communication with Moldovan migrants abroad and strengthening their institutional capacities for a better cooperation. This initiative was implemented by International Organization for Migration (IOM) in cooperation with Moldovan Government within EU-funded project:

⁷ Olesea Ghedrovici. *European Report on Development. Moldova Country Illustration*. European Business Association. June 2015

“*Supporting the migration and development component on the EU-Moldova Mobility Partnership*” (SIMP)⁸.

The main results of this initiative were over 38 applications, and 10 from the Diaspora associations and initiative groups were selected and benefited from small grants up to 5,000 Euro each. One of beneficiaries was “*ProDiaspora*” magazine issue No.10, that have been produced within the Diaspora Small Grants Mechanism⁹.

Another program of Small Grants for Diaspora Media was launched in 2014. This initiative main goal was to support Diaspora activities, aiming to disseminate information for Diaspora communities, reflecting events from Moldova, policies and programs related to Diaspora in the countries of destination.

Since signing of MP till now, the 8 years of implementation of MP in Moldova, resulted in some concrete achievements: 108 projects and initiatives have been implemented and many new important projects are still under implementation process¹⁰.

The main objective of the *Diaspora Congress* held in Moldova on September 1-3, 2014, organized by the Prime-minister of Moldova, was to provide the necessary help for Moldovan Diaspora, especially for the second and third generation of migrants and for their children, to maintain their identity and connection with their homeland. One of the main achievements of this event was the establishment of the Diaspora-Government joint action plan, with two main objectives: ensuring the rights of Moldovans in the countries where they live and their involvement in the development of Moldova. This event also captured the attention of society and public officials on the diaspora issues, the diaspora and country problems and at finding the possible solutions for solving them together¹¹.

The main objectives of the designed action plan are ensuring the right to vote of Moldovan citizens living abroad, facilitating the process of getting and recognizing the civil status documents and other types of documents, facilitating the right to quality education for all Moldovan children, regardless of the place of residence, national identity preservation and promoting Moldova's image abroad, supporting the European course of the country, as

⁸ European Union – Republic of Moldova Mobility Partnership. Information Newsletter Nr.7. p.1.

⁹ Moldovan Diaspora Associations Supported Through the Diaspora Small Grants Mechanism. In: <http://www.iom.md/index.php/en/media-center/179-moldovan-diaspora-associations-supported-through-the-diaspora-small-grant-mechanism>

¹⁰ Scoreboard of achieved and ongoing projects within the Mobility Partnership: <http://scoreboard.mfa.gov.md/>

¹¹ Valeriu Mosneaga. *Republic of Moldova: Diaspora and Diaspora Policy*, Institute of Social Sciences, UCM in Trnava, Slovakia

well as enhancing the involvement of the Diaspora in the country's development.

During the last Parliamentary elections, was started the procedure for pre-registration of Moldovan nationals for voting abroad. This initiative facilitated a lot the participation of Diaspora communities in the electoral process considering the fact that Moldova has no other options for voting as E-voting or Mail voting.

Another important aspect of Diaspora & State relations is the opportunity for attracting investments from Diaspora for their homeland and the possibilities of creating bridges between entrepreneurs from home and abroad in order to boost the development of trade and economy between Moldova and other European states.

In this sense in 2014 was organized first Diaspora Business Forum in Chisinau, at the initiative of the Office for Relations with the Diaspora (ORD) in cooperation with the German International Cooperation Agency. Forum brought together 120 representatives of the business environment from Moldova and abroad, born in Moldova¹². Former Prime Minister of Moldova Mr. Iurie Leanca, was one of main initiator of this event, who appreciated this forum as an opportunity to discuss together the potential mutually beneficial projects in order to support the country's sustainable development initiatives.

The main result of this forum was bringing compatriots with great achievements and experience from abroad and to facilitate their dialogue with the government and business representatives at national level, who had productive discussions on the best ways of cooperation and for generating more investment opportunities in the Moldovan economy.

This event was welcomed by the Moldovan Diaspora communities for the sake of bringing new opportunities for Moldovan businessmen who reside abroad to have possibilities for investing in their homeland economy and contribute to its development process. Meanwhile the effect of such actions is not as great as it should be, mainly because of socio-economic situation in the country.

Conclusion

By taking the case of today's Moldova, with its young Diaspora communities, the research expanded the views other the major role of this migrant communities over the process of Europeanization and development for the country. In this sense, the research has shown that emigrant communities have many ways to keep their ties with their origin state and to have a valuable contribution to its foreign policy development path and to shape its future.

¹² First Diaspora Business Forum in Moldova <http://www.trm.md/en/economic/nouazeci-de-businessmani-reuni-i-la-primul-forum-de-afaceri-al-diasporei/>

The main aims of Moldovan Diaspora actions are oriented for supporting the democratic values and the European vector of development for their homeland, but also to inform the Moldovan citizens abroad about the benefits and perspectives of European path, together with sending clear messages for the receiving states authorities regarding their views and asking for an official positive reaction and support towards the pro-European aspirations of their homeland country.

Moldovan government is trying to maintain its cooperation with its citizens from abroad, to keep their interest and connection, by involving them into a constructive dialog for a common contribution to the development and Europeanization process, thus sharing the burden for the economical crisis and the reforms to be done for development, generating wellness and prosperity for all citizens living in this country.

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INNOVATIVE EDUCATIONAL PROGRAMMES AS A GRADIENT OF THE EASTERN PARTNERSHIP DEVELOPMENT

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Abstract. *We present an approach to the Eastern Partnership (EaP) development through the elaboration and implementation of innovative Master's degree programmes in e-Government and related fields. A corresponding comparative analysis has been undertaken. A new international, joint, innovative, practice-oriented (IJIPO) Master's degree programme under EaP umbrella is suggested for realization in the Republic of Belarus. This can be considered as an invitation to our European Union and Eastern Partnership colleagues to take part in this joint programme in the form of teaching and expertise collaboration as well as curriculum design collaboration.*

Keywords: *Eastern Partnership development; innovative educational (Master's degree) programme; international educational (Master's degree) programme; joint-degree Master's programme; IJIPO Master's degree programme; e-Government; (Electronic) Records Management & (Digital) Archiving.*

"To build is to connect..."
Pierre Teilhard de Chardin

Presentation of the Problem

Globalization and regional integration are the main directions for the world's sustainable development in the 21st century. The advantageous geographical position of the Republic of Belarus (Belarus) – on the crossroads of Western Europe and Asian regions – has influenced the multi-directional policy of the state, which seeks to build partnership with different nations. The significant vectors of Belarus's multilateral co-operation are directed towards integration with the post-Soviet republics and the European Union (EU) countries. The solid framework for this simultaneous integration has been created under the Eastern Partnership (EaP) policy since 2009,¹ notably in the area of people-to-people contacts (Platform 4).² As specified in

¹ Tanel Kerikmäe, "Dimensions and Implications of Eastern Partnership Policy: Introduction," in *Political and Legal Perspectives of the EU Eastern Partnership Policy*, eds. Tanel Kerikmäe and Archil Chochia, 1 (Switzerland: Springer International Publishing Switzerland, 2016).

² Platform 4 "Contacts between People."

the Work Programme for the period 2014-2017, Platform 4 supports co-operation between the EU and the six EaP countries, in particular in education and human capital development as well as in research and innovation. In the context of current the development of the EaP policy, Platform 4, which is in line with the Bologna Process, has the highest priority and implementation potential when compared to the other three EaP platforms. Therefore, in this article we argue that international, joint, innovative, practice-oriented (IJIPO) educational programmes can serve the effective tool for the EaP development contributing to an increase in the export competency and synergetic potential³ of a state.

The European region is the most vivid example of higher education integration development, where the key element is international academic mobility. For centuries it has served as a means to disseminate new knowledge, concepts, and ideas. The creation of the EU and the Bologna Process has facilitated closer co-operation between European universities, giving rise to a number of international educational programmes and joint-degree programmes, targeted at international students at postgraduate (Master's) level. These programmes aim at developing both degree and credit mobility, achieving cross-border recognition of qualifications, encouraging innovation, and improving the quality of a country's higher education and its attractiveness to the international market.

The aim of this article is to elaborate an IJIPO Master's degree programme for Belarus by following the EU experience of e-Government competencies development within international, innovative, practice-oriented Master's studies. In this article, we will use "e-Government"⁴ as a key term, complying with the Belarusian academic research and practice; in contrast, we will use the term "e-Governance"⁵ in cases where it is used in official papers of foreign states which are under discussion.

³ Ihar Hancharonak, "Synergetic Potential of the Modern State: from the Republic of Korea to the Republic of Belarus," in *Nauka i Obschestvo. Istorija i Sovremennost: The Proceedings of the international conference, Minsk, 16-17 October 2014*, ed. Ihar Kotljarov, 67-74 (Minsk: Pravo i ekonomika, 2014), http://socio.bas-net.by/Library/Publ_files/sciences_society.pdf (accessed 19 June 2016).

⁴ Rimantas Gatautis, "E-Government in Transition Economies," in *Electronic Government: Concepts, Methodologies, Tools, and Applications*, ed. A.-V. Anttiroiko, 924 (Hershey, PA: Information Science Reference, 2008). The author defines "E-government" as the use by government agencies of information technologies ... that have the ability to transform relations with citizens, businesses, and other arms of government. These technologies can serve a variety of different ends: better delivery of government services to citizens, improved interactions with business and industry, citizen empowerment through access to information, or more efficient government management.

⁵ Nicolae Costake, "General Requirements for Digital Government," in *Electronic Government: Concepts, Methodologies, Tools, and Applications*, ed. A.-V. Anttiroiko, 110 (Hershey, PA: Information Science Reference, 2008). The term "e-Governance" is often

Promoting e-Government as an inseparable attribute of the public sector reform agenda has recently been a major effort both in the EU⁶ and the EaP⁷ countries. Competency potential is one factor contributing to different outcomes in how successful e-Government has been implemented in any state. Therefore, it has been vital to prepare specialists with competencies relevant to e-Government. Moreover, it is necessary to develop a common approach to e-Government specialist training in the EU and the EaP states in order to promote international government and industry co-operation in e-Government implementation and development. One of the strategic outcomes of such co-operation can be the development of cross-border e-Government services.

According to existing literature,⁸ e-Government specialists should possess a variety of interdisciplinary competencies. In particular, these competencies encompass knowledge and skills related to (Electronic) Records Management & (Digital) Archiving. The latter is an integral part of e-Government policy responsible for the systematic control of the creation, receipt, maintenance, use, disposition or secure preservation of legally binding records and data within Government to Government (G2G) and Government to Business (G2B) virtual communication. The focus of the following discussion is to position (Electronic) Records Management & (Digital) Archiving in e-Government competencies development in innovative educational (Master's degree) programmes.

Methods

In this article, a research strategy of multiple case studies was employed.⁹ Our case studies are represented by four innovative, practice-oriented Master's degree programmes in Estonia, Scotland (United Kingdom), and Belarus. By using the convenience sampling method, we selected programmes of different states and universities with easy access to research.

wrongly used interchangeably with the term "e-Government" while referencing the same phenomena. Nevertheless, "e-Governance" is a more holistic term, which includes "e-Government", "e-Democracy", "e-Legislation", and "e-Judiciary" concepts [encompassing the activities of all three branches of government].

⁶ *A Digital Single Market Strategy for Europe*, COM(2015) 192 final, 2015; *EU eGovernment Action Plan 2016-2020: Accelerating the digital transformation of government*, COM(2016) 179 final, 2016.

⁷ *Platform 1 "Democracy, Good governance and Stability."* *Platform 2 "Economic Integration and Convergence with EU Policies."*

⁸ Sirko Schulz and Tino Schuppan, "Development of a European Framework for e-Government Competences," in *Proceedings of the Gemeinsame Fachtagung Verwaltungsinformatik und Fachtagung Rechtsinformatik (FTVI – FTRI 2012)*, eds. Jörn von Lucke and others, 47-58 (Bonn: Köllen Druck+Verlag GmbH, 2012), <http://subs.emis.de/LNI/Proceedings/Proceedings197/47.pdf> (accessed 20 June 2016).

⁹ Robert Yin, *Case Study Research: Design and Methods*, 4th ed. (Los Angeles, Calif.: SAGE Publications, 2009).

The main selection criteria for the case studies were as follows: (1) one innovative, practice-oriented Master's degree programme in e-Government and the other in (Electronic) Records Management & (Digital) Archiving from both the EU and the EaP countries; (2) a selected Master's degree programme demonstrates good practice; (3) a selected programme either has the status of an international Master's degree programme or has a marked international dimension. The selected cases were grouped into two homogeneous tables: the EU Master's degree programmes and the Belarusian Master's degree programmes in appropriate fields of study.

For the data collection of this qualitative research, multiple methods have been used, such as participant observation, direct observation, and questionnaires. The qualitative analysis of four selected Master's degree programmes was conducted via multi-criteria comparative analysis to reveal differences and similarities between programmes (groups of programmes) for the purpose of this article. Additionally, document analysis was also conducted implying analysis of official educational documents such as the educational standards of higher education and curricula.

Results

Our research has revealed several common features inherent in international Master's degree programmes offered in two EU countries (Estonia and Scotland): an MSc (Master of Science) degree is awarded; programmes are completely taught in English; prior and/or current work experience in an appropriate field is required / advantageous; no strict limitations on the field of undergraduate degree; interdisciplinary curriculum content; at least two or two and a half years of study (120/180 ECTS) is required to obtain a Master's degree (see Table 1).

Considering the peculiarities of the Estonian Master's degree programme in e-Governance Technologies and Services, there are national and international multi-stakeholder partnerships (government agencies, non-governmental organizations, private ICT (and R&D) companies, educational institutions) contributing to the programme development; two specializations having separate course modules in addition to basic and core course modules; the predominance of Information Technology courses in a curriculum; many teamwork projects; practical industry experience gained during studies; and no tuition fees (if the student is studying with full study load) (see Table 1).

The distinctive features of the Scottish Master's degree programme in Records Management and Digital Preservation are as follows: the programme is delivered totally online (distance learning); an undergraduate honours degree in any field of study is required; there is flexibility to switch between

three types of the programme while studying (MSc¹⁰, PgDip¹¹, PgCert¹²); there is a curriculum focus on “electronic record” issues by offering separate courses on *Electronic Records Management* and *Digital Archiving*; only fee-paying studies are available (see Table 1).

Table 1. Comparative analysis of two international, innovative, practice-oriented Master’s degree programmes offered in EU countries

Criteria for comparison	Title of Master’s degree programme	
		MASTER’S DEGREE PROGRAMME IN E-GOVERNANCE TECHNOLOGIES AND SERVICES
University and location	Tallinn University of Technology (Tallinn, Estonia)	University of Dundee (Dundee, Scotland, United Kingdom)
Faculty / Department in charge	Faculty of Information Technology	School of Humanities: Centre for Archive and Information Studies

¹⁰ MSc: a full postgraduate (Master’s) programme for students seeking to obtain an MSc degree after completing 180 ECTS curriculum requirement (including a 60 credit thesis).

¹¹ PgDip (Postgraduate Diploma): a postgraduate (Master’s) programme for students seeking to obtain a Diploma after completing 120 ECTS curriculum requirement (without submitting a Master’s thesis).

¹² PgCert (Postgraduate Certificate): a short postgraduate (Master’s) studies for students seeking to obtain a Certificate after completing a few courses.

Criteria for comparison	Title of Master's degree programme	
	MASTER'S DEGREE PROGRAMME IN E-GOVERNANCE TECHNOLOGIES AND SERVICES	MASTER'S DEGREE PROGRAMME IN RECORDS MANAGEMENT AND DIGITAL PRESERVATION
External collaboration	Estonian government agencies; the e-Governance Academy (Tallinn); the Estonian Association of Information Technology and Telecommunications (including approx. 90 members – private ICT ¹³ (and R&D) companies); a number of top international universities (for example, Oxford University). There are different types of co-operation: lecturing and training, financial support, etc.	The Archives and Records Association (UK & Ireland), the Records and Information Management (RIM) Professionals Australasia, and the Information & Records Management Society (UK). The co-operation implies expertise and accreditation of the Master's programme.
Programme launch	2013 The programme is innovative and unique in Estonia and listed as one of the priority Master's level study programmes in the state. ¹⁴	2006 It is one of the innovative programmes in the UK.

¹³ "ICT Glossary Guide. 100 ICT Concepts," *The World Bank*, <http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTINFORMATIONANDCOMMUNICATIONANDTECHNOLOGIES/0,contentMDK:21035032~menuPK:282850~pagePK:210058~piPK:210062~theSitePK:282823~isCURL:Y,00.html> (accessed 20 June 2016). ICT (Information and Communication Technologies) consists of the hardware, software, networks, and media for the collection, storage, processing, transmission and presentation of information (voice, data, text, images), as well as related services.

¹⁴ Hanna Shmagun, "From a small state towards a mature digital society: the case study of Estonia," *Vestnik BSU* 3, no. 2 (2015): 105-109. Estonia is a globally recognized leader in e-Governance. Therefore, the Estonian government is taking an active role in promoting the development of e-Governance competencies.

Criteria for comparison	Title of Master's degree programme	
	MASTER'S DEGREE PROGRAMME IN E-GOVERNANCE TECHNOLOGIES AND SERVICES	MASTER'S DEGREE PROGRAMME IN RECORDS MANAGEMENT AND DIGITAL PRESERVATION
Degree awarded	MSc (Master of Science in Engineering)	MSc (Master of Science in Records Management and Digital Preservation)
Language of instruction	English	English
Types of education, duration, workload	Full-time: 2 years, 120 ECTS	Type of education: Distance learning*. * Students are required to attend a compulsory one-off study school in May or September at the outset of the programme if they are resident in the UK. The Study School normally takes four days and all sessions are compulsory. Alternative arrangements are made for international students who are not able to attend in person. Programme type**: 1) MSc: 2,5 – 5 years, 180 ECTS; 2) PgDip: 2,5 – 5 years, 120 ECTS; 3) PgCert: 1 year, 60 ECTS. ** It is possible to switch between MSc/PgDip/PgCert while studying.
Prerequisites	Bachelor's degree or equivalent in Economics, Information Technology, Public Management, Law or in other related study field. It is an advantage to have work experience in the public or private sector	<ul style="list-style-type: none"> • a graduate with Bachelor's Honours degree (not necessarily related to Records Management and Archival Studies); • employment or active voluntary experience in an

Criteria for comparison	Title of Master's degree programme	
	MASTER'S DEGREE PROGRAMME IN E-GOVERNANCE TECHNOLOGIES AND SERVICES	MASTER'S DEGREE PROGRAMME IN RECORDS MANAGEMENT AND DIGITAL PRESERVATION
	related to e-Governance.	archive/records management environment for a minimum of half a day per week and appropriate prior experience.
Tuition fee	No tuition fee if the student is studying with a full study load. If student fails to study with full study load then the price of 1 ECTS is 48 EUR.	<ul style="list-style-type: none"> • £300 (approx. 380 EUR) - registration fee (MSc and Diploma students); • £95 (approx. 123 EUR) - registration fee (Certificate students); • £7,620 (approx. 9,600 EUR) - tuition fee (MSc students); • £5,820 (approx. 7,552 EUR) - tuition fee (Diploma students); • £2,910 (approx. 3,776 EUR) - tuition fee (Certificate students).
Key competencies obtained	<ul style="list-style-type: none"> • Designing, developing, and improving governmental systems and implementing e-Government components at every level of the state; • Implementing/applying ICT and innovative solutions in public and private sector agencies; • Marketing e-Government; • Experience in the industry, practical research, and project work during studies. 	<ul style="list-style-type: none"> • In-depth knowledge of record keeping theory and practice and the ability to apply this knowledge in the public sector or in commercial or specialist environments; • In-depth knowledge of the legal and ethical issues relating to records management and digital preservation; • In-depth knowledge and skills in managing and retrieving digital records; • In-depth knowledge of the issues surrounding the preservation of records and in particular the proper use of

Criteria for comparison	Title of Master's degree programme	
	MASTER'S DEGREE PROGRAMME IN E-GOVERNANCE TECHNOLOGIES AND SERVICES	MASTER'S DEGREE PROGRAMME IN RECORDS MANAGEMENT AND DIGITAL PRESERVATION
		metadata and other techniques to help ensure long-term survival of information and records.
Curriculum	<ul style="list-style-type: none"> • Basic studies: <ul style="list-style-type: none"> - State and Governance; - e-Governance: Policies, Strategies and Frameworks; - Information Society Concepts and Principles; - Virtual Environments Usability; - Development Policies and Globalization; - Technology and Society; - Business Information Systems; • Core studies: <ul style="list-style-type: none"> - Legal Framework of e-Governance; - Business Process Modelling and Automation; - Planning and Implementing e-Governance; - Innovation; - Public Management and Administration; - Enterprise Business Architecture Development; • Special studies (specialization in 	<ul style="list-style-type: none"> • Core modules (MSc & PgDip): <ul style="list-style-type: none"> - The Theory and Context of Recordkeeping; - Principles and Practice of Records Management; - Electronic Records Management; - Management and Preservation of Digital Records; - Metadata Standards and Information Taxonomies; - Thesis (MSc). • Optional modules: <ul style="list-style-type: none"> - Archive Management: Principles and Practice; - Archive Services, Access & Preservation; - Business Archives and Records; - Cataloguing in a Digital Age; - Complying with Information Legislation: Principles & Practice; - Copyright for Information Professionals; - Disaster Management for Information Professionals; - Ecclesiastical Archives; - Educational Archives;

Criteria for comparison	Title of Master's degree programme	
	MASTER'S DEGREE PROGRAMME IN E-GOVERNANCE TECHNOLOGIES AND SERVICES	MASTER'S DEGREE PROGRAMME IN RECORDS MANAGEMENT AND DIGITAL PRESERVATION
	<p>e-Governance services):</p> <ul style="list-style-type: none"> - Methodology for e-Governance Implementation and Marketing; - Service-Orientation in the Public Sector; - Technical Change and Techno-economic Paradigms; - Policy Skills: Strategic Management, Policy Analysis and Lesson-Drawing; - Concepts of e-Democracy; - Introduction to Development in Cloud; - Security and Privacy in a Networked World; - Teamwork-project; <p>• Special studies (specialization in e-Governance technologies):</p> <ul style="list-style-type: none"> - Design and Development of Data Exchange Layer for Government; - Information Systems; - Information Management and Digital Archiving; - Technology and the individual: ethics of law 	<ul style="list-style-type: none"> - English Palaeography & Diplomatic; - Ethical Approaches to Recordkeeping; - Military Archives; - Preservation and Disaster Management; - Public History; - Sound and Vision: Managing and Preserving Photographs, Film and Sound; - Strategic Management for Information Professionals; - Understanding and Managing Rare Books; - Understanding Latin in Documents and Archives; - Wider Legal Frameworks.

Criteria for comparison	Title of Master's degree programme	
	MASTER'S DEGREE PROGRAMME IN E-GOVERNANCE TECHNOLOGIES AND SERVICES	MASTER'S DEGREE PROGRAMME IN RECORDS MANAGEMENT AND DIGITAL PRESERVATION
	<p>and technology;</p> <ul style="list-style-type: none"> - Legal Aspects of Software and Database Protection; - Internet of Things Solutions: Smart Devices, Processes and Services; - Foundations of Cyber Security; - Agent-Oriented Modelling and Multi-agent Systems; - Teamwork-project; • Free choice courses; • Internship; • Thesis. 	
Career prospects	<p>Graduates of the programme go on to work as:</p> <ul style="list-style-type: none"> • public sector officials; • e-Government technologists, architects, developers or analysts; • researchers who are capable of taking an interdisciplinary input based on teamwork to create and develop innovative, user-friendly and economically efficient e-Governance solutions. 	<p>Graduates of the programme go on to work as specialists in records and information management, legislative compliance, digital preservation, and data protection within a variety of public and private organizations.</p>

Sources: "Centre for Archive and Information Studies," *University of Dundee*, <http://www.dundee.ac.uk/cais/> (accessed 20 June 2016). *E-governance Technologies and Services programme*, <http://www.egov.ee> (accessed 20 June 2016).

The two Belarusian Master's degree programmes being researched do not have the status of an international educational programme, yet both of them have established active and continuous co-operation with external (foreign) partners. For example, the key partners of a Master's degree programme in e-Government offered by the Academy of Public Administration under the aegis of the President of the Republic of Belarus are government agencies and public institutions in South Korea. Whereas, partners of the Belarusian State University Master's degree programme in Records Management and Archival Studies are state authorities responsible for Records Management and Archiving, central archives, state and neighbouring archival research institutions, and foreign educational institutions, including the University of Wroclaw (see Table 2).

The common features pertaining to both Belarusian programmes are as follows: Master of Administration / Management degree is awarded; not completely English-taught programmes (a Master's programme in e-Government has Russian-English mixed courses, while a Master's programme in Records Management and Archival Studies provides courses only in Russian); closed-ended (prescriptive) requirements for an undergraduate degree field (otherwise, additional entry exams are needed to pass); 60 ECTS curriculum requirement; a narrower, discipline-specific curriculum content (compared with the curricula of similar EU Master's degree programmes); programmes provide similar types of competencies referring to analytical, organizational, managerial, innovation, and consulting activities; both government-funded and fee-paying studies (see Table 2).

The Master's degree programme in e-Government is offered only as extramural studies (1,6 years) and has a predominance of Public Administration courses in the curriculum. Considering the peculiarities of a Master's degree programme in Records Management and Archival Studies, this programme is part of the Belarusian multi-level system of continuing education in the given field of study;¹⁵ it provides both one-year full-time studies and one and a half year extramural studies; *Electronic* Records Management and *Digital* Archiving areas are integrated into general courses within a curriculum framework (see Table 2).

Table 2. Comparative analysis of two innovative, practice-oriented Master's degree programmes offered in Belarus

¹⁵ The multi-level system of continuing education in Records Management and Archival Studies available only at the Belarusian State University. This system includes two Specialist's degree programmes (Document Science (with specializations) and History and Archival Studies), two Master's degree programmes (research-oriented and practice-oriented), and a PhD degree programme. Building such a system started in 1992 and proceeded in 2001 by bringing out a Specialist's degree programme in History and Archival Studies and a Specialist's degree programme in Document Science, respectively.

Criteria for comparison	Master's degree programmes	
	MASTER'S DEGREE PROGRAMME IN E-GOVERNMENT	MASTER'S DEGREE PROGRAMME IN RECORDS MANAGEMENT AND ARCHIVAL STUDIES
University and location	Academy of Public Administration under the aegis of the President of the Republic of Belarus (Minsk, Belarus)	Belarusian State University (Minsk, Belarus)
Faculty / Department in charge	Faculty of Innovation and Technology Management: Department of Information Resources Management	Faculty of History: Source Study Department
External collaboration	– Korea Institute of Public Administration (KIPA) and Korea International Co-operation Agency (KOICA). The co-operation encompasses joint specialist training (KOICA experts) and joint textbook ¹⁶ preparation.	Department for Archives and Records Management of the Ministry of Justice of the Republic of Belarus and central archives and institutions which are under the Department's supervision; the All-Russian Scientific and Research Institute of Archives and Records Management (VNIIDAD); the Ukrainian Research Institute of Archival Affairs and Records Keeping (UNIIDAD); the Central State Electronic Archives of Ukraine; the History Institute of the University of Wroclaw (Poland).
Programme launch	2012 We believe that it has been the first Master's degree programme in e-Government in the EaP region. The programme is innovative and unique in	2012 The programme is innovative and unique in Belarus.

¹⁶ Ihar Hancharonak, *E-Government: An English-Russian-Korean Glossary = Elektronnoe pravitel'stvo: anglo-russko-koreyskiy glossariy terminov* (Minsk: Academy of Public Administration under the aegis of the President of the Republic of Belarus, 2012).

Criteria for comparison	Master's degree programmes	
	MASTER'S DEGREE PROGRAMME IN E-GOVERNMENT	MASTER'S DEGREE PROGRAMME IN RECORDS MANAGEMENT AND ARCHIVAL STUDIES
	Belarus.	
Degree awarded	Master of Administration	Master of Management
Language of instruction	Russian, English	Russian
Types of education, duration, workload	Extramural studies: 1,6 years, 60 ECTS	Full-time studies: 1 year, 60 ECTS Extramural studies: 1,5 years, 60 ECTS
Prerequisites	Specialist's or equivalent degree (the first stage of higher education) in: <ul style="list-style-type: none"> • Law; • Economics; • Management; • Economics and Industrial Engineering; • Computer Science; • Telecommunication; • Social Security; • Protection from Emergency Situations; • Economic Security; • National Security; • Information Security. 	Specialist's or equivalent degree (the first stage of higher education) in: <ul style="list-style-type: none"> • Library Science and Bibliography (with specializations); • Museum Studies and Protection of Historical and Cultural Heritage (with specializations); • History and Archival Studies; • Business Administration; • Information Management; • Document Science (with specializations); • Information Resources Management; • Public Administration (group of specialities).
	Applicants with other backgrounds are expected to pass additional exams in order to be enrolled.	

Criteria for comparison	Master's degree programmes	
	MASTER'S DEGREE PROGRAMME IN E-GOVERNMENT	MASTER'S DEGREE PROGRAMME IN RECORDS MANAGEMENT AND ARCHIVAL STUDIES
Tuition fee	Government-funded and fee-paying studies (according to applicants' entrance examination results). The latter implies tuition fees equal to 21,900,000 BYR (approx. 975 EUR).	Government-funded and fee-paying studies (according to applicants' entrance examination results). The latter implies tuition fees equal to 22,550,000 BYR (approx. 1,000 EUR).
Key competencies obtained	<p>A person having completed an educational programme shall acquire professional competencies in the following areas of activity:</p> <ul style="list-style-type: none"> • <i>Informational and analytical activity</i> (for example, exploring recent trends in the development of public administration around the world; analyzing the e-Government infrastructure; forecasting the future development of e-Government; applying provisions of ICT Law to build and improve the e-Government infrastructure); • <i>Organizational and managerial activity</i> (for example, organizing information interaction of government agencies, business, and citizens; controlling the development and maintenance of e-Government web resources; organizing electronic workflow, data 	<p>A person having completed an educational programme shall acquire professional competencies in the following areas of activity:</p> <ul style="list-style-type: none"> • <i>Organizational and managerial activity</i> (for example, planning, organizing, and improving records management and archival practices in any organization; developing legal acts and methodological documents for records management and archiving; applying relevant legal norms to carrying out professional activities; participating in the implementation of international standards for records management and archiving); • <i>Analytical activity</i> (for example, identifying trends in records management and archiving; conducting record appraisal; developing unified document forms and unified systems of documentation); • <i>Technological activity</i> (for

Criteria for comparison	Master's degree programmes	
	MASTER'S DEGREE PROGRAMME IN E-GOVERNMENT	MASTER'S DEGREE PROGRAMME IN RECORDS MANAGEMENT AND ARCHIVAL STUDIES
	<p>storage, and archiving; providing a high level of e-service quality and information security);</p> <ul style="list-style-type: none"> • <i>Innovation activity</i> (for example, applying data mining techniques and methods of situation analysis and modelling to address public administration problems); • <i>Research activity</i> (for example, drawing up proposals for improving the e-Government architecture; exploring and improving technologies for managerial problem solving and e-service provision); • <i>Expert and consulting activity</i> (for example, consulting government authorities about the possibilities of adopting foreign practices of e-Government implementation). 	<p>example, participating in the development and maintenance of corporate records management and archiving systems based on modern technologies; applying modern ICT to perform records management and archival tasks);</p> <ul style="list-style-type: none"> • <i>Consulting activity</i> (for example, consulting different agencies about the organization of records management and archiving); • <i>Innovation activity</i> (for example, identifying the purposes of innovation and possible ways of achieving them; assessing competitiveness and cost-effectiveness of technologies and solutions being developed).
Curriculum	<ul style="list-style-type: none"> • Course modules <p>1. Core (fixed) module:</p> <ul style="list-style-type: none"> - Theoretical, Methodological, Organizational, and Institutional Framework of e-Government; - Public Administration in the context of Information 	<ul style="list-style-type: none"> • Course modules <p>1. Core (fixed) module:</p> <ul style="list-style-type: none"> - Management in Social and Economic Systems; - Contemporary Problems in Document and Archival Science; <p>2. Special module (according to a higher education</p>

Criteria for comparison	Master's degree programmes	
	MASTER'S DEGREE PROGRAMME IN E-GOVERNMENT	MASTER'S DEGREE PROGRAMME IN RECORDS MANAGEMENT AND ARCHIVAL STUDIES
	<p>Society Development;</p> <ul style="list-style-type: none"> - E-Government Architecture; <p>2. Special module (according to a higher education institution):</p> <ul style="list-style-type: none"> - Informational and Technological Aspects and Quality Assurance of e-Government; - Information-analytical Technologies and Situation Analysis in Management; <p>3. Free choice courses:</p> <ul style="list-style-type: none"> - ICT Law; - Electronic Workflow and Electronic Data Storage; - Anti-corruption; - Electronic Records Management System; - Psychology of Electronic Communication; - Time Management; • Research Activity; • Internship; • Final Assessment (thesis). 	<p>institution):</p> <ul style="list-style-type: none"> - Legal Regulation of Professional Activities in the Information Sphere; - Organizational Support for Records Management and Archiving; <p>3. Free choice courses:</p> <ul style="list-style-type: none"> - International Standardization in Records Management and Archiving; - Information Technologies in Records Management and Archiving; - Foreign Practices in Records Management and Archiving; - Linguistic Aspects of Intercultural Communication; • Research Activity; • Internship; • Final Assessment (thesis).
Career prospects	<p>Graduates of the programme go on to work at:</p> <ul style="list-style-type: none"> • Government agencies; • IT companies; • Any organization willing to co-operate with the government via modern communication media; • Commercial banks 	<p>Graduates of the programme go on to work as:</p> <ul style="list-style-type: none"> • records managers and archivists at government agencies, state archival institutions, and any organization (department) seeking to perform records management and archival tasks;

Criteria for comparison	Master's degree programmes	
	MASTER'S DEGREE PROGRAMME IN E-GOVERNMENT	MASTER'S DEGREE PROGRAMME IN RECORDS MANAGEMENT AND ARCHIVAL STUDIES
	<p>operating financial flows involved in public-private partnership initiatives;</p> <ul style="list-style-type: none"> • Institutions of higher education and other adult education establishments. 	<ul style="list-style-type: none"> • researchers at scientific and research institutions (for example, Belarusian Research Centre for Electronic Records, Belarusian Research Institute of Records Management and Archival Studies); • lecturers at secondary specialized colleges and higher education institutions offering courses on Records Management, Archival Studies or related fields; • innovation specialists.

Sources: Educational standard of higher education OSVO 1-26 81 10-2012, 2012 (in Belarusian). Educational standard of higher education OSVO 1-26 81 12-2012, 2012 (in Russian).

Conclusions and Recommendations

Despite the EaP and the Bologna Process framework encouraging higher education integration, the results of this research show that there are still different approaches to e-Government competencies development at the Master's level in Belarus and the EU countries. Therefore, we would suggest developing a policy to harmonize these approaches as much as possible and effectively to combine two related fields of study by launching an IJIPO Master's degree programme in e-Government and Electronic Records Management & Digital Archiving. The proposed programme is expected to prepare e-Government specialists to be able to seek, implement, and apply innovative solutions to multi-faceted challenges within G2G and G2B virtual communication. The Academy of Public Administration under the aegis of the President of the Republic of Belarus and the Belarusian State University are ready to initiate a process of establishing such a programme and are looking for partners. Any colleagues from the EU and the EaP countries are welcome and any form of collaboration is appreciated (teaching, expertise, curriculum design, etc.). A new Master's programme is intended to be taught completely in English, to stimulate an interdisciplinary approach to e-Government, to

foster innovative methods of teaching and learning, such as distance learning and teamwork projects, and to encourage students' mobility in the EU and EaP regions. Within a programme, we suggest opening two specializations having different course modules in addition to a core module. The first specialization will be targeted at students seeking to obtain advanced Public Administration competencies needed for e-Government, while the second specialization will be for those students eager to focus on Electronic Records Management & Digital Archiving studies.

The challenges accompanying the realization of the proposed project provide prospects for future research. In particular, the legal and organizational frameworks for accreditation of an IJIPO Master's degree programme and recognition of a joint Master's degree in partner countries should be researched.

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THE EU AND THE EASTERN PARTNERSHIP: SCIENTIFIC NETWORK AND MACROECONOMIC EFFECTS VIA BILATERAL RELATIONS

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Abstract. *The paper provides the quantitative assessment of the costs and benefits of "smart" labour migration in the Eastern Partnership (EaP) countries (particularly, Ukraine), explores the potential of future new rules for the mobility with the EU countries, and proposes policy recommendations to enhance the benefits stemming from such flows. The research aims to draft and assess involving of scientific migrant flows in the macroeconomic development of the economy in the frame of the Eastern Partnership programme. One of the rigorous idea – to provide an explanation whether scientific migration and mobility, and remittances impact on economic development in the donor and recipient states, and, in particular, how important it is as a resource for the EaP enhancing.*

Keywords: *Ukraine, scientific migration and mobility, remittances, Eastern Partnership (EaP), European Union, assessment.*

The presentation of the problem. Lots of migrants from the Eastern Partnership (EaP) countries live and work in the EU member states irregularly, frequently in problematic circumstances. National regularization programmes in several EU countries have already improved the living conditions of many of these migrants. However, as long as access to the EU labour market remains highly restricted for individuals from the EaP region, incentives for irregular migration remain. The EU could consider, in the context of the Scientific Mobility Partnerships, encouraging member countries to start pilot programs specifically targeted for EaP nationals for access to the labour market in the EU countries. The EU deciding how to manage a change in the migration situation should direct its attempt on alternative group of potential migrants (in the sense of their terms (long term mobility) of staying, and in the level of human capital capacity). Greatly expanded legal employment opportunities in the EU would not only improve the living conditions of the migrants themselves, they would also generate a positive development impact in the EaP countries, particularly when combined with policy interventions that provide for pre-departure migrant orientation, language training, and job placement. By providing a structured environment for labour migration, it would also be possible to avoid a labour market disruption in the EU member states.

Note, that the migration is a complex phenomenon, involving clear economic dimensions (e.g. through the effects of remittances on consumption

and investment patterns, the changes in the labour markets that are the result of the outflow of workers, the changes in relative prices of tradables and non-tradables) as well as non-economic ones (such as the resulting consequences on the social fabric of sending countries, the deadweight losses possibly caused by the underemployment of skills). Remark, that the migration has an important role in the EaP countries in facilitating the economic restructuring, whereby “old” jobs are eliminated, and the labour surplus is reduced, allowing for greater productivity of those workers remaining in the country, and, consequently, resulted in higher wages over time. For Ukraine in its current attempts to reorganize educational and scientific spheres, the scientific mobility/migration is the target option to less the tension in the field. The migration is of increasing significance, especially in the European countries, fostered and reinforced by the economic integration between the European countries through the emergence of supranational institutions such as the European Union (EU). Especially the migration flow from the Eastern European nations to the Central European countries is vital. Quite obvious, that the migration has various impacts on the society as it creates flows of people, money and knowledge between countries. The Bilateral Remittance Matrix 2012 (World Bank 2012), for instance, displays such financial impact and exhibits that the total amount of the worldwide inwards and outwards remittance in 2012 was approximately 529 billion USD. Such a monetary flow is an important financial source for the country with the weak economic power.

For the period of 2007-2013, cooperation in higher education between the EU and the EaP mostly took place in the framework of **Erasmus Mundus** and **Tempus** supporting scientific mobility with further migration. While the Erasmus Mundus programme focused on mobility actions and on encouraging partnerships between institutions from the EU and from the partner countries, Tempus IV focused on the reform and modernisation of higher education systems in the Neighbourhood region. Neighbourhood countries and Russia benefitted from a budget of around EUR 670 million during the 2007-13 programming period for the Erasmus Mundus and Tempus programmes. As part of the EU’s strengthened ENP and mobility policy, the financial allocation for the period 2011-2013 was almost doubled compared to preceding years, through a sizeable top-up that came following the 2011 review of the European Neighbourhood Policy. In total, 5,187 students (at undergraduate, master, doctorate and post-doctorate level) and staff members from Neighbourhood East countries, and 6,221 from Neighbourhood South countries, were able to benefit from scholarships in the framework of Erasmus Mundus Partnerships between 2007 and 2013. Within Erasmus Mundus Joint Programmes, 695 Eastern Partnership nationals

benefited from mobility to follow a joint Erasmus Mundus master or doctorate (European Neighbourhood and Partnership Instrument, 2014).

There is quite a large body of literature that tackles the complex encompassing such issues as international (scientific) migration, capital transfer (remittances), and economic development. Thus, we could consider five dimensional literature materials:

1) *scientific labour migration*: Dobson (2009) deeply analysed the scale, direction and structure of labour mobility within the EU and the EaP, however, having a general approach to the educated segment of migrants. Kale et al (2008) presented important insights regarding the issues affecting the diffusion of knowledge through the migration of scientific labour in India (particularly, pharmaceutical sector). They proved that the reverse brain drain of engineers and scientists educated and trained in the US or Europe can accelerate technological upgrading in the Indian economy by providing the skill and know-how needed to help local firms shift to higher value-added activities. Bauder (2012) provided very sound theoretical analyses of a labour market perspective when examining transnational academic mobility. In his article, he assumed political-economy and segmentation-theory perspectives of such labour mobility. Ackers (2005) considered the relationship between highly skilled scientific migration (HSM) and the transfer of knowledge within the EU. She came to the conclusion of the urgent necessity to analyse the migration flows in aspect of two key concepts: the concept of skill or knowledge, and the concept of migration. Extremely appealing research was done by Moed et al (2013) on the exploration of Scopus as a data source for the study of international scientific migration or mobility of five study countries: Germany, Italy, the Netherlands, UK and USA.

2) *remittances and labour migration*: Hundreds of papers examined the facets of migration and remittances and explore the role of emigrants as actors in development and partnership over the world (i.e., Doorn, Date, 2002; Adams, Page, 2005; Kharlamova, Taran, 2010; Kharlamova, Naumova, 2010). There no researches that indicated negative connotation of remittances in the sense of migration spill-over. Thus, Ustubici et al (2012) contributed to the discussions on the nexus between migration and development by assessing the effects of remittances on human development. They concluded that remittances have the most positive effect in terms of boosting human development in the countries where the state perceives migration as an effective labour export strategy.

3) *the impact of migration on the economic development of the EU as the recipient part*: there is the sound evidence in the literature that (i) the balance of costs and benefits is positive for both sending and receiving countries; (ii) costs can be reduced, and benefits maximized, by the use of appropriate policies that facilitate mobility and integration of migrants and

their families, and that help manage the economic consequences of large remittance flows; (iii) labour migrants from the EaP countries could help the member states of the European Union to fill skills gaps at all levels over the next few years, as the demographic transition intensifies in Europe (Barbone et al., 2013; Delcour, 2013). Coupé, Vakhitova (2013) and Vasile, Mincu (2013) conduct a research in the field of costs and benefits of labour mobility between the EU and the Eastern Partnership Partner Countries. Giuliano, Ruiz-Arranz (2005) and Aggarwal, Demirgüç-Kunt, Pería (2011) carry out an exploration of the remittances impact on financial development.

4) the impact of migration on the economic development of the EaP as the donor. Ground research of Cajka et al (2014) on the base of econometric model forecasted the stocks of migrants from the Eastern European states (EES) in the Visegrad group (V4) countries and the European Union Member States (EU MS) in the case of visa abolition. Visa abolition is not going to dramatically increase migration from the Eastern European countries in the EU Member States. Even though, the immediate effect of visa abolition would probably result in the slight increase of migration stocks in the V4 and EU countries, the annual migration stocks comprised of residents of Belarus, Moldova and Ukraine in the EU MS in a long term might be around for one and a half to just above three – three and a half million people. Iankova & Turner (2004) focused on the struggle for a social Europe by examining social partnership developments in two western countries, Germany and Britain, and two eastern countries, Bulgaria and Poland: the coming or deepening of labour markets has therefore surprisingly promoted or reinforced relations of social partnership throughout Europe. Marin (2012) offered a collective assessment of the development and impact of the European Neighbourhood Policy and the Eastern Partnership Initiative on its eastern neighbours – Belarus, Ukraine and Moldova in particular, with Russia's added perspective. Most authors considered the issue as a new alternative and new bring for the European partnership states.

5) the results of Eastern Partnership for Ukraine: Despite, there are quite a few surveys on the issue. The most informative was Costea (2011), he analyzed the response to the European Union's Eastern Partnership project with the main focus on how it has been received by the largest partner-country: Ukraine. Most authors (Kharlamova, 2015; Stegnyy, 2011) indicated that the relations between Ukraine and the European Union, under the European Neighbourhood Policy and the newly launched Eastern Partnership Initiative, have undergone considerable progress in the development of multi-faceted forms of co-operation between the two sides.

Nevertheless, the current migration policy framework between the European Union and the countries of the Eastern Partnership is far from

satisfactory, and leads to reduced benefits for both sending and receiving countries (and the migrants themselves).

Both the relevant literature and also various political moves – as well as this very topic – suggest that there is a distinct need for the EU to determine the conditions necessary for the successful implementation of agreements and other measures that would regulate the relevant ever-spreading phenomenon of inter-European migration currently blocked. In this regard, it should be noted that several Eastern Partnership countries have been successful in concluding bilateral agreements with individual EU countries, while others seems to still lagging behind. Fine examples for such agreement can be seen in the case of Belarus which has concluded agreements on the social security of migrants with Latvia and Lithuania or the significant bilateral treaties signed by Ukraine and Moldova with individual EU countries on matters such as labour conditions, social security payments and benefits, migrants' welfare and other matters. However, there is no single permit directive that could simplify negotiations between the countries in question and the EU, which can provide a common platform for discussions and resolutions pertaining to social security and other working conditions for migrants. It might result from the under-appreciation of the significance of the potential that might be offered by the migration from the Eastern Partnership Countries to the EU and the impact therein. One such impact is the potentially high benefits (also in terms of minimising costs) that the scientific migration and exchange can bring with it.

Indeed, scientific activities of migrants have a colossal potential for the development of economic, political and social processes of the modern EU and, of course, in the states of their origin. The research plans *to examine if and how the scientific cooperation / mobility of researchers can contribute to an increased understanding between the EU actors and the countries of the Eastern Partnership (EaP) (particularly, Ukraine) and people of the region addressing social and macroeconomic challenges of shared concern.*

Methods. Despite the EU is the union, in reality enlarged organization, human capital issues, preferably to consider on the level of particular states. The paper will be resulted in the production of the country study (for the Eastern Partnership country - Ukraine), and for the EU main destination. Main recipients of scientific mobility from Ukraine are scientific collaboration leaders. The summarize survey of the evidence on macroeconomic costs and benefits of the scientific migration specifically for the EaP state and the targeted EU countries will be produced. The country survey will be based on the logic, historical, statistical, and economic-mathematical analyses.

We shall first collate and analyse the evidence on the costs and benefits of scientific migration from Ukraine to the EU countries.

If to consider the choice of spillover effects of the scientific migration on the macroeconomic situation in the state-recipient and in the state donor, we could presume:

1) the effects of the extra income on household behaviour: overall, the extra income due to the migration and remittances reduces poverty in remittance-receiving households throughout the Eastern Partnership countries, leading to better nutrition, housing, and access to the education and health care (Cooray, 2012). During the 2000s, migrant remittances in the EaP countries grew rapidly along with the number of migrants, mirroring a world-wide trend stimulated by increased migratory flows and better technologies for transfers of small sums of money. For the whole EaP region, remittances rose from practically negligible amounts in 1995 to US\$12.9 billion in 2008. After a sharp decline in 2009 due to the economic slump in Russia and other destination countries, they have recovered consistently, reaching a projected US\$14.2 billion for 2012. Together with the rapid growth in nominal US\$ terms, the macroeconomic importance of remittances has increased, albeit less impressively due to GDP in many Eastern Partnership countries also increased during the 2000s. Unsurprisingly, the smaller countries with higher levels of labour migration – Moldova, Armenia, and Georgia – are the most “dependent” on remittances (with the ratio of remittances to GDP, respectively, at 23, 13 and 11 percent in 2011), whereas in Azerbaijan, Belarus and Ukraine remittances are below 5 percent of GDP;

2) the effects on professional skills: the concern is that migrants may not be able to fully utilize their skills abroad. Any possible loss of skills must be more than compensated for by income gains or other benefits of migration like the experiences and human capital effects of working abroad. Supposed *deskilling* phenomenon (Aztuc et al, 2014);

3) There is also evidence in some countries (e.g. Moldova), but not all (e.g. Armenia), that the effect of remittances on the financial sector has been positive, contributing to financial deepening and the emergence of new financial products, which have helped to raise the general economic efficiency and the growth. The balance of the positive effects in this regard appears to be influenced by general policies with regard to the financial sector stability and the certainty of property rights. Thus, remittances have a potential, particularly in the smaller countries, to contribute to stronger public finances through their effects on consumption and imports, although in some cases there are indications that higher revenues may have weakened the fiscal discipline. Remittance inflows into the developing economies have increased tenfold from US \$31,058 million to US\$327,591 million over the 1990 to

2008 period, accounting for the second largest foreign exchange inflow next to foreign direct investment, and in some cases the largest (World Bank, 2012). Migrant remittances can promote financial development in the recipient countries by increasing the volume of deposits with financial institutions. In this respect, we suppose to examine the impact of remittances on the financial sector' size and efficiency.

4) Offer the possibility to young people to frequent the upper levels of education both in their country and in other European universities. This last aspect can facilitate the cultural integration among the young European generations, and also a potential integration both in technological and economic systems.

Our research will be based on empirical analysis. The study will use OLS methods to estimate the impact of scientific migration and accompanying migration spill-overs on the economic development of the donor and the recipient (case the EU-Ukraine). Here we acquire the following model as a base:

$$E_t = aSM_t + \beta M_{it} + u,$$

where E_{it} is the economic sustainability variable for the country in the period t ; SM_t is the scientific mobility variable for the country in the period t . All our mobility-spillovering variables mentioned above are captured by the vector M_t . u is a random error term that captures all other variables.

Though recognizing all the difficulties involved in scientific migration flows forecasting (Chornous, Kharlamova, 2002), this study attempts to obtain a baseline series of estimates of potential flows using a macrodata approach. While the propensity to emigrate increased sharply in some EaP countries during the first half of the 2000s, it has been relatively constant throughout the region and in Ukraine since then.

Data Sources and Description. The research takes the *HDI* as the main dependent variable. HDI measures the national achievements in human development based on three essential components of the human life: a long and healthy life, access to knowledge and a decent standard of living (UNDP).

In the same vein with change in HDI, we use *GNI (formerly GNP)* – the sum of value added by all resident producers plus any product taxes (less subsidies) not included in the valuation of output plus net receipts of primary income (compensation of employees and property income) from abroad – as an alternative dependent variable to measure the impact of scientific mobility only on economic development. The data are compiled from a dataset based on WB World Factbook.

As factors we had chosen (source World Bank data):

International migrant stock (% of population) (IMS) – the number of people born in a country other than that in which they live, including refugees.

Emigration rate of tertiary educated (% of the total tertiary educated population) (ERTE) that shows the stock of emigrants ages 25 and older, residing in an OECD country other than that in which they were born, with at least one year of tertiary education as a percentage of the population age 25 and older with tertiary education. As we observe, from Table 1 there was a constant increasing tendency to "smart" migration over the years.

Personal remittances, received (current US\$) (PRR) that comprise personal transfers and a compensation of the employees. Personal transfers consist of all current transfers in cash or in kind made or received by resident households to or from non-resident households. Personal transfers, thus, include all current transfers between resident and non-resident individuals. Compensation of employees refers to the income of border, seasonal, and other short-term workers who are employed in an economy where they are not resident and of residents employed by non-resident entities. Data are the sum of two items defined in the sixth edition of the IMF's Balance of Payments Manual: personal transfers and compensation of employees. Data are in current U.S. dollars. As well, we consider personal remittances paid (PRP). Remittances as a share of GDP in 2014 (%) calculated 5,6% (Source: World Bank staff calculation based on data from IMF Balance of Payments Statistics database and data releases from central banks, national statistical agencies, and World Bank country desks.) However, we distinguish opposite tendencies on inflows and outflows of migrant remittances in Ukraine (Fig.1-2).

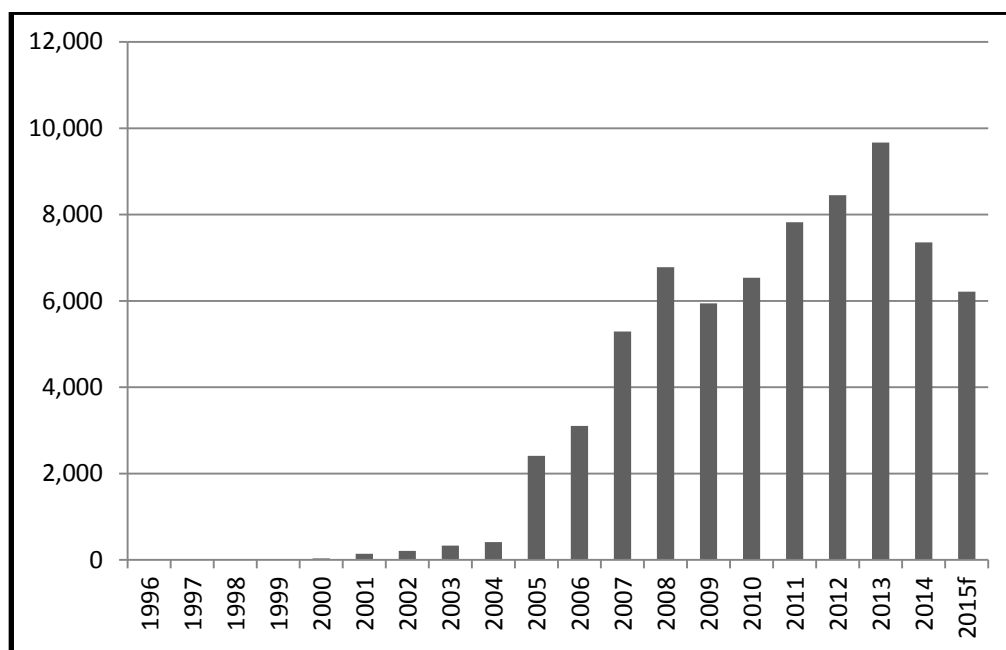


Fig. 1. Migrant remittance inflows in Ukraine (US\$ million)

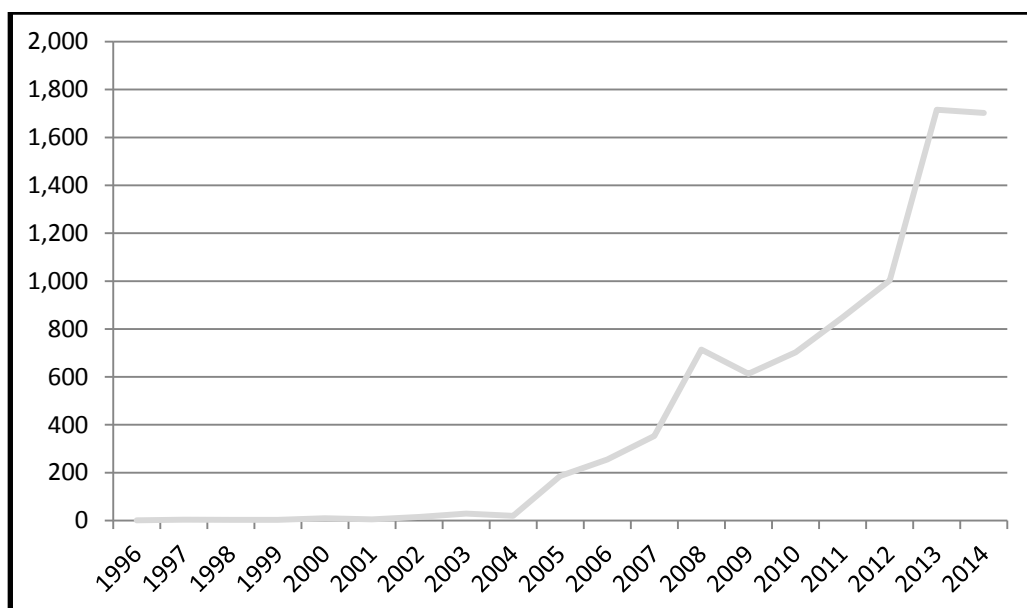


Fig.2. Migrant remittance outflows from Ukraine (US\$ million)

Research and development expenditure (% of GDP) (R&DE) that are current and capital expenditures (both public and private) on creative work undertaken systematically to increase knowledge, including knowledge of humanity, culture, and society, and the use of knowledge for new applications. R&D covers basic research, applied research, and experimental development.

Grants, excluding technical cooperation (BoP, current US\$) (GRANTS) that are defined as legally binding commitments that obligate a specific value of funds available for disbursement for which there is no repayment requirement. Data are in current U.S. dollars.

Technical cooperation grants (BoP, current US\$) (TCG) that include freestanding technical cooperation grants, which are intended to finance the transfer of technical and managerial skills or of technology for the purpose of building up general national capacity without reference to any specific investment projects; and investment-related technical cooperation grants, which are provided to strengthen the capacity to execute specific investment projects. Data are in current U.S. dollars.

International collaboration (IC) - an official indicator of international collaboration resulted in publication activity (source: *SJR*).

Results. The Granger approach (1969) to the question of whether X (independent variable) causes Y (dependent variable) is to make out how much of the current Y can be explained by past values of Y and then to notice whether adding lagged values of X can improve the explanation. This approach helps us to understand what the main indicator and of what factor

can cause the tendencies and can be the best indicator of its happening. Before the application Granger test we clarified each of the time-series to determine their order of integration - involved a test (such as the ADF test) for which the null hypothesis is non-stationarity. Implementation of Granger causality test in EViews provided us with such resulting claims (at the appropriate level of F-stat) about link directions for considering data: we cannot reject the hypothesis that all performance indicators does not Granger cause HDIUKR and we do not reject the hypothesis that HDIUKR does not Granger cause the indicators (for all analyzed indicators). Therefore, it appears that Granger causality runs both ways for Human development indicator of donor-state Ukraine and most significant performance indicators of Ukrainian migration ("smart mobility"). This means that HDI is flexible to the internal situation in the country, and the positive effect of smart mobility and remittance inflows can be easily absorbed inside of the country. The same we observed for GNI of Ukraine.

If to consider correlation analyses, we received that the interconnection of HDIUKR and all analysed variables for the EU have sound negative correlation, thus increasing these indicators' level in the EU would decrease the level of HDI in Ukraine. We could assume that the reason is in rapid increasing of migration to the EU looking for improved situation. As well, we received that remittances are in exceptionally low correlation with resulted variables in Ukraine. Having T-statistic prove of significance for the results we as well received a control variable (international collaboration) tightly connected with IMS (directly), but still in low correlation with other analyzed variables.

After the assessment of the indicated model: $HDIUKR = f(R\&DEEMU, R\&DEUKR, PRREMU, PRRUKR, PRPUKR, GrantUKR, TCGUKR, PRRUSUKR, ICUKR; IMSUKR; ERTEUKR)$ for the period 1990 - 2014 (adj.R-sq = 0.79; significant as to F and t statistics), we received the following elasticity data, correspondently (%): 5,815362; 2,87858; -2,70639; 0,1486; 0,720562; 0,57939; 0,54147; 0,68389; 1,78562; 3,00123. Thus, the most impact on the donor-development has the level of expenditures on the research in the recipient that proves the hypothesis of Diaspora impact and involving best practices during smart mobility. As to remittances the impact of inflows in the EU is high, as in donor state, however quite obviously it is opposite. However the elasticity mostly is not crucial as lower than 1. As to migration variables, we witness positive and high elasticity.

As to GNI, we received mostly same results.

EU RELATIONS WITH EASTERN PARTNERSHIP: STRATEGY, OPPORTUNITIES AND CHALLENGES

State (ISO 3166-1 alpha-2)	Emigration rate in 1975				Emigration rate in 1980				Emigration rate in 1985				Emigration rate in 1990				Emigration rate in 1995				Emigration rate in 2000			
	Total	Low	Medium	High	Total	Low	Medium	High	Total	Low	Medium	High	Total	Low	Medium	High	Total	Low	Medium	High	Total	Low	Medium	High
BY																	0,2	0,8	0,0	0,2	0,6	0,4	0,3	1,8
BG	0,3	0,2	0,3	1,3	0,3	0,2	0,3	1,4	0,3	0,2	0,2	1,6	0,5	0,4	0,2	1,6	1,0	0,9	0,4	2,5	1,2	0,8	0,7	3,3
CZ																	1,1	2,0	0,2	2,8	1,6	1,2	0,7	7,2
HU	3,5	2,3	5,1	15	3,8	2,4	3,7	16	3,5	2,1	3,2	15	3,5	2,1	2,7	13	3,1	2,0	1,8	12	3,1	1,7	2,3	11
MD																	0,4	0,9	0,0	0,4	1,0	0,6	0,5	2,9
PL	4,0	4,0	2,8	8,5	4,0	4,1	2,4	12	3,7	3,3	2,5	11	3,6	3,6	1,8	13	3,3	3,2	1,4	13	3,6	2,8	2,0	13
RO	0,8	0,7	0,5	4,4	0,8	0,7	0,6	4,8	0,9	0,6	0,6	5,4	1,3	1,4	0,6	6,7	1,6	2,0	0,4	8,7	1,8	1,7	0,7	9,2
RU																	0,2	0,5	0,0	0,1	0,4	0,3	0,2	1,2
SVK																	1,1	1,9	0,2	2,3	2,1	1,7	1,1	7,7
UA																	0,4	1,3	0,0	0,3	1,0	0,9	0,5	2,7
DK	2,4	2,3	1,6	4,8	2,6	2,6	1,6	5,2	2,6	2,4	1,6	5,2	2,4	1,9	1,6	5,3	2,3	2,2	1,0	5,2	2,3	1,6	1,3	5,3
EE																	1,1	1,8	0,2	1,5	2,2	1,0	1,4	6,1
FI	2,1	1,5	2,5	4,6	2,2	1,6	2,3	4,2	1,9	1,4	1,9	3,7	1,7	1,2	1,5	3,3	1,7	1,4	0,9	3,2	1,8	1,4	1,1	3,3
IS	5,5	3,4	6,7	23	4,3	2,2	5,0	18	4,9	2,2	4,8	20	4,6	1,3	4,3	19	4,2	2,5	2,8	14	4,4	1,9	4,0	12
IE	30	28	31	44	31	29	34	44	29	27	29	38	27	27	24	35	22	22	17	28	22	20	21	29
LV																	1,5	2,7	0,2	1,2	2,8	1,3	1,9	7,8
LT																	0,9	2,2	0,1	0,9	1,9	1,3	1,0	5,2

EU RELATIONS WITH EASTERN PARTNERSHIP: STRATEGY, OPPORTUNITIES AND CHALLENGES

NO	2,9	2,2	3,2	7,2	3,2	2,5	3,1	7,3	2,8	2,1	2,3	6,4	2,2	1,5	1,6	5,3	1,8	1,9	0,7	4,3	1,8	1,3	1,0	4,4
SE	1,6	1,3	1,6	3,4	1,8	1,5	1,6	3,3	1,7	1,3	1,3	3,3	1,4	1,0	1,0	3,0	1,3	1,3	0,5	2,8	1,4	1,1	0,7	3,0
UK	5,6	3,6	4,5	20	6,1	4,2	5,0	18	5,9	4,0	4,6	16	5,9	3,6	4,5	16	4,9	3,6	3,0	13	5,4	2,7	3,6	14
AL	0,9	0,8	0,9	1,2	0,8	0,7	0,8	1,5	0,6	0,7	0,5	0,7	0,6	0,7	0,5	0,7	1,6	1,6	1,0	2,9	2,6	1,6	2,2	5,5
AD	7,5	6,0	25	15	6,4	5,3	18	10	4,2	4,4	1,5	4,6	1,7	1,9	0,6	2,0	1,8	1,7	1,4	3,4	1,9	1,4	2,2	4,2
BA																	12	18	3,5	15	8,8	8,5	6,6	18
HR																	10	15	2,5	12	11	13	5,9	22
GR	10	9,1	14	17	9,1	8,2	11	15	8,4	7,5	9,3	13	8,3	7,6	7,7	13	7,6	8,1	4,7	11	7,4	7,4	5,5	11
IT	6,3	5,8	8,7	13	6,4	5,9	7,8	12	5,7	5,2	6,8	11	5,1	4,7	4,9	10	4,3	4,3	2,9	7,9	4,3	4,1	3,2	8,3
MK																	8,5	12	2,5	14	12	12	7,6	27
MT	33	24	39	80	32	27	36	68	30	27	29	68	30	27	27	68	26	23	22	61	27	22	24	57
PT	13	12	20	18	13	12	20	15	13	12	21	14	13	12	21	15	13	12	16	17	12	12	20	18
SM	5,4	2,5	21	20	11	5,7	26	40	6,3	4,2	12	18	3,3	2,5	4,9	7,6	2,2	2,0	0,2	9,8	1,6	1,4	0,2	7,5
RS ME																	2,4	2,5	1,1	4,9	2,4	2,4	1,5	4,9
SI																	3,4	5,1	1,0	5,5	4,8	5,3	2,2	10
ES	3,7	3,7	5,1	3,3	3,0	3,0	3,8	2,8	2,7	2,7	2,6	2,7	2,3	2,4	1,8	2,6	2,1	2,1	1,5	3,2	1,9	1,7	1,5	3,3
AT	6,5	6,6	3,6	20	6,9	7,1	3,7	20	6,3	6,3	3,4	18	5,2	5,3	2,7	14	4,6	5,3	1,8	13	4,4	5,1	2,0	11
BE	2,7	2,6	2,7	3,2	2,6	2,5	2,3	3,5	2,5	2,3	2,3	3,6	2,4	2,0	2,4	3,5	2,3	1,9	1,9	3,4	2,3	1,7	2,1	3,5
FR	0,6	0,4	0,7	1,6	0,7	0,4	0,6	1,7	0,7	0,5	0,6	1,7	0,8	0,4	0,6	1,8	0,8	0,6	0,4	1,6	0,9	0,5	0,6	1,7
DE	2,0	1,8	1,5	4,8	2,3	2,2	1,5	5,4	2,4	2,7	1,3	5,5	2,4	3,2	1,3	4,7	1,8	3,3	0,7	3,7	1,9	3,2	1,0	3,7
LI	8,9	2,8	9,9	41	10	2,9	9,1	43, 3	6,7	3,7	0,7	35	0,8	0,2	0,0	5,6	1,1	1,6	0,2	3,3	1,0	1,5	0,4	2,6

EU RELATIONS WITH EASTERN PARTNERSHIP: STRATEGY, OPPORTUNITIES AND CHALLENGES

LU	5,6	5,4	6,6	6,1	5,2	4,9	5,5	5,9	5,1	4,6	5,6	6,1	4,5	4,0	5,3	5,3	4,3	4,3	3,4	5,0	4,3	3,9	4,3	5,1
MC	15	18	9,2	16	14	16	8,6	14	12	16	4,7	13	9,4	14	2,7	8,2	9,9	13	4,8	11	10	11	7,6	12,3
NL	4,7	3,2	5,8	16	4,7	3,2	4,5	14	4,2	3,1	3,2	11	4,1	3,1	2,7	9,9	3,5	3,1	1,8	7,5	3,7	3,4	1,9	7,6
CH	2,8	3,9	1,2	7,4	2,7	3,3	1,2	7,6	2,6	3,4	1,1	6,6	2,5	3,0	1,1	5,8	2,5	4,0	0,8	5,5	2,8	1,3	3,3	7,4
AM																	1,3	3,9	0,1	1,0	3,0	1,6	2,1	8,2
AZ																	0,1	0,4	0,0	0,1	0,4	0,3	0,2	1,4
GE													0,0	0,0	0,0	0,0	0,2	0,5	0,0	0,3	0,4	0,3	0,1	1,4

Table 1. Emigration rate by educational level (the EU and the EaP),

Source: <http://perso.uclouvain.be/frederic.docquier/oxlight.htm>;
<http://www.uis.unesco.org/Education/Pages/international-student-flow-viz.aspx>

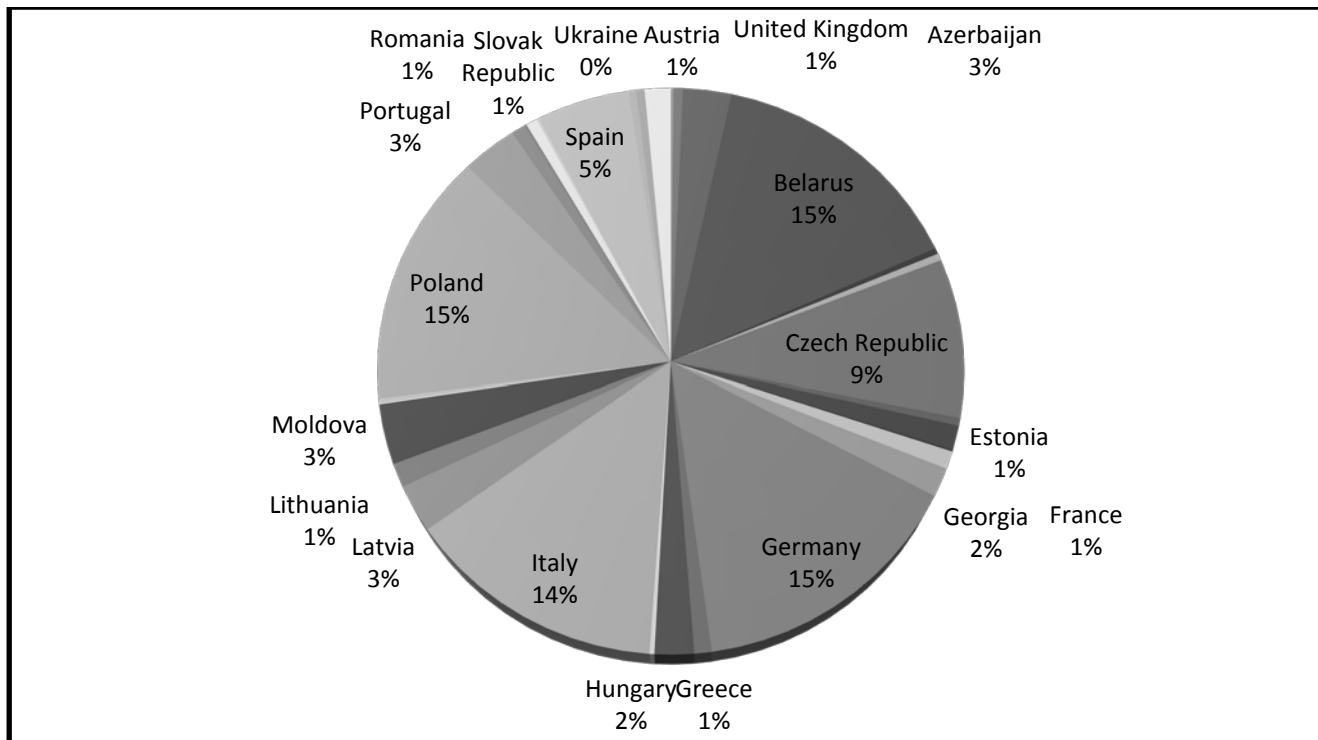


Fig. 3. Bilateral Estimates of Migrant Stocks in 2013, Ukraine - Source country (higher than 0% is indicated)

Source: siteresources.worldbank.org/.../Bilateral_Remittance_Matrix_2014.xlsx

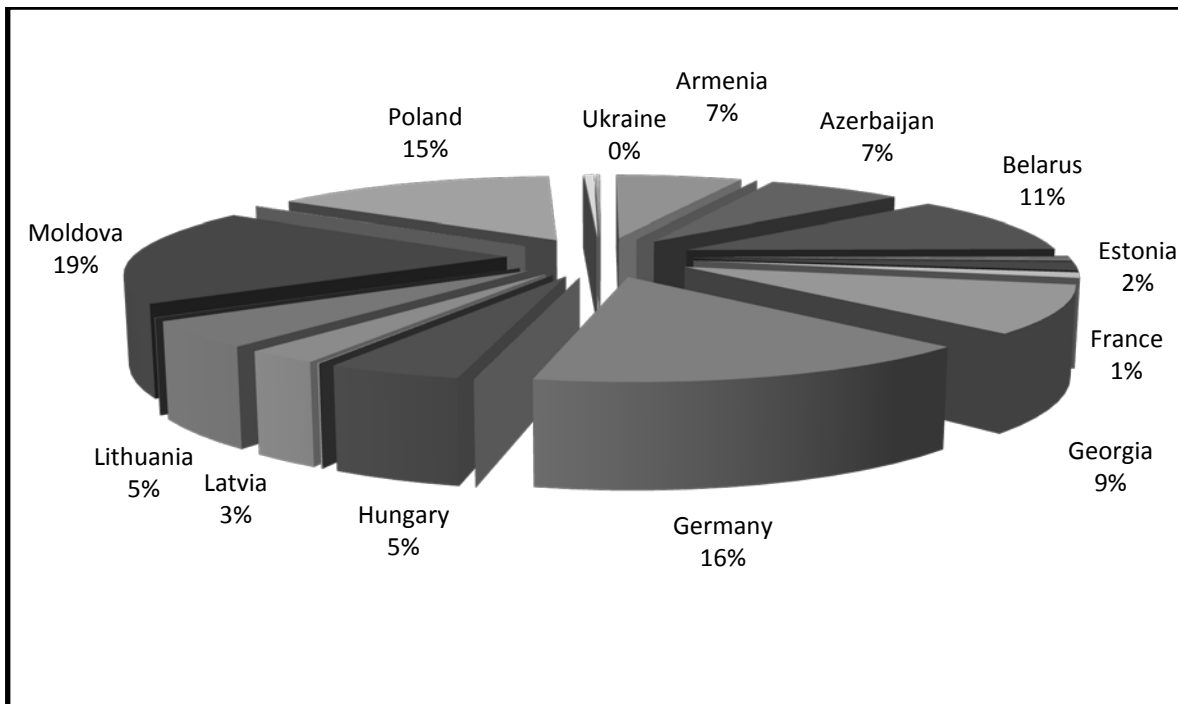


Fig. 4. Bilateral Remittance Estimates for 2014 using Migrant Stocks, Host Country Incomes, and Origin Country Incomes (millions of US\$) (October 2015 Version), Ukraine - Source country (higher than 0% is indicated)

Source: siteresources.worldbank.org/.../Bilateral_Remittance_Matrix_2014.xlsx

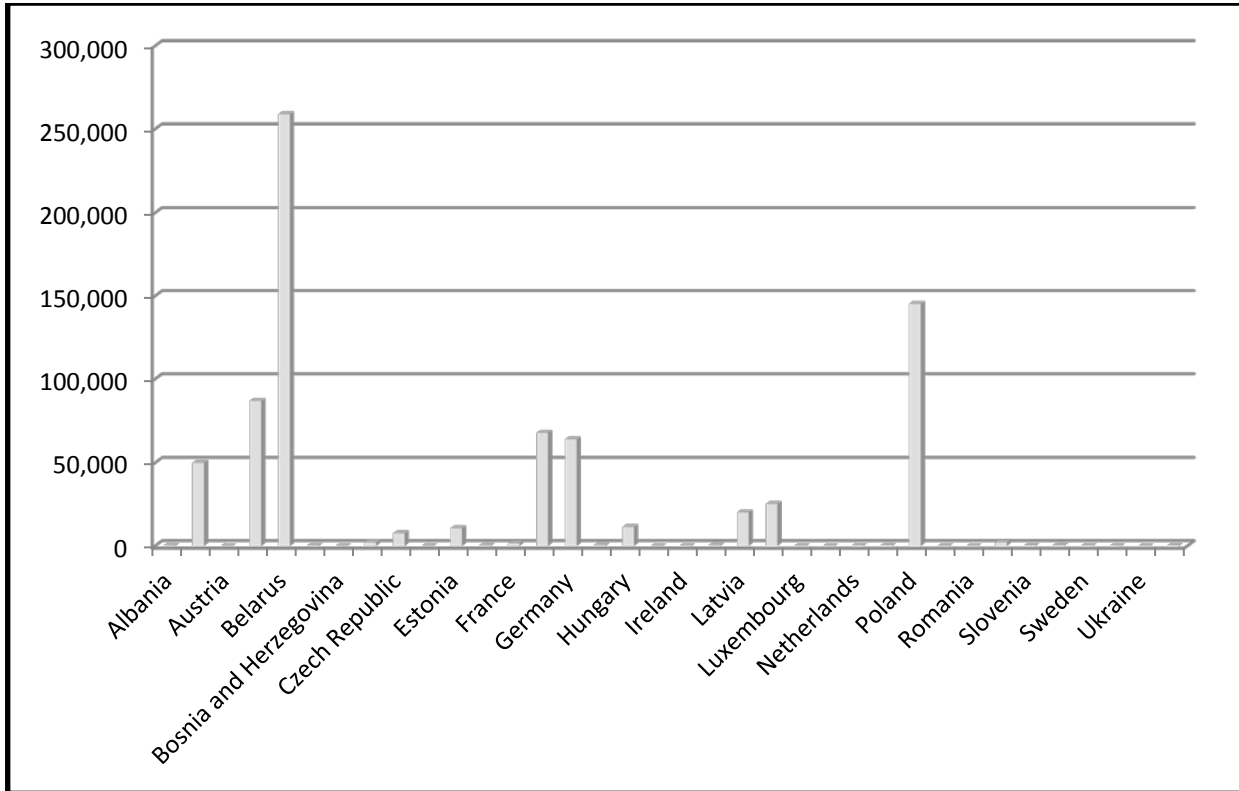


Fig.5. Bilateral Estimates of Migrant Stocks in 2013, Ukraine - Destination country

Source: siteresources.worldbank.org/.../Bilateral_Remittance_Matrix_2014.xlsx

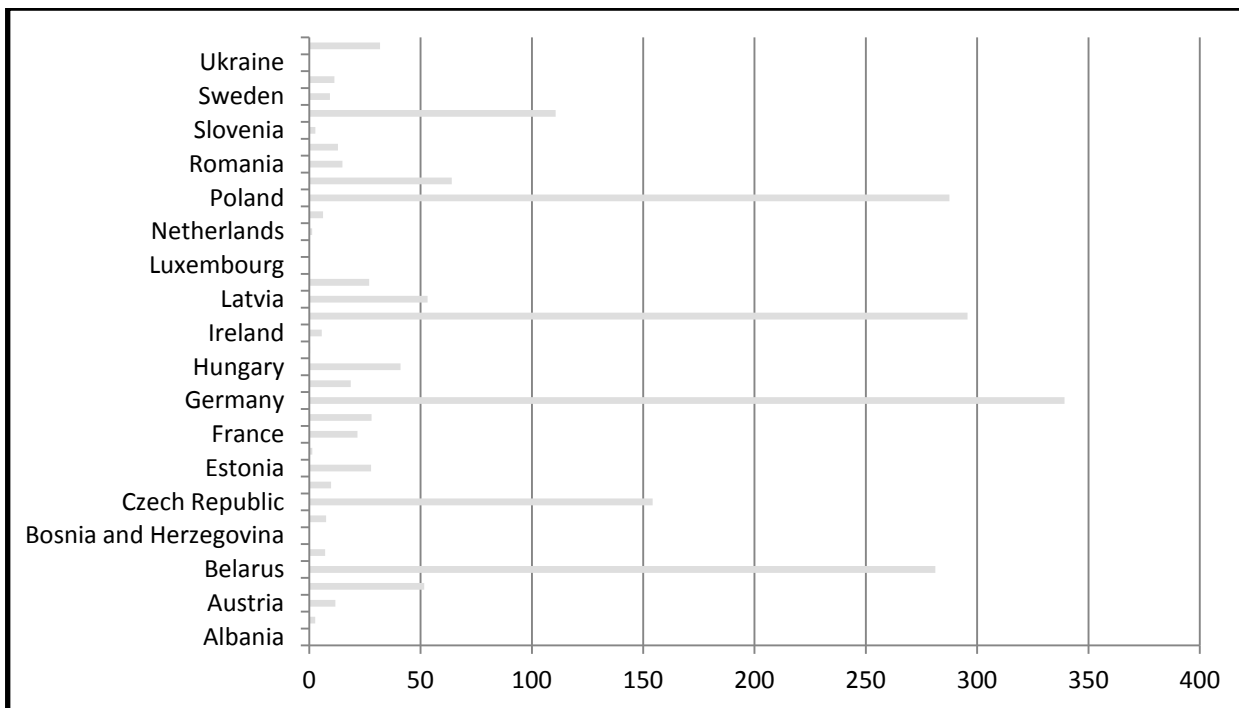


Fig. 6. Bilateral Remittance Estimates for 2014 using Migrant Stocks, Host Country Incomes, and Origin Country Incomes (millions of US\$) (October 2015 Version), Ukraine - Destination country

Source: siteresources.worldbank.org/.../Bilateral_Remittance_Matrix_2014.xlsx

Conclusions. The proposed research is an innovative as much as it sets out to generate new insights pertaining to the international scientific mobility that mark the relationship between the Eastern Partnership Countries (particularly, Ukraine) and the EU as a whole and in its components, namely, the member states. The proposed assignment shall also develop strategies and game policies so as to turn the brain-power (i.e., scientists) into main stakeholders of the economic and democratic development process in the state of the origin of these scientists as they bring into their economies also EU standards. The research done is targeted to develop well-grounded policies for increased and mutually Beneficial Mobility between the EaP (particularly, Ukraine) and the EU.

Recommendations. The common EU attempts to analyse the question should result in particular studies for each EaP country, along with general survey reports of the scientific migration and exchange to the EU. The EU should examine the main reasons for migration and assess the resulting preference of various types of migration in as much as it might influence on the economies.

The European Union faces growing skill shortages in its labour markets, mainly as a consequence of adverse demographic trends in Europe. Developing measures to allow the enhancement of scientific cooperation and mobility of researchers so as to contribute to enhanced understanding between the EU and the BUM countries in the area of scientific & technological sustainable development should become the core of EU policies. This will also better regulate the participation of scientific migration community in the political process of their countries of origin.

For the targeted EaP country (Ukraine):

- The adoption of a scientific migration lens in all aspects of public policies that affect migration and its outcomes, through explicit incorporation of scientific migration issues in national macroeconomic and educational strategies as well as sectoral action plans (special banking projects, competition bursting, etc);
- Improved institutional coordination, the adoption of a strategic vision for labour migration (mostly educated migrants), and eventually the designation of a single national entity to coordinate and facilitate "brain" labour migration strategies and mobility of researches. Support for macroeconomic development projects that aim at sustainable development and connection to EU policies and standards in Ukraine. To include scientific migration policy while developing national educational paradigm and legal issues.

For the EU and its Member States:

- The adoption of a visa-free travel regime for scientists/researchers/academia;

- A stepped-up engagement with the EaP countries through the EU-level, multilateral and bilateral mobility frameworks, work permit liberalization and facilitation, programs for specific professions and sectors, as well as simplification and increased transparency of immigration procedures.
- Enhancement of complementary migrant integration policies, including skill transferability, scientific cooperation, recognition of social rights, reduction of informational gaps, management of public opinion and involvement of relevant stakeholders;
- Development of special border policy in aspect of involvement migrant remittances in cross-border regions.

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THE MOVEMENT TOWARD EUROPE: THE IDENTITY CHALLENGE FOR UKRAINE

Nataliya NECHAYEVA-YURIYCHUK

Abstract. *The problem of identity is one of the most actual in the contemporary world. Post-Soviet states like Ukraine feel it very deeply. That's caused by different factors – political, historical, cultural, religious etc. During last decades Ukraine has restarted its state-building process which became the real struggle for independence at the first quarter of the 21st century. Different ideologies influence on the identity of Ukrainian citizens. And for our opinion, the course toward the European Union can be classified as a chance and also as a challenge to Ukraine. Why? That's because there is not straight road toward European values. It's not so easy to build the democratic state. The integration in the EU requires common efforts from nation to rebuild its state and society. And in circumstances of war and loss of territory, this way is really complicated.*

Keywords: *national identity, independence, European values, state-building process, citizenship, ideology.*

More than a century passed from the beginning of the First World War. That event had a powerful influence both on contemporaries and on future generations including us. The Great War has changed the world totally, starting from military aspects to the attitudes toward personal and group identification. During the war, people have changed their vision toward themselves, their states, political leaders etc. Four empires collapsed thanks to the World War I and many nationalities have got the possibility to build their own national states and to speed up the nation-building process. The last was often done contrary to the interests of other nationalities. During the interwar period and after the World War II Europe witnessed the assimilation policies conducted by different political powers. And Ukrainians were the people who felt assimilation pressure during the whole century.

At the beginning of new millennium it seemed that the world became more democratic, stable and estimated. The collapse of the Soviet Union and socialistic system at the end of 1980-s – beginning of 1990-s had really crucial consequences for people which were involved in it. The processes of disintegration, integration and reintegration have been started in Europe. New states, new aspirations, new visions of the past, current and future spread among the people all over Europe. But for some of them the new opportunities brought new challenges to their national identity.

The identity question is one of the most actual both in contemporary politics and in science. From ancient times to nowadays philosophers,

political thinkers are searching the answer to the question “what is identity?”. A number of scholars are working on this issue. This question concerns different aspects of our lives including gender, culture, social class, nationality etc. So, it is obvious that there are many definitions of the term “identity”. Of course, it’s impossible to overview all of them, but we would like to highlight some which are connected to the subject of our research. As James D. Fearon wrote, ““identity” in its present incarnation reflects and evokes the idea that social categories are bound up with the bases of an individual’s self-respect”¹. The Concise Oxford Dictionary of Current English gives five attitudes toward definition of the term “identity”. Between them the first three are related to our issue: 1. a) the quality or condition of being a specified person or thing, b) individuality, personality; 2 identification or the result of it; 3 the state of being the same in substance, nature, qualities etc.²

The question of identity is actual for everyone. From early childhood till the last day of the life the person is searching for his/her place in the society, trying to find him- or herself. Everyone is starting from personal identification and almost everyone is coming to the group one. Anthony Smith in his “National identity” defined the categories and roles of human individual self³. He is speaking about gender, local and regional identity, social, religious and ethnic identities. Special attention is paid to the multiple identities⁴.

While the main purpose of our article is to define the main challenges to the national identity of Ukrainians nowadays we need to clarify what is national identity. From one point of view the answer to this question is rather clear: it is the feeling of belonging to certain nation. It’s forming under the influence of different circumstances starting from family and finishing on state policy. The aforementioned Antony Smith defined fundamental features of national identity: 1) an historic territory, or homeland; 2) common myths and historic memories; 3) a common, mass public culture; 4) common legal rights and duties for all members; and 5) a common economy with territorial mobility for members⁵. All of them are the integral part of common (or group) national identity. And personal national identity is the necessary stone in the common house of the group one.

For many people national identity is datum. Nobody can choose his/her identity because of objective reasons: place of birth, national identity of parents etc. In cases when parents have different national identity their children either inherit it from father or mother (according to tradition) or

¹ James D. Fearon, “What is identity (as we now use the word)?”, web.stanford.edu/group/fearon-research/cgi-bin/wordpress/wp-content/uploads/2013/10/What-is-Identity-as-we-now-use-the-word-.pdf (accessed 30 July 2016).

² *The Concise Oxford Dictionary of Current English*, 1991 ed., s.v. “identity”.

³ Anthony D. Smith, *National Identity* (Reno, Nevada: University of Nevada Press, 1991), 4-8.

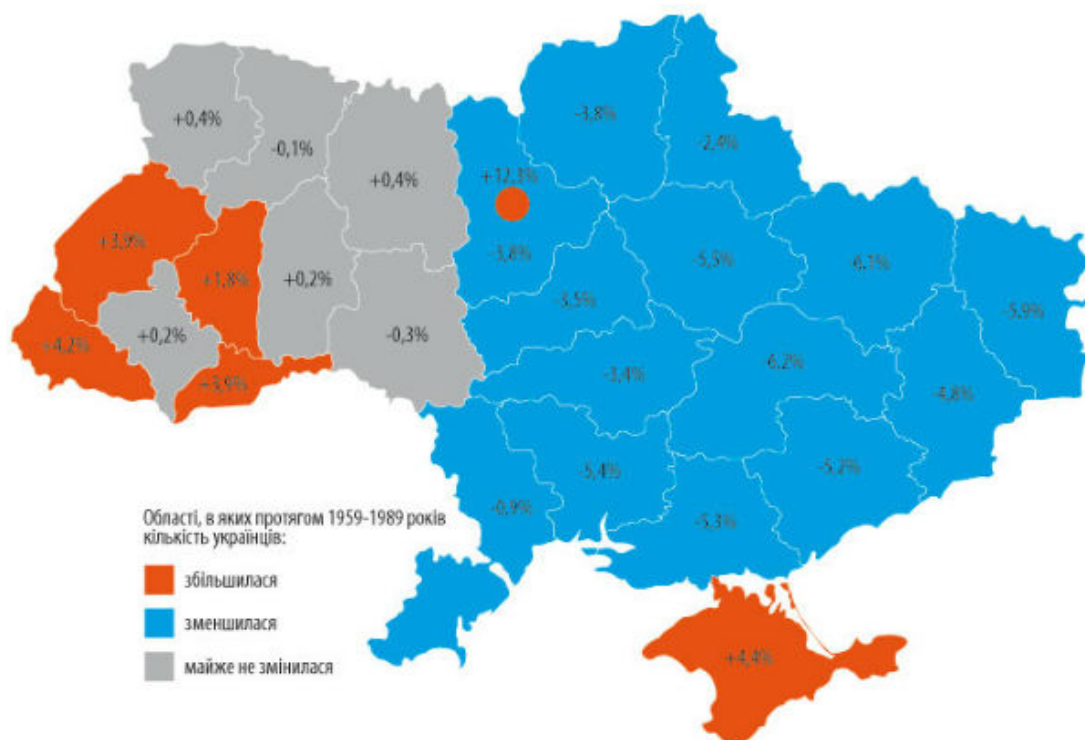
⁴ *Ibid.*, 3.

⁵ *Ibid.*, 14.

choose it their own. In some cases person can have double (multiple) national identity (when he/she can't make the choice). So, a lot of people think that national identity is constant, but the historical development proved that nothing is constant in the world. During the history people have changed and continue to change their national identities. Moreover a number of nations disappeared from the ethnic map of the world and new ones were born. These processes became more obvious in XX – beginning of XXI centuries. The fall of empires, formation of totalitarian states, their decay, a number of military conflicts and two world wars had a huge influence on the national identification processes. Nowadays we witnessed and even became the participants of the processes of national identity changing. And the fate of nations which joined the USSR can be considered as one of the most vivid example of such processes.

Creation of the USSR was accompanied by creation of new Soviet identity. The main aim of Soviet authorities was to unite people by social status. Social class became the fundamental characteristic for new group identity – Soviet. And workers and peasants became the fundament of it. Of course, during decades the identity policy in the Soviet Union has evolved, but till 1991 this policy has succeeded. For many people in the USSR “Soviet” identity began to dominate the national one. Ukrainians as other nationalities in the Union felt great pressure toward their national identity. To speak Ukrainian even in Ukrainian SSR meant to be a peasant. In such big cities as Kyiv, Kharkiv, Dnipropetrovs'k etc. it was hard to find Ukrainian-speaking people. Russian language dominated all over the Soviet Union. Russian culture became the model for which all should aspire. The natural conclusion for many was: to be Ukrainian often meant to be the second-grade person. That's why during the Soviet period a number of people living in Ukraine changed their national identity to Russian.

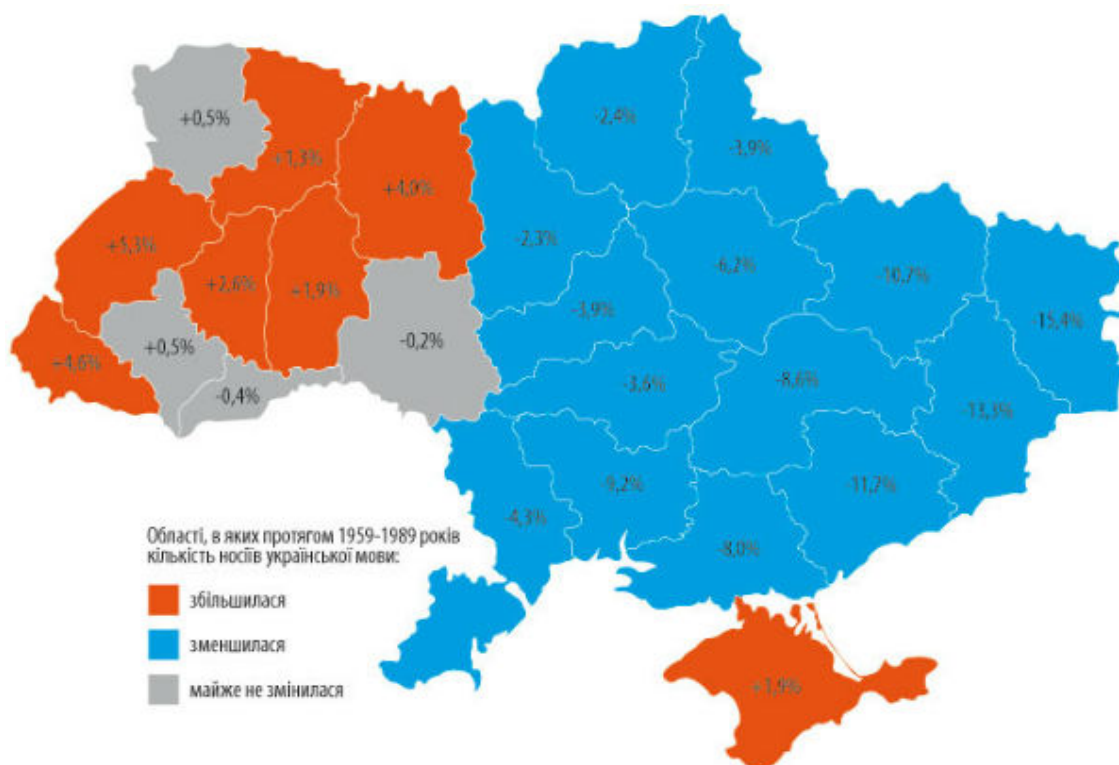
On the map below blue color regions are the ones where a number of Ukrainians decreased, grey – remained unchanged and orange – increased between two censuses in the USSR (1959 and 1989)



Source: <http://www.istpravda.com.ua/articles/2011/12/5/64283/>

So, only in Zakarpattia, L'viv, Ternopil', Chernivtsi, Crimea, and also in Kyiv the number of Ukrainians increased. In Ivano-Frankiv's'k, Volyn', Rivne, Zhytomyr, Vinnitsya and Khmel'nyts'ky the data left almost without changes. And in other 14 oblast' of Ukraine the number of Ukrainians decreased. The changes in national composition of Kyiv can be explained by migration of rural population to the capital of the republic.

Almost the same or even worse was the situation with Ukrainian language usage. The barrier was the same: Zhytomyr and Vinnitsya oblast' eastern borders. Only to the west of it the usage of Ukrainian language either increased or remained almost the same.



Source: <http://www.istpravda.com.ua/articles/2011/12/5/64283/>

The attack on national identity was not only on language or status levels. The most ruin influence on Ukrainian mentality had the Soviet ideology where a person was “a cog in a big mechanism”. The policy of war communism, collectivization, repression, famine etc. had irreversible influence on Ukrainians who were forced to adapt to a new reality. At the same time Soviet authorities provided a massive propaganda campaign. The purpose of that campaign was to inspire people for hard work for common welfare of Soviet society, to show them bright prospects of their present life and future in the Soviet state.

“Who gets the national profit? The lion’s share of it in capitalist states is going to exploiter. In USSR – to the working people”:



Source: <http://stepan53.livejournal.com/81785.html?thread=84345>

Or: "We were born to make the fairy tale the truth"



Source: <http://www.plakat.ru/kosmos-otkr/index.html>

All that had a permanent influence on human brain, thinking and perception of reality. That's why it is necessary to keep in mind that even today Soviet reality is still present in peoples' minds, political choice, self-perception and feelings concerning past, present and future in Ukraine. One of the proofs of the last thesis is the fact that first four presidents of Ukraine were the people with communist past. Moreover all presidents of independent Ukraine were born in the Soviet Ukraine and got their education in Soviet schools and universities. The last is natural because under the Ukrainian law just a person who got 35 years old has a right to be the President of the state. This year Ukraine celebrates its 25th anniversary, so just in 10 years the first coeval of independence can be elected as a President.

In 1991 Ukraine has got independence. And at the same time it faced a choice of the future. The main question was "where to go: to integrate the European Union or to keep stability and strong connections with Russia with all further consequences? The economic potential of newborn state was really good and the perspectives of further sovereign development seemed bright⁶. But reality was completely different. Ukraine didn't start radical reforms. It continued to form its internal and foreign policy looking back on Russia. On our opinion the problem of the lack of sovereign policy of Ukraine during last 25 years is laying in the plane of political choice of Ukrainians which was done during presidential and parliamentary elections.

From the early beginning of the sovereignty process till today Ukrainian people are involved a lot in the political sphere. Political discussions are providing at all levels, starting from public transport and ending in the Parliament. And positions toward candidates are different both at personal and regional level. But at regional level there are some tendencies in voting which can be defined. Of course, every candidate on the Presidential post has his voters in every region of Ukraine. But majority in Donetsk, for example, and Ivano-Frankivsk were voting for different candidates.

The first Presidential campaign in Ukraine has shown that Ukrainian were not ready for radical changes. Almost all regions of the state voted for ex-head of the Communist party of Ukraine. On the map below regions which are marked by dark grey color gave more than 50% of votes for opposition leader V.Chornovil. All other (except Chernivtsi) voted for L.Kravchuk. Chernivtsi oblast gave 43.56% of votes for L.Kravchuk.

⁶ Serhiy Ivanov, "Stribok z prirvy: 25 rokiv zalezhnosti Ukrayiny", *Khvylya*, <http://hvylya.net/analytics/politics/stribok-z-prirvi-25-rokiv-zalezhnosti-ukrayini.html> (accessed 4 August 2016)



Source: http://gazeta.ua/articles/history/_na-pershih-prezidentskih-viborah-v-ukrayini-1991-roku-ukrayinci-ne-hotili-proschatisya-z-minulim/560063?mobile=true

As far as we could see only L'viv, Ivano-Frankivsk and Ternopil' supported V.Chornovil who was in favor of radical changes and was strongly Ukrainian-oriented candidate. In contrast to him L.Kravchuk was non-national candidate and for many Ukrainians the last allowed him to come to independence in a peaceful way. He got 62% of all votes and became the first president of Ukraine⁷. So, at the beginning of independence Soviet conservatism won national identity and economic radicalism in Ukraine. The fear of changes, prejudice to national which were planted by Soviet authorities turned Ukraine away from the active processes of European integration.

First two presidents of Ukraine tried to provide multi-vector diplomacy which meant to keep strong connections with Russia and to make some steps

⁷ "History", *Gazeta.ua*, 26 May 2014, *Na pershyh presyidents'kyh vyborah v Ukrayini 1991 roku Ukrayintsi ne khotily proshchatisya z mynulym*, http://gazeta.ua/articles/history/_na-pershih-prezidentskih-viborah-v-ukrayini-1991-roku-ukrayinci-ne-hotili-proschatisya-z-minulim/560063?mobile=true (accessed 4 August 2016)

toward the European Union. In 1994 the Agreement about Partnership and Cooperation was signed with the EU. The main aspects of bilateral collaboration were fixed in it⁸. Till 2004 Ukraine still associated not only with post-Soviet space, but also with the sphere of Russian influence. It had strong ties with Russian Federation. At the same time the first steps toward the EU were done.

Presidential election of 2004 opened the new page in contemporary Ukrainian history. L.Kuchma and his team tried to impose V.Yanukovych as a new President of Ukraine. But the result was unpredictable for authorities and northern neighbor. The biggest part of Ukraine stood up for pro-European and pro-national candidate V.Yushchenko. The events of Orange revolution became crucial for the further development of Ukraine. First of all, it became obvious that Ukraine is not Russia and Russian attitude toward state management is not working here (in contrast to L.Kuchma, B.Yel'tsin just appointed V.Putin as a successor and Russian people supported his choice). The second, Ukrainians demonstrated their desire to live in European state. Third, during the election company the idea of dividing Ukraine into east and west, pro-European and pro-Russian was used as an election technology with all subsequent consequences.

So, the results of voting showed that Ukrainian people were divided into two parts on a territorial and values basis. Western regions were strongly associated with nationalism and European integration and eastern with Russia and Soviet space.



Source: <http://www.globalsecurity.org/military/world/ukraine/election-2004.htm>

⁸ Yaroslav Koval'chuk, "Yevrointehratsiynnyy process: tomu shcho neposlidovnyy", *Ukrayins'ka Pravda* 20 December 2011, <http://www.pravda.com.ua/columns/2011/12/20/6852579/> (accessed 3 August 2016)

As far as we can see from the map above this division is really primitive because a number of Ukrainian oblasts' are outside of it. Not only western regions voted for V.Yushchenko as a chance for European Ukraine. Northern and central part of Ukraine also supported him as a President of the state. The turn toward Europe done by V.Yushchenko had to bring to Ukrainians the long-awaited reforms, welfare and democracy as a fundament of the state-building. Just after election in February 2005 the Il'ko Kucheriv Democratic Initiatives Foundation and Kyiv International Institute of Sociology provided the all-Ukrainian poll concerning the Euro-Atlantic perspectives of Ukraine. 44% of Ukrainians supported the idea of the European integration of Ukraine, 28% were against it and the same 28% had not definite opinion⁹.

In fact, the unsuccessful internal policy of V.Yushchenko brought to the power V.Yanukovych (2010). The result of his ruling was the curtailing democracy and much more closer ties with the Russian Federation. Russian Federation strengthened its presence in Ukraine through Russian businessmen, economists, military servants, politicians etc. And Ukrainian authorities were more than loyal to them. But in 2013 the turn toward closer ties with the European Union was done. But it wasn't completed. In our opinion, Ukrainian authorities wanted to use the European integration process both for internal support and for position amplification in negotiation process with the RF. But policy of the pendulum brought Ukraine into new revolution which came into the history as a Revolution of Dignity. Refusal to sign the EU Association forced the active Ukrainian to defend European direction on the main square of the state. Tragic events on Maydan, V.Yanukovych escaping, start of the war in the east were the links of one chain. The European integration of Ukraine was a result of peoples' choice. Ukrainians already paid a high price for it. But the movement into Europe is complicated by a number of reasons both military and mental. And the last is the identity question and it is one of the most important for contemporary Ukraine because it is the basis of everyday and electoral choice.

For better understanding the situation it's necessary to overview the dynamic of identity changes of Ukrainians during the independence. What is Ukrainians thinking about Ukraine? That was the subject of another poll done by Il'ko Kucheriv Democratic Initiative Foundation from June 26 till July 18, 2015¹⁰. So, on question "whom do you feel yourself?" (one response) the data are:

⁹ "Opytuvannya." Fond Demokratychni Initsiatyvy imeni Il'ka Kucheriva, 2005, "*Ukrayintsi khochut' vstupyty lo EC i ne khochut' do NATO – zahal'nonatsional'ne opytuvannya*", http://www.dif.org.ua/ua/polls/2005_polls/ukrainci-hochut-vsannja.htm (accessed 7 August 2016).

¹⁰ "Opytuvannya." Fond Demokratychni Initsiatyvy imeni Il'ka Kucheriva, 2015, "*Do Dnya Nezalezhnosti: shch ukrayintsi dumayut' pro Ukrayinu?*",

	1992	2000	2002	2004	2005	2006	2008	2010	2012	2013	2014	2015
Citizen of Ukraine	45.6	41.1	41.3	44.3	54.6	51.6	51.8	51.3	48.4	50.7	64.6	57.5
Representative of the ethnic, nation group	—	—	3.0	3.1	2.1	1.8	2.6	3.1	1.8	2.0	2.1	3.1
Citizen of the former USSR	12.7	12.2	12.7	10.7	8.1	7.3	9.0	6.9	8.4	6.6	5.5	3.9
Citizen of the Europe	3.8	2.8	0.7	0.7	0.8	1.3	0.4	0.9	1.2	1.2	1.1	1.3
Citizen of the world	6.4	5.6	2.7	2.4	2.5	2.9	1.7	3.1	2.4	2.4	2.1	4.2
Other	—	—	1.6	1.4	1.0	0.7	0.6	0.8	0.3	0.6	0.5	0.6

Source: http://www.dif.org.ua/ua/polls/2015a/do-dnja-nezalezhnosti-sho-ukrainci-dumayut-pro-ukrainu__1440150573.htm

Two revolutions of 2004 and 2012-2013 influenced on the process of self-identification. In 2005 the percentage of people who recognized themselves as citizens of Ukraine increased by more than 10%. And after the Revolution of Dignity the percentage of people who felt themselves as Ukrainian citizens also increased from 50.7% to 64.6%. But in a year of unsuccessful economic policy the number of people who felt themselves as Ukrainians (citizenship) is decreasing. So, the process of political nation building is on its' way and it is still not finished.

Another factor which has several different aspects important for contemporary Ukraine is the fact that around 4% of respondents identify themselves as citizens of the former USSR (2015 data). That means that after 24 years of independence there are people who didn't accept the new state and still dreams about the Soviet Union. And the most interesting fact that people with Soviet identity live almost all over Ukraine. The biggest number of them is living in the east oblasts' of Ukraine. The last is caused by a number of reasons starting from historical and finishing by state policy in last decades:

	West	Center	South	East	Donbass
Citizen of Ukraine	65.1	63.9	45.1	53.8	38.6
Representative of the ethnic, nation group	3.2	3.5	2.1	3.0	2.4

http://www.dif.org.ua/ua/polls/2015a/do-dnja-nezalezhnosti-sho-ukrainci-dumayut-pro-ukrainu__1440150573.htm (accessed 3 August, 2016).

Citizen of the former USSR	1.1	3.2	5.7	6.2	5.4
Citizen of the Europe	2.1	1.4	0.5	1.2	0.6
Citizen of the world	4.3	3.7	4.1	4.0	7.2
Other	1.3	0.8	0.0	0.0	0.6

Source: http://www.dif.org.ua/ua/polls/2015a/do-dnja-nezalezhnosti-sho-ukrainci-dumayut-pro-ukrainu__1440150573.htm

In regional breakdown only Halychyna and Kyiv showed zero result for Soviet identity¹¹. For better clarification the situation with the group identity in Ukraine there was another question in the poll concerning the preferences in “we” identification. In comparison the results of 2013 and 2015 give really interesting picture of group identity of contemporary Ukrainians:

	2013	2015
Citizens of Ukraine	35.9	52.3
Inhabitants of one region	12.3	14.9
Inhabitants of one city, village	30.6	27.8
People of one nationality	15.9	14.2
People with similar wealth	15.2	7.8
People with common historical fate	11.8	11.7
Relatives and friends	53.5	52.9

Source: http://www.dif.org.ua/ua/polls/2015a/do-dnja-nezalezhnosti-sho-ukrainci-dumayut-pro-ukrainu__1440150573.htm

We suggested just those answers which are related to our research. So, from 2013 to 2015 the situation has changed radically just in one – political identity. The percentage of people who feels closer ties on citizenship basis increased by half. A little growth is in regional identification, but at the same time less people are uniting by national feelings. The percentage of people who prefer identification by common historical fate (and that’s the part of national identity as it was written above) left almost at the same level.

As far as statistical data show the percentage of those who supported the European integration of Ukraine constantly increased during last years¹².

¹¹ “Opytuvannya.” Fond Demokratichni Initsiatyvy imeni Il’ka Kucheriva, 2015, “Shcho objednuye ta rozjednuye ukrayintsiv – opytuvannya hromads’koyi dumky Ukrayiny”, <http://www.dif.org.ua/ua/polls/2015a/sho-obednue-ta-rozednue-.htm> (accessed 3 August 2016).

¹² Mariya Zolkina, “52% za vstup do EC – tse malo, bahato chy dostatnyo,” *Fond Demokratichni Initsiatyvy imeni Il’ka Kucheriva* Tuesday, 26 May 2015, http://www.dif.org.ua/ua/mass_media/52-za-vstup-dostatno_.htm (accessed 3 August 2016).

In contrast to political identification which is more dependent from political-economic shocks a gradual increase is observing here:

	October 2011	February 2012	December 2012	May 2013	March 2014	May 2014	March 2015
Entering the EU	43,7	38,6	42,4	41,7	45,3	50,5	52%
Entering the Custom Union	30,5	29,7	32,1	31,0	21,6	21,4	13%
Against entering both the EU and the Custom Union	9,3	11,7	10,5	13,5	19,6	17,4	23%
Difficult to say	16,4	20,0	15,0	13,7	13,4	10,6	13%

Source: http://www.dif.org.ua/ua/mass_media/52-za-vstup-dostatno_.htm

In regional breakdown the situation is totally coherent with the national:

	South			East			Donbass		
	May 2013	May 2014	March 2015	May 2013	May 2014	March 2015	May 2013	May 2014	March 2015
Entering the EU	32,9	28,0	31,2	28,6	30,5	35,8	11,6	13,1	35
Entering the Custom Union	39,5	25,1	14,9	40,9	29,5	25,9	61,8	67,8	21,1
Against entering both the EU and the Custom Union	13,8	28,4	33	12,6	32,2	26,4	14,3	8,1	34,4
Difficult to say	13,8	18,5	20,9	18,0	7,8	11,9	12,3	10,9	9,5

Source: http://www.dif.org.ua/ua/mass_media/52-za-vstup-dostatno_.htm

So, after the proclaiming the independence Ukraine has started the state- and nation-building processes. But Ukrainian society wasn't ready for radical changes. The results of the first democratic election of the President demonstrated the willingness to maintain peace for any price and hopes for easy way for future welfare. The price of such choice was completely high: the lack of sovereignty, the absence of national idea and national strategy of

development, the huge presence and intervention into internal affairs and foreign policy by northern neighbor (Russian Federation) and other world political players, uncertainty with the national and political identification etc. Ukrainian society was split into western and eastern, into Ukrainian and Russian speaking, into pro-European and pro-Russian. The main contribution to that was done by Ukrainian politicians who were more concerned with their own profits than with the fate of the state and people. The understanding of irreversibility of history and willingness to reverse the situation in favor of people appeared just during the Revolution of Dignity. And sociological data confirm the turn of Ukraine toward the European values and European future. At the same time not all Ukrainian society is ready for such turn. There is so-called fifth column which is still looking back to Soviet past where Ukraine was “a younger sister of Russia”.

To conclude it is necessary to point out that the Revolution of Dignity can be considered as a turning point for Ukrainian sovereignty and Ukrainian society. The uncertainty with the personal national (civic) identity influences negatively on Ukrainian perspectives. Nowadays Ukrainian society is facing new tasks. And the most important between them is to get rid of the Soviet legacy which pulls Ukraine to the authoritarian dependent past on all level including the mental one.

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CIVIL SOCIETY ROLE IN THE EASTERN PARTNERSHIP

Ievgeniia OLIINYK

Abstract. *The article analyzes the features of Ukrainian National Platform of the Eastern Partnership Civil Society Forum (UNP EaP CSF). Cooperation with other national platforms, support (including financial) from the European Union, are highlighted. The results, and, the prospects of Ukrainian national platform work, are presented. The article analyzes the features of Ukrainian National Platform of the Eastern Partnership Civil Society Forum (UNP EaP CSF). Cooperation with other national platforms, support (including financial) from the European Union, are highlighted. The results, and, the prospects of Ukrainian national platform work, are presented.*

Keywords: *Eastern Partnership, Ukrainian National Platform of the Eastern Partnership Civil Society Forum (UNP EaP CSF), civil society.*

The article aim is to explore the role of Ukrainian National Platform of Civil Society Forum of the Eastern Partnership in the European integration of Ukraine; to highlight prospects of requirements fulfillment of the Association Agreement.

Goal will be achieved by putting the following tasks:

- Highlight the background and process of the Ukrainian National Platform of Civil Society Forum of the Eastern Partnership;
- Analyze the current activities of the working groups of the Ukrainian Platform;
- Identify prospects of Ukrainian platform of cooperation with other national platforms.

The European Commission proposal to create a Civil Society Forum was approved at a summit in Prague on 7 May 2009 simultaneously with the launch of the Eastern Partnership as its integral part. The Forum is part of the Eastern dimension of the European Neighborhood Policy. Its goal is the development of relations between civil society in the EU and partner countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine) and support of their active participation in public life and the process of reforms in their countries.

Civil Society Forum (CSF) – a multi-platform of civil society organizations (CSOs) in the Eastern Partnership, the EU Member States, European and international networks created for civil society participation in the design, implementation and evaluation of the Eastern Partnership. CSF received financial and organizational support from the European Commission, but it remains independent, autonomous, democratic and transparent

organization. The composition of CSF is updated annually at its plenary meetings.

The role of the Forum has been recognized by the EU and the Eastern Partnership countries. As a result, members of the Forum are invited to participate in the thematic platforms of the Eastern Partnership on a regular basis.

Civil Society Forum (CSF) organizes meetings of civil society organizations (CSOs) and supports the dialogue between them and the authorities in partner countries through information support, exchange of experiences (including in the field of European integration), recommendations on national policies and EU policies, and monitoring activities during the meeting, ministers and multilateral thematic platforms.

Any civil society organization or its representative (trade union, professional association, NGO, think tanks, national and international NGOs, as well as any other actors of civil society from the countries of the Eastern Partnership, the EU Member States and other international organizations) can become members of the CSF. Civil society organizations meet once a year during the Civil Society Forum, which brings together over 200 CSOs from partner countries and the EU.

The leading role in the CSF achievement plays a Steering Committee that has 19 members, where: 6 national coordinators of the partner countries, 10 co-coordinator of the working groups and 3 coordinators of the EU, working on a voluntary basis. The Steering Committee is elected annually during CSF meetings. His responsibilities include: to participate in meetings of official thematic platforms, to maintain communication with the working groups to support the development of national platforms, to help in exchanging information etc.

The new structural unit of the Forum, the Secretariat of the SCF Steering Committee, began its work in January 2013. The aim of its creation is to help in achieving the goals that Forum has set itself. Daily Secretariat works on the support of the Steering Committee and the Forum as a whole and serves as an informational, coordination and expert center for all participants in the EU and partner countries. The Secretariat is also involved in the presentation of the Forum of National Platforms and Working Groups to the public and in increasing of civil society in the reform processes in the countries of the Eastern Partnership.

CSF is divided into five thematic work platforms which are called working groups, which reflect the official thematic platforms of the Eastern Partnership. Civil society organizations selected to participate in the CSF can choose in what working group they would like to work.

Working Groups

- WG 1. Democracy, human rights, good governance and stability

- WG 2. Economic integration and coordination of EU policies
- WG 3. Environment, Climate Change and Energy Security
- WG 4. Contacts between people
- WG 5 Social and labor policy and social dialogue [3].

For understanding the role of the Civil Society Forum of the Eastern Partnership we turn to process of its creation. The aim of the Eastern Partnership is to support reforms in the economic, social and political spheres in the partner countries to bring them in compliance with the Council of Europe and the European Union.

Such goals were set to achieve the objectives of the Eastern Partnership:

- To promote political and economic rapprochement of partner countries to the EU;
- To maintain security, stability and good governance;
- Promote partnerships between civil society and governments.
- Maintain contacts among people using long-term strategy for visa liberalization on an individual basis and under specified conditions;
- Increase the level of energy security;
- Support reforms in various sectors and to protect the environment.

According to the author, the activities of the Civil Society Forum would focus on the implementation of the third objective, although, national platforms declare their desire in providing of other goals.

The Ukrainian National platform aims to ensure regular dialogue between representatives of civil society organizations (hereinafter CSOs), Ukrainian officials and parliamentarians and representatives of European institutions in the implementation and monitoring of EU Eastern Partnership initiative in bilateral and multilateral dimensions.

The objectives of the Platform is (through an open and regular communication) to enable the participation of NGOs in the formulation, implementation, monitoring and evaluation of the agenda of the Eastern Partnership.

Representatives of the Platform stand for:

- the consistent implementation of European integration as a fundamental and priority area of state policy;
- participation of CSOs in formation of the agenda of reform, development, implementation, monitoring and evaluation of public policies in all spheres of public life and ensuring of appropriate system to inform the public about the content and quality of public policy in terms of European integration;
- intensive cooperation of Ukrainian civil society with all European institutions and bodies, organizations and networks of civil society in the EU and the Eastern Partnership.

The main tools of the Platform are:

- conducting of public events (consultations, meetings, conferences, working groups, etc.) and participation in regional, national and international levels;
- UNP opinion expression in the form of position papers (Opinions) and applications (Statements);
- the implementation of active communication with the media, governments, businesses and other interested parties in the Ukraine, the EU and member countries of the Eastern Partnership.

The structure of the Ukrainian National Platform includes 215 organizations (There were 70 organizations in 2011.)

Priorities of Working Groups of Ukrainian National Platform

Working Group 1 "Democracy, human rights, good governance and stability"

1. Providing visa free regime
2. Anticorruption reform
3. Security
4. Compliance with human rights and freedom of expression, including the occupied territories.

Working Group 2 "Economic integration and coordination of EU policies"

1. Small and medium business
2. Territorial, regional and cross-border cooperation
3. Tax system and public finances
4. Harmonization of digital markets.

Working Group 3 "Environment, changes of climate and energy security"

1. Energy security of Ukraine and the EU
2. Environmental protection
3. Climate change - national and global challenges

Working Group 4 "Contacts between people"

1. Non-formal education and mobility
2. Enhancement of the role of culture in the awareness of identity and conflict resolution
3. Increasing the level of media literacy and promoting the image of Ukraine

4. Promotion of Civic Education.

Working Group 5 "Social Dialogue"

1. Social dialogue
2. Social and labor disputes:
3. Labor legislation:
4. Cooperation with the EESC [3].

In March 2015, the European Commission announced joint consultations on the European Neighbourhood Policy review, by publishing a consultative document "Towards a New European Neighborhood Policy". In the context of the review the Commission expects to receive vision, including partner countries regarding the future of this policy.

On the 24th of April 2015 the Government Office for European Integration together with the Ukrainian National Platform of the Eastern Partnership Civil Society Forum and Ukrainian national news agency "Ukrinform" held a public discussion on updating the content of the European Neighbourhood Policy.

During this event, participants exchanged their expert views on the future of the Eastern Partnership, shared expectations of updating and improvement of its instruments of AA implementation; it was also noted about the launch of a new practice of interaction between the civil society and authorities in preparation of strategic for Ukraine policy initiatives.

One of the areas of updates ENP should be effective support from the EU and its Member States to the Ukrainian side in the implementation of the Association Agreement, the development of transport links and increased mobility between our country and the EU [3].

One of the promising directions of development of Ukrainian national platform is social dialogue. March 29, 2016 took place a meeting of Working Group 5 "Social and labor policy and social dialogue" of Ukrainian National Platform of Civil Society Forum of the Eastern Partnership.

During the event, participants discussed priorities of RH5. Among the key priorities we can name the next ones :

- Assessment and monitoring of social dialogue in Ukraine to regulate labor, social and economic relations and to ensure and enhance quality of life and social stability in society.

- Study of the expertise in implementing social dialogue in the EU and the Eastern Partnership.

- Prepare expert recommendations to improve the implementation of social dialogue in Ukraine in accordance with international standards and positive legislative experience of the European Union and Eastern Partnership countries.

- Institutional development and legislative strengthening of social dialogue and its agencies in the Basic Law of the State, including preparation of proposals on improvement of legislation in the field of social dialogue, in particular as regards the involvement of civil society and of the bill amending the Law of Ukraine "On Social Dialogue in Ukraine" concerning the improvement of social dialogue, in particular as regards the involvement of civil society in such forms of social dialogue as consultation and agreement procedures.

During the meeting participants decided to contact the coordinators of WG 5 Civil Society Forum of the Eastern Partnership with the proposal of conducting in 2016 regional conference with the participation of six Eastern Partnership countries on the subject of priorities WG5. Topics proposed on the conference:

1. Reformation of social dialogue in the context of the new Eastern Partnership policy.
2. Adjusting the labor market in terms of European integration in the Eastern Partnership.
3. Synergy of civil society for sustainable development.
4. Adjustment (construction) of effective social dialogue as the main factor of social and economic development of the Eastern Partnership. [4]

The Chairman of the Bureau of social and political developments, Rostislav Dzundza [1], presented the idea of "sustainable development" which has not yet found a full understanding of the social partners and civil society in general. In the context of European integration, social partners alienated the scope of the environmental policy aspects of social and economic consequences for employment and labor market issues of competitiveness of enterprises. However, the documents of the EU state that it is impossible to achieve the goals and objectives of sustainable development without the active participation of stakeholders, including in a work sphere.

This problem can be seen as a third party of the social dialogue - state: "Sustainable Development Strategy" Ukraine-2020 "do not consider the social and environmental issues as relevant aspects of reform. But in many articles of the Association Agreement, there are thesis of sustainable development and social dialogue, and Article 299 of the Agreement even envisages the creation of expert groups which cover aspects of sustainable development (in the context of the thematic area "Trade and Sustainable Development"). These groups could work as a monitoring tool for civil society that will cover aspects of sustainable development. A key role in these groups should be assigned to the social partners and think tanks that work in the social, ecological sphere. Promoting sustainable development in modern conditions is the most important task of social dialogue. The transition to the term "sustainable development" can primarily get comprehensive criteria and indicators for assessing the effectiveness of social dialogue and common country reforming.

The Agreement on Association between Ukraine and the European Union the promotion to sustainable development is considered as one of the main principles of strengthening cooperation between the parties which recognize the importance of the fullest consideration of economic, social and

environmental interests not only their respective populations but also of future generations.

Another priority activity of Ukrainian National Platform direction, in practice, is to monitor and give its position on the implementation of the Association Agreement. So, the platform voted for the introduction of the post of deputy prime minister of European integration. And also expressed that not less important is the issue of Deputy Prime Minister for European integration of clear authority to coordinate all the processes related to the implementation of the Agreement: the political, managerial and administrative levels. These powers should be provided by corresponding acts of the Cabinet of Ministers, which will make it possible to be implemented by Vice Premier, including planning, monitoring, control and evaluation of policy implementation in European integration, including approximation of Ukraine to EU law.

According to members of the platform with the introduction of the post of deputy prime minister for European integration, valid Government Office for European Integration of the Cabinet of Ministers should be in its submission. But in the future it is necessary to raise the issue of a separate executive agency (e.g, Ministry of European Integration or the National Agency for European Integration). Status of this body should be sufficient for coordination of other ministries and agencies involved in the formation and implementation of European integration.

So, to author's mind, Ukrainian National Platform of the Eastern Partnership Civil Society Forum should focus on two priorities:

1. Social dialogue.
2. To monitor and give its position on the implementation of the Association Agreement.

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BUILDING BRIDGES: EUROPEAN STUDIES IN THE EAP EDUCATION SPACE

Iryna SIKORSKA

Abstract. *The European studies represent the field which is facing a number of challenges, among them the intellectual and professional are the key ones. Today the European studies develop under pressure of globalization that causes a new scholarly rational. The question is if the European studies in the EaP countries can contribute to a better understanding of the globalization challenges and to reflecting on the societal values. The basic idea of this research presented in the paper is that, although there are various approaches, goals and objectives of the European studies in EU and beyond, the subject is developing and is crucial for the development of the societies of the EU and EaP neighboring countries. The comparative study with regional endeavor attempted would allow for a better understanding of the European experience in the field of higher education in the present region.*

Keywords: *European Partnership, European Studies, European integration, Jean Monnet Programme.*

Introduction: European Studies worldwide

In Europe, the European studies has been growing and maturing field of study. European integration has achieved such a high level of supranational interest that it goes much further than any other regions in the world. The European studies are unique, because its subject of investigation is Europe. European Studies can be considered a coherent 'interdisciplinary area' based on fundamental questions about the conceptual, cultural, socio-political and economic entity, 'Europe', which are of relevance to all the member nations, states, regional and ethnic groups which consider themselves to be, or which want to be, part of 'Europe' (Morgan, 1999).

European Studies as a field of knowledge is dedicated to the analysis of national, international and transnational developments in the European continent, with the analysis of European integration as a central element in the curriculum. The European Studies has shifted in recent years from reliance on the acquisition of theoretical knowledge to an emphasis on active and participatory engagement towards dissemination of the values of European integration. However, the characteristics of European studies, i.e., bridging levels of analysis, integrating paradigms of research, and encouraging empirical studies, are still worthwhile to be learnt by the researchers worldwide. They are multi-disciplinary and pursue to provide students with an inter-disciplinary understanding of Europe. The European

Studies is the field which is facing a number of challenges, among them the intellectual and vocational are the key ones. Because the subject area of European Studies is shaped by contemporary phenomena, the new study programs are constantly developing in European universities and beyond with the focus on external policy, migration, civil liberties, and intercultural relations and European identity (Calhoun, 2003). There are also variations in the disciplinary composition of the degrees, with typical subjects including law, economics, politics, international relations, history, sociology, public administration and business studies. Differences in the structure, content and approach to teaching and learning, arise both from national traditions and the pedagogy of the higher education system in which the degrees developed. Today the European Studies develop under pressure of globalization that causes a new intellectual rational and the question is if the European Studies can contribute to a better understanding of the globalization challenges and to reflecting on the societal values.

The Europeanization of higher education

In complex societies education plays a major role to equip young people for making the best use of living in modern globalized world. Thereby, it is necessary to give the corresponding knowledge, skills and competencies to a wide number of people. In this situation gaining new sources and catalysts of development for EaP countries – sources of new knowledge and skills, such as universities and other centers of professional preparation and civic education – is one of the main ways to achieve the sustainable democratization of the region, as well as its fruitful and beneficial for both sides cooperation with the EU. As it was stated by the European Commission(3) inevitably much of the activity and dialogue concerning Eastern Partnership (EaP) cooperation is with the governments, though serious attention has been paid to trying to engage with all strands of society.

It should be pointed out that there are many areas in which mutual understanding amongst the EU and EaP countries is undoubtedly required. One of the most prominent areas is the sphere of education where the various partners work together in the construction of a common socio-cultural area. Arguably though, for this mission to be successful, a better understanding of the driving forces that shape the way both EU and EaP countries manage their organizations, businesses and individuals, is required. The higher education institutions in the EaP countries evidently pay a great deal of attention to development of the intellectual potential in the European Studies and its spread on a wider society. So far they accumulated sufficient knowledge in this area. Surprisingly this valuable experience is not widely spread outside the region.

The objective of the paper is to research the European Studies in EaP countries as an integral part of the lifelong learning, its conceptualization

within the higher education systems. The purpose is to examine the major challenges of teaching European Studies and the ways these challenges are met. The EaP countries can be seen as a case-study in the interaction of European and local factors in bringing about change in disciplinary, teaching and research structures.

Two of the background challenges for the European Studies in EaP countries are:

- How to encourage and develop a strategic approach towards teaching the European Studies which meets current EU perceptions of the role of higher education and the immediate needs of the EaP countries in the context of their modernization and development processes?

- How, in partnership, with both state bodies and civil society organizations, to root this in the realities, education policies, and academic practices of the EaP countries?

The methodological approach is grounded on the collection of relevant materials, analysis of findings, and finally, drawing conclusions and posing concrete propositions.

The questions which assuredly highlight the key issues while researching the European Studies are the following:

- The background issues for implementing the program (demand, popularity)
- The most important topics covered
- Good practice/bad practice
- Difficulties and obstacles
- Management of the program at all stages of its life cycle (elaboration, maintaining, development)
- Accreditation and Quality assurance
- Motivation of the interested parties (Ministries, university administration, teaching staff, students) in participation in the European Studies
- Qualified administrative/academic staff involved
- Recognition of academic achievements within the program.

When comparing the European Studies in EU and EaP countries, we would like to emphasize that the aim is not to discuss in what respect they differ. This is beyond the scope of this paper. Within the European Studies it stands out for a critical-reflexive research that does not consider Western and Eastern Europe separately, but focuses on the continuous integration and neighboring policies. All member-states of the European Union and EaP countries are involved in the activities of the Council of Europe and all of them Special involvement of the Council of Europe stems from its recognized status as the “benchmark for human rights, the rule of law and democracy in Europe” (3).

The significance of European Studies in EaP countries is evident. Economic exchange and social changes are usually held together, so there is a strong need to form the European mentality and ability to be flexible and open to changes and innovations of the citizens of Ukraine, Belarus, Moldova, Georgia, Azerbaijan and Armenia, creating stability and counteracting the risk of new borders emergence on the European continent. Formation of European mentality among pupils, students, civil society groups is a "soft power" of gradual political transformation of Eastern European countries towards the EU, which increases the level of confidence in the multilateral dimension and promotes the policy dialogue in areas of common interest.

It is important to note that European Studies in EaP countries is a comparatively young subject area and the impacts are to be expected as a result of definite experience over time. In the EaP countries' universities the European Studies are offered as minors at the associated specialties. Usually the degree programs in many subject areas, especially in law, political sciences, economics, history, sociology and public administration include study courses dealing with European issues. These courses may be of a wide-ranging character at a rather introductory level or may be of a professional nature – for example, on aspects of European integration studied within a particular discipline. As a rule this academic offer looks like that:

- at the Bachelor level – specialization in European Studies in a subject specific area (e.g. law, economics, history, public administration, international relations, business administration, political sciences, sociology, etc.)
- at the Master level – specialization in European Studies in subject specific areas (e.g. law, economics, history, public administration, international relations, business administration, political sciences, sociology, etc.)
- at the PhD level – generally there is not a Ph.D. cycle in European Studies and students tend to study for doctorates in specific subjects. However, there are many doctorates on topics within the field of European integration, like regional studies, international business, international law etc.

In light of the increasing interest towards European issues, in a number of universities of the EaP countries it was observed the establishing of the Centers of European Studies or European Languages which were linked to corresponding departments as a means of provision certain extracurricular courses or trainings in the field. When studying the European Studies students and trainees acquire not only knowledge on the subject but what is more important they gain competences, developed within European Studies and combined with the multi-disciplinary and interdisciplinary context of the European issues. They become more flexible and highly competent human

resources capable to work under condition of a constantly changing and challenging international socio-economic context. The European Studies possess strongly interdisciplinary character and the corresponding research orientation, as well as unique feature is the analysis of the European integration with a recognition of Europe as a space of intercultural dialogue, which does not consist just of institutions affiliated with the EU.

EU Studies through Jean Monnet Programme

The EaP countries continued to benefit substantially from its increasing participation in higher education cooperation and exchanges with the EU. The important role in fostering the process of further Europeanization of the Eastern Partnership countries in the field of education plays Jean Monnet Programme.

The Jean Monnet Action, launched in 1989, has contributed widely to the development of the European Union and European integration studies within the university programs. The Jean Monnet activities are designed to increase knowledge about European integration by promoting teaching, research and debate. The Jean Monnet Programme is designed to increase knowledge and awareness about European integration by promoting teaching, research and debate on European Union matters (including the EU's relations with other regions in the world) with thousands of chairs and modules, and hundreds of Center of excellence the Jean Monnet activities operate in 78 countries on five continents (4).

In the EaP countries the first Jean Monnet project appeared more than ten years later. The higher education institutions and non-governmental organization became the grant beneficiaries and the platforms to disseminate knowledge on EU and European integration in academic and nonacademic communities through teaching, research, reflection, and debate. The need for EU studies in EaP countries has expanded with the massive changes taken place in the countries towards establishing effective partnership with the EU in all fields. The EaP academia is studying the best practices and profound expertise in implementing the European Studies in the curricular. The educators look to distil some of the 'lessons learned' from the partners in the EU universities into a coherent proposal for educational actions in there national academic environments.

The key ideas of Jean Monnet Program are very attractive for EaP countries' institutions as they are:

- It is an instrument for increasing knowledge about the European Union and relations of the EU and partner countries;
- It stimulates excellence in teaching and research on European integration processes;

- It is relevant in the context of the approximation dimension of the Eastern Partnership and effectiveness of the European Neighborhood Policy;
- It is extremely valuable for higher education institutions for their integration into EHEA;
- It is extremely appreciated for academia to be positioned in the common European area of science, economy, and social development.

According to the data placed at the websites of National Erasmus+ Offices in EaP countries (5, 6, 7, 8, 9, 10) the number of Jean Monnet projects count as following: Ukraine - 44, Moldova - 12, Belarus - 5, Georgia - 5, Azerbaijan - 2 and Armenia - 2.

The existing number across the countries makes the Chairs and Modules holders the part of an exclusive elite network of European integration studies scholars. At national levels the information about the activities of Jean Monnet projects is spreading and announcing wide through the mass media, public lectures, websites of local universities, electronic and paper version newspapers. The cooperation with governmental and nongovernmental institutions as well as institutions of European Commission allows to inform and to involve all civil society including academic and not academic community, delegates of business and civil servants as well.

Setbacks and search for solutions

Unfortunately, the success stories of European studies in EaP countries, positive achievements, and examples of innovative ‘good practice’ were generally not recognized nor recorded and certainly not actively promoted as ‘learning tools’ for going forward. Reasons and explanations for this can be found, including unhelpful wider nor governmental neither institutional conditions in which failure to engage in wider reform meant educational sector change was limited, involving some new legislation, which is often not implemented in practice.

Concerning the EaP countries in regards of development and sustainability of the European studies the ultimate goal can be formulated as generating the high quality system of formal, informal and non-formal education, research, knowledge accumulation and dissemination and by this way forming a critical number of professionals, capable to carry out tailored cooperation with the EU, implement democratic changes and European integration processes on all the level of society in each country of Eastern neighborhood. To make it possible the following tasks should be put on the agenda:

- to enhance the intellectual capacity of the higher education institutions in respect of EU Studies including civic education and professional training of the professionals in various fields, which are

fundamentally crucial for the implementation of the European integration policy and successful cooperation with the EU;

- to elaborate and develop joint/double degrees programs on the specialties issues, essentially important for the implementation of the European integration policy and successful cooperation with the EU (Social Sciences, Political Sciences, Economics, Law, Public Administration, Environment, Pedagogics, International Business, etc.);
- to improve understanding of the current topical issues on the EU and ES and stimulate the theoretical knowledge and practical application;
- to encourage scholars and educators for research activities in this field to fill the theoretical gap in regards of the conceptualization of the EU studies and to contribute to intellectual cooperation between EU and EaP;
- to stimulate the reciprocal partnership between academia and wider public (policy makers, business, NGOs etc.) that gives the way to freedom of mobility, information exchange, labor market development, cultural exchanges;
- to visualize better the European studies for police-makers for them to concretely benefit from academic state of research, and by this to promote the interaction between the academic community, policy-makers and civil society.

Unquestionably there is considerable benefit for both the EU Member States and EaP countries if the volume, level, and degree of complexity of academic cooperation can be significantly enhanced. EU Member States' positive experience in the field, its development and advocacy to promote European ideals and values as a 'cross-cutting issue' may be relevant and helpful to these countries it can be effectively used. EU experience in EU research is another potentially important area. The need for more targeted policy-oriented research related to the context/climate for European Studies creation, promotion, provision, transmission, access, and participation is needed in EaP region to replace what is often still Soviet-style bureaucratic descriptive, rather than analytical, statistics, and information of limited strategic planning and management use.

Ultimately, reflections from outside the European Union can contribute towards the expression of the shared 'EU identity', perhaps one of the most contested and challenging concepts in current EU discourse. Arguably, identifying the patterns of foreign actors' perceptions at the elite level enhances the understanding of the conduct of foreign policy of a country. (Manners, 2003: 235)

Conclusions and recommendations

Concluding the stated above the author would like to emphasize on the importance of the EU and European integration Studies in EaP countries. Studying Europe matters a lot here, as education is the optimal ground for developing and sustaining the culture- and-value systems in societies under transition. The second point emerging from this is that there are different cultural, political and economic dimensions of the EaP countries which play together and impact the education systems in general and European Studies in particular, and this interplays necessarily with the social, political and cultural background and reflects back on it. Pursuing and implementing the European issues in education process is in fact a policy of coming to terms with reality, particularly in terms of all the stakeholders involved – the EU States and neighboring countries.

The optimal ground to play these policies is the classroom. The classroom should be treated as civic playground, not as a place to transmit the top-down messages but a place to interplay of different actors. The educators and scholars are the most important in this process. They are the crucial force who transports the knowledge into auditorium. It should entitle the particular mission on the educators, as they should exemplify the culturally appropriate knowledge, behaviors, competence and attitudes, that is required for success not only for their students but also for themselves. But educators also face tremendous challenges in dealing with these matters. For that, they should be skilled and motivated, they have to follow special trainings, have a good command of English so that they feel more capable and confident to face the momentous challenges in teaching European Studies.

Educating about Europe is in a certain way a building process, an open-ended process, in which a definite constructivist approach should be followed. This calls for engagement on a personal level of all the actors and stakeholders involved in the process. The inter-disciplinary character is indeed the right approach for pursuing European Studies.

The relevance of the EU Studies in practically educating on European values should be acknowledged. Erasmus and Jean Monnet Programmes have played an imperative role in the process of showing experiences and living the European values and spreading the great ideas of European integration. The community of Jean Monnet Professors has proved to be relevant in building up this new and dynamic vision of European issues and educating on them. However there are urgent calls to promote greater visibility of EU and European integration studies at the level of the HEIs in EaP countries and beyond. For this the definite actions should be undertaken:

- engage with the European Union and European integration thematic priority

- develop collaboration with the HEIs and related research centers in the EU
- use the datasets to encourage MA/PhD theses regionally
- maximize academic publications on the theme nationally and internationally
- promote international academic exchanges
- encourage educational links and networks
- lobby to incorporate the EU into the university curriculum
- develop and maintain internationalization of the European Studies.

The European Studies programs must be groomed with the contemporary political, economic, and socio-cultural developments in EaP countries. Equally importantly, they must be taught from a position of awareness of and critical engagement with national interests, goals and aspirations. The conceptual profile of the European Studies is characterized by the ambition to enable students to deal and work autonomously on the EU and processes of European integration, based on the knowledge, theories and methods in various fields of sciences, which is achieved through interdisciplinary and international courses.

The recommendations include emphasis on the necessity of activating the role of higher education institutions of the EaP countries to work on building bridges of trust and channels of communication between the universities and policy makers and wider public by working closely with the stakeholders of non-academic community. Measures are to be taken to enhance European Studies at universities of the EaP countries in order to meet future needs for human resources within the goals of European integration of these countries.

The need to develop partnership models between the academia and policymakers is stressed upon because of the enormous benefits that can be achieved by the partnership of the two sectors. Necessity of activating scientific research in universities and theses of graduation projects so that they are directed to address the European issues and access to innovative scientific solutions to the problems in this field. In addition, it is recommended encouraging scientific research which seeks to solve the problems encountered by the societies of the EaP countries within the European integration processes. This step would eventually lead to cooperation by bringing together the people who work in the field of education and research with the wider public.

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Bun de tipar: 08.08.2016
Format B 5. Coli editoriale 17. Tiraj 100 ex.
Tiparul executat la tipografia Print-Caro, 2016
MD-2049, Chişinău
str. N. Donici nr. 14
Tel.: (+373) 22-93-16-53
Fax: (+373) 22-93-16-53
E-mail: printcaro@gmail.com



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