

The Eastern Partnership as an expression of the European Neighbourhood Policy: reinforcing the European normative power with the Eastern partners

Giorgiana MARTÍNEZGARNELO Y CALVO*

Abstract

*This study reflects the normative power of the European Union, with an emphasis on the European Neighbourhood Policy, specifically on the Eastern Partnership. It takes into consideration that the leadership of this policy is the Commission, but it is affected by the implementation of the Lisbon Treaty. Relevant changes have focused on Georgia and Moldova, highlighting the thematic platforms which have become fundamentals of approach to the *acquis communautaire* of the European Union. It also emphasizes some advances in sense, as the Parliamentary Assemblies Programmes focuses on energy and even beyond it, on free trade areas. It is also known that the Budget is not supported by every Member State of the EU, however agreements continue between the EU and the EP.*

Keywords: Eastern Partnership, European Union, European Neighbourhood Policy, European Commission

1. Introduction

The theoretical framework is based on the definition of the EU as a normative power in the international arena. In particular, the main line of study lies in the arguments of the author (Manners, 2006), who has published a wide range of articles, chapters and books related to this issue.¹

* Giorgiana Martínezgarnelo y Calvo is researcher at Complutense University of Madrid, Spain; e-mail: g.martinezgarnelo@cps.ucm.es.

¹ Some of his publications are the following: Manners, I., (2002), Normative Power: A Contradiction in Terms?, *Journal of Common Market Studies*, Vol. 40, No. 2, pp. 235-58; Manners, I., (2006), Normative Power Europe Reconsidered: Beyond the Crossroads, *Journal of European Public Policy*, Vol. 13, No. 2, pp. 235-258; Manners, I., (2006), The European Union as a Normative Power: A response to Thomas Diez, *Millennium*, Vol. 35, No. 1, pp. 167-180; Diez, T. and Manners, I. (2007), Reflecting on

The reason why I chose this theoretical concept is because it enables me to analyse the ENP, and therefore the Eastern Partnership, as part of the EU external normative action that promotes certain values in its relations with third countries. That is to say, I can observe the EU as a 'changer of norms' in the Eastern neighbourhood. Six countries compose the Eastern Partnership: Ukraine, Moldova, Belarus, Georgia, Armenia and Azerbaijan. Among them, I will focus on Georgia and Moldova. On the one hand, the reason is based on the fact that the study of Georgia allows me to analyse a country in a difficult situation after the latest armed conflict with Russia (August-2008). Although the situation is very complex, we can observe a certain commitment towards the EU's standards, such as in the last elections (October-2012).

However, in general terms, the results are not very encouraging. Moreover, Moldova has been making significant progress towards European norms in the last years. It has allowed it to strengthen the political cooperation and economic integration with the EU, like the new Mobility Partnership. So, Moldova represents a case study with more success in its approach towards the *acquis communautaire*.

Therefore, the study of these countries will provide different results of the European normative power in the Eastern region.

2. European Neighbourhood Policy (ENP) and the creation of the Eastern Partnership (EP)

After five years of implementation of the European Neighbourhood Policy (ENP), the European Union (EU) launched a new regional initiative called the Eastern Partnership (May-2009). It aims to reinforce the framework of the ENP, which had some gaps that could decrease the influence of the EU as a promoter of norms in the Eastern region. In this sense, the Eastern Partnership is constituted by two different, but complementary, dimensions: the bilateral and the multilateral ones composed of a range of measures and projects that could allow a more effective normative action with our eastern neighbours. However, ENP can be seen from different perspectives, economic, social and international.

Normative-Power Europe, in: Berenskoetter, F. and Williams, M.J. (eds.), *Power in World Politics*, London, Routledge Taylor and Francis Group, pp. 173-188; Manners, I. (2008), The Normative Ethics of the European Union, *International Affairs*, Vol. 84, No. 1, pp. 45-60; Manners, I., (2009), The concept of Normative Power in World Politics, *Danish Institute for International Studies Brief*, May, pp. 1-5, accessed in December 2013 at <http://www.diis.dk>; Manners, I. (2010), Global Europa: Mythology of the European Union in World Politics, *Journal of Common Market Studies*, Vol. 48, No. 1, pp. 67-87. Manners, I., (2010), As you Like it: European Normative Power in the European Neighbourhood Policy, in: Whitman, R.G. and Wolff, S. (eds.) (2010), *The European Neighbourhood Policy in Perspective Context, Implementation and Impact, Great Britain*, Palgrave MacMillan, pp. 29-50.

Among the different initiatives or projects, we could mention, for example, the new Associations Agreements, a greater mobility or the four thematic platforms (EC, 2008), as we can see at the end of this study.

Likewise, in December, 2009, the entry into force of the Lisbon Treaty took place. It allowed some innovations in the European external action, the most relevant being the new competences of the High Representative of the European Union for Foreign Affairs and Security Policy (HR) and the creation of the European External Action Service (EEAS). It introduced changes of great importance for the Eastern Partnership since the Council's decision in July 2010², – The Lisbon Treaty also encouraged the supervision and updating of the ENP. In this sense, the establishment of the principle of differentiation as the cornerstone of the present neighbourhood framework is very significant.

Regarding this, we can also speak about the international crisis and the way this affects the EU Regional Policies, especially concerning the budget for the ENP and how the European Neighbourhood and Partnership Instrument (ENPI) started to decrease with it. The main research question tries to identify the extent to which the EU (as a normative power) can succeed in the promotion of the *acquis communautaire* (EC, 2007), within the neighbouring states, and particularly in the Eastern Partnership.

In order to deepen this issue, I would firstly like to highlight the context in which this policy was constituted. The first years of the ENP implementation as a single frame showed neighbourhood relationships were not as successful or effective as initially thought. In this regard, I noticed that the main reason resided in the differences between Eastern and Southern features, which were highly heterogeneous and faced dynamic problems. As for the Eastern Region, firstly, it should be noted the ENP Plus, the German initiative which was part of the new concept of Eastern Policy aimed to be promoted during its presidency in 2007.

The European Commission's response to the ENP Plus proposal was the publication of the paper entitled “Relating to the consolidation of the European Neighbourhood Policy” in December 2006. In April 2007, during the German presidency, the Commission published a new communication focused on the creation of a new regional project, the Black Sea Synergy (EC, 2007). This communication outlined their objectives, features, lines of action and host states (two Member States, Romania and Bulgaria, a candidate state, Turkey, a strategic partner, the Russian Federation and five neighbouring states, Moldova, Ukraine, Georgia, Armenia and Azerbaijan).

² Council Decision of 26 July 2010 establishing the organization and functioning of the European External Action Service, (2010/427/EU), OJEU, L 201, 3.8.2010, p.30.

Finally, in February 2008, its official opening took place in Kiev.³ This new partnership is significant to the extent that it seeks regional cooperation within the ENP framework. This is the first time that a multilateral dimension in the eastern neighbourhood was constituted, while allowing cooperation with Russia, an actor with great weight in the area and to moving towards a critical regionalism (Balázs, Duleba, Schneider and Smolar, 2007)⁴, like Turkey.

On the other hand, we have the biggest innovation after the creation of the multilateral frame. The Eastern Partnership stands out as a new project due to its bilateral mark, supported by two countries that promote this initiative: Poland as the principal promoter⁵ and Sweden.

However, the objectives of the Eastern Partnership, emphasized by areas of cooperation, would be limited to five main areas: 1) Politics and Security, 2) Boundary and Trans-boundary Movement 3) Economics and Finance, 4) Environment and 5) Society.

Another key issue is the financing of the new Eastern Partnership. This raised some concern within the Council because some Member States did not want to expand the financial envelope intended for ENP in the context of the World crisis. Aware of this, in this initial proposal, Poland and Sweden included funding under the European Neighbourhood and Partnership Instrument (ENPI), in order to avoid the alteration of the budget.

³ “Joint Statement of the Ministers of Foreign Affairs of the Countries of the European Union and of the Wider Black Sea Area”, (2008), Kiev, 14 February, accessed in December 2013, at http://eeas.europa.eu/blacksea/doc/joint_statement_blacksea_en.pdf.

⁴ The EU needed close cooperation between Russia and other neighbouring states in order to advance in key sectors such as energy or transport, for which the bilateral framework was not enough, hence the importance of this regional initiative. More information: Balázs, P., Duleba, A., Schneider, J., and Smolar, E., (2007), *Towards a New Eastern Partnership Policy of the European Union. Eastern ENP and Relations with Russia after the German Presidency, A Joint Policy Brief en el proyecto Strengthening Central European Contribution to the Eastern Dimension of EU's CFSP*.

⁵ Poland has always demonstrated greater concern for eastern neighbouring states. In this regard, as it was mentioned before, the implementation of ENP in the candidate states was yet presented as an initiative called "Eastern Dimension" in order to strengthen relations with Ukraine, Moldova, Belarus and Russia. The European support allow great results, many implications and challenges for the EU 28. More information: Ministry of Foreign Affairs of the Republic of Poland, (2003) “Non Paper with Polish proposal concerning policy towards new Eastern Neighbours after EU enlargement”, January 2003 in: *EU Enlargement and Neighbourhood Policy, Stefan Batory Foundation*, Warsaw, accessed in December 2013, at http://www.batory.org.pl/doc/nowi_se.pdf.

3. The European Union in the Post-bellum phase in Georgia

Is important to emphasize the European Union's action in this area, where conflict prevention is present. First, we should notice that after the conclusions of June 2008, the Eastern Partnership is again mentioned by the Council at the special meeting of September 1, that year. The meeting was convened to discuss the situation in the Republic of Georgia after the military conflict with Moscow. A particular concern is the incomplete withdrawal of Russian troops from Georgian territory and recognition of the breakaway regions of South Ossetia and Abkhazia by the Duma unilaterally⁶. This meeting was also attended by the President of the European Parliament, the German Hans-Gert Pöttering. Another measure to note is the deployment of the civilian mission in Georgia, EUMM, whose acronym in English corresponds to European Union Monitoring Mission, whose validity has been extended several times until the present. The mission was established on September 15, 2008⁷. The EU deployed on the ground two hundred observers under the command of German Hansjörg Haber and Momentum Oriental Association was also one of the initiatives launched by the EU in the post-conflict⁸. In this regard, the EU has been able to learn from the experience and has tightened security with its nearest neighbours.

4. The Commission, the leader institution of the ENP

The main institution responsible for the operation of the Neighbourhood Policy is the European Commission. The communication entitled "Eastern Partnership", from December 2008, includes the design of this new regional project. It comprises six countries: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine (EC, 2008).

So far, the most relevant results in the approach of the European norms with the establishment of the Eastern Partnership can be found in the Council meeting held on May 9, 2009 in Brussels. It welcomed the establishment of the new Eastern Dimension of the ENP, specifying the inaugural summit on May 7,

⁶ The August 26, 2008, the Duma recognized the independence of Abkhazia and South Ossetia, which was rejected by most of the international society. But Russia understood that certain countries would support also the independence of these two regions, being the first followed by others such as Nicaragua and Venezuela after the tiny island of Nauru.

⁷ Council Joint Action 2008/736/CFSP of 15 September 2008 on the European Union Monitoring Mission in Georgia, EUMM Georgia, OJEU, L 247, 17. 9. 20108 p. 26.

⁸ Consejo de la Unión Europea, (2008) Consejo extraordinario de Bruselas 1 de septiembre de 2008 "Conclusiones a la presidencia", Bruselas, 6 de octubre de 2008, accessed on October 2013 at <http://register.consilium.europa.eu/pdf/es/08/st12/st12594-re02.es08.pdf>.

2009.⁹ Thus, the support for the works of the Commission and the push of the European Council conducted in the last quarter of 2008, guaranteeing the imminent establishment of the new regional project were confirmed.

The Eastern Partnership seeks to strengthen the overall framework of the neighbourhood in any way, but it rather replaces, strengthens and updates according to the peculiarities and characteristics of the region. This will move towards the consolidation of the EU's normative power over the Eastern partners in order to become a new project that best meets their demands, needs and problems around the approximation to the *acquis communautaire* required and, on the other hand, it increases the requirement of the EU to the defence and respect for their values, thus strengthening its normative dimension. It always takes into account the Eastern neighbourhood and the countries of Georgia and Moldova to a greater extent than the southern region.

5. The innovations after the Lisbon Treaty in the Eastern Partnership

Furthermore, I will take into consideration all the innovations linked to the ENP, after the entry into force of the Lisbon Treaty, belonging to the field of the European Foreign Policy. Thus, the new competences of the HR and the involvement of the EEAS in the ENP are concerned.

Regarding the European Neighbourhood Policy, one wonders how these new features have influenced the High Representative (position currently occupied by British Baroness Catherine Ashton) in its development. First, we must emphasize how this policy largely remains in the hands of the European Commission¹⁰ with the new European External Action Service specifically in the ENP. However, the High Representative is actively involved in the operation of this policy, as a result of its role in the overall coordination of the EU's external action, where relations with neighbouring states is essential, without forgetting that it is also a member of the main institution responsible for the ENP, the European Commission. Specifically, the High Representative is Vice President of the Commission and chairs the Relex Group of Commissioners (focusing on European external action).

As a final remark, the result has been a joint collaboration between the

⁹ Consejo de la Unión Europea (2009), *Consejo Europeo de Bruselas de 19 y 20 de marzo de 2009 "Conclusiones de la Presidencia"*, Bruselas, 29 de abril de 2009, punto 29, accessed in November 2013 at http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/es/ec/106815.pdf.

¹⁰ Article 9.1 of the Council Decision establishing the organization and functioning of the European External Action Service: The management of external cooperation programs of the Union shall be the responsibility of the Commission without prejudice to the respective roles played by the latter and the EEAS in programming as indicated in the following sections.

Commissioner for Enlargement and Neighbourhood at present, the Czech S. Füle, and the High Representative within the neighbourhood relations (Wouters, (2013)).¹¹

The first report, in which the joint is found Ashton and Füle (EC, 2011), was in the communication on the creation of the new partnership in the neighbourhood entitled "A Partnership for Democracy and Shared Prosperity with the Southern Mediterranean" in March 2011 (EC, 2011). However, the overall framework of the neighbourhood communication should be emphasized and published months later: "A new response to a changing Neighbourhood" (EC, 2011).

Through this process, the last communication monitoring and evaluating the framework of the neighbourhood, which began a year earlier have more important objectives. The main innovations include the promotion of relations with neighbouring states one of the three main objectives of the High Representative for the early years of his term¹² (EEAC, 2011) through the formula "give more for more" (also known as "more for more") which has full effect in the current context of the neighbourhood relations.

Therefore, we believe that this new landscape allows the adoption of more effective sanctions with respect to the previous situation in the neighbourhood. For example, we can mention the recent lifting of the restrictive measures against leaders of the trip breakaway region of Transnistria in Moldova, a result of the impetus given to the negotiations to resolve the protracted conflict in "5 +2" talks supported by EU. This action in turn reinforces the new approach to the ENP. The "more for more" approach as far as the values and principles of the EU are concerned, which in this case progresses towards the peaceful resolution of conflict, promotes relations with the EU at all levels, reaching for more effective action. Therefore we see it as a lack of consistency, sometimes happening between the Council and the Commission, which is mitigated by this figure that allows for greater cohesion and therefore a more effective EU external action in the neighbourhood.

It is equally important to include the updating of the ENP and its final version, which is embodied in the communication "A new response to a Changing neighbourhood" (EC, 2011). Concerning the last topic, the new role of the principle of differentiation (more for more) as the cornerstone of the ENP is fundamental. Its main aim is to strengthen the normative exportation after the

¹¹ While in other areas the collaboration between the curator and the High Representative has been tense, as in trade policy, in the case of the ENP there is close cooperation between Ashton and Commissioner Füle which has strengthened the EU action.

¹² In the Annual Activity Report of the EEAS in 2011 the three objectives set by the High Representative for the start of his term are identified to be: 1. The establishment of the EEAS, 2. Strengthening relations with neighbouring countries and 3. Creating strategic partnerships with global players.

failure in the Southern neighbourhood illustrated during the Arab Spring.

As we can see, The Lisbon Treaty could rescue the great innovation of creating a foreign minister at the European level, present in the Constitutional Treaty. Similarly, beyond the division of powers between the Commission and the EEAS and the ENPI environment, it is questionable whether the Foreign Service performs other functions related to the ENP and, specifically, in its regional initiative and Eastern Dimension neighbouring states of Georgia and Moldova. In this regard, it should be emphasized that the Council, in its decision of July 2010, also transferred to the new service the following addresses of the Commission relating to the framework of the neighbourhood: Direction “D” (coordination of the ENP), Direction “E” (Eastern Europe, Caucasus South and Central Asia), Direction “F” (middle East, Southern Mediterranean) and finally the special Unit “Eastern Partnership”¹³. So, the latter became part of the new Foreign Service beginning in 2011.

These new responsibilities conferred can have positive results for the EU external action, in order to bring an active diplomacy in this area. Thus, for example, the Foreign Service could play a role in multilateral fora. Territorial disputes often deal in eastern present as the 5+2 framework for dialogue with Transnistria or examples as the Geneva Conference and South Ossetia Absajia. This would be reinforced through multilateral dialogue and is promoted within the Eastern Partnership and appears in the review process began in May 2010 with the publication of the notice "Balance European Neighbourhood Policy". Subsequently, the High Representative (served by the EEAS) would be included in this process. Finally both institutions were the main promoters in this new phase of review.

6. Concluding remarks

First, it could be noted that the Eastern Partnership aims to strengthen political cooperation and economic integration between the EU and the neighbouring states present in this region. The ultimate goal is to obtain better results in the export policy towards these countries.

Focusing again on the cases of Moldova and Georgia, it should deepen their relationship in the European Neighbourhood Policy. Thus, in relation to the first one, we have to emphasize that this Agreement continues to advance its mobility through focused measures, such as improvement in the management of the national migration system or progress in information and assistance to immigrants¹⁴.

¹³ Anexo “Servicios y funciones que se transfieren al SEAE” de la *Decisión del Consejo de 26 de julio de 2010*.

¹⁴Delegation of the European Union to Moldova, accessed in October 2013 at http://eeas.europa.eu/delegations/moldova/eu_moldova/political_relations/index_en.htm.

The Eastern Partnership is going well so far, the graph shows the Visa Liberalisation process, and it is taking part in and performing the adjustments required by the *acquis communautaire* of the European Union. The Eastern Partnership was a priority for the Polish presidency, displayed through the launch of new initiatives such as the new Business Forum of the Eastern Partnership (The EaP Business Forum) and the momentum from previous projects such as the Forum for Civil Society which held its third meeting, a longer and more productive one (Shapovalova and Kapusniak, 2011).

The most effective measures or projects related to the adoption and implementation of the European values are the thematic platforms. Platform 2: The second Platform has as a main objective to provide technical assistance to the Eastern partners in order to facilitate greater understanding in regulating the areas related to the electronic communications and information society (EC, 2012).

Platform 3: The third Platform is focused on energy security. As we have noted in the previous reports, the gas crisis between Moscow and Kiev began in January 2009 (Pirani, Stern and Yafimava, 2009). For example, this third platform is based on previously existing projects, the most important European program being INOGATE (Interstate Oil and Gas Transport to Europe) which tries to promote close cooperation and technical assistance in the field of energy with the countries of Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Moldova, Tajikistan, Turkey, Turkmenistan, Ukraine and Uzbekistan¹⁵.

Euronest Parliamentary Assembly is one of the main initiatives of the Eastern Partnership. It is meant to play a key role in promoting the European Union legislation in the region. It is a project of great interest for the neighbourhood that has the support of the European Parliament, the leading European institution in charge of it. This project raises a lot of interest as well as a number of questions regarding its regulatory role in the environment. However, we highlight the normative power of the European Union as a challenge and as an achievement in the Eastern Partnership.

Some authors, like Bichara Khader, ensure that the principle of differentiation bears a strong resemblance with the previous approach known as a "tailor-made approach" (Khader, 2013). But, as we present below some

¹⁵ The INOGATE program, born in 1995 to move towards greater integration in the transport of gas and oil to Europe. At the Conference of Foreign Ministers on energy, held in 2004 in the city of Baku (Azerbaijan), this program was reinforced and its objectives were extended to other areas such as regulatory convergence of energy markets (based on EU standards in this area) or supporting renewable energy. More information: *Conclusions of the Ministerial Conference on Energy Co-operation between the EU, the Caspian Littoral States and their Neighbouring Countries* (2004) Baku, accessed in December 2013, at <http://www.inogate.org/attachments/article/89/baku.pdf>.

innovation to the formula "more for more" is added in order to gain a greater priority on the dynamics in relations with neighbouring states.

Beyond strengthening the normative dimension of the ENP, the new EaP covers other aspects of great importance. This emphasizes how this new regional project also provides some differentiation between the two regions present in the neighbourhood of the EU. In this regard, it should be noted, as initially, that the great heterogeneity between the two regions prevented a more related and consistent role the characteristics of each region¹⁶, being one of the main reasons why bilateral relations are prioritized at the expense of true regionalism. This lack of regionalism is a major concern in the EU without wanting for a stronger collaboration among neighbouring countries. Therefore, among other factors, different projects are created in both neighbourhoods: the Eastern Partnership and the East Union by the Mediterranean in the south. It is a bilateral dimension in which we seek to provide a higher level of political association and integration links in key areas¹⁷.

It is expected that negotiations on a so-called wide and deep Free Trade Zone¹⁸ and a new Association Agreement with Moldova would be completed by the end of 2013 and perhaps with Georgia by mid 2014. Experts as Lapczynski, (2009), ensure us that the Eastern Partnership will end, but we are positive. It will become more than a ring of friends. The Association Agreements are a new generation, reflecting the EU's privileged relations and increased trade with Georgia and Moldova. This is more significantly further than classical forms of free trade integration, offering not only improved trade and investment opportunities but also deep reforms and EU assistance for those reforms¹⁹, aiming to contribute to economic recovery and growth and to better integration of the Eastern Partner's economies with the world markets.

¹⁶ British author Karen Smith went on to qualify as "awkward partner in bed". The treatment for the eastern and southern neighbourhood under one framework of relationship was an error. More information: Smith, K. (2005).

¹⁷ Comisión de las Comunidades Europeas (2008).

¹⁸ "Georgia and Moldova one step closer to a privileged trade relation with the EU". News Archive. *European Commission*. Trade. Agreement. Brussels, 29 November 2013. The Deep and Comprehensive Free Trade Areas (DCFTAs) cover trade in goods including tariff elimination or reduction, provide for further opening of the services markets and improvement of establishment conditions for investors. They contain also provisions on the facilitation of customs procedures, on anti-fraud measures and trade defence instruments. These rules aim to ensure that trade is liberalised to the fullest extent possible but provide for necessary precautions so that only eligible goods qualify for preferential treatment. A bilateral dispute settlement procedure is envisaged to solve issues in an expeditious manner.

¹⁹ "Georgia and Moldova one step closer to a privileged trade relation with the EU". News Archive. *European Commission*. op.cit.

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