



Brugge

College of Europe
Collège d'Europe

Natolin

Derisory Results or Reasons to be Cheerful?

Evaluating the Implementation of the
European Neighbourhood Policy in Ukraine,
Moldova and Belarus

Kerry Longhurst



DEPARTMENT OF
EUROPEAN INTERDISCIPLINARY STUDIES

Natolin Research Papers

01 / 2011



Brugge

College of Europe
Collège d'Europe



Natolin

Derisory Results or Reasons to be Cheerful?

Evaluating the Implementation of the
European Neighbourhood Policy in Ukraine,
Moldova and Belarus

Kerry Longhurst

DEPARTMENT OF
EUROPEAN INTERDISCIPLINARY STUDIES

Natolin Research Papers

01 / 2011

ABOUT THE AUTHOR

DR. KERRY LONGHURST is Senior Researcher at the College of Europe, Natolin Campus. Previously she was Senior Lecturer in European Security and Director of Masters Programmes in European Studies at the University of Birmingham. Between 2007 and 2009 she held an Advanced Marie Curie Fellowship at the French Institute for International Affairs in Paris (IFRI) where she conducted a project on the Southern and Eastern dimensions of the European Neighbourhood Policy. Until 2011 she was also an Associate Fellow at Collegium Civitas in Warsaw. Her publications include 'Forging a new European Ostpolitik – An Assessment of the Eastern Partnership', published by Collegium Civitas in 2010; 'The New Atlanticist: Poland's Foreign and Security Priorities' (with Marcin Zaborowski) published by Chatham House and Blackwell in 2007. E-mail: kerry.longhurst@coleurope.eu.

COLLEGE OF EUROPE NATOLIN CAMPUS

SCIENTIFIC COMMITTEE

ERWAN LANNON, HANNES ADOMEIT, KERRY LONGHURST, IVÁN MARTÍN, GEORGES MINK

PEER-REVIEWED COLLECTION

Views expressed in the College of Europe publications are solely those of the author and do not necessarily reflect positions of the College of Europe

Published by the College of Europe Natolin Campus
© Kerry Longhurst. All rights reserved.

FUNDACJA KOLEGIUM EUROPEJSKIE
ul. Nowoursynowska 84 · PL-02-792 Warszawa · Poland/Pologne
e-mail: publications.natolincampus@coleurope.eu · www.coleurope.eu

First edition: April 2011
Printed in Poland

Graphic design and layout: Wojciech Sobolewski

ISBN 978-83-63128-05-0

KERRY LONGHURST

Derisory Results or Reasons to be Cheerful?

Evaluating the Implementation of the European Neighbourhood
Policy in Ukraine, Moldova and Belarus

Table of Contents

Abstract/Résumé	1/2
<hr/>	
Chapter 1. Introduction and Rationale	3
The ENP Review	3
Structure and Case Study	7
Researching the European Neighbourhood Policy – Food for Thought	12
<hr/>	
Chapter 2. Who are the Eastern Neighbours?	17
A Question of Wealth	18
States, Democracy and Foreign Policies	21
<hr/>	
Chapter 3. In the Absence of Enlargement	25
Identifying the Challenges and the Jobs to be Done	30
The Eastern Partnership – An Improvement on the EU's Offer?	36
Evaluating ENP in the East – A Broad Brush Appraisal	40
<hr/>	
Chapter 4. The Area of Mobility, Visas and Borders	51
How has the EU Faired?	51
<hr/>	
Chapter 5. The Overall Score Sheet and Recommendations	57
Tackling Corruption	58
Organising the Neighbourhood	58
More Funding for Regional Endeavors?	60

Being Bolder towards Belarus	61
Softening Schengen: More Mobility Options	62
<hr/>	
Annex 1. ENP Timeline 2002-2010	64
<hr/>	
Bibliography	65
<hr/>	

Abstract¹

This paper considers the implementation of the European Neighbourhood Policy (ENP) in Ukraine, Moldova and Belarus. The paper presents a portrait of the three neighbours in terms of their current political and socio-economic profiles, as well as the status of their relations with the European Union. Subsequently, it provides an overview of the development of ENP. A general set of conclusions are offered in relation to the key issue of good governance, where, the paper argues, ENP has delivered derisory results, with patchy effects across the region. Moreover, the paper identifies the democratic back-sliding in Ukraine and entrenched authoritarianism in Belarus, which ENP has done very little to address. The EU's willingness to provide better mobility options for ENP citizens to visit and work in the EU is a key test for the Eastern Partnership (EaP) in the coming year. This paper sees that whilst there are reasons to be cheerful here, with the EU's recent offer of greater Visa Liberalisation for Ukraine and Moldova, there remains much to be done and in the meantime the EU remains a 'Fortress Europe'. The paper concludes with a set of recommendations for ENP, which include the need to finally tackle corruption in the region, bring more differentiation into ENP, soften the EU's borders through more generous Visa regimes, develop a more robust Belarus strategy and to think more creatively about the use of ENP funds for regional and cross-border activities.

1 I would like to thank Dr Peter Van Elsuwege of Ghent University and Anna Zielinska of the Polish Institute for International Affairs for their insightful and valuable comments on a draft version of this paper. Thanks also go to Ivan Martin for his role as coordinator of this project.

Résumé

Ce rapport examine la mise en oeuvre de la Politique Européenne de Voisinage (PEV) en Ukraine, Moldavie et Biélorussie. Il dresse un portrait de ces trois pays voisins de l'Union Européenne au regard de leurs situations politiques et socio-économiques actuelles, ainsi que de leurs relations avec l'UE. Le rapport fournit par la suite une vision d'ensemble du développement de la PEV. Il aboutit à un ensemble de conclusions au sujet de la bonne gouvernance, domaine-clé dans lequel la PEV a atteint des résultats dérisoires et produit des effets inégaux à l'échelle de la région. De plus, le rapport constate que la PEV n'a pas permis d'avancée importante face au ralentissement de la démocratisation en Ukraine comme à l'autoritarisme profondément ancré en Biélorussie. La volonté de l'UE d'offrir aux citoyens des pays de la PEV de meilleures possibilités de visiter l'UE et d'y travailler constituera un test important pour le Partenariat Oriental pour l'année à venir. Si le rapport reconnaît que ce domaine offre des raisons de se réjouir, notamment suite à la récente offre de l'UE d'une plus grande libéralisation du régime des visas à l'égard de l'Ukraine et de la Moldavie, beaucoup reste à accomplir, l'UE conservant pendant ce temps ses allures de forteresse. Le rapport s'achève par un ensemble de recommandations pour la PEV, parmi lesquelles figure la nécessité de s'attaquer au problème de la corruption dans la région, d'aller vers une PEV plus différenciée, de rendre les frontières de l'UE moins imperméables par un assouplissement des régimes de visas, de développer une stratégie plus robuste à l'égard de la Biélorussie et d'être plus créatif dans l'emploi qui est fait des fonds de la PEV pour développer des activités régionales et transfrontalières.

Chapter 1. Introduction and Rationale

‘...if the EU wants to become a credible global player, it should start from its neighbourhood. In the months and years to come, we must demonstrate our capacity to act convincingly in our neighbourhood, using all the instruments and opportunities for joined-up action offered by the Lisbon Treaty. This will be one of the main yardsticks with which our ability to implement the foreign policy provisions of the Lisbon Treaty will be measured. This makes this Strategic Review of the European Neighbourhood Policy a very timely exercise.’²

This Natolin Research Paper provides an evaluation of the implementation of the European Neighbourhood Policy (ENP) in the Eastern neighbourhood. The specific task in hand is to distil some of the main features of ENP as applied in Eastern Europe and assess the degree to which ENP has been successfully implemented vis à vis Ukraine, Moldova and Belarus. Naturally, any study on policy implementation needs to have a forward-looking perspective, thus this paper also considers ways in which the future implementation of ENP in the Eastern neighbourhood could be rendered more effective.

The ENP Review

This paper was prompted by the ongoing review of the European Neighbourhood Policy which is due to culminate in early summer with a Communication from the Commission.³ The outcome of this review is likely to re-shape and re-focus ENP into a more differentiated animal, possibly along the lines of the changes which have already transpired

2 Speech by Stefan Füle ‘European Neighbourhood Policy Review’ 26 October 2010 to the European Parliament Foreign Affairs Committee. P.2.

3 For the background to the review refer to Communication from the Commission to the European Parliament and the Council: ‘Taking stock of the European Neighbourhood Policy’, Brussels, 12/05/2010 COM(2010) 207.

over the last few years, which saw the creation of the Union for the Mediterranean (UfM) in 2008 and the Eastern Partnership (EaP) in 2009. One might also assume that a revitalised ENP will put a greater emphasis upon democracy promotion, as well as new measures to enhance the inter-EU mobility of ENP citizens for work, study or tourism. Of course critical to the outcome of the review and its subsequent implementation will be the results of deliberations on the next EU financial perspective.

What are the contours and objectives of the ENP review? A brief overview is useful here. The non-paper questionnaire presented by Catherine Ashton and Stefan Fühle in mid-2010 to the member states and ENP partners raised a number of issues to do with vision, medium term objectives and instruments. The authors asked about how future relations between the EU and the neighbouring states should look in 2020? Whether new contractual relations (Association Agreements) and Deep and Comprehensive Free Trade Agreements, as the backbones to ENP bilateral relationships, should be pursued with *all* ENP states and how neighbours that remain fully outside or only quasi-inside ENP can be encouraged to join the fold. As already noted, new opportunities for labour mobility and exploring ways to improve upon the EU's contribution to the settling of protracted conflicts figure in the paper, as does the theme of regional cooperation and how best to nurture this in the neighbourhood. To stimulate debate on optimising resources, the authors asked about which of the ENP instruments and tools work well and where the weaknesses lie and consequently, how policies and financial instruments can be better aligned and rendered more flexible to meet ENP objectives more squarely. In short, the parameters of the review encompass and seek to stimulate debate on virtually all aspects of ENP.

The issue of 'differentiation' and 'balance' within ENP are increasingly at the heart of the matter. There are roughly three interrelated issues at stake here: (i) the balance between bilateral versus multilateral and regional channels of cooperation within ENP (ii) the question of balance between the Southern and Eastern neighbourhoods, principally in terms of funding

priorities and (iii) whether the ‘more for more’ principle, meaning awarding ‘top performing’ states with a proven and sustained capacity to respond to EU stimuli with options for deeper and quicker cooperation with the EU, should be pursued in the ENP formula and better institutionalised. The notion here is basically that the EU should be prepared to up its offer more readily and with greater speed to those states that take ENP seriously. At the same time, the flip-side of this is to create better devices to punish and deny the benefits of cooperation with the EU for ill-performing states to better effect.

If differentiation is indeed the name of the game, the basis of how to differentiate are contested. Radoslaw Sikorski and Carl Bildt, the two instigators of the Eastern Partnership seem to argue that greater differentiation within ENP should ‘allow for tailoring support modalities more closely to the increasingly differentiated needs of the Southern and Eastern partners...’⁴ Meanwhile in a speech given by Fühle on 26 October to the European Parliament’s Foreign Affairs Committee the Commissioner argued that:

‘...differentiation should be based on partner countries’ ambition in their relations with the EU, on their readiness to accept shared values, on which the EU is based, on their performance in governance and reform – rather than their geographical position.’⁵

The implications of all of this for the Eastern neighbours are evidently going to be high, but are as yet undetermined. Moreover, after the review process had already begun, the revolutions and political unrest that swept across North Africa have had the effect of shifting the EU’s foreign policy radar to the South, which in many ways recalibrated the contours and objectives of the review. Indeed, the events in North Africa brought into focus the question as to whether ENP was having any effect at all in the

4 Letter from Radoslaw Sikorski and Carl Bildt, Stockholm and Warsaw 6 October 2010.

5 Speech by Stefan Füle ‘European Neighbourhood Policy Review’, 26 October 2010 to the European Parliament Foreign affairs Committee.

neighbourhood and whether brand new modalities of cooperation and funding should be conceived to meet new realities.

A net-result of all of this is that the great leaps forwards in Eastern policy expected by the back-to-back Hungarian and Polish EU Presidencies might well be eclipsed by ongoing uncertainties in the South and a possible redistribution of ENP funding in favour of the southern neighbours.⁶ Whereas Hungary and Poland hoped to preside over a final agreement on a date for Croatia's accession to the EU and to deal with the thorny question of Romania and Bulgaria's entry into the borderless Schengen zone, these two major strategic priorities seem to have hit the buffer, for a variety of reasons, and importantly are not currently headline news. It is arguably the case that the unfinished job of democratisation in the Eastern neighbourhood can potentially be relegated into 'any other business', thus running the risk of seeing Ukraine further backslide into authoritarianism and even give up on its European aspirations. There is also, of course, the case of Belarus where the entrenchment of the Lukashenko regime since the December 2010 election suggests that the EU's method of stick and carrot doesn't seem to be working. In light of this it will be interesting to see the extent to which the Commission Communication recognises the need to bolster the EU's efforts vis à vis the East. In the meantime, one of the main tasks for the Poles who pick up the Presidency baton in July, will be to keep eyes focused on the Eastern Partnership and to come up with 'tangible first results',⁷ so as not to let the initiative fall short of its potential, as has been the case with the Union for the Mediterranean.

6 See Franco Frattini's comment in the Financial Times 'A Pact for Euro-Mediterranean Stability', February 17 2011 <http://www.ft.com/cms/s/0/97c0cc46-3a9b-11e0-9c65-00144feabdco.html> and the French non-paper of the same day http://www.diplomatie.gouv.fr/fr/IMG/pdf/11-02-17_Non_papier_Action_de_l_Union_europeenne_en_direction_du_voisinage_Sud.pdf. For further analysis on this subject see Kerry Longhurst and Marcin Zaborowski (2011) Keeping an Eye on the East: The Foreign Policy Priorities of the Central European Presidencies of the European Union, CEPA Issue Brief 118, http://www.cepa.org/publications/view.aspx?record_id=172.

7 See 'Conclusions on Eastern Partnership', 3041st Foreign Affairs Council Meeting, Luxembourg 25 October 2010.

Structure and Case Study

ENP is a multilayered policy framework within which relations between the neighbours to the East and the South and the EU member states are characterised by a heady mix of bilateral and multilateral endeavours spanning across an ever-growing range of policy areas. In this context and with the aim of avoiding an overly general analysis, this paper opts to focus on specific aspects and policy areas in ENP-East. The paper considers the area of political reform and principally the theme of good governance and corruption. It is the case that an inability to tackle corruption at all levels in all three countries presents one of the most serious challenges and obstacles to the broader reform process in Moldova and Ukraine, not to mention Belarus. This paper also develops a case study from within the Freedom, Security and Justice (JLS) policy area. Mobility is taken as a core theme, meaning the movement of people from the outside in, and subsequently the paper focuses on EU (Schengen) visa policy (VP) and cognate issues vis à vis the ENP states. These subjects are pertinent in the context of ENP-East for a whole range of reasons.

First, Ukraine, Moldova and Belarus are the EU's closest neighbours, and since the recent enlargements of the European Union share extensive land borders with the EU. One of the main consequences of this physical proximity is that border management, migration and mobility issues are of immense importance and have become inextricably linked to the EU's burgeoning security agenda and over time have gained central importance in the EU's relations with ENP-East states. As was already noted in a Commission Communication of 2007 'Mobility is in itself a key foreign policy priority as this is the prism through which the citizens of partner countries perceive the EU.'⁸

Meanwhile, EU policy in this regard is seemingly motivated by a security rationale and the perceived need to secure member states against the spill-

8 Communication from the Commission 'A Strong European Neighbourhood Policy' Brussels, 05/12/2007 COM(2007) 774 final http://ec.europa.eu/world/enp/pdf/como7_774_en.pdf.

over effects of illegal migration, trafficking and other such savoury activities emanating from the immediate neighbourhood and further afield. The European Security Strategy of 2003 articulated this priority and subsequently spoke about 'building security in the EU's neighbourhood' and creating 'a ring of well governed states' around the enlarged EU.⁹ Furthermore, a key ENP strategy paper saw that:

Obviously, mobility can only develop in a secure environment, and security improvements will help to create the conditions for greater mobility. The promotion of mobility will go hand in hand with the commitment of our partners to increase security and justice and fight illegal migration, with efforts to strengthen our neighbours' capacity to deal with migratory flows to their countries, and with the security of documents.¹⁰

Consequently, the EU puts efforts into protecting the internal security and integrity of the Union at the same time as promoting security and stability on the other side of the border. This has entailed the erection of strong borders and buffer zones, to keep the neighbours at arms' length, to prevent illegal and irregular migration and cross-border activities, but at the same time exporting the EU's brand of integration eastwards via ENP, in part by creating opportunities for cooperation and mobility that might transcend those 'hard' borders. With this in mind, one can refer to the Prague declaration of May 2009, which saw the inauguration of the Eastern Partnership and where one of the key objectives concerned was defined as 'supporting **mobility** of (ENP) citizens and visa liberalisation in a **secure** environment' (authors emphasis added).

It is in the context of the EaP that a sizeable emphasis on cross-border mobility, people to people contacts and further liberalisation of EU visa policy has been placed. Commentators have already argued that visible

9 'A Secure Europe in a Better World', European Security Strategy. 2003. <http://www.iss-eu.org/solana/solanae.pdf>.

10 'A Strong European Neighbourhood Policy', http://ec.europa.eu/world/enp/pdf/com07_774_en.pdf.

progress in this area is *the* ‘litmus test’ for EaP, and that the new frameworks established might offer value-added to the neighbours in this regard.¹¹ Also important to note is that governments, Civil Society Organisations and citizens in ENP states have high expectations in this area and take the view that greater liberalisation and more generosity from the EU is long overdue. So, rather than just a litmus test, this paper sees that it might be the case that the very survival of EaP is contingent on progress in the area of mobility.

Interestingly, EU policy differs substantially in the Southern and Eastern neighbourhoods in this domain and as yet there are no visa facilitation agreements in place with any Southern ENP state. In contrast, commentators stress that the marriage of Visa facilitation agreements (VF)¹² and Readmission Agreements (RA) has become a cornerstone in the EU’s relations with its Eastern neighbours and a standard tool in the advancement of ENP.¹³ Certainly in the cases of Ukraine and Moldova, RAs and VF agreements have become a ‘package deal’ in the EU’s approach, where concessions in the area of visa policy (fee waivers, smoother application and response processes etc.) are given in return for the signing of a RA and rigorous adoption of EU standards in Border Management, including efforts at border demarcation and document security.

11 Peter Van Elsuwege ‘The Eastern Partnership: Characteristics and Challenges’, *Studia Universitatis Petru Maior*.

12 The main purpose of the agreement is to facilitate, on the basis of reciprocity, the issuance of short-stay visas (90 days per period of 180 days). Long-stay visas remain within the authority of the member states. A visa-free travel regime is recognised in all agreements as the long-term objective.

13 Delcour, Laure (2010) ‘The European Union: A Security Provider in the Eastern Neighbourhood?’ *European Security*, 19: 4, 535 — 549; Trauner, Florian and Krause, Imke (2008) ‘EC Visa Facilitation and Readmission Agreements: A New Standard EU Foreign Policy Tool?’ Paper presented to the ECPR fourth pan-european conference on EU politics, Riga, September 25-27 2008, <http://www.jhubc.it/ecpr-riga/virtualpaperroom/058.pdf>; Boniface, Jérôme, Wesseling, Mara, O’Connell, Kevin and Ripoll Servent, Ariadna ‘Visa Facilitation versus Tightening of Control: Key Aspects of the ENP, Study of the DG External Policies of the European Union, 2008. http://www.eipa.eu/files/visa_facilitation.pdf

Of course there is a strong historical dimension to all of this, which remains relevant and should be mentioned here. After 1989 national borders in East and Central Europe became rather fluid and open. Border regions, for example between Poland and Ukraine, became hives of cross border activity, facilitated by visa-free regimes and porous boundaries. However, in the run up to EU enlargement dramatic changes arose. As part of their accession to the EU, states had to adopt Schengen rules and crucially to impose new visa regimes vis à vis their eastern neighbours – all of whom still remain on the Schengen Black List.¹⁴ The effects of this, commentators argued, were going to be considerable and in actual fact would not necessarily benefit the EU. The new Eastern neighbours would essentially be excluded from the integration process by the creation of ‘non-negotiable’ borders around a fortified EU. The net result of these new borders/visa regimes, commentators argued at the time, would be quite the opposite to the goals intended; rather than enhanced stability and security, the Schengen wall would bring insecurity and instability.¹⁵ Crucially, in its Eastern dimension, ENP was developed as a response to this situation, as a means to cushion the negative effects of enlargement and to provide some form of compensation for the imposition of hard borders/visa regimes.

The next part of this paper highlights the problems and issues involved in researching ENP and particularly the question of implementation. The paper considers these methodological issues in a fairly lengthy fashion given their importance to an academic study of this kind. Next comes the question ‘who are the neighbours’?, which is tackled with a brief survey of basic social and economic data, foreign policy trends and cognate issues seen over a period of time. The main finding here is that the Eastern neighbourhood is still detached from the EU mainstream, but at the

14 Meanwhile Ukraine and Moldova got rid of their visa requirements for EU citizens.

15 See for example, Apap, J., Boratynski, J., Emerson, M., Gromadzki, G., Vahl, M. & Whyte, N. (2001) ‘Friendly Schengen Borderland Policy on the New Borders of an Enlarged EU and its Neighbours’, CEPS Policy Brief No. 7, Brussels: CEPS.

same time, as argued in a recent report by the Polish Institute for Eastern Studies, the Eastern region is itself highly diversified and therefore, one should avoid making general conclusions in this respect.¹⁶ The subsequent part of the paper gives an overview of the antecedents of ENP, from early thinking about the 'Wider Europe' in the run up to 2004 through to the various strategy papers, communications, reports and programming papers that gave rise to ENP and more recently EaP. In this section an overview of the 'challenges' and the 'jobs to be done', as detailed in key ENP documents is given. To keep things focused concentration is placed on the Politics/Governance parts of these documents. In the next part of the paper a broad-brush analysis of the implementation of ENP-East with reference to a range of progress reports and other indicators is presented and subsequent to this, the paper hones in on the case study on mobility and provides an assessment of the state of play. The closing part of this report addresses the question as to whether ENP / EaP implementation in the East represents a derisory score sheet, or whether there are reasons to be cheerful. By way of a final conclusion some ideas for the future contours and content of ENP-East are presented.

16 Katarzyna Pelczynska Nalecz (2011) 'Integration or Imitation? EU Policy towards its Eastern Neighbours' OSW Studies, Warsaw, April 2011.

Researching the European Neighbourhood Policy – Food for Thought

Whilst an assessment of the implementation of ENP might sound like a straightforward case of policy analysis, there is a catalogue of research issues of relevance to the task in hand. A core question of any policy is that of implementation and evaluation, essentially is the policy working and what can be learnt to improve future implementation? When it comes to the case of the ENP, this paper argues that a number of factors need to be considered.

First, ENP is still a young policy, thus reliable indicators of success and failure are still elusive. Second, since ENP is made up of a heterogeneous group of states comparative analysis is tricky. There are obvious differences between the Southern and the Eastern neighbours, but there are also quite profound differences within the two regions in terms of (a) their overall degrees of willingness and interest in cooperating with the EU (b) the extent to which a pro-EU domestic consensus' exist (c) the state of the legal frameworks that regulate neighbour-EU relations (d) the extent to which democracy has taken root in a partner state (e) whether a partner state seeks to become an actual member of the EU or not. It is argued here that research on the implementation of ENP needs to take account of such factors and variables.

Next, there is a problem of the 'measurability' of instances of change brought about by ENP. It is problematic, for example, to demonstrate a causal link between ENP efforts at fostering democracy and freedom and evidence of actual change. Part of the problem is how to separate ENP effects from the efforts of other actors engaged in the region and to attribute a role to the EU. Furthermore, the EU itself has a plethora of funding sources attached to other non-ENPI instruments.¹⁷ Another point

17 Such as the European Instrument for Democracy and Human Rights (EIDHR), the Instrument for Stability or the Nuclear Safety Instrument and thematic programmes under the Development Cooperation Instrument (e.g. for cooperation on migration

is that ENP timeframes are often imprecise, certainly until recently there were not enough short-term goals and objectives (part of the rationale of the setting up of the EaP was to address this and to press fast-forward in certain areas). Although Action Plans set out a 'what needs to be done' list within a given time frame (normally three-five years at the outset) actual benchmarking is not always precise in the implementation phase in terms of content and timeframes, the same goes for the subsequent auditing and assessment of projects. Consequently, this impacts heavily on attempts to assess the successes and failings of ENP.

Next, though ENP follows the logic of accession-style conditionality based on the adoption / approximation to the *Acquis Communautaire* there are obvious differences at play here. The path to accession can be easily monitored and measured, the opening, negotiating and subsequent closing of chapters en route to membership can be tracked over time. In ENP the pattern is not the same, the actual adoption of the *Acquis* is not necessarily a prerequisite for ENP partners, thus there is not the same kind of measuring stick available to gauge the extent of implementation at any given moment. Moreover, one should recall that ENP Action Plans are *political*, not *legal* documents. Arguably the fact that states are either inside the enlargement dynamic or in ENP and are not expected to jump from one to the other is a factor affecting the implementation of ENP in the East. The point here is that in the absence of an end-game for ENP and with no membership perspective, the will of ENP states to respond wholeheartedly to EU overtures and to align domestic agendas with ENP provisions is curtailed.¹⁸ As Kasia Wolczuk argues, for European integration to work 'the EU needs to exercise a mobilising effect on a range of domestic actors,' clearly this has

and asylum and for support to non-state actors and local actors) are also available to ENP states. The Instrument for Humanitarian Aid is also used and macro-financial assistance is given to some countries and since 2007 the neighbourhood Investment Fund and Governance facility.

18 See Tom Casier (2011) 'To Adopt or Not to Adopt: Explaining Selective Rule Transfer under the European Neighbourhood Policy' *Journal of European Integration* 33:1, pp.37-53.

great resonance in the case of ENP-East.¹⁹ The point here is that without its Ace-Card (membership), it is a question as to whether ENP is able to induce the types of change and depth of reform the EU hopes to see from its Eastern neighbours. In a nutshell - the fact that ENP is an *alternative* to membership limits the implementation scope in the East.

A further important point to stress is that of 'indicators' and sources of information, essentially which ones should be scrutinised? Where do we find our evidence? It is a bit of an open question as to what examples and case studies provide the best instances of successful or failed implementation of ENP. 'Micro-level' examples and case studies, such as a growth of SMEs or numbers of pro-EU NGOs and Civil Society Organisations (CSOs) might provide a useful sign of bottom-up change. Measures of change in standards of living and other economic indicators (GDPs, corruption levels, income, trade with the EU etc.) also issue important signs of progress and prosperity towards EU/Western-standards which could be linked to ENP stimuli. Analysis of the wider picture in terms of the installation of functioning democratic systems and the 'rule of law', measured by election monitoring exercises might provide further relevant evidence. These ideas notwithstanding, to repeat the point made above, to attribute the positive influence of ENP as a driver of change is a difficult task and one that defies a water-tight response. The extent of contacts between EU officials and those from neighbouring states via summits, ministerial-level meetings and other visits might be worth noting to illustrate degrees of vibrancy in relations, but frequency of contact doesn't tell us much about the content of relations and progress of ENP implementation. Documentary evidence based on EU Action Plan progress reviews and EU strategy papers provide significant insights, but mainly tell us the story from one-side. Official ENP progress reports are, after all, highly political documents.

19 Kataryna Wolczuk (2007) Adjectival Europeanisation? The Impact of EU Conditionality on Ukraine under the European Neighbourhood Policy, *European Research Working Paper Series* Number 18 European Research Institute <http://www.eri.bham.ac.uk/documents/research/wp18-wolczuk.pdf>.

A final point is about the ways in which the momentum towards EU-standards and expectations as set out in ENP Action Plans can be manifest in rather patchy and inconsistent ways. Broad sweeps of economic change towards market economies might proceed and exceed reforms in other areas. Indeed, this was one of the areas of concern presented in one of the 2008 ENP Progress reports: ‘the pace of reform has slowed, particularly in democratic reforms and human rights standards.’²⁰ If we take this on board we confront a problem when attempting to assess the overall implementation of ENP – how far can the EU accept economic reforms without far reaching democratic changes and commitments?

This report cannot address all of the points and issues raised above, but it will try to bear these ideas in mind.

20 Communication from the Commission to the European Parliament and the Council: Implementation of the European Neighbourhood Policy in 2008, Brussels, 23/04/2009 COM(2009) 188/3
http://ec.europa.eu/world/enp/pdf/progress2009/com09_188_en.pdf.

Chapter 2. Who are the Eastern Neighbours?

Ukraine, Belarus and Moldova were constituent parts of the Soviet Union. In this basic sense the three states had comparable starting points from which to begin their relations with the EU. Crucially, however, their paths of political and economic development, as well as their relations with the EU, tended to diversify somewhat over the course of the subsequent twenty years. From a current vantage point, relations between the EU and Belarusian government appears to rest upon mutual disavowal, meanwhile the position of top player in the region, which seemed to belong irrevocably to Ukraine has arguably been stolen by Moldova. Whilst the latter is still behind Ukraine in terms of negotiating an Association Agreement and a DCFTA, there is a palpable sense in Brussels that Moldova has become a model ENP-student by virtue of its commitment to pro-actively reform across a range of policy areas, a trend which is underpinned by a strong pro-EU consensus at home.

The implosion of the Soviet Union in 1991 opened up new opportunities for relations with the EU to develop. The 1990s saw various experiments with democracy and on / off calls for integration with the West. At the same time Russia remained the dominant player, a presence reinforced by Russian minorities scattered across the region, and trade and especially energy dependencies lingering from Soviet times. Though increases in GDP per capita occurred since 1991, economic development has been patchy for the three neighbours and in most cases substantially set back by the recent global financial crisis.

In the following section the paper attempts to give a picture of the state of the region, in terms of basic indicators and trends. What are the domestic contexts? How much progress is being made in socio-economic terms? And what foreign policy trends can be tracked?

A Question of Wealth

The region is still profoundly poorer than the EU. Significantly, the gap far exceeds that which had existed between the EU and Central European states back in the 1990s. Indeed the space between wealth levels across the eastern border is still shocking, some twenty years since the end of the Soviet Empire. A recent study confirmed that Moldova's GDP per capita equals only 9% of the average level of the EU, figures for Belarus and Ukraine equal 43% and 21% respectively. Such derisory statistics notwithstanding, the same report noted that all three states have moved closer to EU levels in recent years, but evidently the pace of such shifts has varied sharply from country to country.

Minsk is the leader in terms of playing economic catch-up with the EU, a situation best explained by Russian economic support, which of course has the effect of artificially bolstering the Belarusian economy and thus explains the apparent impressive state of affairs.²¹ This stands in contrast to the apparent sluggish pace of change in Ukraine and Moldova; the same report mentioned above, posits growth towards EU standards of wealth in these two states at 3% and 2% respectively. This is an interesting situation in many ways, not least due to the fact that of all of the Eastern neighbours (including the South Caucasus states) the two 'closest' and more advanced ENP states have experienced the slowest economic growth vis a vis EU standards.²² The most pressing questions that arise here is why ENP hasn't delivered and whether DCFTAs with Ukraine and eventually Moldova will actually prove effective at rectifying this disappointing predicament. This is a particularly crucial issue given the current overtures from Moscow to Ukraine about joining a customs union with Russia, Kazakhstan and Belarus. Such a prospect might seem increasingly attractive to the government in Kiev, especially if the negotiations on the DCFTA with the EU do not deliver a good deal, and quickly.

21 Of course Azerbaijan is the leading ENP state in the East in terms of the speed of economic growth – a development underpinned by virtue of it being an energy provider.

22 Katarzyna Pelczynska Nalecz (2011) 'Integration or Imitation? EU Policy towards its Eastern Neighbours' OSW Studies, Warsaw, April 2011Pp.19-21.

Despite some changes over recent years in the proportion of Ukrainian exports destined for EU markets, the EU27 remains Ukraine's biggest single trading partner (29.3% of Ukrainian trade in 2009 was with the EU27), followed by Russia (25.4%) and then China, Kazakhstan and Turkey. Of course, looked at another way, if all Commonwealth of Independent States

TABLE 1: BASIC ECONOMIC INDICATORS AND TRADE WITH EU27

ECONOMIC CONTEXTS ¹	UKRAINE	MOLDOVA	BELARUS
GDP PER CAPITA EUROS 2010	2,265	1,133	4,229
TRADE	<p>Ukraine's Trade Balance with EU27</p> <p>EU share of total imports in 2009: 34%.²</p> <p>EU share of total exports 30.2% 2005 – 24% 2009.³</p> <p>Main imports to EU from Ukraine: manufactured goods.</p> <p>Main EU exports to Ukraine: Machinery and transport equipment.</p>	<p>Moldova's Trade Balance with EU27</p> <p>EU share of total imports in 2009: 43.6%.⁴</p> <p>EU share of total exports 38.7% 2005 - 52.4% 2009.⁵</p> <p>Main imports to EU from Moldova: agricultural products.</p> <p>Main EU exports to Moldova: fuels and mining products, machinery and transport equipment.</p>	<p>Belarus' Trade Balance with EU27</p> <p>EU share of total imports in 2009: 23%.⁶</p> <p>EU share of total exports 44.7% 2005 – 43.8% 2009.⁷</p> <p>Main imports to EU from Belarus: fuel and mining products, chemicals.</p> <p>Main EU exports to Belarus: machinery and transport equipment.</p>

1 All figures, unless otherwise stated, come from:

- 'Ukraine' http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113459.pdf
- 'Moldova' http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113419.pdf
- 'Belarus' http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113351.pdf.

2 A jump to 37.9% is predicted for 2010Q3 'Ukraine, Main Economic Indicators' http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113459.pdf.

3 27.5% for 2010Q3 'Ukraine, Main Economic Indicators' http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113459.pdf.

4 Projected 56% in 2010Q3.

5 Projected in 2010Q3.

6 Projected 21.8% in 2010Q3.

7 Projected 26.3% in 2010Q3.

are added together, the CIS grouping becomes the most significant trade partner for Ukraine. Meanwhile, Moldova is the only one of the three states that has experienced marked growth in its export activity to the EU. Of Moldova's trade partners the EU outstrips Russia by a long way. In 2009 46.1% of Moldovan trade activity was with the EU27, compared with 14.5% with Russia, which is followed by Ukraine, China and Belarus. Even if the CIS states are lumped together as a trade entity, the EU27 still remains the most significant trade partner for Moldova. Belarus presents a different picture for reasons already noted. Consequently, Russia remains the major trade partner, above EU27 (47.2% and 31.0% of Belarusian trade is conducted with these entities respectively).

States, Democracy and Foreign Policies

The states in the EU's eastern neighbourhood are fragile democracies at best. In the 1990's there were various democratic experiments but largely with previous elites remaining in power. Crucially, the democratic footing of the newly independent states in the 1990's was thwarted by protracted economic problems and instability associated with post-communist transformations, ambiguous relations with Russia and in the case of Moldova by territorial conflict over Transdnistria. This situation was not helped by the lack of a strategic foreign policy from the EU, which arguably let the region languish for at least a decade. It is worth remembering that it was only really on the eve of the 2004 enlargement that the EU put its collective minds together to think about what to do with the soon-to-be new neighbours to the East.

The continued fragility of democracy in this region is manifest in elections which more often than not do not meet basic international standards. Moreover, as will be discussed later, corruption remains endemic and a real block to processes of modernisation and effectiveness of opposition forces. Divisions persist between reform versus conservative forces; Westernisers and pro-Europeans versus pro-Russian elites and also between different ethnic, regional or language groups to greater or lesser extents in the three countries. Thus on questions of the state, democracy and identity, the countries in the EU's Eastern neighbourhood present a quite different picture than East Central European did prior to the route to EU membership. Already by the early 1990's states like Poland and Hungary had emerged as secure and relatively stable democracies, based on largely uncontested territorial integrity, clear national identities and on a course to 'return to Europe', whilst for the former Soviet Republics, with their rather fuzzy sense of sovereignty and geopolitical precariousness, sandwiched between East and West, the yolk of Soviet tutelage has taken much longer to throw off – a factor which continues to shape the new neighbours' relations with the EU.

A final point relevant here relates to conflicts and protest; their sources, motives and consequences and what they say about the EU's immediate

TABLE 2: GOVERNANCE AND DEMOCRACY IN THE REGION

CURRENT GOVERNMENT		
<p>UKRAINE</p> <p>Viktor Yanukovych won the 2010 Presidential elections, which were deemed free and fair.¹ Subsequently, however, authoritarian tendencies have returned and the legacy of the Orange Revolution seems to have evaporated.</p>	<p>MOLDOVA</p> <p>After a long period of post-communist authoritarian rule, punctuated by violent anti-government protests and stalemate in the electoral process in 2009/10 the Alliance for European Integration is now in power and a decisive focus on EU integration and democratisation has ensued.</p>	<p>BELARUS</p> <p>Lukashenko has been in power since 1994. The Presidential office controls all political institutions, and the electoral process. Lukashenko won the Presidential elections in December 2010 for the fourth time with a result of 80%.²</p>
APPRAISAL OF DEMOCRATIC GOVERNANCE		
<p>Ukraine might be a democracy, but does not function efficiently as one. The chief problem being the uneven application of the rule of law and its corrupt use for political / economic gain by elites. This entails an often futile judicial system open to political influence, coupled with rampant corruption. Opposition forces exist in Ukraine, though as seen in the course of the demise of the Orange Revolution they are often disparate. Key opposition figures are warning of the prospect of a pro-Russian re-orientation.</p>	<p>Democracy seems to have taken hold in Moldova and has brought an overtly pro-European governing alliance to power. This rosy state of affairs should not be taken for granted however, since the rule of law remains patchy and corruption remains pervasive. The static situation in Transdnistria severely hampers fundamental reform and state-building in Moldova.</p>	<p>There is less to say about the situation in Belarus. Despite some modest peaks in EU-Belarus relations over the past twenty years when the regime in Minsk seemed capable of making some concessions, the political system has not fundamentally changed, indeed authoritarianism and repression of opposition forces has worsened over the course of the past year.</p>

1 See Sabine Fischer 'Has the EU Lost Ukraine?', EUISS Analysis, February 2010 http://www.iss.europa.eu/uploads/media/Has_the_EU_lost_Ukraine.pdf.

2 The Economist. *A nasty surprise in Belarus*. 29.12.2010 <http://www.economist.com/node/17800131>.

TABLE 3: FOREIGN POLICY ISSUES AND GEOPOLITICS

NEIGHBOURS AND BORDERS		
<p>UKRAINE Borders with Russia, Belarus, Moldova, Romania. Schengen states: Hungary, Slovakia, Poland</p>	<p>MOLDOVA Borders with Romania, Ukraine. Schengen states: none (until Romania joins Schengen, probably in 2012)</p>	<p>BELARUS Borders with Russia, Ukraine, Schengen states: Poland, Latvia, Lithuania</p>
STRATEGIES AND TENDENCIES		
<p>A foreign policy balancing a recalibrated pro-Russian tilt alongside a recognition of the rewards to be reaped from allegiance to the West and cooperation with the EU. The fading of the Orange revolution in foreign policy terms has seen major steps forwards in Ukraine-Russia strategic relations.¹ Kiev's interest in the proposed customs union with Russia will prove to be a potent indicator of the Russia / EU balance in Ukraine's future foreign policy orientation.</p>	<p>The government in Chisinau is certainly pro-European. This is backed by a profoundly pro-EU population. Relations with the EU should persist in a positive direction as the coming year foresees progress in negotiations on a new Association Agreement, DCFTA and visa liberalisation. Moldova's relations with Romania and Russia have entered a quiet phase, though as regards the latter, deadlock in Transnistria remains an open wound with the prospect of EU-Russia discord emerging.</p>	<p>Russia is <i>the</i> partner for Belarus in political, economic and security terms.² It is unlikely that this will change in the near future, at least from the perspective of Minsk. The EU will have to up the ante if any degree of change in the regime's openness is to occur. EU – Belarus relations have again hardened; one can expect a more punitive stance from the EU vis a vis the regime in Minsk.</p>

- 1 The Ukrainian government agreed to the extension of the agreement with Russia for the stationing of the latter's Black Sea Fleet as a quid pro quo for a renegotiation of key energy agreements.
- 2 Eastern Partnership Community website. <http://www.easternpartnership.org/partner-states/belarus>.

Eastern neighbours. Pelcynska-Nalecz points to the fact that protests, 'revolutions' and crises in the neighbouring states over the past ten years have been of both a 'constructive and destructive' nature. Her argument is that 'Crisis situations in the East have taken a great variety of forms over the past decade and should absolutely not be seen as a measure of the region's instability.'²³ Indeed the effects of a number of citizen-based protests in the region served in some cases to push-back trends towards authoritarianism and in the case of Moldova (2009) led to further democratisation and, as noted above, heralded a new era in Moldova's approach to European integration. In this case, this paper concurs with Pelcynska-Nalecz's analysis that this political crisis was of a 'constructive nature', rather than being an indicator of inherent instability. In contrast, the case of Transdnistria, which is surely the most frozen of the region's frozen conflicts, continues to have a destructive effect on the socio-economic well-being of Moldova, its physical integrity and state-building endeavours.

23 Katarzyna Pelczynska Nalecz (2011) 'Integration or Imitation? EU Policy towards its Eastern Neighbours' OSW Studies, Warsaw, April 2011 p.25.

Chapter 3. In the Absence of Enlargement

The EC's immediate response to the break-up of the Soviet Union was TACIS (Technical Assistance to the Commonwealth of Independent States), which from 1991 until 2006 provided the financial framework for relations with Ukraine, Moldova and Belarus to support the process of 'transition to market economies and democratic societies in the countries of Eastern Europe, the South Caucasus and Central Asia'. Simultaneously the EU embarked upon designing a first generation of legal 'Partnership and Cooperation Agreements' (PCAs).

TABLE 4: THE EASTERN NEIGHBOURS AND THE EU

EARLY RELATIONS WITH THE EU POST-1991			
POLITICAL AND LEGAL BASIS	<p>UKRAINE</p> <p>EU Common Strategy for Ukraine (1999) acknowledged Ukraine's 'European aspirations and pro-European choice'.¹</p> <p>Partnership and Cooperation Agreement came into force in 1998.</p>	<p>MOLDOVA</p> <p>Partnership and Cooperation Agreement came into force in 1998.</p> <p>In 2003 Moldova presented a concept for the integration of the republic of Moldova to the European Union.</p>	<p>BELARUS</p> <p>Relations still governed by the Trade and Cooperation Agreement.</p> <p>PCA signed in March 1995, but is not in force.</p> <p>Indications of the EU vision of future relations with Belarus are presented in the Non-Paper</p> <p>'What the European Union could bring to Belarus', which, inter alia sets out</p> <p>'When Belarus becomes a full participant in our neighbourhood policy, and thus a full partner of the EU, the EU would be able to help to improve quality of life of the Belarusian people.'²</p>
ENP ACTION PLAN	Adopted 2005.	Adopted 2005.	n/a

1 http://ec.europa.eu/external_relations/ceeca/com_strat/ukraine_99.pdf.

2 Non-Paper "What the European Union could bring to Belarus"
http://eeas.europa.eu/delegations/belarus/documents/eu_belarus/non_paper_1106.pdf.

Meanwhile the EU was looking to the immediate East to those states with which it shared land borders and who had a genuine and quite vocal claim on being European and to having a place in the process of European integration. Based on the logic of proximity, the neighbours in Central Europe were the first to enter the EU's orbit by securing their bilateral relations in the early 1990's, which led ultimately to EU membership in 2004/7. Crucially, the prospect of EU membership has been used since the 1990's as an effective inducement for neighbours to enact the necessary reforms to move closer to the EU. No surprise therefore, that enlargement is regarded as one of the EU's most effective foreign policy tools.²⁴ Whilst the enlargement dynamic continues to determine relations between the EU and the current and potential candidates, it is not an available foreign policy tool with which the EU can structure its relations with the remaining neighbours. Thus the EU was compelled to develop a policy, distinct from enlargement, to bring about security via political and economic changes in the new neighbourhood. In the following section I give a very brief synopsis of developments.

Most commentators track early conceptual thinking about what became ENP from letters sent by the British and Swedish Foreign Ministers to the Spanish EU Presidency, during the first half of 2002. Similar overtures were developed in a letter drafted by Javier Solana and Chris Patten (then Commissioner for External Relations) later the same year to the Council about the 'Wider Europe'. Solana and Patten spoke of the dual challenge of avoiding new dividing lines in Europe, whilst at the same time responding to the needs and opportunities arising from the newly created borders of the Union. Particular emphasis was placed upon the soon to be eastern neighbours, since, as they argued, the Eastern region was where the impacts of enlargement would be of most consequence. Indeed, this early thinking and original blueprint for what eventually became the ENP, was for a regionally discrete EU 'proximity' instrument geared to nurture relations with these three states.

24 'Wider Europe: A New Framework for Relations with our Eastern and Southern Neighbours' http://ec.europa.eu/world/enp/pdf/como3_104_en.pdf p.5.

The Commission launched its 'Wider Europe: A New Framework for Relations with our Eastern and Southern Neighbours' initiative in March 2003:

(...) In return for concrete progress demonstrating shared values and effective implementation of political, economic and institutional reforms, including in aligning legislation with the Acquis, the EU's neighbourhood should benefit from the prospect of closer economic integration with the EU. To this end, Russia, the countries of the Western NIS and the Southern Mediterranean should be offered the prospect of a stake in the EU's Internal Market and further integration and liberalisation to promote the free movement of – persons, goods, services and capital (four freedoms).

The EU can and should work to spread the benefits of enlargement for political and economic stability in the neighbouring countries and to help reduce prosperity gaps where they exist. (...) The EU should (...) work with the partners to reduce poverty and create an area of shared prosperity and values based on deeper economic integration, intensified political and cultural relations, enhanced cross-border cooperation and shared responsibility for conflict prevention between the EU and its neighbours.²⁵

Subsequent to the Wider Europe Communication the Commission issued the 'Paving the way for a New Neighbourhood Instrument' communication;²⁶ on 'how to do it', with a focus on utilising existing funding tools for the neighbourhood (MEDA, TACIS, CARDS, INTERREG and so on) with a view to the creation of a new comprehensive instrument. The

25 Communication from the Commission to the Council and the European Parliament Wider Europe — Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours Brussels, 11.3.2003. COM (2003) 104 final p.4 http://ec.europa.eu/world/enp/pdf/como3_104_en.pdf.

26 Brussels, 1 July 2003 COM(2003) 393 final communication from the commission Paving the way for a New Neighbourhood Instrument http://ec.europa.eu/world/enp/pdf/como3_393_en.pdf.

2004 European Neighbourhood Policy Strategy Paper was released shortly after the accession of ten new member states into the EU:

The European Neighbourhood Policy's vision involves a ring of countries, sharing the EU's fundamental values and objectives, drawn into an increasingly close relationship, going beyond co-operation to involve a significant measure of economic and political integration. This will bring enormous gains to all involved in terms of increased stability, security and well being. (...). The next step could consist in the negotiation of European Neighbourhood Agreements, to replace the present generation of bilateral agreements (...).²⁷

The scope of this report permits only a brief reference to the conceptual evolution of ENP as a whole, which is presented in the following table:

27 Brussels, 12.5.2004 COM(2004) 373 final communication from the Commission European Neighbourhood Policy Strategy Paper http://ec.europa.eu/world/enp/pdf/strategy/strategy_paper_en.pdf p. 5.

TABLE 5: THE EVOLUTION OF ENP STRATEGIES 2003-2011
The analysis presented in this table is focused on the Eastern part of the ENP.

	2003 WIDER EUROPE PAPER	2004 STRATEGY PAPER	2006 STRATEGY PAPER	2009 EASTERN PARTNERSHIP	2010/2011 CURRENT REVIEW
MOTIF	Dealing with consequences of 2004 enlargement; and avoiding new dividing lines. 'Profiting' from Enlargement.	Applying the ideas of the Wider Europe Paper - defining the terms and scope of a new neighbourhood policy and its delimitation from enlargement	Strengthening the ENP' based on first review of Action Plans and ideas for the better implementation of ENP And Non – paper expanding on the proposals contained in the communication to the European parliament and the council on 'Strengthening the ENP' – 'ENP - visa facilitation'	A 'step-change' in EU-Eastern neighbour relations. Bringing more differentiation and reward-based progress into ENP; ensuring 'more for more' Enhanced cooperation on bilateral and multilateral bases. Not to 'prejudice' future types of relations with the EU. Attempts to bring membership prospect into debate.	ENP needs to be reviewed; How best to implement ENP in a post-Lisbon context. Improving the functioning of the UfM and EaP. Thinking about funding modalities. Greater differentiation and delivering on a 'more for more' principle
OBJECTIVES AND INNOVATIONS	Describe the ways in which the EU and neighbours can profit from enlargement. Spell out EUs role in bringing stability/security to neighbourhood	Detailing the membership, design and scope of ENP. Spelling out the method of ENP and rationale of bringing the Southern and Eastern states together	Strengthen ENP capacities and offers in specific areas: Trade and economic integration, mobility, 'people to people' and the EU's role in frozen conflicts. German input into strengthening the ENP and flowed into Commission of Communication of December 2007 'A Strong European	New Association Agreements, new Action Plans / Agendas. DCFTAs Render ENP-East more effective and visible; regional initiatives; flagship projects Mobility / visa liberalisation are key areas of activity. Integrated Border Management is a flagship activity.	Speaks of the most thorough review of ENP since its inception. Considers more East/South differentiation and different funding schemes – based on new indicators (?)

Identifying the Challenges and the Jobs to be Done

The ENP implementation process kicked-off with the production of Country Reports (CRs) in May 2004. The CRs provide an important insight into what were viewed as the ‘challenges’ or problem areas in each ENP state as seen by the Commission, to which ENP Action Plans (APs) were subsequently designed to address. This paper only highlights some key aspects and for reasons of brevity concentrates on political issues, broadly speaking. The following analysis of ENP CRs builds on the discussion presented earlier in Chapter Two of this paper.

The Country Report on Ukraine pointed to the shaky state of democracy, intransparency and lack of good governance and the leadership’s proclivity to enact constitutional amendments in the run up to elections.²⁸ Judicial reform and efficiency was seen as lacking, with strong tendencies persisting for corruption and a general vulnerability of the judiciary to ‘political interference’. Connected to this was reference to standards in the civil service, where impartiality, integrity and ‘professional stability’ were seen as problem areas. Indeed, the theme of corruption and the fight against organised crime in all its guises was prominent in this CR. The report notes that Ukraine scored a derisory 2.3 / 10 in the Transparency International Corruption Perceptions Index (2003) placing it in 106th place. This amongst other factors, it was noted, repels FDI. Hopes were pinned on the Presidential Decree of 2003, which instructed the government to adopt measures to combat corruption, to be adopted up to 2010. In this context measures to uncover corrupt conduct of government officials and the misappropriation of state funds were singled out. On the theme of Human Rights and Fundamental Freedoms, the basic line is that Ukraine had already signed up to most international human rights instruments, but their implementation remains unfinished business. For example, it was noted that Ukraine hadn’t yet fulfilled all obligations and commitments relating to its membership of the Council of Europe.

28 Commission Staff Working Paper, European Neighbourhood Policy Country Report Ukraine (COM (2004) 373 final) Brussels 12.5.2004, SEC (2004) 566 http://ec.europa.eu/world/enp/pdf/country/ukraine_enp_country_report_2004_en.pdf.

The Country Report on Moldova cited that in the main, legal frameworks for democratic elections existed, and noted that elections have been judged as free and fair, but with irregularities for example in the secrecy of voting, intimidation of opposition candidates, media bias and so on.²⁹ Like in Ukraine, corruption was viewed as entrenched and made worse by inefficient judicial systems and insufficient political willingness to tackle it. Transparency International ranked Moldova in 100th place. And the Council of Europe's group of states against corruption (GRECO) saw that Moldova was one of the countries most deeply affected by corruption. The CR cited low ethical and professional standards of public functionaries as contributing to problems of corruption. The extent and entrenched nature of poverty was also seen as a strong contributing factor in this regard. In response to this, the government in Chisinau had already instigated a number of measures; focussing on better legal frameworks and more transparent financial environment. The CR noted that in the area of human rights and fundamental freedoms since Moldova had already adhered to most International instruments, the 'environment was favourable' for the development of civil society. The problem lay, it was argued, in the actual implementation of international standards and practices in the human rights area. The situation of the break-away region of Transdnistria was highlighted. It is not internationally recognised and the ruling regime seems averse to reaching any solution that would fundamentally alter the status quo. The CR noted the sizeable negative economic and political implications stemming from the Transdnistria situation for the Moldovan state and its chances for successfully reforming.

It is valuable to reflect a little on the Action Planning process, since these documents detail the range of reforms required by the EU of the neighbours and thus can provide a marker by which actual implementation can be

29 Commission of the European Communities Brussels, 12.5.2004 SEC(2004) 567 Commission Staff Working Paper European Neighbourhood Policy Country Report http://ec.europa.eu/world/enp/pdf/country/moldova_enp_country_report_2004_en.pdf.

evaluated. For all intents and purposes APs are the public face of the ENP's objectives. In the table below some of the most salient aspects of the Moldovan and Ukrainian ENP Action Plans of 2005 are presented.

TABLE 6: UKRAINE AND MOLDOVA ENP ACTION PLANS – OVERVIEW OF 'POLITICAL DIALOGUE'

CATEGORY	UKRAINE	MOLDOVA
POLITICAL DIALOGUE / REFORM	<p>Further strengthen the stability and effectiveness of institutions guaranteeing democracy and the rule of law. Ensuring the democratic conduct of presidential (2004) and parliamentary (2006) elections.</p> <p>Join the Council of Europe Group of States Against Corruption (GRECO) and implement relevant recommendations, including a revision of the Ukrainian national strategy for the fight against corruption;</p> <p>Promote transparency and accountability of the administration, in particular concerning the reform of the civil service based on European standards; Further EU involvement in supporting the OSCE and mediators, in the conflict resolution process on Transdnistria, towards a viable solution.</p>	<p>Guaranteeing democracy and the rule of law.</p> <p>Ensuring the democratic conduct of Parliamentary Elections in 2005.</p> <p>Ensure progress in implementing the recommendations of the Council of Europe Group of States against Corruption (GRECO). Put in place and implement appropriate legal framework guaranteeing the freedom of expression and of the media, in line with European standards and on the basis of the recommendations of the Council of Europe.</p> <p>Continue and develop political dialogue and cooperation with the EU on Transdnistria, regional and international issues, including within the framework of Council of Europe and OSCE</p>

What can be deduced from this brief synopsis is an emphasis upon the installation of the rule of law and establishment of good governance, with a focus upon tackling corruption, civil service reform and securing positive electoral outcomes in line with OSCE and international standards.

The task of assessing the implementation of ENP in Belarus is not the same as it is for Ukraine and Moldova. For one, although Belarus is a recipient of funds via the ENPI, amongst other streams, there is still no PCA in place and subsequently there is no AP by which one can measure levels of implementation and to gauge the effects of the EU in the same way as any other ENP state. The ENPI country strategy paper for Belarus sees that: ‘The long-term goal of the EU is for Belarus to become a democratic, stable, reliable, and increasingly prosperous partner with which the enlarged EU will share not only common borders but also a common agenda driven by shared values.’³⁰

The background to the current state of affairs began in the mid-1990s, when, as a consequence of setbacks in the democratisation process, a firm halt to the type of relationships which were developing between the EU and Ukraine and Moldova was arrived at. It was the introduction of an authoritarian regime by Lukashenko during 1996/7 which signalled the beginning of the end of hopes for an open and democratic Belarus willing to meet EU overtures. EU policy vis a vis Belarus has subsequently remained on two tracks (a) restrictions on government contacts and (b) fostering of links with and assistance for democratic forces and actors in civil society.³¹ The EU’s strategy has been manifest in the freezing of

³⁰ European Neighbourhood and Partnership Instrument Belarus Country Strategy Paper 2007-2013 and National Indicative Programme 2007-2011 p.5 http://ec.europa.eu/world/enp/pdf/country/enpi_csp_nip_belarus_en.pdf

³¹ European External Action Service, information on EU relations with Belarus: http://eeas.europa.eu/belarus/index_en.htm. See also *What the European Union could bring to Belarus*. 2006. Non-paper. http://ec.europa.eu/delegations/belarus/documents/eu_belarus/non_paper_1106.pdf see also Kerry Longhurst (ed.). 2009. *Forging a new European Ostpolitik – An Assessment of the Eastern Partnership*. Warsaw: Collegium Civitas Studies and Analyses. www.cfss.eu.

the conclusion of the PCA (thus ensuring Belarus' exclusion from full participation in ENP/EaP); travel /visa restrictions placed on government officials. Together with this, various carrots have been offered in line with the notions that:

'Community and Member States' assistance programmes will support the needs of the population and democratisation, notably by humanitarian, regional, cross-border cooperation and by projects supporting directly or indirectly democratisation and democratic forces in Belarus'.³²

EU assistance has proceeded along 'people-to-people' channels; student and scientific exchanges, scholarships, contacts between small- and medium sized enterprises, the training of local authority officials and coordination between officials working in certain sectors; migration, visas and border management figure quite highly in this respect.³³

A possible breakthrough seemed to be on the horizon in 2008/9 when small steps towards greater openness were made by the Belarusian government. This spurred a reengagement on the part of the EU, with the GAERC Council of November 2009 asking the Commission to set about drafting a 'shadow' ENP-type Action Plan. Though by all accounts this window of opportunity for change was bolted shut soon after and the AP never saw the light of day.

EU policy remains on this two-track approach after the December 2010 elections. What seems to be transpiring is a renewed push from the EU to offer more to the Belarusian people, to sideline the government (for example reinstating the visa ban for a larger number of government officials) even more overtly and to accelerate relations with civil society groups via an enhanced EU charm offensive replete with more funding

32 European Neighbourhood and Partnership Instrument – Belarus, Country Strategy Paper 2007-2013 and National Indicative Programme 2007-2011. p.5. http://ec.europa.eu/world/enp/pdf/country/enpi_csp_nip_belarus_en.pdf.

33 ENPI Belarus Country Strategy Paper Ibid p. 18.

and a more overt disavowal for Lukashenko. The soundings of a more robust stance from the EU can be witnessed in an Op Ed. written by the Foreign Ministers of Sweden, Germany, the Czech Republic and Poland, in which they argued that:

Our many conversations with representatives of different parts of Belarus society have convinced us that the country wants to be part of a free and prosperous Europe. We must now deepen our engagement with the democrats of Belarus and those inside the government who disapprove of the fateful turn their country has taken. They must not be abandoned or betrayed as their country enters what might be a new dark era.³⁴

34 Letter by Ministers of Foreign Affairs – Carl Bildt, Karel Schwarzenberg, Radek Sikorski and Guido Westerwelle, *Lukashenko the Loser*. The New York Times. 23 December 2010.

The Eastern Partnership – An Improvement on the EU's Offer?

As was noted above, the Eastern Partnership (EaP), which was inaugurated in May 2009 was driven by the perceived need to provide a dedicated framework to enhance the EU's relations with its Eastern ENP partners. The initiative was also a response to the Union for the Mediterranean, which now seems to of run aground, but at least at the beginning appeared to be a possible exclusive alternative to ENP and a tool to dislodge the EU's existing 'balanced' approach.³⁵

What does EaP bring to the party? On the face of it EaP offers a number of innovations, both of a procedural and substantive nature. The initiative gains profile via biennial EaP summits, the first of which was held in Prague in 2009. The next will take place in Warsaw later in 2011 during the Polish EU Presidency. The structure of EaP also aims to bring coherence and attention to EU endeavours through the so-called thematic platforms: (i) Democracy and Good Governance (ii) Energy Security (iii) Economic integration and convergence with the EU and (iv) People to People Contacts. Flagship Initiatives also represent EaP's 'cherry on the cake' approach. In this domain sizable amounts of money are earmarked for (i) Integrated Border Management (ii) Regional Energy Markets, energy efficiency and renewable energy (iii) SMEs (iv) Environment Policy (v) Diversification of the supply of energy (vi) Preparedness and Responses to natural and manmade disasters. Beyond this, EaP tries to reach the parts that ENP has not via the EURONEST parliamentary assembly, an assembly of regional and local authorities, the EaP Civil Society Forum and possibly a Business Forum.

If the architects of EaP took issue with some of the failings of ENP and sought to elevate the position of the Eastern neighbours as 'European

35 See Kerry Longhurst and Susanne Nies 'Recasting Relations with the Neighbours – Prospects for the Eastern Partnership' IFRI Europe Visions 4, 2009 http://www.ifri.org/files/Europe_visions/Europe_Visions_4.pdf.

neighbours’, as opposed to ‘neighbours of Europe’, there is still a profound ambiguity at the heart of the project, namely the lack of a clear end-game. Moreover, as will be explored later, the EaP’s emphasis on multilateral cooperation as a supplement to ENP’s traditional bilateralism is not necessarily reaping the results expected in a swift enough fashion. This point will be returned to in the final portion of this report.

Budgeting for ENP – Putting the Money where the Mouth is

The vast majority of funding designated for ENP from the ENPI envelope is organised on a national basis, as opposed to multi-country or regionally-based funding, which is small-fry in comparison.³⁶ The following table breaks down the basic categories and division of resources.

³⁶ States are eligible to get funds from other sources, such as the Nuclear Safety Cooperation Instrument, EIDR, Macroeconomic aid, the Development and cooperation instrument and the Instrument for stability. EIB loans are also available to ENP-East states (and Russia) 3.7 Billion Euros and a further 1.5 Billion Euros from the Eastern partners facility.

TABLE 7: EU FUNDING FOR THE NEIGHBOURS 2007-2013 – THE BASICS

CATEGORY	FUNDS	EXAMPLE OF ASSISTANCE
Total Amount 2007-2013	11.2 Billion Euros ¹ – the ‘financial envelope’ of ENPI	For all ENP partners and Russia
Country Programmes – East	2.51 Billion Euros	Supporting states’ implementation of political, governance, economic and social reform programmes in six ENP states, plus Russia.
Regional Cooperation – East	485 Million Euros	Regional Programme East funding includes support for cooperation between ENP countries and EU states and ENP countries on border, migration and asylum management initiatives and systems with the goal of establishing regional and sub-regional cooperation mechanisms (20-30% of Eastern Regional Programme funds). ³
Supra-Regional (For all ENP states)	1.23 Billion Euros ²	
Cross-Border – East	423 Million Euros	Supporting cooperation between local and regional authorities on both sides of the EU’s external border.
Governance Facility (GF)	350 Million Euros	GF funds awarded to those ENP states as reward for advances in the area of good governance (only for neighbours with actual Action Plans, thus Belarus is excluded).
Neighbourhood Investment Facility (NIF)	700 Million Euros ⁴	In 2008 37.23 million Euros of NIF monies were used to co- fund eight projects in the Eastern neighbourhood.
Eastern Partnership	Additional funds of 350 Million Euros taken from the budget reserve. plus a further 250 Million Euros advanced	

- 1 Regulation (EC) no 1638/2006 of the European Parliament and of the Council of 24 October 2006 laying down general provisions establishing a European Neighbourhood and Partnership Instrument <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:310:0001:0014:EN:PDF>.
- 2 Of that 450 Million Euros reserved for the Neighbourhood Investment Facility.
- 3 See ENPI Eastern Regional Programme Strategy Paper 2007-2013.
- 4 Added to this are contributions to the pot from member states.

TABLE 8: BREAKDOWN INTO COUNTRY PROGRAMMES 2007-2010

UKRAINE¹:		494 MILLION EUROS	
PRIORITY AREAS	<i>Democratic Development and Good Governance 148.2 Million Euros (30%). Sub-priorities include: public administration reform; rule of law and judicial reform; human rights and civil society; education, science and people</i>	<i>Regulatory reforms and administrative capacity building 148.2 Million Euros (30%) Sub-priorities include: improving trade/investment climate; administrative capacity</i>	<i>Infrastructure 197.6 Million Euros (40%) Sub-priorities include: environment; energy; transport and border management (including readmission related issues).</i>
MOLDOVA² 2007-2010		209.7 MILLION EUROS	
PRIORITY AREAS	<i>Democratic Development and Good Governance 52.4 – 73.4 Million Euros (25-35%). Sub-priorities include: public administration reform; public finance reform; rule of law and judicial reform; human rights, civil society and local government; education, science and people to people contacts.</i>	<i>Regulatory reforms and administrative capacity building 31.5 – 41.9 Million Euros (15-20%) Sub-priorities include: improving trade/investment climate; administrative capacity; sector specific reforms</i>	<i>Poverty reduction and economic growth 83.9-125.8 million euros (40-60%) Priorities include: meeting Moldova's Millenium development goals; improving infrastructures at local and regional levels; improving border and customs regimes.</i>
BELARUS 2007-2011 An allocation of 20 Million Euros was originally set for 2007-2010, after advances in EU-Belarus relations in 2008 more funds were earmarked to bring the figure up to 46.7 Million Euros (which includes funds from the EaP Comprehensive Institution Building fund). ³			
PRIORITY AREAS	<i>Social and Economic Development (70%) Sub-priorities include local and regional economic development, emphasis on those areas affected by the Chernobyl disaster; public health sector; establishing cross-border business links; regulatory reform and capacity building including in border management area.</i>	<i>Democratic Development and Good Governance (30%) Sub-priorities include working on people to people contacts, medium-level officials, NGOs etc. Disseminating information on EU activities and promoting exchanges.</i>	

- 1 European Neighbourhood and Partnership Instrument Ukraine National Indicative Programme 2007-2010 http://ec.europa.eu/world/enp/pdf/country/enpi_nip_ukraine_en.pdf.
- 2 European Neighbourhood and Partnership Instrument Republic of Moldova National Indicative Programme 2007-2010 http://ec.europa.eu/world/enp/pdf/country/enpi_nip_moldova_en.pdf.
- 3 European Neighbourhood and Partnership Instrument Belarus Country Strategy Paper 2007-2013 and National Indicative Programme 2007-2011.

Evaluating ENP in the East – A Broad Brush Appraisal

The analysis and data surveyed above give a taste of the ambitions and priorities of ENP in the three countries from the early 1990s up until the present day. How though to evaluate actual implementation? What follows is a broad brush assessment of the implementation of ENP from its inception to the present day. Two main sources are referred to: ENP progress reviews and then selected international measures.

TABLE 9: THE STATE OF PLAY IN ENP-EAST

RELATIONS WITH THE EU			
LEGAL BASES	UKRAINE An Association Agreement has been in negotiation since 2007; alongside negotiations on an EU-Ukraine DCFTA. ¹ The Commission is hopeful that negotiations will conclude by the end of this year. Progress may hasten in light of Moscow's offer to the government in Kiev of a customs union. An Association Agenda was signed in 2009 as a replacement for the previous ENP Action Plan.	MOLDOVA Negotiations began in 2010 for a new Association Agreement to replace the previous PCA. Negotiations for an EU-Moldova DCFTA should commence in earnest in 2011.	BELARUS No change. As a result of the elections and the subsequent government clampdown, the Council of the European Union imposed travel restrictions for a larger number of Belarusian officials ²
KEY AREAS OF DEEPER COOPERATION	Visa Facilitation / Readmission Agreements in place. Action Plan on further Visa liberalisation offered in 2010. Accession to European Energy Community on line.	Visa Facilitation / Readmission Agreements in place. Action Plan on further Visa Liberalisation offered in 2010. Accession to European Energy Community on line.	No change. The EU has said that talks on visa facilitation and readmission agreements could start once better political conditions transpire in Belarus. ³

1 <http://www.easternpartnership.org/partner-states/ukraine>.

2 Council Conclusions on Belarus: www.consilium.europa.eu/uedocs/cms_data/docs/press-data/EN/foraff/119038.pdf; See also: EU confirms sanctions against Belarus <http://www.easternpartnership.org/daily-news/2011-02-07/eu-confirms-sanctions-against-belarus>.

3 European Neighbourhood and Partnership Instrument Belarus Country Strategy Paper 2007-2013 and National Indicative Programme 2007-2011 http://ec.europa.eu/world/enp/pdf/country/enpi_csp_nip_belarus_en.pdf.

The ENP progress reports that accompanied the review of 2006 and the Commission Communication ‘Strengthening the ENP’ are a logical place to start. The Overall Assessment’ of ENP, presented in December 2006, draws attention to the heterogeneous make-up of ENP. ENP states have varied priorities and capacities to implement AP priorities, thus judging change and progress across the neighbourhood as a whole needs to take full account of national specificities, it was argued.³⁷ In its conclusions the progress report saw that:

The ENP is a young policy (...). The ambitious reform agendas set out in the agreed Action Plans can only be achieved in the longer haul, and much remains to be done. Nevertheless (...) the first eighteen months of implementation have laid the groundwork for significant progress – and this is reflected in notable developments across many policy areas. The EU must now take steps to further strengthen the ENP (...).³⁸

Useful discussions can be found in the individual country reports. In the case of Ukraine the ‘free and fair’ elections of 2006 are viewed as *the* democratic breakthrough and a logical consequence of the Orange revolution. Similar positive tones are heard regarding Kiev’s stance on a number of international and regional issues. The EU applauded Ukraine’s positive role in contributing to regional integration and the security of borders. The protection of civil rights and installation of the rule of law were moving in the right direction, the report argues, but endemic corruption and lack of an independent judiciary continues to present the major roadblock to the embedding of democracy.³⁹ The EU’s overall assessment for Moldova a year after the start

37 Commission of the European Communities. Commission staff working document accompanying the: Communication from the Commission to the Council and the European Parliament on strengthening the European Neighbourhood Policy overall assessment, Brussels, 4 december 2006 COM (2006) 726 final. p.2.

38 Ibid. p. 6.

39 Commission of the European Communities. Commission Staff Working document Accompanying the: Communication from the Commission to the Council and the European Parliament on Strengthening the European Neighbourhood Policy ENP Progress Report Ukraine, Brussels, 4 December 2006, COM(2006) 726 final. P.2.

of ENP was that it was ‘showing commitment’.⁴⁰ In a very difficult internal and external environment, where bad governance and corruption runs endemic, the EU saw that the ENP Action Plan had become an anchor for a host of domestic reforms.

2007 saw the beginnings of a broad sweep of changes brought to ENP. The outcomes of these processes recalibrated priorities and set forth a more ambitious agenda for the EU and neighbours alike, as was noted earlier in this paper. On April 3rd 2008 the Commission published its assessment of the implementation of ENP for the preceding year.⁴¹ This time there was more in terms of concrete progress to be reported given that it had been almost three years since the Moldovan and Ukrainian APs had been adopted. However, just as importantly, building on the Commission’s Communication on strengthening the ENP of December 2006, efforts had gained apace on thinking about how to improve the implementation of ENP – a process stewarded to a large extent by the German Presidency of the EU in the first half of 2007.⁴² One of the most important outcomes to consider here is the Commission Communication ‘A Strong European Neighbourhood Policy of December 2007. In this context it was seen that:

The ENP is a partnership for reform that offers “more for more”: the more deeply a partner engages with the Union, the more fully the Union can respond, politically, economically and through financial and technical cooperation. As the partnerships develop, within the common ENP framework, the policy’s operation is becoming increasingly differentiated.⁴³

40 Ibid.

41 Commission of the European Communities Brussels, 3 April 2008 com (2008) 164 Communication from the Commission to the Parliament and the Council Implementation of the European Neighbourhood Policy in 2007 http://ec.europa.eu/world/enp/pdf/progress2008/com08_164_en.pdf.

42 For the report prepared by the German Presidency see 10874/07 of 15.6.2007. <http://register.consilium.europa.eu/pdf/en/07/st10/st10874.en07.pdf>.

43 Commission of the European Communities Brussels, 05/12/2007 COM(2007) 774 final Communication from the Commission A Strong European Neighbourhood Policy

Notions of 'more for more' and greater 'differentiation' subsequently became leitmotifs for the future evolution of ENP, and from the vantage point of 2011 these concepts have become ever more pertinent. The Commission stressed the priority of focusing on implementation and in particular what the EU needs to do to ensure the optimal delivery of the policy: – How ENP is organised and conceptualised (ownership, regional activities, differentiation); Key improvements and upgrades to the 'offers' being made (more economic integration, mobility, regional conflicts/political dialogue, sectoral reforms and so on); Operational issues (action planning processes, review of subcommittee structures and remits, fuller involvement of civil society groups, development of relations with neighbours outside ENP).

The review documents issued in April 2008 by the Commission presented the state of play across the neighbourhood. One of the most important bits of news was the development of the New Enhanced Agreement (which became the Association Agreement) emerging between the EU and Ukraine, the key objectives of which were viewed as deeper economic integration (DCFTA) and the setting-up of a new Action Plan.

Twelve months later, the Commission issued its appraisal of the implementation of ENP in 2008. In this round of reviews the reporting process aimed to link with greater clarity the stated objectives of ENP with reference to individual Action Plans and what specific progress had been made and / or areas of deficiency. A first point made was that 2008 was a difficult year for the ENP:

Its (2008) last few months were marked by crises that could pose long-term challenges for this key EU policy. Two violent conflicts broke out: the war between Russia and Georgia in August 2008 and the Israeli intervention in Gaza in December 2008/January 2009. At the turn of the year Eastern partners and the EU suffered disruptions of gas supplies as a result of a dispute between Ukraine and Russia. Finally, the whole of the ENP area, particularly the East, was affected by the deepening global financial and economic

crisis. This unfavourable context underscores the need for even more active and tangible EU support for the Neighbourhood to promote mutual prosperity, stability and security.⁴⁴

Despite a challenging strategic context the Commission saw that ‘partners made significant progress on implementation of the ENP in several key areas, reflecting the policy’s role as a catalyst for reforms.’ Ukraine’s individual progress report pointed to the continuing need to address the country’s problems with unity and leadership. Furthermore, the gas crisis between Russia and Ukraine, put strains on the emerging cooperation between EU member states and Ukraine in the energy field in view of transit supplies being temporarily cut. Major achievements, according to the report, included:

‘... accession to the World Trade Organisation in May 2008, the good progress in negotiations on the EU-Ukraine Association Agreement including those aspects related to a deep and comprehensive Free Trade Area, the launch of a visa dialogue in October with the aim of establishing a visa free regime as a long term perspective and continuing positive cooperation with the EU Border Assistance Mission (EUBAM).’⁴⁵

At the same time Ukraine made ‘no or only limited progress in the implementation of some key political reform measures including constitutional and judicial reform and efforts to combat corruption.’

Moldova’s report on the implementation of ENP in 2008 presents a mixed picture.⁴⁶ Solid progress in some areas, but derisory progress in others. The electoral law set up in view of the April 2009 election was viewed

44 Commission of the European Communities. Commission Staff Working Document accompanying the Communication from the Commission to the European Parliament and the Council Implementation of the European Neighbourhood Policy in 2008. *Progress Report Ukraine*, Brussels, 23/04/2009.
http://ec.europa.eu/world/enp/pdf/progress2009/sec09_515_en.pdf p.2.

45 *Ibid.* p. 2

46 Commission of the European Communities. Commission staff working document accompanying the Communication from the Commission to the European Parliament and the Council Implementation of the European Neighbourhood Policy in 2008. *Progress Report Republic of Moldova*, Brussels, 23/04/2009.

as a regression of constitutional and democratic change. And indeed the elections of the following year turned out to be a series of debacles, which challenged the still nascent state of democracy and stability of the party system. Despite this seeming turn for the worse in May 2008, the Moldovan executive set up a National Commission for European Integration, chaired by the President of the Republic. This point notwithstanding more recent reviews on the implementation of ENP show that the EU is still concerned with the broader picture of deficiencies in the ENP formula and capacity of partners to get to grips with questions relating to good governance, ensuring political stability, installation of pro-EU governments, maintaining independent judiciaries, carrying out free and fair elections and so on. Looking at this 'macro' picture and the examples of Ukraine, Moldova and of course Belarus there is a dearth of good news and plenty of evidence or potential for back-sliding, at this point.⁴⁷

The most recent round of progress reviews provides an up to date overview of the state of play and a useful insight into what might expect from the current assessment of the implementation of ENP in the context of the Lisbon treaty.⁴⁸ In this review period, the Commission set itself specific tasks to address areas of deficiency. Including the need to encourage good governance remains pressing, both as a goal in itself and because it ultimately underpins political stability and economic growth.

What in general terms can be said about the implementation of ENP in the three target countries? What 'state' are the three neighbours in some five years down the line? According to ENP progress reports the policy has had some impacts, though results have been patchy, with economic reforms exceeding attendant reforms in the area of good governance. Indeed the installation of the rule of law, general political stability and eradication of corruption at all levels remain crucial ENP areas where progress has been meek. In

47 Longhurst Kerry (ed.) (2009) Forging a new European Ostpolitik – An Assessment of the Eastern Partnership.

48 Commission of the European Communities. Communication from the Commission to the European Parliament and the Council Taking Stock of the European Neighbourhood Policy Brussels, 12/05/2010, COM(2010) 207.
http://ec.europa.eu/world/enp/pdf/progress2010/com10_207_en.pdf.

Ukraine tendencies exist for democratic back-sliding, not to mention Belarus where authoritarianism appears to be set in stone. Moldova presents a more nuanced picture, but as already noted, the persistence of the Transdnistria problem presents a constant drag on the country's leadership's attempts at modernisation. The EU's attempts at holding out both stick and carrot *vis a vis* Minsk doesn't seem to work. To illustrate this argument a number of ENP-related indicators and themes in the broad area of 'Good Governance' and instances of change/non-change in the three states can be identified.

TABLE 10: CORRUPTION, TRANSPARENCY AND THE RULE OF LAW

ENP STATE	TRANSPARENCY INTERNATIONAL CPI ¹ SCORE	CPI RANK OUT OF 178	FREEDOM HOUSE CIVIL LIBERTIES SCALE OF 1-7 (7 = WORST) ²	WORLD GOVERNANCE INDICATORS (WORLD BANK) 2009 (RANK 0-100)
UKRAINE	2.6 (2005)	99 (2006)	2 (2005)	Voice and Accountability ³ 47.4
	2.2 (2009)	134 (2010)	2 (2009)	Rule of Law 26.4
	2.4 (2010)			Control of Corruption 20.4
MOLDOVA	2.9 (2005)	79 (2006)	4 (2005)	Voice and Accountability 38.9
	3.3 (2009)	105 (2010)	4 (2009)	Rule of Law 39.2
	2.9 (2010)			Control of Corruption 26.2
BELARUS	2.1 (2006)	151 (2006)	6 (2005)	Voice and Accountability 7.1
	2.5 (2010)	127 (2010)	6 (2009)	Rule of Law 18.9
				Control of Corruption 23.3

1 Corruption Perceptions Index. Greece is the lowest scorer of the EU member states at 3.5.

2 Freedom in the World Comparative and Historical Data
<http://www.freedomhouse.org/template.cfm?page=439>.

3 Voice and accountability captures perceptions of the extent to which a country's citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and a free media. For all data see Worldwide Governance Indicators http://info.worldbank.org/governance/wgi/sc_chart.asp.

Though such indicators may be imperfect and their methodology open to criticism, they do relate a palpable lack of change across most sectors and across virtually all of the three countries. As was hinted at in ENP progress reports corruption remains an entrenched problem and according to Transparency International and the World Governance Indicators the situation has become markedly worse in Ukraine and Moldova over the course of five years. Perceptions of the governments' ability to tackle corruption are also very low, indicating quite meagre public confidence in governance and public policy. One might conclude then, that ENP has been rather flaccid at tackling this particular problem.

TABLE 11: THE CONDUCT OF ELECTIONS

UKRAINE – PRESIDENTIAL ELECTIONS JANUARY/FEBRUARY 2010
<p>The ‘free and fair’ elections of 2006 were viewed as <i>the</i> democratic breakthrough in Ukraine. Four years later observers looked at the Presidential election of January 2010 for confirmation that democracy had taken firm root. Observers were not disappointed in this respect; the OSCE/ODIHR mission report saw that the election ‘met most OSCE commitments and other international standards for democratic elections and consolidated progress achieved since 2004,’ though it was noted that the legal electoral framework needed to be reviewed.²⁷ Some unsubstantiated claims of fraud and corruption clouded the atmosphere of the election and impinged on voter confidence, it was reported.</p>
MOLDOVA – PARLIAMENTARY ELECTIONS NOVEMBER 2010
<p>Through much of 2009 and 2010 Moldova was locked in a political stalemate after Parliament was repeatedly unable to elect a new President of the Republic. This deadlock incited street-violence met with a government clampdown and threatened to put into relapse Moldova’s relations with the EU. Early Parliamentary elections were subsequently held in late November 2010. In general the conduct of the election was lauded by international observers, as meeting ‘most OSCE and Council of Europe commitments.’ The principle negative point was the need to ‘strengthen public confidence in the democratic process.’²⁸</p>
BELARUS – PRESIDENTIAL ELECTIONS DECEMBER 2010
<p>There are not many surprises in the case of Belarus. The EU viewed the election of December 2010 a failure. The OSCE noted that the actual voting process was good, but thereafter the situation deteriorated significantly. The vote counting was judged as ‘bad’ or ‘very bad’ in almost half of the polling stations, carried out in an intransparent manner, with access by observers curtailed. Prior to the election Lukashenko was given the lion’s share of airtime for campaigning, coverage of other candidates in the media was given mostly in a negative light.²⁹ It was reported that on election day some major internet sights were blocked alongside some social networking channels and opposition websites. In the course of the day a number of detentions, arrests and kidnappings were made.</p>

- 1 Ukraine Presidential Election 17 January and 7 February 2010. OSCE/ODIHR Election Observation Mission Final Report, Warsaw 28 April 2010.
- 2 Republic of Moldova Early Parliamentary Elections 28 November. 2010 OSCE/ODIHR Election Observation Mission Final Report 26 January 2011.
- 3 International Election Observation Republic of Belarus – Presidential Election 19 December 2010. OSCE/ODIHR Election Observation Mission Statement of Preliminary Findings and Conclusions.

The EU puts a large emphasis upon the conduct of elections in ENP states. ENP Action Plans set down expectations for free and fair elections as a cornerstone of relations with the EU and a principle benchmark upon which deeper cooperation can proceed. The synopsis presented here, suggests that in the cases of Ukraine and Moldova elections, at least at the national level are proceeding in a mostly 'free and fair way'. Of course in terms of ENP interests and goals it is not just a case of the 'process and conduct' of counting, but also a case of the outcome of elections and how far results deliver pro-EU candidates who are open to EU overtures and committed to ENP objectives, a case in point being the end of the Orange period in Ukrainian politics. All seems well in the case of Moldova, after a few sticky few years, but the result of the 2010 Presidential election in Ukraine posed interesting dilemmas for the EU. A democratic election, conforming to international standards delivered a President with a less than enthusiastic approach to European integration.

Notwithstanding the conclusions offered above there are some reasons to be optimistic. The first EaP progress report from December 2010 served as a reminder that negotiations on the Ukrainian AA are proceeding satisfactorily. Some key chapters have been closed and others close to completion. The AA with Moldova has also proceeded afoot and negotiations on a DCFTA are apparently around the corner.

TABLE 12: ASPECTS OF EU MOBILITY POLICY AND THE EASTERN NEIGHBOURS

EU VISA POLICY OBJECTIVES IN THE ENP-EAST AREAS – SELECTED ISSUES
<ul style="list-style-type: none"> • Initiation of discussions between member states and ENP countries on ways to simplify / cheapen Visa acquisition to enter the EU – ‘Visa Dialogues’, ‘Visa Facilitation Agreements’ and ‘Visa Liberalisation Action Plans’ (possibly leading to Visa-free travel) being the most important tools. • The development of common rules and procedures on the part of the EU for the issuing of Schengen Visas (short-stay) (SVs). To eradicate the variations in national procedures and therefore rates in the issuing/refusal of SVs. Leading to the EU Visa Code, the Visa Information System (sharing of application/refusal information <i>inter alia</i>). Setting up of Common Visa Application Centres in ENP-states for Schengen visa applications (modeled on such a Centre piloted in Moldova since 2007). • More fee-waivers; more multiple entry visas to be issued versus single entry. • No visa needed for holders of diplomatic passports. for holders of diplomatic passports
READMISSION AGREEMENTS IN THE ENP-EAST AREA
<ul style="list-style-type: none"> • Agreements between ENP countries and EU member states for measures to ensure the proper return of ENP citizens and other third country nationals if their entry into the EU is illegal/irregular. Such agreements have proceeded in tandem with Visa Facilitation agreements, the latter being offered as a sweetener for Partner’s assent to a Readmission Agreement with the EU.
BORDER MANAGEMENT OBJECTIVES IN ENP-EAST
<ul style="list-style-type: none"> • Efforts at coordinating and bringing coherence to the guarding of the EU’s outer borders, through common technologies (including biometric passports), methods, curricula for border guard staff etc. • The export of the nascent EU Integrated Border Management model to the ENP countries and states to beyond, as part of the EU’s drive for security (an EaP Flagship activity). • Calling for better demarcation and guarding of national borders in the Eastern region, including use of proper national passports (rather than internal CIS travel documents). Many borders between former Soviet states are not politically or geographically marked. • Fostering inter-regional cooperation between border guard agencies, using the Soederkoeping framework for this pursuit. • EU efforts at aiding states to improve their general migration management capabilities, asylum laws etc. • EU efforts at reforming national border guard agencies away from paramilitary-style or conscript organisations towards ‘professionalisation’, based on EU models.

Chapter 4. The Area of Mobility, Visas and Borders

‘Mobility is in itself a key foreign policy priority, as this is the prism through which the citizens of partner countries perceive the EU.’⁴⁹

At the start of this paper it was noted how the range of issues caught up in the bracket of ‘mobility’ have gained an increasingly more prominent position in the ENP-East area. The key question here is about implementation; how much progress has been made in this sphere?

How has the EU Faired?

Both Ukraine and Moldova have had Visa Facilitation and Readmission Agreements with the EU in operation since the beginning of 2008. In October the same year the European Commission launched a Visa Dialogue with Ukraine which focuses on four thematic blocks: document security including biometrics, illegal immigration including readmission, public order and security, and external relations. A similar dialogue began with Moldova in June 2010.

A tangible sign of success in this sphere came in November 2010 when the EU offered Ukraine an Action Plan on Visa Liberalisation (VL), signaling the start of the ‘operational phase’ of the ongoing Visa Dialogue. A comparable offer was made to Moldova in January 2011. The significance of such steps is high. To begin, though they do not hold out a clear promise or road map to Visa-free travel, it is regarded as a long term goal. This commitment from the EU seemingly goes a long way in meeting the objectives of Ukraine and Moldova who have both positioned visa-free travel into the EU for their citizens as a priority for some time. Moreover, many experts argue that visa-free travel, coupled with better short-medium

49 Communication from the Commission A Strong European Neighbourhood Policy Brussels, 05/12/2007 COM(2007) 774 final http://ec.europa.eu/world/enp/pdf/com07_774_en.pdf.

terms offers from EU member states for employment opportunities for ENP migrants would help tackle such problems as human trafficking and irregular migration by offering a legal alternative for individuals. It is also the case that further visa liberalization and facilities to enhance circular and seasonal migration into the EU for ENP citizens would help alleviate the problems associated with the brain drain from ENP partner states.

The Action Plans on VL reiterate the main thematic blocks of the overall Visa Dialogue, but also bring in new components. A stronger emphasis is placed upon actual implementation, which will be vetted by the Commission, the Council and the European Parliament – this suggests that the celerity at which Ukraine and Moldova will be in a position to get a visa-free regime will not be quick.⁵⁰ Furthermore, the implementation of the Action Plan will be accompanied by a study carried out by the Commission on the implications of the opening of the EU job market for citizens from ENP states. Again, this suggests that the process will be fairly drawn out and subject to numerous roadblocks. In the meantime one might expect the further development of security and mobility pacts between EU member states and ENP partners to slowly develop new paths of controlled economic migration.

Nevertheless the fact that this point has been arrived at is positive evidence of a level of success in the implementation of the relevant portions of the ENP agenda. In particular it is a recognition of progress in ENP partners' efforts at bringing their policies and institutions up to EU-standards, especially in the area of border management, including the reform of Border guard agencies, some advances in bio-metrics, document security and general improvements in migration management (though national ENP progress reviews suggest that much remains to be done here). It is also a recognition that the Readmission Agreements are working properly

50 See Marta Jaroszewicz 'The EU-Ukraine Action Plan on Visa Liberalisation: an Assessment of Ukraine's Readiness' <http://www.osw.waw.pl/en/publikacje/osw-commentary/2011-01-17/eu-ukraine-action-plan-visa-liberalisation-assessment-ukraine-s>.

and certainly in the case of Ukraine, the EU's initiative also takes account of the fact that the number of illegal migrants transiting through Ukraine on route to the EU has palpably shrunk.⁵¹ Thus the extent of the 'problem' has reduced.

Progress in the Visa Dialogues and full operationalisation of the VL Action Plans will depend on further progress in a wide range of fields. All is not so rosy. Most crucially, the overall climate of corruption is perhaps the biggest and most fundamental hurdle standing in the way of progress and full implementation. As noted earlier, systemic corruption and an apparent lack of policies to tackle it, conjoined with weak judiciaries does not bode well for the fuller and complete adoption of the EU's requirements in this domain. The holding of expelled individuals and their correct treatment in line with human rights standards and document security are particular areas which might be vulnerable to corruption and mishandling. Fuller progress by neighbours and the EU's will to respond positively will also be shaped by reform in the area of migration management, asylum etc. This is an area where a report from the European Court of Auditors saw that progress in the implementation of projects had been largely unsatisfactory.⁵²

It seems to be the case that ENP/EaP provided appropriate hooks upon which reforms in all three countries have been carried out in the area of the management of borders. A general impression is that the bulk of the projects in the JLS concerned the area of Border Management and that results have been largely positive in all three countries. A large part of this success can be attributed to EUBAM, which provides a focal point for reforms, best practice and adoption of EU *Acquis* and standards in the region – beyond the contexts of Ukraine and Moldova.

51 *Ibid.*

52 European Court of Auditors' 'The Effectiveness of EU Support in the Area of Freedom, Security and Justice for Belarus, Moldova and Ukraine', Special Report 9, 2008 <http://eca.europa.eu/portal/pls/portal/docs/1/2362310.PDF>.

Though processes remain incomplete, national Border Guard Agencies and Services are being reformed away from paramilitary or conscript forces, into regular professional agencies in line with EU standards. EU assistance helped the phasing out of the conscript system of the Ukrainian border guard agency en route towards a full professionalisation. As from 2008 personnel were recruited through entry examinations and were given proper contracts and training, which was not necessarily the case before. Moreover, education and training systems were reformed rendering them compliant with EU core curriculum for border guard services. EUBAM provided support and know-how in the development of risk-based border controls, a new border guard law was passed and better functioning of cooperation with Ukrainian border authorities and customs emerged.

A working arrangement between FRONTEX and the Moldovan border guard service was signed in Chisinau in August 2008. In addition, a code of ethics for border guards was adopted in June 2008, the preparation of which was supported by EUBAM expertise. In July 2008, the Government adopted a plan on the development of border infrastructure in 2009-2011. EU assistance for the development of the border guard service continues under the framework of EUBAM. All in all Moldova has become the *Bon élève* of the ENP states in the broad JLS area and in mobility issues in particular.

In the case of Belarus, the most impressive area of activity has been in the Border Guard's adoption of new technologies for border management and surveillance, rather than reform of the culture of the organization itself, as seems to be the case for Ukraine and Moldova. Vital to note is the fact that the military style structure and culture of the Belarusian border guard service has aided the efficient implementation of EU-funded projects in this area.

This paper agrees that the Visa Facilitation and Readmission Agreements with Ukraine and Moldova seem to be working and that under the new Visa Liberalisation Action Plans further progress will be made this year.

Strides have also been taken forwards with the development of the EU Visa Code, which is seen to be having some positive practical effects, such as more fee waivers, shorter queues at national consulates in ENP states and degrees of streamlining and transparency in the visa-application procedure for ENP citizens. At the same time, the EU Visa Code isn't yet bringing in the level of standardization ultimately aspired to. National differences still persist, for example the new EU member states tend to issue the most short stay Schengen visas for ENP-East citizens. All in all, then, old patterns of visa issuance tend to persist. The intended effects of the Code and member states capacities to live up to it will take more time, consequently 'visa shopping' still occurs.

The Common Visa Application Centre in Chisinau, which was opened in 2007 issues Schengen (short-stay) visas for Austria, Belgium, Denmark, Estonia, Finland, Greece, Hungary, Latvia, Luxembourg, the Netherlands, Slovenia, Sweden and Switzerland and is generally viewed as a success and a model to emulate and one which will provide a tangible basis from which to properly consolidate the EU Visa Code.⁵³ The rolling out of other such centres across the region could have positive effects for both EU states and ENP partners.

53 'The first EU "Common Visa Application Centre" opens in Moldova', IP/07/561, 25 April 2007, available at www.europa.eu/rapid/pressReleasesAction.do?reference=IP/07/561&format=HTML&aged=0&language=EN&guiLanguage=en.

Chapter 5. The Overall Score Sheet and Recommendations

The overall conclusion of this report is that the implementation of ENP in the EU's closest Eastern neighbours has been a patchy affair. One key finding is that the condition of democracy in the region is a major factor affecting the implementation of ENP in line with objectives set out in Action Plans. The persistence of corruption and rather in-transparent legal and regulatory systems stymies efficient implementation and monitoring of EU-sponsored projects, in both a general sense and in the area of mobility. Coupled with this, the lack of an ENP end game arguably undermines the effectiveness and reception of ENP in the region. As already noted, without strong enough incentives, especially of an economic nature, the types of painful and costly reforms that Central European states had to go through on route to EU membership may not be warranted as worth it in the eyes of elites in ENP partner states. For an example, as discussed earlier, the appeal of the DCFTA with the EU for Ukraine may dwindle in the face of Russia's offer of a customs union, which would not require far reaching democratic reforms from Kiev. Such an argument also rings true in the case of mobility. Though generally speaking it is now easier and cheaper for many Ukrainian and Moldovan citizens to acquire visas to travel to the EU it is still less complicated and less expensive for them to travel to Russia. Crucially, as posited earlier, much of the EU's credibility in the region and overall effectiveness of ENP rests on a better offer from the EU for the mobility of ENP citizens through the softening of the Schengen border.

The hope has to be that the new Association Agreements and Association Agendas, together with the enhanced offers from EaP will provide better hooks upon which ENP governments and societies can align their reform agendas. With this point in mind the following key recommendations are offered.

Tackling Corruption

This paper has argued that one of the main obstacles to the better implementation of ENP is pervasive corruption, which by all accounts persists in all neighbouring states and serves to thwart reform efforts. Since good governance and the rule of law are central elements to the ENP mission, it stands to reason that the EU should develop more innovative ways of helping states to tackle corruption. Of course this is not at all an easy task, not least because governments themselves are sources of corrupt practices or are strongly susceptible to its effects. ENP governments often have no vested interests in tackling corruption. Corrupt practices are often viewed in the neighbouring states as just the normal and regular ways of doing things, thus any changes to higher standards would require a thorough change of culture. The EU needs to be more exacting in spelling out what it expects of the neighbours in the area of tackling corruption, emphasising small steps rather than preaching about the superiority of EU standards. At the same time member states need to be realistic about how much change can be expected in the short to medium term. EU efforts should concentrate harder on building up national administrations from the bottom-up, via the training of young civil servants, for example.

Organising the Neighbourhood

A substantial part of the current debate on ENP concerns the balance between the South and the East. Though all eyes are focused on the South at present, democratic backsliding in Ukraine and the entrenchment of authoritarianism in Belarus shows that there is much unfinished work to be done in the East. As already noted the implementation of ENP over the past five years or so has issued patchy results all in all. A standard answer to this is that greater differentiation should be injected into ENP based on a greater division between the Southern and Eastern portions of the neighbourhood. However, this paper argues that a profound geographical split would serve to sever the EU as a whole from neighbourhood policy

and as a consequence EU policy towards the neighbours would become parochial and subject to the often very specific preferences of sub-sets of member states with their geopolitical interests. In short, the wider strategic goals set out in ENP (however imperfect and ill-defined they might sometimes be) would be lost. Where ENP needs to remain joined up is on tackling the 'big issues', namely democratization; installation of the rule of law; good governance, tackling corruption and so on. Coherent definitions, firm principles backed by funding dedicated to specific priorities within this area, which can be monitored and verified over time form a sound basis. Expanding the basis of the Governance Facility could be considered in this respect.

The key recommendation here is based on the idea that little can be gained by making such a clear and decisive division on a South/East axis. Instead, differentiation should be more graduated; based on concepts of (a) regions and (b) on measures of performance.

- (a) The UfM and the EaP have already brought strong elements of regionalisation to ENP, which, especially in the case of the latter can be said to be delivering some results. New arrangements within ENP such as these and 'Macro-Region' initiatives such as the Baltic Sea Strategy or the new Danube Strategy can play a complimentary role within and in service of the ENP. However, their emphasis and role should not lie in the creation of new institutional frameworks or secretariats that might overlap with existing structures, but should be project-oriented and fit for function. In this way the EaP provides a very useful example with its emphasis upon regionally relevant Flagship Initiatives, such as those on energy security and border management. The key idea stressed here is that of relevance. Infrastructure, transport and environmental projects are the kind of areas where regionally focused projects within ENP could find currency in the South, where the UfM structure does not seem able to deliver.
- (b) Further on the issue of differentiation is the notion of creating mechanisms and opportunities for ENP states to take an accelerated rate

of cooperation with the EU if they demonstrate a will and capacity to move along the reform track ('more for more'). The EU's offer, it seems, has not been strong enough to prize Belarus out of its isolationism and neither has it been entirely successful at mobilizing a generation of Ukrainian elites to stay on a Westwards course. Moldova presents a less negative picture, though at the same time Brussels should not take things for granted and also needs to think of ways to tackle Transdnistria via using the EU's soft power and economic tools. More responsive mechanisms need to be in place to take forwards or pull back on the EU's offer in response to neighbours' performance. Enhanced mobility options, in the direction of more fee waivers, quicker application procedures etc. can play a crucial role here. Swifter movement and greater generosity in the DCFTAs is also an imperative in this regard.

More Funding for Regional Endeavors?

ENPI funding is overwhelmingly dished out on a country by country basis. This national focus mirrors the bilateral Action Plan-based design of Neighbourhood Policy and should not be altered fundamentally. However, a bolstering of monies dedicated to multilateral/regional endeavors could help partner states deliver in such key areas as infrastructure, regional transport networks, cross border activities, border management and the like – all of which deliver security for both the EU and ENP states, as noted above. This idea is based on an assumption that better regional networking in amongst the neighbours enhances regional security in the neighbourhood and is thus advantageous for the EU too. At the moment one of the consequences of the design of ENP/ENPI is that peripheral areas of countries, and often border regions, are overlooked. Second, also owing to the design of ENP there are many missed opportunities for interregional cooperation. Where are the incentives for mutual learning and sharing of information between Ukraine and Moldova on the implementation of their Action Plans, for example? Such gaps are already being addressed

by the new initiatives in EaP and new ‘macro-region’ set-ups, but without a re-thinking of how best to allocate funds multilateral endeavours to enhance security may well come in under par.

A further comment on this issue relates to the particular case of Belarus. Due to its position as an ENP-outlier, if not outlaw, Belarus’ funding is small compared to its neighbours and is aimed at socio-economic well-being and prioritises regional and local authorities. Belarus could gain significantly if a bigger proportion of ENPI funds were dedicated to regional/multilateral projects, which would boost security and further sideline the central government – which is a key objective of EU policy.

These recommendations notwithstanding, it is the bilateral dimension of ENP/EaP which is most important for the Eastern neighbours and has the better potential to deliver results. The EaP’s multilateral projects have the danger of delivering sub-optimal results since coordination and approval is required by all participating EaP states and it can not be guaranteed that all states will support all initiatives all the time. Crucially, the appetite for multilateral and regionally-based projects is not so high for Ukraine and Moldova, which as aspiring members seek to cut their own teeth with the EU. The task in hand therefore is to keep and strengthen the bilateral channels of ENP/EaP and at the same time think about optimizing a regional approach of relevance to the neighbours and to develop it in full consultation with them.

Being Bolder towards Belarus

The EU should be bolder vis a vis Belarus. There has long been talk about a ‘shadow’ ENP Action Plan and the time might be right for bringing such a plan into the light, to spell out more courageously what the EU can offer (and deliver) to ordinary citizens. Of course real change in Belarus will only come about once the current regime is either driven out or demises. All the EU can do in the meantime is to continue to press on with its

policies of sanctions and visa bans vis a vis the government and at the same time support forces for democracy and civil society. With a view to enhancing the mobility of Belarusian citizens and of giving them a positive view of the EU, easier and cheaper visa acquisition, as well as more scholarships could be a priority. A change in this respect could prove to be an important stimulus to enhance the EU's mission in this country.

Softening Schengen: More Mobility Options

This paper has consistently confirmed that mobility is a fundamental feature in ENP-East. It was argued earlier that a commitment from the EU in terms of Visa Facilitation/Liberalization has become a key test of the EU's resolve towards the Eastern neighbours. At present the EU's borders remain hard-edged, but at the same time are perforated by the effects of visa facilitation agreements and by local border traffic zones (LBTZ), for example. This is not a bad start, but clearly there is scope for more far reaching efforts in these areas.

- (a) **Local Border Traffic Zones:** In time the EU could extend the scope of LBTZs. At present such zones cover up to 30kms on either side of a border and are strictly implemented. However traffic is very much one-way. In one of the Polish-Ukrainian LBTZs mobility basically consists of local Ukrainian nationals crossing the border once a day selling two packets of cigarettes bought in Ukraine and then nipping back home having made a small income for a days work. In its current design it seems that LBTZs are not meeting their potential. Actively broadening the border zone, to say 50kms and providing special privileges for local SMEs to do business, as well as incentives for student exchange LBTZs could play a security-building role based on socio-economic objectives across strategically important border areas.
- (b) **EU Visa Policy Developments:** These have led to steady positive changes in the facilitation of the issuing of Schengen Visas, in terms of

easier and swifter delivery of results and easier and cheaper application procedures, as noted above. More multiple entry visas are being delivered for a basis of six months or more, and queuing times have been reduced and become more uniform across consulates, to some degree. More fee waivers are being issued, but at the same time more people are opting to use external service providers to ensure swifter visa delivery, at a cost. Despite this, the perception remains that the EU practices a very restrictive Visa policy, which surely impinges upon the EU's notional role as a normative power. Based on this conclusion this paper recommends that the EU presses fast forwards with its efforts at visa liberalization with Ukraine and Moldova and as noted above, holds out the option for Belarusian citizens too. This need not be pursued in a grandiose way, but with clearly demarcated steps, such as issuing more multiple entry long term visas, establishing more common application centres, or at least to think more creatively in this respect, also taking on board the need to address the lack of consular services in towns beyond national capitals and other major cities. Properly standardizing lists of required documents is also a must, since at present particularly on the questions of means to return home, the list of documents required is rather unspecific or open to interpretation.

- (c) **EU Migration Policy** needs to figure more centrally in the development of ENP. There are a number of issues relevant here. The first is that EU member states need to launch a more rational discussion about their immigration needs and to develop a European strategy on migration which does not cloak the issue as a security threat. In this way, the enlargement of mobility options for ENP citizens could proceed in a more constructive and informed way. Of course the ENP menu also has to address more squarely the root causes of migration from ENP states; people leave a country due to poverty or because of conflict or human rights abuses. To address these, the EU needs to enact a fairer trade policy, including a reform of the Common Agricultural Policy, and give more development assistance.

Annex 1. ENP Timeline 2002-2010

2002	<ul style="list-style-type: none"> Proposals from British and Swedish Foreign Ministers August: Letter from Patten and Solana
2003	<ul style="list-style-type: none"> May: 'Wider Europe' <i>Communication</i> from Commission July: 'Paving the Way' <i>Communication</i> from Commission July: Wider Europe Task Force established
2004	<ul style="list-style-type: none"> 1 May EU enlargement 12 May ENP <i>Strategy Paper</i> and Country Reports published³⁰ Southern Caucasus Republics included in the ENP
2005	<ul style="list-style-type: none"> First Action Plans adopted (Ukraine, Moldova, Tunisia, Morocco, Jordan, Israel, Palestinian Authority)
2006	<ul style="list-style-type: none"> Strengthening the European Neighbourhood Policy <i>Communication</i> from the Commission First set of seven progress reports issued by the Commission Three new Action Plans (Georgia, Armenia, Azerbaijan)
2007	<ul style="list-style-type: none"> December 'A Strong European Neighbourhood Policy' <i>Communication</i> from the Commission ENPI comes into force (replacing TACIS and MEDA) Two new Action Plans (Egypt, Lebanon)
2008	<ul style="list-style-type: none"> Twelve progress reports Union for the Mediterranean established Ukraine and Moldovan Action Plans carried forwards by mutual agreement
2009	<ul style="list-style-type: none"> Eastern Partnership established Progress reports published
2010	<ul style="list-style-type: none"> Fresh round of progress reports published Call from Catherine Ashton for review of ENP implementation, consultation process starts in October
2011	<ul style="list-style-type: none"> Review of the implementation of ENP to be completed in Spring Second EaP summit in October Polish EU Presidency to focus <i>inter alia</i> upon the Eastern Partnership

Bibliography

PRIMARY SOURCES

1. A Secure Europe in a Better World', *The European Security Strategy*. 2003. <http://www.iss-eu.org/solana/solanae.pdf>.
2. Association for Participatory Democracy. 2008. *Moldova and EU in the European Neighbourhood Policy Context – Implementation of the EU-Moldova Action Plan (February 2005-January 2008)*. <http://www.e-democracy.md/files/realizarea-pauem-en.pdf>
3. Commission of the European Communities Final communication from the Commission *A Strong European Neighbourhood Policy*, Brussels, 05/12/2007 COM(2007) 774. http://ec.europa.eu/world/enp/pdf/com07_774_en.pdf
4. Commission of the European Communities. Communication from the Commission to the European Parliament and the Council. *Implementation of the European Neighbourhood Policy in 2008*, Brussels, 23/04/2009 COM(2009) 188/3. http://ec.europa.eu/world/enp/pdf/progress2009/com09_188_en.pdf
5. Commission of the European Communities. Commission Staff Working Paper European Neighbourhood Policy *Country Report Ukraine*. Brussels, 12.5.2004, SEC(2004) 566. http://ec.europa.eu/world/enp/pdf/country/ukraine_enp_country_report_2004_en.pdf
6. Commission of the European Communities. Commission Staff Working Paper European Neighbourhood Policy *Country Report*, Brussels, 12.5.2004, SEC(2004) 567. http://ec.europa.eu/world/enp/pdf/country/moldova_enp_country_report_2004_en.pdf
7. Commission of the European Communities. Commission Staff Working Document Accompanying the: Communication from the Commission to the Council and the European Parliament on Strengthening the European Neighbourhood Policy *ENP Progress Report Ukraine*, Brussels, 4 December 2006, COM(2006) 726 final.
8. Commission of the European Communities. Commission Staff Working Document Accompanying the: Communication from the Commission

- to the Council and the European Parliament on Strengthening the European Neighbourhood Policy, *Overall Assessment*, Brussels, 4 December 2006 COM(2006) 726 final.
9. Commission of the European Communities. Commission Staff Working Document Accompanying the Communication from the Commission to the Council and the European Parliament on Strengthening the European Neighbourhood Policy ENP *Progress Report Moldova*, Brussels, 4 December 2006.
 10. Commission of the European Communities. Commission Staff Working Document Accompanying the Communication from the Commission to the Council and the European Parliament 'Implementation of the European Neighbourhood Policy in 2007' *Progress Report Moldova*, Brussels, 3 April 2008.
 11. Commission of the European Communities. Commission Staff Working Document Accompanying the Communication from the Commission to the Council and the European Parliament 'Implementation of the European Neighbourhood Policy in 2007' *Progress Report Ukraine*, Brussels, 3 April 2008 COM(2008) 164
 12. Commission of the European Communities. Commission Staff Working Document Accompanying the Communication from the Commission to the European Parliament and the Council Implementation of the European Neighbourhood Policy in 2008. *Progress Report Ukraine*, Brussels, 23/04/2009. http://ec.europa.eu/world/enp/pdf/progress2009/sec09_515_en.pdf
 13. Commission of the European Communities. Commission Staff Working Document Accompanying the Communication from the Commission to the European Parliament and the Council Implementation of the European Neighbourhood Policy in 2008. *Progress Report Republic of Moldova*, Brussels, 23/04/2009.
 14. Commission of the European Communities. Commission Staff Working Document Accompanying the Communication from the Commission to the European Parliament and the Council Taking stock of the European Neighbourhood Policy (ENP) *Implementation of the European Neighbourhood Policy in 2009*. Progress Report Republic of Moldova, Brussels, 12/05/2010.

15. Commission of the European Communities. Commission Staff Working Document Accompanying the Communication from the Commission to the European Parliament and the Council Taking stock of the European Neighbourhood Policy (ENP) *Implementation of the European Neighbourhood Policy in 2009. Progress Report Ukraine*, Brussels, 12/05/2010.
16. Commission of the European Communities. Communication from the Commission to the Council and the European Parliament *Wider Europe: A New Framework for Relations with our Eastern and Southern Neighbours* Brussels, 11.3.2003. COM (2003) 104 final. http://ec.europa.eu/world/enp/pdf/como3_104_en.pdf
17. Commission of the European Communities. Communication from the Commission. *Paving the Way for a New Neighbourhood Instrument*, Brussels, 1 July 2003 COM(2003) 393 final. http://ec.europa.eu/world/enp/pdf/como3_393_en.pdf
18. Commission of the European Communities. Communication from the Commission, *European Neighbourhood Policy Strategy Paper*, Brussels, 12.5.2004 COM(2004) 373 Final. http://ec.europa.eu/world/enp/pdf/strategy/strategy_paper_en.pdf
19. Commission of the European Communities. Communication from the Commission to the Parliament and the Council *Implementation of the European Neighbourhood Policy in 2007*, Brussels, 3 April 2008 COM(2008) 164. http://ec.europa.eu/world/enp/pdf/progress2008/como8_164_en.pdf
20. Commission of the European Communities. Communication from the Commission to the European Parliament and the Council, *Taking stock of the European Neighbourhood Policy*. Brussels, 12/05/2010 COM(2010) 207. http://ec.europa.eu/world/enp/pdf/progress2010/com10_207_en.pdf
21. Council of the European Union. 'Conclusions on Eastern Partnership' 3041st Foreign Affairs Council Meeting, Luxembourg 25 October 2010.
22. http://eurobelarus.info/index.php?option=com_content&task=view&id=4816&Itemid=78

23. Council of the European Union. *Strengthening the European Neighbourhood Policy – Presidency Progress Report*, Brussels 15.06.2007, 10874/07. <http://register.consilium.europa.eu/pdf/en/07/st10/st10874.en07.pdf>
24. EUobserver. 27.05.2008.
25. European External Action Service, information on EU relations with Belarus. http://eeas.europa.eu/belarus/index_en.htm
26. European External Action Service, ‘*What the European Union could bring to Belarus*’. Non-paper. 2006 http://ec.europa.eu/delegations/belarus/documents/eu_belarus/non_paper_1106.pdf
27. European Neighbourhood and Partnership Instrument – *Belarus, Country Strategy Paper 2007-2013* and National Indicative Programme 2007-2011.
28. http://ec.europa.eu/world/enp/pdf/country/enpi_csp_nip_belarus_en.pdf
29. OSCE/ODIHR Election Observation Mission Final Report, Warsaw. ‘*Ukraine Presidential Election*’ 17 January and 7 February 2010. Published 28 April 2010.
30. OSCE/ODIHR Election Observation Mission Final Report, Warsaw. ‘*Republic of Moldova Early Parliamentary Elections*’ 28 November 2010. Published 26 January 2011.
31. OSCE/ODIHR Election Observation Mission International Election ‘*Observation Republic of Belarus – Presidential Election 19 December 2010*’. Statement of Preliminary Findings and Conclusions.

SECONDARY SOURCES

1. APAP, J, BORATYNSKI, J., EMERSON, M., GROMADZKI, G., VAHL, M. and WHYTE, N. ‘Friendly Schengen Borderland Policy on the New Borders of an Enlarged EU and its Neighbours’, *CEPS Policy Brief* No. 7, 2001 Brussels: CEPS.
2. BILDT, Carl; SCHWARZENBERG, Karel; SIKORSKI, Radek and WESTERWELLE, Guido, ‘Lukashenko the Loser’. *The New York Times*. 23 December 2010.

3. BONIFACE, Jérôme, WESSELING, Mara, O'Connell, Kevin and RIPOLL SERVENT, Ariadna 'Visa Facilitation versus Tightening of Control: Key Aspects of the ENP, *Study of the DG External Policies of the European Union*, 2008. http://www.eipa.eu/files/visa_facilitation.pdf
4. CASIER, Tom 'To Adopt or Not to Adopt: Explaining Selective Rule Transfer under the European Neighbourhood Policy' *Journal of European Integration* 33:1, 2011, pp.37-53.
5. DELCOUR, Laure 'The European Union, a security provider in the eastern neighbourhood?' *European Security*, 19: 4, 2010, pp. 535-549.
6. FISCHER, Sabine, 'Has the EU Lost Ukraine?' *EUISS Analysis*, February 2010
7. http://www.iss.europa.eu/uploads/media/Has_the_EU_lost_Ukraine.pdf.
8. FRATTINI, Franco A Pact for Euro-Mediterranean Stability - *The Financial Times*, February 17th 2011 <http://www.ft.com/cms/s/0/97c0cc46-3a9b-11e0-9c65-00144feabdco.html>
9. JAROSZEWICZ, Marta, 'The EU-Ukraine Action Plan on Visa Liberalisation: an assessment of Ukraine's readiness' *OSW Commentary*, January 2011, <http://www.osw.waw.pl/en/publikacje/osw-commentary/2011-01-17/eu-ukraine-action-plan-visa-liberalisation-assessment-ukraine-s>
10. LONGHURST, Kerry and ZABOROWSKI, Marcin Zaborowski 'Keeping an Eye on the East: The Foreign Policy Priorities of the Central European Presidencies of the European Union,' *CEPA Issue Brief* 118, 2011
11. http://www.cepa.org/publications/view.aspx?record_id=172.
12. LONGHURST, Kerry (ed.) *Forging a new European Ostpolitik – An Assessment of the Eastern Partnership*. Warsaw: Collegium Civitas Studies and Analyses. 2010.
13. LONGHURST, Kerry and NIES, Susanne, 'Recasting Relations with the Neighbours - Prospects for the Eastern Partnership' *IFRI Europvisions Paper Series*. February 2009. http://www.ifri.org/files/Europe_visions/Europe_Visions_4.pdf
14. PELCZYNSKA NALECZ, Katarzyna, 'Integration or Imitation? EU Policy towards its Eastern Neighbours' *OSW Studies*, Warsaw, April 2011

15. TRAUNER, Florian and KRAUSE, Imke 'EC Visa Facilitation and Readmission Agreements: A new Standard EU Foreign Policy Tool?' *Paper presented to the ECPR Fourth Pan-European Conference on EU Politics*, Riga, September, 25-27, 2008, <http://www.jhubc.it/ecpr-riga/virtualpaperroom/058.pdf>
32. WOLCZUK, Kataryna 'Adjectival Europeanisation? The Impact of EU Conditionality on Ukraine under the European Neighbourhood Policy' *European Research Working Paper Series* Number 18 2007, European Research Institute <http://www.eri.bham.ac.uk/documents/research/wp18-wolczuk.pdf>. Peter Miltner

College of Europe Natolin Campus Publications

NATOLIN RESEARCH PAPERS SERIES

- 1/2011 KERRY LONGHURST
Derisory Results or Reasons to be Cheerful?
Evaluating the Implementation of the European
Neighbourhood Policy in Ukraine, Moldova and Belarus
- 2/2011 IVÁN MARTÍN
European Neighbourhood Policy in Southern
Mediterranean Countries – Assessment 2005-2010
- 3/2011 LAURE DELCOUR AND HUBER DUHOT
Bringing South Caucasus Closer to Europe:
Achievements and Challenges in ENP Implementation
- 4/2011 HANNES ADOMEIT
Russia and its Near Neighbourhood:
Competition and Conflict with the EU
- 5/2011 MACHTELD VENKEN
Migration and War Memory in a European Perspective.
A Case-Study on Displaced Persons in Belgium

NATOLIN BEST MASTER THESIS SERIES

- 1/2010 DIANA BABAYAN
Balancing Security and Development in Migration Policy –
EU Mobility Partnerships
- 2/2010 PETER MILTNER
The Union for the Mediterranean and the Eastern Partnership:
A Comparative Analysis
- 3/2010 ALIAKSANDR PAPKO
Les défis du Partenariat oriental: le cas du Belarus

If you would like to be added to the mailing list and be informed of new publications and Natolin Campus events, please email: publications.natolincampus@coleurope.eu.

All publications can be accessed at: www.coleurope.eu/publications

**PUBLISHED BY THE COLLEGE OF EUROPE NATOLIN CAMPUS
FUNDACJA KOLEGIUM EUROPEJSKIE
UL. NOWOURSYNOWSKA 84 · PL-02-792 WARSZAWA · POLAND/POLOGNE
e-mail: publications.natolincampus@coleurope.eu · www.coleurope.eu**

ISBN 978-83-63128-05-0