

21.2.2015

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What Went Wrong and What Right for the EU in Ukraine?

An outline of a paper to be presented at the EUSA Convention, Boston, 5 March 2015

Not to be cited, nor distributed. All comments welcome!

Introduction

The severe crisis and consequent conflict and even war in and over Ukraine have resulted in severe soul-searching in key Western actors and institutions, the European Union (EU) included. This is hardly a surprise that the collapse of Yanukovich and the events that followed took by and large the whole Western scholarly and diplomatic community by surprise. By annexing the Crimean peninsula and incorporating it swiftly into its federal structure Russia has not only shown its acute displeasure with how things have been developing in Ukraine and Eastern Europe but has also thrown down the gauntlet, essentially questioning and consequently challenging the very foundations of European (security) order and indeed international law.

The debate that has ensued in the EU seems to ebb and flow between two polar opposites. On the one hand we have seen the emergence, or re-appearance, of a group of member states who by and large share Russia's viewpoint that the problem has been the ill-advised and overly eager application of the EU's neighbourhood policies in the East. In hindsight, they seem to argue, the EU has transgressed Russia's traditional sphere of influence in ways that have been conducive to the current conflict. For them, the sensible way forward is to accept Russian claims at least to a certain degree legitimate and in effect accept a certain *droit de regard* for Moscow in the Eastern neighbourhood. In other words, the EU should have and in future must tread much more carefully in the East and should look for ways to normalize relations with Russia as soon as possible. For all intents and purposes this is also what Russia seems to be insisting on with its actions in Ukraine.

On the other hand we have another group of member states that insist that the problem is not the EU and its policies but Russia and its atavistic instincts that should have no currency in the 21st century. According to this reading, Russia has been for some time seeking ways to undermine EU policies in the region and the fall of Yanukovich was simply a perfect storm that in effect forced Russia to reveal its true colours. In this respect, the EU has the right and even the obligation to keep on insisting on its objectives and values and keep promoting them Russian protestations notwithstanding. In fact, for these people, the EU is called on to step up these activities: the Eastern partners should be fully associated with the EU and perhaps even the full membership perspective should be in the cards. What is more, the EU should, according to this view, push back against Russia and also use robust economic sanctions, and if necessary also other measures such as giving direct military aid Ukraine, to try to effect Russia's strategic calculus and consequent actions in Ukraine. According to this view, Russia has embarked on a dangerous revisionist path and needs to be stopped at its tracks before further escapades and calamities follow.

Perhaps somewhat counterintuitively, even paradoxically, this article seeks to bridge this current divide by seeing merit in both sides of the argument. It is easy to agree with the second group and to argue that the EU has not in fact been a particularly aggressive actor in the region. On the contrary, it has repeatedly been invited and to a certain extent been tied into the negative regional dynamics and games being played in the East. That said, one cannot avoid the conclusion that EU's chosen approach has played a part in the gestation of the current crisis. This is not to say that the EU is solely or even largely to blame but it has played a negative role in the process. Also, and more worryingly, the present mind-set of insisting on the blind continuation and perhaps even acceleration of this approach risks becoming a real and much more problematic catalyst for negative developments in the future.

But to better understand the role the EU's Eastern policies have played we must first take a look at how they have developed. This will highlight two things: the essential unwillingness of the EU to engage itself in games of spheres of influence, or at times even any games in the East, and the propensity to develop policies void of long-term thinking about the long-term strategic ramifications these (non-)policies might have. It is this continued sleep-walking that seems to be the defining characteristic of EU responses in the East that is the main concern and object of criticism of this article.

The development of EU policies in the East

Phase I: Towards a differentiated approach in the early 1990s

This section, once written, will discuss the formative phase of the EU's policies in the East in early 1990s. In particular the following points will be addressed:

- The basic choice between Europe and Partnership and Co-operation Agreements

- The underlying attempts at 'ordering' Europe based on liberal principles ('regional normative hegemony')
- The Russia First policy

Phase II: From Eastern enlargement to Wider Europe and ENP

This section, once written, will discuss the early years of the EU's Eastern neighbourhood policies. It will tackle the following points and issues:

- 'Eastern neighbourhood' was the (unwanted) side-product of the Eastern neighbourhood. The EU was never particularly enthusiastic about the new neighbours and was not very willing to consider serious commitments or policies in and for the region
- The ENP was developed with negative objectives: to stave off further accessions and other expensive commitments, to control the desires of the new CEECs about to enter the EU (hence the adoption of ENP in 2003, a year before these countries acceded)
- Ergo: The EU was initially *not* interested in having a robust policy in place, nor strived at acquiring spheres of influence – and Russia knew this

From ENP to EaP

This section will analyze the shortcomings of the ENP and the relatively inadvertent injection of a geopolitical logic into the EU's toolbox in the aftermath of the war in Georgia in 2008.

- The disappointed track record of early ENP
- Revised ENP + EaP as a response to Russia's role in the war in Georgia in 2008
- Russia's Eurasian Customs Union/Eurasian Union: the emergence of incompatible logics between the two projects

The Road to Vilnius and beyond

This section will discuss the role the EU played in the run-up to the Vilnius Eastern Partnership Summit in November 2013.

- Russia's increasing challenge to the policy, culminating in the deal that sidelined the signing of the AA and resulted in the Maidan movement in Kyiv
- The EU's failure to make the correct analysis and inability to take the role of Russia into account

- The role of the EU in sanctioning Russia on the one hand and trying to support Ukraine – and other Eastern partners – on the other hand

In lieu of conclusion: Did the EU get anything right?

As has been argued in this article the main problem in the EU's neighbourhood policies in the East has been its non-strategic character. Essentially the EU has been unwillingly and in a rather haphazard manner been sleepwalking into ever deeper strategic commitments with scant strategic thought.

We now know that although the intentions have been good, the outcome is anything but. The problem has been that Russia's repeated professions against the EU's approach have fallen on deaf ears. For the EU, the response has been to explain time and time again to Russia why its approach should be in the interest of Russia as well. In essence, Russia's readings of the evolving situation have been incompatible with the policy discourses in the West/the EU. As a consequence, they have simply failed to register and have not been taken seriously. Hence the acute surprise when Putin finally put its foot down in early March.

The problem for the EU, and the danger this article is trying to draw attention is, that it seems likely Russia is not simply going through a phase that will soon subside. On the contrary, there are plenty of indicators that we are dealing with a more profound and long-lasting change of heart and not just a passing anger. Yet the EU continues to insist on upholding principles without thinking strategically about the situation.

This should not be construed that the EU and the West should simply cave in under Russian pressure and let Putin have his way with the countries of Eastern neighbourhood. On the contrary, the EU has the continued right and perhaps even obligation to remain engaged in the region and to continue to promote its values and vision of the future of Europe. The main point lies elsewhere, as if the EU is to play this game successfully it must acknowledge that the challenge is strategic and will require head-on collisions with Russia in some issues while avoiding conflict in others. It also means strategic patience and the ability to assess when the stakes are perhaps getting too high for the overall European security. The underlying concern is that the auto pilot mode of EU/Western responses to the current crisis will only result in us sleepwalking to yet another and potential bigger catastrophe we are witnessing in Ukraine at the moment. Therefore it is time that the EU did acknowledge the radically altered nature of the name of the game in the East and started acting accordingly: carefully weighing possibilities and risks, options and dangers etc. This is admittedly a tall order for a diffuse international actor such as the EU. Too tall, perhaps?