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EU Options on Russia and the Eastern Partners

“Cooperative Confrontation” as the Guiding Principle beyond the Riga Summit

Kai-Olaf Lang and Barbara Lippert

Moscow’s hegemonic stance on the post-Soviet space and its provocations in Ukraine force the European Union to find strategic clarity in its eastern neighbourhood. Often in the midst of discontinuous internal reform processes, the countries to the Union’s east find themselves hanging between a vague “wider Europe” proposal from Brussels and Moscow’s increasingly forceful idea of a “wider Russia”. At the May 2015 Riga Summit the EU heads of state and government will meet with their counterparts from the Eastern Partnership, including the new associates Moldova, Georgia and Ukraine. The EU should grant these countries political guarantees, material assistance and European perspectives. But the European Union can only develop bilateral and plurilateral European perspectives if it faces up to the Russian factor and realigns its relations with Moscow on the Eastern Policy triangle of stability, cooperation and norm-driven transformation.

In 2009, with the Eastern Partnership, the European Union established a structured policy of closer relations with its immediate neighbours in eastern Europe, as well as in the southern Caucasus. This move took account of both the Union’s geographical and political eastward expansion and the political and institutional transformations in the post-Soviet space.

Interests and Objectives in the East

By instituting the European Neighbourhood Policy and later the Eastern Partnership, the European Union recognised – initially hesitantly, then increasingly deci-

sively – the fact of governmental and thus strategic plurality in the territory of the former Soviet Union. Alongside the dominant relationship to Russia, the European Union and its member states sought bilateral cooperations with the “newly independent states” to their east. While cooperation with direct neighbours was initially subsidiary or secondary to Russia, the European Union increasingly departed from this “Russia first” approach both in its self-understanding and in its political practice. Cooperative relations with individual neighbours and possible multilateral dialogue forums were now to be shaped by the principle of self-determined bilateralism, even if

the axiom of benevolent involvement of Russia still applied. The essence of these equal and independent two-way relationships is to bring countries immediate to the east economically, politically and normatively closer to the European Union by supporting socio-economic and political/institutional reforms. The process is driven by the hope of generating convergence and stability. Russia's perception changed as it came to regard the European Union's engagement as an intrusion threatening its near abroad, which it regards an immediate sphere of influence. Suddenly the candidate for a modernisation partnership became a geopolitical rival; indifference and mistrust gave way to rejection and hostility.

The friction entered its hottest phase to date with the conflict over and in Ukraine, where the European Union and its member states found themselves confronted with a qualitatively new Russian "hard power" and an explicit anti-association policy. At this point they had only just begun implementing an ambitious and difficult programme of reforms with selected neighbouring states, packaged in a new type of association agreement with provisions for a deep and comprehensive free trade area (DCFTA). The military escalation and humanitarian situation in Ukraine have forced the European Union into permanent crisis management mode, with security issues and the search for diplomatic compromise dominating its agenda. In the current clashes with Moscow over Ukraine, the Union must guard its interests and objectives in the eastern neighbourhood, possibly reformulating them in the face of new circumstances. Subsequently, promoting security and stability, supporting inclusive cooperation, and continuing to foster normative transformative change should be key priorities of EU action.

Particularly, the course of events compels the Union to underline the axiom of its neighbourhood policy: autonomy in shaping and developing bilateral relations with partners. If it were to grant third parties substantial influence in order to

neutralise their capacity to disrupt, this would not only harm the Union's predictability. Other external actors might also be encouraged to counteract European actions through preventive or reactive interventions. Although the substance of the bilateral partnerships may vary, the European Union should always make sure they are reform-friendly and modernisation-stimulating, in order to guide neighbouring states towards social market economy, pluralist democratic models and better governance.

At the same time, the European Union must be interested in maintaining cooperative relations with Russia and keeping open the perspective of reviving them more energetically. In view of the present situation, use should be made of the possibility to largely decouple certain areas – in the first place energy and international and global security – from conflicts of interest over "shared neighbourhoods". There will, however, also be more volatile fields that can be directly harmed by the current conflict, such as trade and technological cooperation. The question in the medium and long term is, in what areas – under the premise of Moscow's constructive cooperation – a resumption of cooperation should be sought and to which, drawing lessons from the current conflict, should less energy be dedicated.

The European Union should also work, in the overall context of its relationships, to restore good relations, transparency and stability between Russia and its neighbours and among the neighbours. Principles such as openness to cooperation, multilateral alliances, compatibility of economic and trade areas, and amelioration of the consequences of cooperation for all involved including Russia should continue to apply.

Strategic Options for EU-Russia Relations

EU-Russia relations need to be rethought in light of the Ukraine crisis and the war. The relationship is likely to be determined by a grave lack of trust and tense volatility for

a long time to come. Phases of pragmatism can be abruptly interrupted by reversals and partial escalations. At the same time the European Union is interested in predictable relations with structures and procedures that channel or at least structure conflict. The Union must base its Russia policy on the three tenets, which it has pursued in its Eastern Policy: a stable pan-European or regional order, cooperation as the defining mode of action, and pursuit of a transformative and normative policy of support for reforms. The more weight the European Union can lend that triad, the greater its political credibility will be. Of the three fundamentally conceivable options outlined below, “cooperative confrontation” (Option 3) best serves the threefold objectives.

Option 1: Strategic concert

The option of a strategic concert is based on the idea that Russia possesses a fundamental interest in having at least an informal agreement on spheres of interest and influence in the shared neighbourhood. Moreover, Moscow has the power to stir trouble in the neighbourhood any time it chooses, with considerable potential for intervention and escalation. Consequently, it is proposed, the European Union would be ready to enter into a concert of interests. This would largely involve defining red lines for the individual shared neighbours’ relations to Moscow and Brussels and agreeing the parameters within which bilateral relationships may develop.

Such a circumscribed cohabitation would return the European Union to a barely disguised “Russia first” policy, because Russian concerns would be excessively prioritised and a de facto condominium would emerge for the European part of the post-Soviet space. The Union would establish a kind of normative equidistance and sacrifice the principle of external and internal freedom of choice for the states between the European Union and Russia to a (supposedly) stability-promoting concord. An order thus

configured would be chronically unstable, because it freezes the status quo while making little in the way of cooperative provision for dealing with the dynamics that inevitably arise in the neighbourhood countries, which are in transition and in at least some cases include strong pro-Western forces some of which would not simply accept deals done over their heads. The political price for the European Union would be enormous. It would lose political credibility with its neighbours and permit Moscow to set limits to their transformations. This would make the Union an accomplice of the neo-autocratic Russia rather than an honest broker and advocate of the interests of democracy-seeking neighbours. However, Russia might in return offer constructive cooperation on other questions of international politics that are of concern to the European Union.

Inside the EU, this option would be unacceptable to many of the Russia-critical and traditionally pro-Atlantic member states in eastern and northern Europe, whereas more “pragmatic” governments in all parts of the Union would be likely to be more amenable. Similar positions are proposed by the more than sixty signatories of the “appeal for a new policy of détente” of December 2014, including some prominent pragmatists from the Cold War era. On the academic front the option of a strategic concert fits with political recommendations prioritising the inviolability of the internal order (Kaim, Maull and Westphal) or arguing the imperative of security and order (“Ordnungssicherheit”, Baberowski).

Option 2: Containment

A policy built on containment would aim to limit Russia’s influence on its neighbours and within the European Union. The classical instruments would be dissociation and disengagement through block-building and downgrading of the relationship at all levels. Unlike in the Cold War era, containment could create the preconditions for both sides to return to a relaxation of the

relationship at some later stage: block-building, is neither finished nor recognised as objective reality. Moreover, it is highly controversial.

The containment option would demand close European-American coordination. In essence it would mean actively promoting Westernisation in the European Union's (and NATO's) eastern neighbourhoods and at least not excluding the option of future membership in Western alliance systems. EU and NATO membership would go hand in hand, as they did in the largely successful expansion and transformation process in eastern and south-eastern Europe.

While such an expansion policy might discourage Russia from pursuing destabilisation, at least in its immediate eastern European neighbourhood, the conflict dynamics and risks of continuing Russian escalation dominance and willingness to intervene would present a great danger to stability. Then the West would only be able to counter successfully if it was willing and able to bear high costs, to remain engaged even in the face of massive disruption, and to act in resolute unanimity. A further weakness of this option is that it minimises possibilities for cooperation with Russia and would thus also impair those areas of the West's relationship with Russia (such as international politics and energy) that have to date remained detached from the conflict.

Such a containment policy would force the neighbours to choose one camp or the other and would prematurely cement differentiations appearing among the Eastern Partnership. It would potentially contribute to the formation of two rigid blocs – the three associate countries (Moldova, Georgia and Ukraine) and the other neighbours – and exacerbate latent conflicts such as those over breakaway regions.

The Union's political credibility would depend on whether it was able to repeat the demonstration of its power of transformation and unfold a magnetic attraction reaching to Russia's borders. On questions of military security the Union would retain a junior role. This is the line of argument

taken by Anne Applebaum and US foreign policy experts from the Republican side, as well as parts of the political spectrum in Poland and the Baltic states.

Option 3: Cooperative confrontation

The European policy of "cooperative confrontation" starts from the fact that the two sides' ideas of order became irreconcilable after Russia abandoned the principles of the CSCE Final Act of Helsinki (1975) and the Charter of Paris (1990). The European Union can continue to adhere to these principles yet still seek an elementary interaction with Russia – basing its policy on a combination of interest-based selective cooperation and containment of imperial power. It would thus be prepared for conflict and would support NATO's policy of reassurance and extended deterrence in a "division of labour". At the level of society, however, it would continue to develop contacts and offer opportunities for communication. The sense and purpose of cooperative confrontation would not be regime change in Russia.

This option would involve a differentiation in the value dimension in European Eastern Policy. While the European Union would maintain its paradigm of reconfiguring its neighbours comprehensively and thus also normatively towards responsible governance, democratisation and market economy, it would also account for Russia's peculiarity. Russia is different and may remain so. But it must respect any internal change its neighbours wish for. The European Union should abide by its policy of open-ended partial economic integration of its eastern neighbours, as proposed in the current association agreements, and continue to pursue the goals of value convergence, democratisation and economic transformation. The superordinate goal of normative transformation does not in principle preclude continuing and developing cooperative relations even with undemocratic countries, where the European Union will have to set the bar lower and resort to

different incentives than with countries that are more open towards reforms and Europeanisation. Regardless of the internal affairs of its direct neighbours, their wish for self-determination in foreign policy must be respected. The Union must make no agreements with third parties that would restrict that autonomy, nor pursue any active policy of “regime change”.

Following this line, the European Union and its member states would unswervingly continue the EU-isation of willing neighbouring states, and grant Russia absolutely no influence over their future relationship to the European Union. They would, however, offer compromises on the scope and depth of the hard security stance and continue to maintain a sample of fields of cooperation, such as energy, arms control, economic contacts and global hotspots. In contrast to the containment option, the European Union would support and shape a status for neighbouring countries that included security non-alignment for a certain period (no eternity clause) or under certain conditions but impeded neither their European perspective nor its materialisation.

The European Union and NATO would have to agree on a division of labour. The associate countries could be brought gradually into a closer relationship with NATO of the kind Sweden and Finland already have today. Despite ongoing ambivalences and the postponement of a decision on the question of membership in the Euro-Atlantic structures, this could still mean a gain in security. If these processes were accompanied by corresponding diplomacy towards Russia, this would also contribute to an increase in regional stability. This is the thrust of proposals to contain Russia (HSFK-Report 2014) or directly hedge Putin’s illiberal strategy while keeping open perspectives of cooperation (Nye).

The European Union cannot align its short- and medium-term Russia policy on the ideal of a pan-European structure, whether economic or political in nature. But within the scope of this option it can

create pillars that could later be inserted into such a continental architecture. It would seek integration of Russia while at the same time ensuring that the neighbours were able to preserve their political self-determination. Admittedly, Russia has shown no interest in such a constructive arrangement, which in essence would comprise compatible trade areas and economic spaces (European Economic Area and Eurasian Economic Union).

But what if Moscow insists on pursuing the existing systemic rivalry with Brussels by military or other coercive means? The European Union would then have to stay its course, not abandoning a policy based on self-determination for its neighbours for the sake of a strategic concert to strike a “grand bargain”. Apart from endurance in implementing this concept, the Union will also have to demonstrate solidarity with the associated neighbours and bear the political and financial costs. Thus the strategic response to Russia’s actions would be to promote resilience among the Union’s neighbours and demonstrate patient confidence in its own policy.

Perspectives for the Eastern Partnership

The three main elements that have characterised the European Union’s policy towards Russia since the annexation of Crimea – sanctions against Russia’s economy and politicians, strengthening Ukraine, and continuing openness to dialogue with Moscow – are compatible with the option of cooperative confrontation. But what is the future of neighbourhood relations aside and apart from crisis diplomacy?

The Vilnius Summit of the Eastern Partnership in November 2013 was an important milestone in the European Union’s relations with the six partners in its direct eastern neighbourhood: Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. On the basis of their agreements with the European Union, the depth of cooperation sought in the medium term and the pros-

pects of integration, these countries now fall into two camps.

Georgia, Moldova and Ukraine have concluded association agreements that include a deep and comprehensive free trade area (DCFTA), and are thus on a course of economic integration and political association.

Armenia, Azerbaijan and Belarus each represent a special case. Because of its membership in the Eurasian Economic Union, Armenia is exploring a special relationship to the European Union below that of association agreement with DCFTA. This could produce a model for countries whose interest in political transformation is limited but are nonetheless motivated by the dominant Russian vector in their external relations to diversify their economic and probably also political ties. Azerbaijan prefers purely economic bilateral relations with the European Union, labelled as a strategic modernisation partnership. As was already known before Vilnius, their interest is limited to innovation and industrial cooperation – demonstrating the prevalence of differentiation within the Eastern Partnership space. Belarus remains a specific case where there is not even a partnership and cooperation agreement (PCA) as a baseline and the European Union pursues a sanctions policy (however granting visa facilitation to specific groups and supporting NGOs). The European Union could send a message to Belarus by seeking a PCA concentrating on economic contacts and bilateral political relations above the working level, and could also gradually relax its sanctions without renouncing its public stance against political justice and human rights violations. In all three countries the European Union should press for expansion of cooperation with civil society and development of minimum standards for civil society engagement.

For Georgia, Moldova and Ukraine, with which association agreements have already been concluded, the foremost need is for ambitious implementation strategies and assistance tailored to reform priorities. Aside from association agendas and action

plans, administrative capacities must be understood as an overarching challenge located at different levels. Alongside the activities associated with association agreements and DCFTAs in the three countries, the European Union must work determinedly to seek pragmatic arrangements for the breakaway regions of Transnistria, Abkhazia and South Ossetia, for Crimea, and foreseeably also for a future demarcated zone in Donbas. These regions and zones should participate at least partially in trade arrangements, and possibly even mobility.

Beyond this, the European Union must develop an approach towards its neighbours that encompasses all the instruments of external action including the Common Foreign and Security Policy (CFSP) and the Common Security and Defence Policy (CSDP). In view of the conflicts involved, a “stand-alone” association policy is inadequate. Following the model of the stabilisation and association processes for the Western Balkans, the European Union should considerably step up its efforts in security policy as well as its diplomatic commitment in the associated countries and launch considerably more initiatives addressed to them. Although Russia is an opponent and intervention force in the post-Soviet space, the possibilities of foreign policy and security influence must still be explored within the parameters of cooperative confrontation. In the case of Ukraine it would be advisable to support reform of the security sector in a manner that extends beyond the small civilian advisory mission (EUAM), for example considering targeted technical and management consulting to modernise and realign the Ukrainian defence industry. Although that would generate political controversy within the European Union, it would be an effective compensation for the denial of NATO membership.

Prospectively these efforts could be bundled and neighbouring countries offered European security partnerships. Doing so within the frame of the Organisation for Security and Cooperation in Europe (OSCE) would imply at least toleration by Russia.

Multilaterally the establishment of an EU Eastern Partnership security format would be a visible sign of greater foreign policy and security engagement by the European Union, while an eastern European equivalent of the Stability Pact for the Western Balkans would open the door to diplomatic support including international partners; priorities would be reconstruction, economic development, regional cooperation and coordination of aid, possibly with the later addition of a special coordinator.

The Eastern Partnership is currently a weakly structured symbolic framework that offers a great deal of scope for elasticity and cooperation tailored to individual partners. This “EU plus six forum” embodies a political statement of the European Union’s special responsibility for a broad swathe of its neighbourhood. Aside from that, this framework will continue to offer possibilities for contacts with these very different neighbours. However, the European Union could be interested in the multilateral component of the Eastern Partnership reflecting the differentiation among the six, for example by establishing a politically more contoured multilateral format with the three partners that are closer to the Union, presently Moldova, Georgia and Ukraine. Despite the failure of similar initiatives in the 1990s, such as the congress of Europe and structured political dialogues, such a format might find greater acceptance in countries whose internal conditions and external circumstances are very much more problematic.

Either way, the European Union will be confronted in Riga with the question of whether it wants to enter into a political obligation along the lines of the Thessaloniki Declaration for the Western Balkans (2003). Presumably it will not (yet). But the European Union can still announce that association need not be the final state of relations and that the Union remains an open community. The central message of Riga would be that neither war nor crisis can deter the European Union and its associates, but instead they are doing all they

can to exploit the political, economic and social potential of the association agreements. The European Union’s stance should be one of material generosity and critical political solidarity, but should also be guided by transformation-driven stringency that grants no unearned political discounts. The goal must be to improve the chances for both stability and reform across the neighbourhood.

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