

Ukrainian Center for Independent Political Research

*Edited by Vitalii Martyniuk*

# **EU's Eastern Partnership: *Additional Possibilities for European Integration of Ukraine***

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This book is an analytical publication which highlights the analysis of a new format of the EU policy in the East (concerning Ukraine, Georgia, Belarus, Azerbaijan, Armenia and Moldova) and views on possibilities of this policy application for further process of the European integration of Ukraine, that is in bilateral dimension – full integration of Ukraine to the EU structures, and in multilateral dimension – development and enhancement of regional cooperation between all the Eastern partners and the EU; as well as recommendations for using the Eastern Partnership possibilities.

The publication is practicable for Ukrainian governmental bodies, which are responsible for the European integration of Ukraine, and for Ukrainian and foreign mass-media, Ukrainian governmental and non-governmental think-tanks, the EU institutions and Ukrainian civil society.

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## **Introduction**

The Eastern Partnership initiated by Poland and Sweden and officially approved by the European Council on March 19-20 this year, and that came into force in the Summit of the Eastern Partnership on May 7 in Prague, is directed at strengthening of the bilateral and multilateral cooperation of the European Union (the EU) and the Eastern European Partners and among themselves.

The Eastern Partnership (EaP) is designated to strengthen the democratization in the Eastern European and Southern Caucasus states, to provide assistance to them in the processes of European integration, modernization and the rule of law. Though, the Eastern Partnership as a continuation of the European Neighbourhood Policy (ENP) has a series of drawbacks related to vague institutional structure and low level of financing for implementing such ambitious goals. Practically all of the Partner States and even some Member States expressed certain scepticism towards the new format of different EU policies. Though, this format has been proved and officially initiated, and the EU recurrently declares *on the new additional values*, which may receive both the EU and the Partner States from implementation of the Eastern Partnership.

The Ukrainian Center for Independent Political Research supported by the International Renaissance Foundation conducted an analytical research within the Project "*The Eastern Partnership' Initiative of the EU: Evaluation and Perspectives of Development of Additional Integration Possibilities for Ukraine*". The relevance of the research was determined by the necessity to search for effective ways and mechanisms of using the Eastern Partnership format to strengthen the European integration of Ukraine, which has already achieved substantial successes in that. Ukraine is currently at the stage of real change of format for the EU relations, which is proved by the *Association Agenda* to replace the EU – Ukraine Actions Plan and the future signing of the Association Agreement (contrary to the Partnership and Cooperation Agreement). The questions arise: what new may this EU Initiative propose to Ukraine, what are the additional values and capabilities does it bring to the process of the European integration of our country, and whether this Initiative becomes a substitution or an additional burden for the strategic goal of Ukraine – EU membership?

Before the beginning of the Project in other countries there were separate researches conducted, but they were mainly directed at the analysis of the Initiative and formation of attitude to it within different countries, but not the additional values and capabilities. In Ukraine none of Ukrainian governmental or non-governmental organizations has dealt with a detailed complex study of the Eastern Partnership. That is why the Project in our

country has become the first analytical research of the new format relations of the EU and the Eastern Europe and Southern Caucasus States, the main goal of which was using the additional capabilities of the Eastern Partnership and ways of using them for the European integration of Ukraine.

The given Project is a continuation of implementation of the Initiative of the Ukrainian Center for Independent Political Research and the International Renaissance Foundation, according to which during October – November 2008 there were expert discussions conducted on the Eastern Partnership within the work of the Civil Society Expert Council at the Ukrainian side of the EU – Ukraine Cooperation Committee. Prepared Proposals of the Ukrainian civil society for the development of the EU Eastern Partnership Program were sent to Ukrainian governmental structures, the European Commission and the EU Member States Embassies as well as the Partner States. The mentioned proposals were used by the Ministry of Foreign Affairs of Ukraine during formation of its own vision of the Eastern Partnership, and they were also taken into account by the European Commission during preparation of their own proposals.

The main problem, which the Project was designated to solve, is the analysis of key provisions of the Eastern Partnership Initiative as the new mechanism of the EU cooperation in the Eastern Europe and in the Southern Caucasus, evaluation of additional capabilities for Ukraine and generation of views and proposals with and effective use of this new format for strengthening the European integration of Ukraine.

To realize the overall analytical research within the Project there was created an expert group, which included:

- *Vitalii Martyniuk* (Ukrainian Center for Independent Political Research) – project director;
- *Galyna Usatenko* (Europe XXI Foundation) – chief expert of the project;
- *Serhiy Chikurliy* (Centre for Political and Legal Reforms) – project expert on analysis of political and legal frames of the Initiative and administrative reformation programs;
- *Olga Shumylo* (International Centre for Policy Studies) – project expert on the Eastern Partnership economic vector analysis;
- *Ildar Gazizullin* (International Centre for Policy Studies) – project expert on economic integration analysis;
- *Oleksandr Sushko* (Institute for Euro-Atlantic Cooperation) – project expert on security, mobility and people-to-people contacts analysis;
- *Nataliya Parkhomenko* (Centre for Peace, Conversion and Foreign Policy of Ukraine) – project expert on visa and migration policy analysis;
- *Mykhailo Gonchar* (Centre "NOMOS") – project expert on energy integration analysis;
- *Oleksiy Kolomiyets* (Centre for European and Transatlantic Studies) – project expert on security dimension of the Eastern Partnership analysis;
- *Andriy Chubyk* (Centre for Global Studies "Strategy XXI") – project assistant.

Such a composition of the expert group allowed conducting a complex study in all spheres, which were determined by the corresponding platforms in the Eastern Partnership: "*Democracy, good governance and stability*", "*Economic integration and convergence with EU policies*", "*Energy security*", "*Contacts between people*".

In the course of study the expert group conducted consultations with the Ukrainian and foreign experts and officials, made a comparative analysis of the Eastern Partnership Initiative provisions in comparison to those declared before within the ENP and other EU Initiatives: Black Sea Synergy, Northern Dimension, Union for the Mediterranean, as well as formats for bilateral EU – Ukraine Cooperation, which exist currently. There was studied the real condition of the process of European integration of Ukraine, its relations with the EU and other Eastern European Partners, learned views towards the Eastern Partnership in the Partner States and the EU Member States, assessed the obstacles in the Ukraine's way to full integration into the EU, and the corresponding conclusions taken as well as proposals for effective implementation of the Initiative.

An important step for analytical research was the International Conference "Additional possibilities of the Initiative "Eastern Partnership" for European integration of Ukraine and Eastern Partners", which took place on 27-28 April 2009 in Kyiv and was supported by the International Renaissance Foundation, the Embassy of the Republic of Poland to Ukraine and the Embassy of the Czech Republic to Ukraine. The broad discussion within the Conference, except the project experts, involved Ukrainian and foreign high officials and experts: Head of the Committee on European Integration of the Verkhovna Rada of Ukraine Borys Tarasiuk, Head of the Delegation of the European Commission to Ukraine José Manuel Pinto Teixeira, Extraordinary and Plenipotentiary Ambassador of the Czech Republic to Ukraine Jaroslav Bashta, Head of Operations/Co-ordinator for Cooperation of the Delegation of the European Commission to Ukraine Laura Garagnani, Director-General for the European Union of the Ministry of Foreign Affairs of Ukraine Pavlo Klimkin, Director of the Coordination Bureau for European and Euro-Atlantic Integration of the Government of Ukraine Vadym Triukhan, Deputy Director General of the Razumkov Center Valeriy Chaly, expert from the Institute for Democracy named after Pylyp Orlyk Natalya Belitser, President of the Ukrainian National Environmental NGO "MAMA-86" Anna Golubovska-Onisimova, Head of Section of the National Institute of International Security Problems Olena Malynovska, "Economichestkie Izvestiya" correspondent Ksenia Lazorenko, expert of the Center of Political and Legal Reform Alla Pukhtetska, expert of the Center for Peace, Conversion and Foreign Policy of Ukraine Iryna Sushko, Deputy Director of the Polish Center for Eastern Studies OSW Adam Eberhardt, Director of the Czech Association for International Affairs Mikhal Tim, expert of the Polish Institute of International Affairs Lukasz Adamski, Director of the Azerbaijan Centre for Economic and Business Research and Education Fuat Rasulov, Director of the Belarusian Institute for Strategic Studies Vitalii Silitski, Head of the "Caucasus history" department of the Azerbaijan National Academy of Sciences – Historical Institute Irada Baghirova, President of the Belarusian Centre for Political Education Andrei Liakhovich, President of the Yerevan Press

Club Boris Navasardian, policy analyst of the Institute for Policy Studies George Tarkhan-Mouravi, Program Director of the Moldavian Foreign Policy Association Victor Chirila.

The discussion provided an opportunity to find the answer to the question on what new is in the Eastern Partnership, how it coordinates with other EU policies and initiatives, how are the financial resources planned for its implementation, what national interests and needs of the Eastern European Partners may be considered in the process of the Eastern Partnership implementation, and what may be the procedure for implementation of the given Initiative to develop and strengthen the European integration processes. Conclusions, views and proposals expressed by the participants of the Conference have been taken into account by the project experts and included into this publication.

During the project implementation the expert group worked out the Proposals on the EU Eastern Partnership capability to be used for the European integration of Ukraine. They were submitted to the Vice Prime Minister of Ukraine Hrygoriy Nemyria, Deputy Minister of Foreign Affairs Kostyantyn Yeliseyev, Head of the Committee on European Integration of the Verkhovna Rada of Ukraine Borys Tarasiuk, Director-General for the European Union of the Ministry of Foreign Affairs of Ukraine Pavlo Klimkin, Director of the Coordination Bureau for European and Euro-Atlantic Integration of the Government of Ukraine Vadym Triukhan for taking them into account during the preparation process for the Eastern Partnership Summit. The proposals have also been submitted to the Delegation of the European Commission to Ukraine and the Embassies of the EU Member States as well as represented at the International Conference "Eastern Partnership: Towards Civil Society Forum", which took place on May 6, 2009 in Prague. The mentioned proposals in expanded and finished version form the basis of this analytical publication.

Under condition of insufficiency of integrated information and analytical materials on the Eastern Partnership and concrete visions of its future development the given publication, as the result of realization of the Project "*The Eastern Partnership' Initiative of the EU: Evaluation and Perspectives of Development of Additional Integration Possibilities for Ukraine*", is an attempt to determine the new values of the EU Initiative and inform the Ukrainian and foreign target audience on views and proposals on its implementation to improve the European integration of Ukraine and involve the public society into this process.

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# **Chapter I. Transformation of the EU Eastern Policy into the format of the Eastern Partnership Initiative**

*Vitalii Martyniuk*

## **1.1. Development and selection of the European Neighbourhood Policy in the East**

The European Neighbourhood Policy was initiated in 2004 with the goal to create an area of stability and welfare to the South and East from the new borders of the expanded European Union through establishment of close long-lasting relations with the neighbouring states. It is directed at preventing the new line of separation between the expanded EU and its neighbours as well as providing an opportunity to participate in various EU activities through a closer political, economic, cultural cooperation, and collaboration in the sphere of security. The ENP established the general strategy for the neighbouring states with the aim to create friendly states environment around the European Union.

Since 2006 the ENP has been facing new challenges<sup>1</sup>. Every year there are interruptions with the energy resources supplies to the EU because of the conflict among Russia and the neighbouring states. Russia is actively approaching the aim of practically total control over the natural gas supplies from Central Asia. The political power in Belarus becomes more active after the re-election of President Oleksandr Lukashenko in 2006. The conflicts in Nagorny Karabakh and Transdnistria rest unsolved. And, finally, unsolved issues of the Southern Ossetia and Abkhazia have led to the August conflict in Georgia. All of the mentioned factors, which have become challenges for policy of the EU and its member states in the Eastern Europe as well as in the Southern Caucasus, made the EU pay more attention to the mentioned area, to reconsider and adapt the policy towards Russia and the Eastern European neighbours. The ENP required the new impetus.

Starting from 2006, the European Union began paying peculiar attention to the development of the ENP Eastern direction. The EU concentrated upon the sector cooperation, including introduction of such new tools of the ENP like sector agreement, thematic dialogue and an opportunity for the ENP countries to join the programs and agencies of the European Community. Thus, on December 4, 2006 the European Commission published

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<sup>1</sup> *Alexander Duleba, Lucia Najsova, Vladimir Benc, Vladimir Bilcik, "The Reform of the European Neighborhood Policy"// Research Center of the Slovak Foreign Policy Association, Bratislava 2008*

the Communication on Strengthening the European Neighbourhood Policy<sup>2</sup>, which included the conclusion of sector agreements, new tools for the ENP and called for introduction of the new thematic dimensions within the ENP. The integration was defined by those key dimensions, which then were depicted in the Eastern Partnership: development of the democratic values, economic integration, mobility and migration. This Communication already outlined the requirement for concluding the multilateral agreements among the EU and the ENP states as far as "*there is a series of cross-boundary topics in which the EU and ENP partners both in the North and in the East share the common interests and concerns, which may have a beneficial solution within the multilateral context*"<sup>3</sup>. Such topics include energetic, transportation, environment, development of the regions, informational community, cooperation in researches, health care, financial services, border control, migration and maritime issues. An example for reaching such intentions is the spreading of the Energy Community Treaty on the ENP states, which are ready to accept the corresponding sector standards of the EU. The European Commission was given a mandate for developing programs of the Community for the ENP states, which receive access to corresponding policies of the EU in the form of observers within the EU institutions and agencies.

Practically, the strengthening of the ENP resembled the German Initiative *ENP Plus*, the main idea of which was development of the sector cooperation based on two fundamental principles: obligatory approximation to the corresponding EU sector standards as well as access to the EU institutions that had to lead to the common sector space between the EU and the ENP, i.e. sector integration with the EU. In this way the EU was developing the higher level of the ENP, which continued from the initial notion of "everything but membership". Though, the European Union could not go on integrational relations with the South because these states were not European and did not have any opportunities for achieving EU membership, contrary to those from the Eastern Europe.

An important step for the EU policy development in the East, which extended the ENP framework, was the implementation of Black Sea Synergy. The corresponding communication "Black Sea Synergy – a new Regional Cooperation Initiative" was issued by the European Commission on April 11, 2007<sup>4</sup>. After the Northern Dimension Initiative developed in 1999, the Black Sea Synergy became the first attempt of the EU directed at creating the regional format of political dialogue between the EU and countries in the East of Europe in addition to a set of bilateral relationships. The Black Sea Synergy reformed into the EU Initiative after the new Black Sea member states Romania and Bulgaria joined the EU in January 2007 and as a result of the increase of strategic importance of the region for

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<sup>2</sup> Communication from the Commission to the Council and the European Parliament on Strengthening the European Neighbourhood Policy. Commission of the European Communities, Brussels, 4 December 2006, COM (2006)726 final.

<sup>3</sup> *Ibid.*

<sup>4</sup> Communication from the Commission to the Council and the European Parliament "Black Sea Synergy – a new Regional Cooperation Initiative", Brussels, 11.04.2007, COM(2007) 160 final

the EU in the sphere of regional security, economic cooperation, energy cooperation, transport communications, migration regulations and environment protection. Although, this Initiative also foresees the involvement of countries, which are not a part of the list of ENP partners: Russia and Turkey. That is why it cannot be called "a branch of ENP in the Eastern Europe".

The Black Sea Synergy, as it was mentioned in the "Joint Statement of the Foreign Affairs Ministers of the EU States and the Black Sea Region", prepared as a result of Meeting in Kyiv, February 14, 2008<sup>5</sup>, facilitates the larger involvement of the EU into the region. It is already for two years of its existence that the Black Sea Synergy does not have much success in its development. Moreover, the Black Sea Synergy has not solved the main task of the ENP, which is creation of the stability and welfare area, because all of the member states occasionally had absolutely different and contradicting views for the region development. In the Report of the European Commission on the First Year Implementation of the Black Sea Synergy dated June 19, 2008 one of the causes for non-success of the new initiative is the complicated structure of the region and non-homogeneity of its surrounding<sup>6</sup>.

In the EU, especially the neighbouring states from the Central and Eastern Europe, it became clear that the absence of a perspective for membership for the states of the Eastern Europe may impede the stabilization and further development of the countries in the region as it used to be within the framework of the previous EU expansion to the East. According to the European Commissioner Benita Ferrero-Waldner "*ENP is not an expansion policy. It does not close the doors for the European states, which in the future have a desire to become the EU members, but does not also include the concrete perspective for joining*"<sup>7</sup>. States of the so-called Southern Direction of the ENP could not have the perspective for membership even hypothetically. It is necessary to mention separately that the ENP did not satisfy Ukraine. Doubtless, Ukraine cannot be called a neighbour to Europe – Ukraine is Europe. Ukraine took many steps on the way to the European integration and the framework of the ENP is not sufficient to continue this process. That is why the necessity to separate the Southern and Eastern directions of the European Neighbourhood Policy rose up so acutely. The Eastern direction had to define the European identity of the Eastern partners and to build out the bilateral relations and multilateral cooperation, which differ from the Southern direction of the ENP and take into account the peculiarities of the Eastern Europe and the Southern Caucasus.

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<sup>5</sup> "Joint Statement of the Foreign Affairs Ministers of the EU States and the Black Sea Region", Kyiv, 14 February 2008.

<sup>6</sup> Communication from the Commission to the Council and the European Parliament "Report on the First Year of Implementation of the Black Sea Synergy", Brussels, 19.6.2008, COM(2008) 391 final

<sup>7</sup> *Benita Ferrero-Waldner*, "To launch first seven Action Plans under the European Neighbourhood Policy", Press Conference, 9 December 2004

Rather moderate results, which were achieved in 2004 within the ENP framework, revived the new initiatives back to life. The Director-General for the European Union of the Ministry of Foreign Affairs of Ukraine Pavlo Klimkin said that the EU "*clearly realizes that the European Neighbourhood Policy does not work in many aspects*", and that is why the EU needs a new policy, which shall have new mechanisms – more effective for the Partner States in approaching the EU<sup>8</sup>.

The first direction to be selected was the Southern one, which under the French initiative gained the Mediterranean Union at first, and then transformed into a "Union for the Mediterranean". The mentioned Initiative was promoted mainly by France with large complications, as far as the EU member states that did not have access to the Mediterranean Sea, did not understand the creation of a new Union with their participation in this region.

On May 28, 2008, before the Meeting of the European Council, the French President Nicolas Sarkozy was on his visit to Poland, which was incredulous enough towards the idea of introducing any Union within the Mediterranean region<sup>9</sup>. That was exactly when two new initiatives in the East and in the South were shaped. France received support from Poland for the French plans for the period of French Presidency in the EU as well as for introducing the Union for the Mediterranean, and the Poland instead received support for its plans in the EU policy development in the Eastern direction, which five days before were formally put into the joint proposals of Poland and Sweden dated May 23, 2008 on the Eastern Partnership.

On July 13, 2008 the Summit of the Union for the Mediterranean finally launched the separation of the Southern direction of the European Neighbourhood Policy, when the Eastern direction was only beginning to become the future Eastern Partnership.

The idea of separating the Eastern direction of the European Neighbourhood Policy existed a long time before the Initiative of the Eastern Partnership appeared, and gained active development simultaneously with the creation of the Union for the Mediterranean. Thus, on April 22, 2008 the European Parliament representative from Germany Ingo Friedrich declared the idea of the Eastern-European Union creation. It was proposed to create an organization in the Eastern direction that would include Ukraine, Moldova and countries of the Southern Caucasus. From the next day, on April 23, there were two meetings held: Meeting of the Visegrad Group States and the Joint meeting of these countries and Sweden and Ukraine, which fixed the clear aspiration for strengthening the Eastern direction of the European Neighbourhood Policy. Particularly, the statement of the Visegrad Group has the following: "*The Visegrad Group is ready to contribute to the ongoing discussion and effort to strengthen the ENP, which reflects the Group's joint interest in further enhance-*

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<sup>8</sup> "MFA decided that the Eastern Partnership is more important for the EU than Ukraine", UNIAN, 25 March 2009.

<sup>9</sup> Joint Press Conference of Nicolas Sarkozy and Lech Kaczynski, Warsaw, 28 May 2008.

ment of EU relations with the East European countries"<sup>10</sup>. Sweden, which shall have the Presidency in the EU after the Czech Republic, also joined the idea.

The idea of strengthening the Eastern vector of the ENP became one of the priorities of the Polish foreign policy for the year 2008, which sets itself as a leader in this direction. It sounds like "Powerful Poland through solidarity in the European Union and patronage of the Eastern-European policy". On May 7, 2008 the Minister of Foreign Affairs of Poland, Mr. Radoslaw Sikorsky representing the directions for foreign policy for 2008, declared this idea: *"Poland has to continue specializing in developing the common foreign policy towards East"*. Poland aspired and does aspire to strengthen its position within the EU, first of all due to strengthening its role in the Eastern Europe. The Director of the Center of Eastern-European Research of the Warsaw University, Mr. Jan Malitski proved this idea in his interview to the Polish radio: *"I want to emphasize, that power of the Polish position in the European Union depends on what support and power we shall have in the East"*<sup>11</sup>.

The Polish Minister of Foreign Affairs emphasized that his country has an intention to implement the ENP in the Eastern direction with its partners: the Czech Republic, Slovakia, Hungary, Estonia, Latvia, Lithuania, Romania and Bulgaria as well as Sweden. During the Meeting of the European Council in March 2008, Poland supported the proposal to create the Union for the Mediterranean, and this way it was looking for support from the EU to select the Eastern direction of the European Neighbourhood Policy.

These intentions of Poland were implemented at once and resulted in a Common Polish-Swedish proposal "Eastern Partnership" dated May 23, 2008, which was presented and approved at the Meeting of the EU Council on the General and Foreign Affairs on May 26, 2008, and which became the pilot initiative of the whole European Union.

## **1.2. Polish-Swedish Initiative – concentration of the EU efforts in the Eastern Europe**

The Polish-Swedish Initiative of Eastern Partnership from the very beginning was directed at strengthening and stimulation of the Eastern dimension of the ENP, which involves the post-Soviet countries that after the expansion of the European Union in 2004 and 2007 became its direct neighbours. They are Azerbaijan, Armenia, Georgia, Moldova, Ukraine and Belarus. Not recognizing the membership in the EU as the final goal of partnership, the given initiative has to provide active cooperation in the bilateral and multilateral for-

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<sup>10</sup> Joint Statement of the Ministers of Foreign Affairs of the Visegrad Group Countries, Czech Republic, 23 April 2008

<sup>11</sup> "From the Union of Lublin to the European Union...", Politics, Ukrainian service of Polish radio, 15 May 2008.

mats both with the EU and the Partner States with the goal to bring their legislation, economics, administrative management and other spheres to the European standards.

The European Commissioner for External Relations and European Neighbourhood Policy Benita Ferrero-Waldner a day before the European Union Council Meeting, which took place on March 19-20, 2009, and officially approved the new Initiative of the EU, emphasized that "*The Eastern Partnership is the way to strengthen the ENP and is directed at implementing the most ambitious program on institutional construction*". So, the Eastern Partnership may become a kind of continuation of the ENP and its separated direction in the Eastern Europe. And it is very clearly stated in the Communication of the European Commission that the Eastern Partnership is "*a specific Eastern dimension within the European Neighbourhood Policy*"<sup>12</sup>.

The Initiative of Poland and Sweden was supported by the European Council in June 2008, which obligated the European Commission to develop detailed proposals on "Eastern Partnership" and submit it to the European Union in the autumn of 2008. From the very beginning many of the EU Member States, particularly those from the Southern Europe were careless and even doubting towards the new initiative. Scepticism was present within the EU Member States from the Balkans, which feared that the Eastern Partnership would become the rival to the Black Sea Synergy. However, in the EU, especially within the Eastern Member States and Germany, the requirement for this initiative as a concentration of the EU efforts in the Eastern Europe was clear. The final point in the necessity for developing the Eastern Partnership turned to be the Russian-Georgia conflict in August 2008. It convinced the doubting countries and provided a required political impetus. The Extraordinary European Council of September 1, 2008 mentioned about the influence of the conflict to the region and indicated the particular importance of support to the regional cooperation and promotion of the EU relationships with the Eastern neighbours, particularly through development of the Eastern Partnership. The European Council took the decision to approve the Eastern Partnership Initiative in March 2009, and charged the European Commission to provide the corresponding proposals in December 2008<sup>13</sup>.

According to the Decision of the European Council, on December 3, 2008 the European Council submitted proposals for the development of the Eastern Partnership, and fixed it in the corresponding Communication "Eastern Partnership". And on March 20, 2009 the European Council already approved the Eastern Partnership. It was determined that the European Commission would execute the current management of the Eastern Partnership Program, and would be responsible for its further conceptual planning<sup>14</sup>.

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<sup>12</sup> Communication from the Commission to the European Parliament and the Council "Eastern Partnership", COM(2008) 823/4, Brussels, 3 December 2008

<sup>13</sup> Presidency conclusions of the Extraordinary European Council held in Brussels (1 September 2008), Brussels, 6 October 2008

<sup>14</sup> European Council, *Factsheet N°3*, Eastern Partnership, 19-20 March 2009

The main idea of the Eastern Partnership is strengthening of the process of democratization in the countries of the Eastern Europe and Southern Caucasus, assistance in their modernization processes and introduction of the rule of law. The conditions for political cooperation and economic integration into the Eastern Partnership facilitate adaptation of the EU standards and introduction of the framework for the further process of Eastern Partners approximation to the EU.

The President of the European Commission Jose Manuel Barroso stated: *"Only under condition of available powerful political will and resolution from both sides the "Eastern Partnership" may reach the goal of its political association and economic integration. We need to invest more in common stability and prosperity. Such an investment shall be quickly compensated by important political and economic advantages and shall assist in increasing stability and security for both the EU and the Eastern Partners"*<sup>15</sup>.

It is the decisive time for the EU when it becomes clear if the European Union in general is capable of implementing the coordinated and consequent external policy towards its Eastern neighbourhoods. With the help of the Eastern Partnership Program the European Union proposes to its neighbourhoods a concrete, long-lasting support of democratic and market reforms, and in such a way it makes substantial income into its political and economic stability.

The Eastern Partnership is characterized by the principle of condition and diversification, which means the level of involvement and assistance provision of the EU depending on the situation in a corresponding country and its efforts to adapt the EU standards. In the same time, each country may be evaluated separately, which is particularly favourable for Ukraine, which has reached the highest level of cooperation and integration with the European Union.

Introduction of the Eastern Partnership is also positive in financial dimension. From the very beginning of its existence the European Neighbourhood Policy sustained critics from the side of the EU Member States that the two thirds of finances within the framework of the European Neighbourhood and Partnership Instrument are directed to the Southern countries of the ENP, which do not have any perspectives for integration into the EU. The Eastern Partnership allocated finances of the ENP for the Eastern partners, and the European Commission in its December Communication proposed to concentrate larger financial efforts within this Initiative at the expense of reconsidering the financial perspective till 2013 and adoption of the new financial perspective for 2014-2020 taking into account the requirements of the Eastern Partnership.

As a result of concentrated efforts of the European Union within the Eastern Partnership each partner state received an opportunity for political association and economic integra-

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<sup>15</sup> <http://www.center.gov.ua/ua/publication/content/812.htm>

tion with the European Union that foresees a larger involvement of the Partner States to the European policies and their gradual integration into the common EU market. Biannual meetings at the level of the Presidents and Heads of Governments, annual meetings at the level of the Ministers of Foreign Affairs and regular meetings at the level of other ministers provide the EU with an opportunity to understand better the situation in the Eastern Europe and in the Southern Caucasus, and, in general, to reach a better level of understanding between the EU and its Eastern Partners.

Similarly to the ENP, the Eastern Partnership does not solve the dilemma, if the Program is a preliminary step on the way to the EU membership or its goal is prevention of the Eastern partners from such a membership. Some Western European Member States shall, probably, wish that the Partnership became a substitution for the perspective of membership for the Partner States in the EU. Though, there are no any explanations on this issue. The Initiative is rather flexible and may satisfy representative of proponents and opponents of the future EU expansion to the East.

In itself the Eastern Partnership may be a useful mechanism, which shall facilitate speeding up the political and economic modernization of the Eastern Partners. Due to it, the EU policy in the region received a chance to be more transparent and effective. The "Eastern Partnership" also became a kind of balance to the Union for the Mediterranean within the ENP. Petro Kusypys, the professor of Jagiellonian University of Krakow, Poland, mentioned: *"The Eastern Partnership may become a good tool for clear separation of recipients of the European Neighbourhood Policy: countries of Africa and the Near East as well as the European countries including Ukraine. This is good information for Kyiv, which has been striving a long time to introduction of separate neighbourhood policies for the neighbours of Europe and those states, which are on their way to the EU membership"*<sup>16</sup>.

Without introduction of the Eastern Partnership the Southern dimension of the ENP would be unreasonably privileged direction, and the Eastern European and Southern Caucasus region might have sustained larger financial and political expansion from the Russian side.

### **1.3. Harmonization of the Initiative with other EU policies and interests of the Partner States in the Eastern Europe**

The Eastern Partnership is a new initiative of the European Union not only in its title, but also in content, as far as there is no similar format in any of the regions. In the same time, several EU Member States expressed their concern on possible overlapping of functions of the Eastern Partnership within other initiatives and programs. It goes about the Black Sea

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<sup>16</sup> [http://www.bbc.co.uk/ukrainian/indepth/story/2008/06/080617\\_kusypys\\_eu\\_oh.shtml](http://www.bbc.co.uk/ukrainian/indepth/story/2008/06/080617_kusypys_eu_oh.shtml)



Synergy and the Northern Dimension. There is also a risk, taking into account the low effectiveness of the Black Sea Synergy, which was mentioned about in the European Commission Report dated June 19, 2008, which stated that against the active development of the Eastern Partnership the Black Sea Synergy may somehow lose its significance. Both projects are directed to the East from the European Union, and have the designation to strengthen attention to the region and assist the development of the Eastern European States and the Southern Caucasus<sup>17</sup>. Though, they have a series of differences, which allow them not only to co-exist but also to complement to each other.

Firstly, the goal of the Eastern Partnership is the further development of European integration processes within the Partner States, strengthening of their relations with the EU and among them; and the Black Sea Synergy has the goal to deepen regional cooperation of the Black Sea States under the auspices of the EU.

Secondly, Belarus, which is in the list of the Eastern Partnership, is not involved in the Black Sea Synergy, but it includes Russia and Turkey, which are not the Eastern Partnership States.

Thirdly, the Black Sea Synergy is concentrated exclusively on the problems of the Black Sea region.

Fourthly, the Eastern Partnership as it was mentioned before is directed at the further development of the European Neighbourhood Policy and the Black Sea Synergy is an additional tool to the European Neighbourhood Policy. The EaP is also coordinated with the other policies of the EU: process of Turkey receiving membership and the Strategic Partnership with the Russian Federation.

Fifthly, the Black Sea Synergy envisages a series of areas for cooperation, which are not described or vaguely described in the Eastern Partnership: settling of the frozen conflicts, maritime policy, fishery, development of the Black Sea region. In its turn, the Eastern Partnership includes: creation of a broad and overwhelming free trade, agricultural dialogue, solution of visa issues, borders management.

Sixthly, the Eastern Partnership is more flexible than the Black Sea Synergy, as far as it envisages various formats for cooperation, interaction and integration into within the bilateral and multilateral dimensions.

Seventhly, the Eastern Partnership has a clearer institutional structure, which envisages meeting at the level of Heads of States and Governments (biannually), annual meetings of

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<sup>17</sup> *Yannis Tsantoulis*. "Black Sea Synergy and Eastern Partnership: Different Centres of Gravity, Complementarity or Confusing Signals?" // International Centre for Black Seas Studies, Policy Brief № 12, February 2009

the Ministers of Foreign Affairs and other higher officials. The Black Sea Synergy envisages meetings at the level of Ministers of Foreign Affairs, the regularity of which are not determined.

The Eastern Partnership according to the Declaration of the European Council on the Eastern Partnership is an addition to the Black Sea Synergy, and both initiatives shall coordinate between each other. Though, the EU documents about the Eastern Partnership do not contain any mechanism for such coordination. The Commission Staff Working Document accompanying the Communication from the Commission to the European Parliament and the Council on the Eastern Partnership, which had to provide explanations for such coordination, only describes the key differences of these two formats.

One more format of the EU policy in the East, specifically in the Northern East of the Europe – the Northern Dimension, does not include any of the Eastern Partnership Partner States. Within the Northern Dimension there was declared a proposal to involve Belarus. And on June 19, 2008 in Warsaw, Belarus took part in the Meeting of the Working Group on transportation and logistics within the framework of the Northern Dimension. During this meeting the possible format for Belarus participation in the program was discussed. Though, Belarus did not join the Northern Dimension in the full sense. Moreover, the Northern Dimension does not envisage the development of the European integration but it is aimed at facilitating security and stability in the region through cooperation with the Member States in the spheres of economy, human resources development, ecology, cross-border cooperation, justice and internal affairs.

Other initiatives, such as Central European Initiative and format of Regional Cooperation in Central and South-Eastern Europe do not overlap the authorities of the Eastern Partnership neither in the functional dimension nor in geographic one. So, the Eastern Partnership does not replace the functions of other policies and programs of the European Union in the Eastern Europe, but is a new format, which shall bring the EU policy in the East into the new level and provide it with new opportunities for further development.

The Communication of the European Union on the Eastern Partnership dated December 3, 2008 envisages that the differentiated approach to each of the Partner States has the priority. So, within the Eastern Partnership framework, the template shall not be used for all the countries, instead the differentiated approach shall be used depending on the advancement of the internal reforms and development of relations with the EU on the way to European integration. Such an approach allows evading blockage of the proposed programs and projects, if they do not correspond to the interests of a separate state or are not timely for it, which is observed within the Black Sea Synergy. As a result, this shall allow each participant of the Eastern Partnership to move quickly to the process of deepening the European integration and not to encounter the problem of retarding this movement depending on the Partner reference. And each Partner State, which is involved in the Eastern

Partnership, has its own views on the Initiative and its implementation, which is based on the national interests and strategies of the external political course of each state.

**Azerbaijan**, which has large resources of oil and gas and the main economics component of which are the energy resources, has an important geopolitical significance for the EU, and it is a way to reach the Caspian and Central Asian energy products. That is why the priority for it is the development of economic cooperation with the EU, especially in the sphere of energy. Moreover, Azerbaijan even in perspective does not pose a goal for integrating into the EU. For **Belarus**, the Eastern Partnership is an opportunity to increase its independence from Russia, and, which is the main goal, to attract the European investors to the development of Belarus economy<sup>18</sup>. **Armenia** also counts on receiving investments and financial assistance from the EU, and also it is interested in settling the problem of Nagorny Karabakh and stabilization of situation in the region. **Georgia** declares an intention to integrate into the EU in all spheres, but primarily it shall pay attention to the most important problems for it: settling the issue of Southern Ossetia and Abkhazia, preserving the territorial integrity, stabilization of situation in the country and in the region, supporting the role of the country as the principal transit state of energy resources from Caspian and Central Asia to Europe. **Moldova** officially declares about the integration into the EU and further development and strengthening of cooperation with the EU, but currently encounters problems of the internal political non-stability, which may retard the European integration processes in the country.

The Eastern Partnership should bring to deeper processes of the European integration of **Ukraine**. Although, in Ukraine it was mentioned several times that in the bilateral dimension the Eastern Partnership does not provide any new perspectives but only fixes them, that is why it should become an addition to the EU-Ukraine bilateral relations. The Deputy Minister of Foreign Affairs K. Yeliseyev stated: *"We consider the Eastern Partnership as a harmonized addition to the reached high level of bilateral relations with the EU"*<sup>19</sup>. Ukraine, for example, is already in the process of negotiating the Association Agreement, including agreement on FTA. Currently, the agreements on simplified visa regime and readmission, the negotiations on cancellation of visa regime between the EU and Ukraine are in process. Negotiations with the EU on Ukraine's membership in the Energy Community with simultaneous preparation process for integrating the Ukrainian energy market into the EU market are going on. Integration in many other directions is actively being developed. So, Ukraine is a leading nation among the Partner States. And the European Union stated several times that Ukraine would become a kind of example for other Eastern Partners. Meanwhile, the multilateral format aimed at introduction of the pro-European area of stability and security to the East of the European Union may provide our country with a new impetus for relations both with the Eastern Partners and the EU.

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<sup>18</sup> *Andrey Liahowycz*. "Panorama of Eastern Partnership"// Center for Political Education, Belarus, Minsk, 5 May 2009

<sup>19</sup> "MFA hopes for "Eastern Partnership" // DELFI, Ukrainian News, 24 April 2009 p.

Currently, Ukraine does not have a clear perspective for membership from the EU side. During 12<sup>th</sup> EU – Ukraine Summit in Paris, the Head of the European Council Nicolas Sarkozy stated that any of the ways for Ukraine's membership in the EU are not being closed as well as they are not getting open. Such a position later was proved by the European Commissioner for External Relations and European Neighbourhood Policy Benita Ferrero-Waldner, who outlined that the EU doors for Ukraine are neither open nor closed. Ukraine has no other option but to continue development of the bilateral relations with the EU and use maximum of the Eastern Partnership for conducting reforms, gradual introduction of European standards and integration with the EU keeping the strategic goal of acquiring the European Union membership in perspective.

In connection to that a logical question arises: What are the new opportunities that Ukraine gains from the Eastern Partnership for the development and implementation of the European integration process? Especially, taking into account that the Joint Declaration of the Prague Eastern Partnership Summit dated May 7, 2009 includes the following: *The Eastern Partnership is built on and is an additional one to the current bilateral agreements*<sup>20</sup>.

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<sup>20</sup> Joint Declaration of the Prague Eastern Partnership Summit, Prague, 7 May 2009

## **Chapter II. Additional integration values and opportunities of the Eastern Partnership**

### **2.1. Eastern Partnership as a new tool of strengthening the integration processes**

*Andriy Chubyk*

"It is time to start a new chapter in relation with our Eastern Partners", said the EU Commissioner for External Relations and European Neighbourhood Policy Benita Ferrero-Waldner on December 3, 2008, "Based on the progress achieved during the recent years we have prepared an ambitious but also well-balanced proposal. The Security and stability of the EU are influenced by the events in the Eastern Europe and Southern Caucasus. Our policy towards these countries **must be powerful, active and unambiguous**. The EU shall continue effective use of specially developed programs in the new level and supplement a substantial multilateral dimension. We remain in our principal position that the progress has to take place hand-to-hand with the reformation of our partners, but with the help of the new package we create an opportunity for a more intensive assistance, which shall facilitate reaching its goals"<sup>21</sup>.

The Eastern Partnership is a new dimension of regional cooperation, which envisages improvement of the EU relations with the Eastern neighbours, and namely, Ukraine, Armenia, Azerbaijan, Belarus, Georgia and Moldova. What is the novelty of the new dimension in comparison with the European Neighbourhood Policy?

The main differences of the Eastern Partnership in comparison to the European Neighbourhood Policy are the following:

- 1) The Eastern Partnership is a more **flexible tool** as far as it does not only include six countries of the Eastern Europe and the Southern Caucasus, but may evolve taking into account the requirements, opportunities and achievements of each of the Partner States.
- 2) The Eastern Partnership deals with a more **interconnected group of states**, which are not the EU members but have similar political, economic and social interests connected with the post-Soviet past. It is a signal that the Eastern Partnership Program is calculated for a long-term process of implementation in each of the Partner States, in on the other hand it envisages to be more flexible through the differentiated approach to each of the Partner States.

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<sup>21</sup> <http://www.center.gov.ua/ua/publication/content/812.htm>

- 3) The key aspect of the Eastern Partnership is **differentiation**. The Communication of the European Commission on the Eastern Partnership dated December 3, 2008 envisages that the differentiated approach to each of the Partner States is the priority depending on the success of internal reforms advancement and relations with the EU on the way to European integration. The Head of the Committee on Foreign Affairs of the European Parliament Jacek Saryusz-Wolski stated, that each state shall have corresponding attitude based on its merits and opportunities, and their advance shall depend on previous achievements.
- 4) The Eastern Partnership envisages concluding gradually new agreements with all the Partner States, i.e. **Association Agreements**, including agreements on deep and comprehensive free trade areas for those countries, which are ready and aspire to take over the corresponding long-lasting obligations with the EU. Each Partner State may count for strengthening of political association and economic integration with the EU. The EU Commissioner of for External Relations and European Neighbourhood Policy Benita Ferrero-Waldner, emphasizing the necessity for encouragement the Partner States to development of the free trade network among them, stated: *"We want to create a free trade area. As a result of a long process there may arise "an economic union of neighbours", where there shall be free trading among these countries and, of course, the European Union"*<sup>22</sup>.
- 5) The Eastern Partnership proposes both **bilateral** and **multilateral formats** for strengthening cooperation in the Eastern Europe and in the Southern Caucasus. So, with the simultaneous preservation of dynamics in bilateral cooperation of the Partner State and the EU, the Eastern Partnership supplements, though a limited, impetus to these relations and determines the new dimension for the multilateral cooperation. Firstly, as it was emphasized by the Speaker of the Permanent Representation of the Republic of Poland to the European Union Mr. Kacper Chmielewski, the Eastern Partnership foresees strengthening of relations among the Eastern Partners themselves. Up till now, within the framework of the European Neighbourhood Policy there were no opportunities envisaged among these countries to implement any project. The Eastern Partnership foresees the development of such a dialogue and implementation of practical projects with the involvement of all or part of the Partner States under support of the European Union. The multilateral format provides an opportunity for all the Partner States and the EU to understand better the situation in the region, to solve jointly the current regional problems and issues for supporting stability and security in the region.
- 6) Contrary to the ENP, the Eastern Partnership is **not limited to neighbourhood relations** and has the goal for promoting the Partner States, at least in separate spheres, till implementation of the EU standards within them. Such a goal is reached through im-

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<sup>22</sup> *Maryana Drach*. "What does the EU Eastern Partnership mean for Ukraine?" // Svoboda Radio, 3 December 2008

plementation of the EU Partner State integration processes in particular spheres: economic and energy integration, approximation of regulatory norms, legal approximation, administrative reformation, etc. This is the largest impetus for the Partner States, which put the EU membership as their strategic goal.

- 7) The Eastern Partnership envisages **increased financing** in comparison to financing within the ENP. The increase of financing is from €450 million within ENPI in 2008 to €785 million in 2013. The European Council approved the proposal of the European Commission on expanding the current Package of ENPI by €350 million of new costs, which shall supplement the resources planned for 2010-2013. As a result, such a combination shall increase the total sum of resources designated for execution of Eastern Partnership Initiatives up to €600 million.
- 8) The Eastern Partnership envisages **organizational structure**, though it is not developed to the level like, for example, the Union for the Mediterranean is. Meetings of the Heads of States or other officials of the Eastern Partnership Partner States shall be held biannually. The Eastern Partnership also introduces annual meetings of the Ministers of Foreign Affairs of the EU Member States and the Partner States, Ministerial Conferences in separate spheres, regular meetings on four thematic platforms ("*Democracy, good governance and stability*", "*Economic integration and convergence with EU policies*", "*Energy security*", "*Contacts between people*"), and also work of boards to support the work of platforms in concrete spheres, format and participants of which must be determined according to requirements. Except the governmental representatives and the European Commission the activity within the framework envisages creation of the **Civil Society Forum of the Eastern Partnership** with the goal of organizing contacts among civil society organizations and facilitation to their dialogue with the local authorities. Within the "**EuroNest**" framework there is the development of inter-parliamentary envisaged as a component of the Eastern Partnership.
- 9) The Eastern Partnership introduces the **Comprehensive Institution-Building (CIB) Programme**, which must be concentrated on improvement of administrative capabilities in all corresponding spheres for cooperation through detection of weak places and addressing them through preparation, provision of technical support and assistance.
- 10) Within the Eastern Partnership Program it is envisaged to conclude pacts of "**mobility and security**", which shall assist movement of people. This shall be implemented through simplification of legal regulations during trip to the EU with simultaneous increase of efforts to fight corruption, organized crime and illegal migration. The final goal in the long perspective is the visa-free regime of movement among all of the Partner States. In any case, the EU shall install the visa-free regime only for those countries, which complete all the technical requirements of the EU. The European Commission shall also consider opportunities for labour mobility development with the perspective for larger openness of the EU labour markets for attracting qualified la-

bour force from the Eastern European countries and filling the gaps in their own labour market.

- 11) The Eastern Partnership pays much attention to the issues of **energy security** in the Partner States and in the EU, and strengthens cooperation in climate and environmental protection. In the energy segment this initiative envisages adaptation of legislation, technical and regulatory – technological adaptation of energy sphere of Ukraine into the European energy space. The issues of energy security may come out from the national dimension into the international dimension under the EU auspices.
- 12) The Eastern Partnership shall facilitate the development of programs aimed at the **social and economic development** of the Partner States, in particular, in the direction of overcoming the acute social and economic differences among these countries. It is also foreseen, that it invigorates the social and cultural contacts.

## **2.2. Resource base for implementing the Eastern Partnership Initiative**

*Vitalii Martyniuk*

The Eastern Partnership brings a series of new proposals and approaches, which have been mentioned above. In the same time, from the very beginning when the Initiative appeared, it was stated that *"Financial resources for the implementation of projects, launched within the multilateral co-operation, will come from the already available ENP resources. Therefore, strengthening the Eastern dimension will be neutral for the EU budget"*<sup>23</sup>. It became obvious that the implementation of the whole series of ambitious tasks within the bilateral and multilateral dimension may be placed in doubt, if financing of its implementation is executed exclusively within the EU budget for the European Neighbourhood Policy, because the new Initiative envisages implementation of additional projects. Financing became the weak point of the Eastern Partnership. It is quite logical that such a conclusion was drawn by the European Commission, and in its Communication for the European Parliament and the European Council on the Eastern Partnership dated December 3, 2008 there was stated: *"One of the clearest signals the EU can give of a concrete commitment to its partners is to bring funding levels in line with the Partnership's level of political ambition. Substantially increased financial resources are required to achieve the objectives set out in this proposal"*<sup>24</sup>.

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<sup>23</sup> Polish-Swedish Proposal, Eastern Partnership, May 2008

<sup>24</sup> Communication from the Commission to the European Parliament and the Council "Eastern Partnership", COM(2008) 823/4, Brussels, 3 December 2008



The European Commission managed, though slightly, to increase the current financial package of the European Neighbourhood and Partnership Instrument (ENPI) by €350 million more to increase the total sum of money for implementing the Initiatives within the Eastern Partnership framework up to €600 million for the period 2010-2013. The corresponding decision was approved by the European Council in March 2009. Moreover, in the process of budget reviewing there shall be considered opportunities for further increase of volumes of assistance with the aim to resemble the level of political ambitions towards the Partner States.

These money shall be used for promoting the Eastern Partnership Program of reforms through implementation of the Comprehensive Institution-Building Programme, which provides the consultative support and necessary trainings (for example, trainings with the use of Twinning and TAIEX instruments) for the state authorities as well as provision of equipment and specialized infrastructure (for example, laboratories) necessary for their functioning. Due to the increase of financial resources, there shall be provided activity of the platform as well as support in implementation of the leading projects. Finally, this money shall be used for supporting preparation of the regional Partner Strategies, which stimulates raising the level of stability through internal approval and decrease of number of social and economic distinctions.

In financing the Eastern Partnership one cannot hope for some additional incomes from the EU side for the period till 2014 except of those, which have already been allocated<sup>25</sup>. Increase of the Eastern Partnership financing may be expected only after 2014. Though, the European Union shall clearly follow the financial balance within the ENP, e.i. between the Eastern Partnership and the Union for the Mediterranean. As far as the proportion is 1/3 for the Eastern Partnership and 2/3 for the Union for the Mediterranean, the increased financing for the Eastern Dimension of the ENP by €100 million shall automatically envisage increase of financing for the Southern Dimension by €200 million, and shall automatically require additional sum of €300 million for the ENP in total.

Additional €350 million shall be used for supporting the Partner State pillars. These pillars are as follows<sup>26</sup>:

- 1) support of reforms at the national level of the Partner States (bilateral dimension) – Comprehensive Institution-Building Programme, which envisages allocation of €186 million, but the figure is not fixed;
- 2) the multilateral dimension of the Eastern Partnership, being more concrete, the implementation of two pilot initiatives: Integrated Border Management Programme and the Southern Energy Corridor – €81 million (not fixed yet);

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<sup>25</sup> *Laura Garagnani*. "Ambitious Eastern Partnership projects: what resources?" // International Conference "Additional possibilities of the Initiative "Eastern Partnership" for European integration of Ukraine and Eastern Partners", Kyiv, Ukraine, 27-28 April 2009

<sup>26</sup> *Ibid.*

3) the economic and social development to decrease the number of distinctions between the development of the regions or the regional development – €72 million (not fixed yet).

Two from the three mentioned directions for financing (Comprehensive Institution-Building Programme and the regional development) are added to the national envelop of the European Union assistance to each country within the framework of the European Neighbourhood Policy.

The process of distributing finances allocated for the Eastern Partnership for the period till 2013 is still under way. It shall be finished only after the priorities are clearly determined in the multilateral component of the Initiative, and there are working and effective projects implementation within the bilateral dimension of the Eastern Partnership. That is why the mentioned figures are the preliminary and rather approximate. In any case, it is envisaged that first pillar (Comprehensive Institution-Building Programme) shall have about 50% of additional finances, the second pillar (implementation of two pilot initiatives) – 30%, and the third pillar (regional development) – 20%. In June 2009, there were held the first meetings on all thematic platforms of the Eastern Partnership, in which people shared their points of view and proposals for their development. Having summed the expressed views, proposals, priorities and proposed projects for implementation within the Eastern Partnership framework, the European Commission shall provide distribution of costs into dimensions (bilateral and multilateral), platforms, concrete projects and countries.

Distribution of costs by countries has not been completed yet, but for Ukraine there shall be additionally allocated approximately up to €25 million annually in addition to the current National Programs, i.e. programs for bilateral cooperation that already exist within the ENP framework (institutional reformation, development of legal system, minorities' rights protection, support of market economy principles)<sup>27</sup>. Within ENPI Ukraine has already received about €40 million in 2007, and the figure shall rise to €200 million if the thematic articles and regional programs of the EU<sup>28</sup>.

Additional €350 million were allocated not for the investments of development nature, but for the implementation of projects on capability building in the Partner States, for example, the sustainable development. To provide investments there shall be used the money from the banks and not from the Eastern Partnership, i.e. loans but not the grants, for example from the European Bank for Reconstruction and Development (EBRD) and the European Investment Bank (EIB). The EBRD and the EIB plan to provide €7 billion. There is already the credit facility for the agricultural investments.

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<sup>27</sup> *Laura Garagnani*. "Ambitious Eastern Partnership projects: what resources?" // International Conference "Additional possibilities of the Initiative "Eastern Partnership" for European integration of Ukraine and Eastern Partners", Kyiv, Ukraine, 27-28 April 2009.

<sup>28</sup> *Ibid.*

The projects of the Eastern Partnership, and that is prescribed in the Communication of the European Commission, may be financed from the use of larger amounts of investment costs of the EIB and the EBRD as well as other donors, like attraction of the state-private investment finances. The Neighbourhood Investment Facility (NIF) can be used to channel the EU grant funds for such projects. The Commission calls on Member States to contribute financially to the EaP including through increased contributions to the NIF.

On May 8, right after the Eastern Partnership Summit the European Investment Bank declared about its readiness to support small and medium businesses in the Partner States<sup>29</sup>. The Bank plans to undertake measures on encouragement to involve the private sector with the aim to improve the entrepreneurship environment in the Partner States. The long-term privileged loans to the small and medium businesses up to €25 million are planned to be provided. The EIB provides financing to the small and medium businesses through the partner financial institutions in the Partner States.

The EIB already provides financing to the projects in the Eastern Partnership States on the basis of the EU Council mandate, which envisages allocation of €3.7 billion for the period 2007-2013, mainly for the spheres of transport, energy, telecommunications and environmental infrastructure. The EIB for the moment allocated money for financing two projects, which are being implemented in Ukraine: "European Roads Ukraine" – €200 million, and "Rivne – Kyiv High Voltage Line" – €150 million.

Currently, the EIB together with the EBRD encourages other financial operators in the region to start delivering a credit to the small and medium businesses of the Eastern Partnership States. On the basis of the trilateral Memorandum among EIB, EBRD and the European Commission from December 2006, other financial institutions have been involved in co-financing of various projects in this region. These are the Nordic Investment Bank and the World Bank.

Poland, which is the Eastern Partnership initiator, has an intention to assist the Eastern Partners. The cost of the Polish projects is some tens million zloty – this is the sum which is planned to be allocated by the MFA for the Eastern Partnership in 2010. The desire to provide additional assistance to the Eastern States through the EU budget expressed Sweden, the Great Britain, Germany, Bulgaria, Romania, the Baltic States and the Visegrad Groups States. Sweden, in particular, plans to support the reforms in Ukraine and provide about €16.5 million for adapting the Ukrainian policy to the EU standards according to the State Program for 2009. It goes mainly about the democracy development, environment protection, and gender equality.

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<sup>29</sup> EIB welcomes call to support SMEs in Eastern Partnership countries, PRESS RELEASE, Prague/Luxembourg, 08 May 2009

Resources are not only finances, which are provided by the EU, but also provision of human resources. Implementation of the Eastern Partnership shall stipulate the necessity for corresponding provision of the definite services of the European Commission with the human resources. Particularly, strengthening of the European Commission Offices in the Partner States shall be necessary. The human resources in the Partner States have to be provided in such a way that the EU finances be used effectively. To reach this, each of them must have required qualified personnel that shall work in both reformed governmental and local authorities, and that requires the local administrative reform.

## **2.3. Political and legal framework of the Eastern Partnership Initiative for the European integration and reforms in Ukraine**

*Serhiy Chikurliy*

### *2.3.1. Additional capabilities of the Eastern Partnership Initiative in the sphere of the EU and Ukraine cooperation on political and legal issues*

Regardless of the whole series of the Eastern Partnership Initiative failings mentioned by the Ukrainian and foreign experts, it deserves a positive mark and allows establishing the availability of additional opportunities for Ukraine in providing its interests in cooperation with the European Union including those of legal nature.

It is most important to mention that the Eastern Partnership Initiative did not become an alternative to the full competent membership of Ukraine in the European Union, and also it naturally changed the format of cooperation with the unilateral obligations of Ukraine proposed by the EU – Ukraine Action Plan into the format of cooperation with mutual obligations of Ukraine and the European Union, and that shall be determined in the Association Agreement.

The Eastern Partnership Initiative includes one of the fundamental directions for the EU – Ukraine Cooperation, which is cooperation in political and legal issues. Within the Initiative framework it is planned that Ukraine shall receive consequent and system-based assistance in reaching the level of the European standards of the rule of law, democratic political regime and good governance, which is the direct interest of Ukraine.

Contrary to cooperation in the format of the EU – Ukraine Action Plan, substantial financial support from the EU is envisaged within the framework of the Eastern Partnership Initiative for the overall institutional development of Ukraine with the aim to guarantee progress in the sphere of democracy, rule of law and good governance.

Initiative facilitates the conclusion of Association Agreement. It must fix the progress of the EU – Ukraine bilateral relations development in the international and legal level, the fact of Ukraine coming to the European standards of the rule of law, democratic political regime and good governance as well as establishment of peculiar mutual right and obligations of the parties for the future full-scale integration of Ukraine into the EU.

With regard to the EU – Ukraine cooperation in political and legal issues, the Eastern Partnership Initiative shall not propose drastically new directions for cooperation of the parties, because due to the uncompleted directions of the bilateral cooperation remain urgent up till now, namely: constitutional reform, reform of the elections regulations, reform of public administration (administrative reform), judicial reform, reform of system of criminal justice, coping with corruption.

Essentially, the Eastern Partnership Initiative may be useful for cooperation in the mentioned spheres: proper financing, provision of services within the framework of international technical assistance through the use of the Association Agenda to substitute the EU – Ukraine Action Plan with the clear tasks, indicators, evaluation criteria, time frames and connection of the process of financing to the execution of assigned tasks, reaching positive sustainable result.

The EU – Ukraine Cooperation in political and legal issues within the Eastern Partnership framework must be based on the positive experience of applying the Technical Assistance and Information Exchange Instrument (TAIEX), Institutional Building Instrument "Twinning", UEPLAC Project, evaluation of the State Administration of Ukraine by the basic SIGMA indicators.

The EU – Ukraine Cooperation in the political and legal issues within the Eastern Partnership may assist in:

**constitutional reform:**

- reaching consensus on introducing changes to the Constitution of Ukraine or adoption of the new Constitution of Ukraine on the basis of expert approach and taking into account the main principles of the European Doctrine of Constitutional Law;
- optimization of constitutional system of shifts and balances of Ukraine;
- improvement of constitutional regulation of administrative and territorial system and local governments;
- cancellation of imperative mandate;

**election legislation reform:**

- introduction of such an election system that would most effectively provide expression of will of the Ukrainian people and territorial communities in Ukraine;

**public administration reform:**

- formation of the stable and effective organization and activity of executive power through institutional division of political and administrative functions within the system;
- organization of professional, politically neutral and transparent public service through separation of political positions from the sphere of public service, introduction of legal mechanisms for public servants protection from illegal political influences, introduction of open completion-based admission to public service and promotion, etc.;
- creation of system of capable local governments through decentralizing the public authorities and resources, creation of economically sufficient subjects of local governments in rural area;
- introduction of regional governments;
- strengthening of status of private persons in relations with the public administration authorities through just legal regulation of administrative procedure, introduction of new organizational forms and quality standards for administrative services, improvement of mechanisms of legal protection of private persons in their relations with the public administration authorities;
- guarantee of subordination of public administration to the political authority and society through strengthening of control functions of the Verkhovna Rada, local councils and financial control, development of administrative judicial proceedings system, public participation in public affairs management;

**judicial reform:**

- improvement of court system;
- removal of administrative leverages over judges;
- invigoration of judges self-governance;
- provision of transparency and competition in selection of judges;
- introduction of special training for judges as well as new mechanisms of bringing them to responsibility.

**criminal justice system reform:**

- optimization of criminal process in the sphere of improvement of human rights protection;
- bringing the status and prosecutions agencies system of Ukraine into correspondence to the European standards;
- improvement of system of law enforcement agencies.

**coping with corruption:**

- introduction of a clear procedure for bringing to responsibility for corruptive actions;
- introduction of adequate system for legal responsibility for corruptive actions.

### ***2.3.2. Bilateral cooperation of Ukraine and the European Union in the Comprehensive Institution-Building Programme (CIB)***

Currently, the use of CIB Programme is the main vector for the EU assistance in the sphere of EU – Ukraine cooperation in political and legal issues within the frameworks of the Eastern Partnership Initiative. The CIB Programme is aimed at guaranteeing the stability of cooperation results in the sphere of the EU – Ukraine Cooperation in political and legal issues as well as preparation of environment for future investments in Ukraine.

Obviously, the CIB Programme shall be mainly used in common and approved methodology. According to this methodology, for example, there shall be used TAIEX – an instrument for external assistance, which is provided by the European Commission for information exchange with the aim for institutional capacity building necessary for adaptation of the national legislation to *acquis communautaire*.

The distinctive features of the CIB Programme must be concentration on solving the concrete problems of development and integration, which require an initiative approach from administrations of Ukraine (both state and local governments), independent determination of necessities, preparation and submission of project applications, and mobility that provides an opportunity for using it to solve the urgent issues.

Within the CIB Programme at the cost of the EU the following services must be provided:

- technical assistance and provision of experts to Ukraine as advisors for the projects;
- organization and realization of trainings, seminars and working meetings with the aim to represent and explain the project aspects to the public;
- educational visits that enable the state and municipal servants of Ukraine to learn the experience of the Member States in solving the practical issues connected with projects covered by the Instrument.

The recipe for success of the project, which is covered by the CIB Programme, shall be the mechanism for co-financing when the project is implemented not only on the EU money, but it is obligatory to involve the money from the communities, local and state budgets. In the same time, there should be envisaged finances in the state and local budgets for corresponding co-financing of the international technical assistance projects. In the given context, the international technical assistance project, which is covered by the CIB, must be adequately provided institutionally with the use of potential of the public authorities system of Ukraine.

The general strategic coordination and control over the timely financing within the CIB must be provided by the Cabinet of Ministers of Ukraine (the Government). At the level of Oblast, it would be reasonable to create the Monitoring Committee, headed by the Deputy Head of Oblast State Administration and that includes representatives from the Oblast

Council, groups of associations of local governments and public, and to provide the local coordination for projects implementation, control over the timely financing and financial statements of the executing party.

At the level of District it would be reasonable to create the District Working Group headed by the Coordinator subordinate to the Head of District State Administration. The District Working Group is the basic executing component for project implementation and it either directly provides execution of the project or holds a tender among the territorial communities on realization of the project by the local authorities or local community councils.

The key importance for the projects implementation within CIB must be given to the civil society representatives that shall provide the following:

- monitoring of implementation of the projects;
- independent expert evaluation of project implementation results;
- project information in the mass media;
- propaganda work in the territorial communities on the reasonableness of project implementation within the CIB framework.

### ***2.3.3. Multilateral Platform "Democracy, Good Governance and Stability"***

The multilateral component of the Eastern Partnership on cooperation in the sphere of democracy development, good governance and stability should include the following:

1. In the separate sphere for cooperation on improvement of institutions of constitutional law, constitutional system of shifts and balances of the Partner States ***applications to the European Commission for Democracy through Law or "Venice Commission"***. This shall allow providing the coordinated, systematic and expert approach to cooperation within the Eastern Partnership Initiative of the EU with the Partner States in the sphere of institutions of constitutional law, Constitutional system of shifts and balances.
2. In the separate sphere for cooperation on guarantee and development of the local and regional governments ***requirement for cooperation building with the recommendations of the Committee of Ministers of the Council of Europe and Congress of Local and Regional Authorities of the Council of Europe*** on development of local and regional authorities as a substantial component of the European Standards for local and regional authorities.



To implement the multilateral component of the Eastern Partnership on cooperation in the spheres of democracy development, good governance and stability it is reasonable to envisage the following:

1. Types and clear transparent ***procedures for strengthening the economic and political integration*** of the EU Partner States in case of confirmation of the fact of achieving and nailing down the progress in determined spheres in accordance with the formed criteria and requirements.
2. Introduction of ***a special unit within the structure of the Eastern Partnership Coordination Body that would consist of expert lawyers in the sphere of comparative law, and would function as an arbitration agency*** on correlation of progress evaluation of the Partner States in democracy development, good governance and stability as well as removal of discrepancies between the European Union and the Partner States in this evaluation.

## **2.4. Regional Development Program within the Eastern Partnership**

*Vitalii Martyniuk*

Contrary to other Partner States, the increase of economic inequality against the economic growth of recent years is observed among the regions in Ukraine. According to the Department of Regional Development of the Ministry of Economy of Ukraine the difference in productivity (GDP per capita) among the regions is rather substantial: the GDP per capita level in the most developed region is 3.5 more than in the least developed one. The difference in the level of taxes collection is even more: in 2004 there were 40 times more taxes collected in the richest region comparing to the poorest one. This substantial difference in the level of main income has a negative influence, decreases the level of initiative and responsibility in the local and regional levels<sup>30</sup>.

In the bilateral dimension the Eastern Partnership in parallel with the Comprehensive Institution-Building Programme firstly envisages the implementation of one more program – the Regional Development Program, which is supposed to get about 20% of the additional finances. Regional development in the Eastern Partnership occupies important place, and it is due to it that the average citizens may feel the results of the European integration process. ***Regional development facilitates the following:***

- improvement of life for the population of the regions;

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<sup>30</sup> Consultations on potentially priority spheres of National Indicative Program (NIP) Eastern Partnership Initiative for Ukraine for the period 2011-2013

- social and economic alignment of the regions;
- decrease of social stress among population;
- increase of level of support for the EU integration process;
- improvement of infrastructure.

During June 2-3, the Committee of the Regions held a two-day discussion and debate on the topic: "Strengthening the EU's Partnership with its Eastern Neighbours: The Role of Local and Regional Authorities in Developing the Eastern Partnership Initiative". Participants of the Forum discussed the possibility for implementing local scale projects with the assistance of representatives from the EU Eastern Neighbours, local and regional authorities, business groups, non-governmental organizations, associations and institutions of the EU. The Forum emphasized that the relations of the EU and its Eastern Neighbours have to start in the local and regional levels<sup>31</sup>.

Andrzej Cieszkowski, the Polish MFA authorized representative on the Eastern Partnership, after the first meeting of the multilateral format of the Eastern Partnership on the platform "Democracy, good governance and stability" on June 5, 2009, stated that the Regional Policy Program has been started. Poland wants to help countries of the Eastern Europe and Southern Caucasus in the formation of regional policy. Poland played enormous role in the EU for economic development alignment of the most and least developed regions.

In Ukraine, particularly, the Regional Development Program shall be implemented in several pilot regions. Till 2010 it is planned to develop a strategy for regional development in Ukraine. With the aim to develop the regional strategy and creation of the Regional Development Agency, the Autonomous Republic of Crimea was chosen as the pilot region. Starting from 2008, there is a Joint Initiative for regional development of Crimea under way with the participation of the European Commission, the EU Member States and the UN Development Program (UNDP) as the main executive partner for implementation.<sup>32</sup> The EU realizes that while the UNDP has intention to continue assisting Crimea, the current ten-year UNDP Program for Crimea integration and development in the medium-term dimension shall decline. The continuous UNDP Program on local development shall continue in its previous direction and shall decline as it was expected, and in the same time the new program shall develop. As a result of that, successful input into the stable regional development based on the EU experience shall facilitate the process of regional development of, in this case, the Autonomous Republic of Crimea. During the recent years the EU gained precious experience in regional development, which may be proposed to the Crimean Administration.

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<sup>31</sup> Strengthening the EU's Partnership with its Eastern Neighbours: The Role of Local and Regional Authorities in Developing the Eastern Partnership Initiative, Košice, Slovakia, 3 June 2009

<sup>32</sup> Consultations on potentially priority spheres of National Indicative Program (NIP) Eastern Partnership Initiative for Ukraine for the period 2011-2013

The EU, as the financing party, has a clear obligation for the necessity of harmonizing principles and clear organization of work with the simultaneous preservation of independency in providing the financial and technical resources. The control body of the Initiative shall be the Working Group created with the aim of coordination, and which shall be subordinate to the Delegation of the European Commission to Ukraine.

It is planned to select one more or several more regions. The number of regions shall depend on approach to the implementation of the Regional Development Program. There may be two approaches: integrated and sectoral. The integrated approach envisages reformation and development of a definite region within the whole spectrum of its life activity. In such a case, the allocated money may be not enough even for one region including the EU finances as well as the State budget of Ukraine envisaged for regional development.

The second approach, sectoral, envisages determination of key spheres for the regions selected as pilot ones, and execution of measures for their development. Such spheres may include: transport, environmental protection, medical provision to population, increase of population employment rate, infrastructure development, provision of the main services, like water, gas and even electric energy in definite settlements, housing and residential sector, provision of social services to poor people, ethnic problematic.

In any case, there is a necessity to choose the pilot regions to implement the Regional Development Program. For that, it is necessary to determine *the selection criteria*. The basis for such criteria should include the following:

- level of needs in the development region (level of social and economic development);
- critical importance of the region for the internal stability in Ukraine;
- similarity of needs in implementation of similar/single sector projects;
- predictable vision of concrete results from projects implementation;
- sufficiency of allowed finances for implementation and completion of necessary projects;
- the projects in the region must not only solve the current problems and satisfy needs, but also create basis for the further development of the region;
- capability of the local authorities to make an effective, purposeful and transparent use of finances for regional development;
- independency of local authorities and their managerial qualities, and capability to organize and assist local initiatives;
- consciousness and creativity of local authorities and their readiness to participate in projects realization.

The Comprehensive Institution-Building Programme has to be implemented in the chosen regions, and it is tightly connected to the regional development. The local authorities must be capable not only of expressing the problem but seeing the ways to solve it. Under such condition, the provision of assistance shall be effective, as far as the assistance is provided

not to the problem but to the implementation of ways of its solution. Successful implementation of the Comprehensive Institution-Building Programme shall facilitate coming of European investments in the regions of Ukraine. The administrative capability of the local authorities is to implement projects and not only distribute and spend money, which shall become the guarantee for investors investing in projects. Investors shall be able to see that their finances are being properly used, and the local authorities shall be capable of effective use of such financial assistance.

**Role of local administrations** in the regional projects implementation shall be as follows:

- a) participation in preparation and implementation of the projects (for example, if it goes about creation of association for small and medium business support);
- b) assistance to establishment and activity of people self-organization bodies (societies), which are necessary for projects realization;
- c) preparation, selection of executors and coordination of projects (in this case the tender is conducted for: project development, project implementation, and administration takes the function for selecting an executor, coordination and monitoring).

The Regional Development Program consists of a series of programs and projects, which shall be financed by the EU, donor partners from the EU and the donor organizations, which are not the EU residents, and based on priorities that have to be coordinated and distributed with the local authorities and that stay under the strategic "umbrella" of regional development.

Finances for the regional development shall be allocated not only from the EU budget, but shall be co-financed by sources from the public budget or by credits. For this, it would be reasonable to develop the national program, which envisages finances for the European integration projects, including those for regional development within the Eastern Partnership. The allocated finances shall be directed into the regions for concrete projects for the direct development of this region.

If one project of the same sphere is implemented in several oblasts independently, there shall be no need to create the State Coordination Agency. The finances may be transferred through the Ministry of Finances, but only as a transfer, because the money shall be used locally. Though, the central executive power in Kyiv must receive full information. For better coordination of the regional development projects in all regions, there should be used sector approach to projects and their implementation.

The Regional Development Program shall require informational and cultural support from the EU and the EU Member States, which may be provided by their representation offices. The created informational and cultural networks have to receive materials that deals with the EU and that need to be distributed into the regions. Moreover, the expansion of the EU Information Centres must continue, and they must include the local media and educational institutions.

Implementation of the Regional Development Program has to include not only participation of regional authority representatives but also *civil society organizations*. The priority spheres for participation of public organizations in the Regional Development Program may be as follows:

- mobilizations of local communities and transformation of their needs into program provisions;
- organization of consumers right protection;
- development of regional trade unions according the EU standards;
- execution of policy monitoring and practice of the local authorities and donors;
- implementation of social sphere projects – social services provision;
- analysis of local communities needs, submitting the needs to the authorities, proposals for corresponding projects and their implementation.

Within the Eastern Partnership there should be continued the ENPI implementation, which has special instruments for financing the civil society projects in the form of the European Instrument on democracy and human rights, the Thematic Program for the NGOs and local authorities.

*Monitoring of implementation* of the Regional Development Program must be organized according to a differentiated principle; each donor organization shall control and evaluate the individual projects and programs according to their own procedures. Though, it would be reasonable to introduce common activities for integrated monitoring of the programs and projects implementation in the regions.

The success of the pilot projects shall be the basis for the EU interest in providing assistance within the Eastern Partnership framework to the other regions in the future. It goes about the coming financial perspective after 2014.

## **2.5. Economic Vector in the Eastern Partnership and Additional Opportunities for Ukraine**

*Olga Shumylo, Ildar Gazizullin*

The goal of the EU's Eastern Partnership Initiative is to assist reforms, legislative approximation and economic integration. The EU puts not only an ambitious task to create deep and comprehensive free trade areas (DCFTA) and afterwards a common economic union in the region, but also assists economic approximation in each of the countries of the region.

The EU proposes to the countries of the EaP to use the economic policy instruments and participation in institutions and agencies, which were previously usually available for the

EU candidate countries. In such a way, the economic integration in the EaP shall take place through intensification of trade and flow of funds as well as approaching of economic activity regulation rules and keeping in mind the positions of the Partnership Partner States in the process of policy making.

The EU pays much attention to financing the development of institutions in the EaP through the Comprehensive Institution-Building Programme and implementation of pilot initiatives, particularly, in assisting the development of small and medium enterprise (SME) in the EaP Partner Countries. The EU plans to engage other donors, like international finance organizations, to finance the Partnership initiatives, such as implementation of infrastructure projects.

### *2.5.1. New Opportunities of the Eastern Partnership for Developing the Economic Relations of Ukraine and the EU*

Practically, the EaP does not contain any new approaches for Ukraine in economic cooperation with the EU. The European Union and Ukraine already negotiate an Association Agreement and DCFTA, the implementation of which shall probably take 5 to 15 years (depending on sector) and which shall require attraction of substantial financial and human resources from Ukraine. As far as Ukraine is a leader among the EaP Partner States in economic cooperation with the EU, probably, such its experience shall be spread to the rest of the EaP states.

Ukraine and other Partner States are primarily interested in developing the bilateral relations with the EU. The larger access to the EU markets and attraction of European investments is a priority, because the level of economic integration among the post-Soviet countries is comparatively high. Some of the EU initiatives on multilateral cooperation, like creation of diagonal cumulating of origin, may be implemented only within the long-term perspective (after 2013) under condition of deep integration of each Partner State into the EU.

In the same time, participation in the EaP shall bring positive results to Ukraine if it becomes the additional stimulus for implementing the Agreement on DCFTA. Ukraine still has to develop a plan for agreement implementation, and start its execution. This process may be retarded because of a large number of sensitive issues for Ukrainian economy (contrary to other countries of the Partnership, which have a simpler and smaller structure and size of economics). The EaP may assist the process of agreements implementation on the FTA, overcoming the consequences of the economic recession and reformation of economy.

### ***2.5.2. Perspective Spheres and Formats for Cooperation of Ukraine and the EU within the Eastern Partnership framework***

The world's economic recession shall have a substantial and a long-term influence on the priorities of the state policy in the region. According to the forecast of the International Monetary Fund, the economic growth in the EU shall be revived only starting from 2011. Some of the recession consequences shall be felt further: high level of unemployment, unrest of state finances. The countries shall more and more tend to protectionist policy: increase of trade barriers, provision of subsidies to national business, limitation of labour migration and funds movement. There is a possibility to postpone implementation of large cross-border infrastructure projects in energy and transport spheres. That is why, during 2009-2013 the highest perspective for implementation in the EaP shall be given to those projects, which not only allow Ukraine and the Partner States to implement the common integration initiatives, but shall also assist in overcoming the negative consequences of the economic crisis.

The relevant topics for Ukraine within the framework of bilateral and multilateral cooperation of the EaP (see table 1) shall be aimed at reaching the following desired results:

- economic integration (access to the markets of the EU and partner countries);
- softening of negative consequences for the labour market;
- economic and bank systems recovery;
- enhancing of efficiency of the governmental aid;
- support to small and medium enterprise;
- modernization of the state infrastructure.

Segregation into topics and desired results of cooperation for Ukraine is conditional, because such spheres for cooperation, like the policy of delivering the governmental aid, is obviously open. Ukraine has to choose financing within the EaP of those projects, which shall be directed at reformation of institutions as forecasted for FTA, and shall have short terms for implementation (till 2013).

**Table 1. Perspective spheres of cooperation for Ukraine**

Desired results for Ukraine	Bilateral cooperation			Multilateral cooperation		
	Deep Free Trade Area	Economic regional approximation	Sector Cooperation	Common economic union	Environment and climate changing	Integration of transport and telecommunication networks
Economic integration (access to markets)	Additional financial and institutional support for implementation of the agreement		Regulatory approximation in aviation sphere, agricultural sector, energy sphere	Approximation of regulation policy and standards, diagonal cumulating of origin	Financing of ecological initiatives, installing of a system of emissions trading	Liberalization of aviation space, initiating of boundary investment projects
Softening of negative consequences on the labour market		Introduction of the programs of regional approximation and development		Common policy of labour migration		
Recovery of the financial and banking system		Collaboration with the European Financial Stabilization Fund (in case of creation)	Reformation of banking and financial systems	Reformation of financial system		Co-financing of trans-border infrastructure projects
Enhancing of efficiency of governmental aid	Creation of working group for solving of disputable issues	Development of horizontal instruments of governmental aid	Reformation of the system of governmental aid	Consultations for avoiding of protectionist policy	Development of horizontal instruments governmental aid	
Support to SME		System of consultations and financing for SME	Stimulating of energy efficiency		Exchange of practices of projects implementation	
Modernization of infrastructure		Initiating of boundary investment projects		Approaching to regulatory policy and standards		Collaboration at the seaside: common projects, alteration of ports



### ***2.5.3. Recommendations for the Eastern Partnership economic projects***

#### **Deep comprehensive free trade area and sector cooperation**

Successful approximation of the European legislation in various spheres of economy is, as a rule, a condition for increasing the trading volumes with the EU and attraction of foreign investments.

Ukraine may propose projects in those spheres of cooperation, in which the major progress is already achieved (for example, introduction of a single air space), or in spheres, which is very important and sensitive for both parties, first of all liberalization of electric energy and gas market, restructuring of agricultural complex.

Projects may foresee reforming of the regulatory environment, creation of an opportunity to adapt to the technical standards of the EU and membership opportunities in the EU programs and agencies. Soon, this shall (after the situation in the world financial markets is improved) allow quick attraction of additional financing for infrastructure modernization.

Cooperation in integration of transport and telecommunications networks must have a goal to initiate small investment projects on infrastructure development and shall be of the most demand after the economic growth is revived. In particular, it goes about the important projects on port infrastructure modernization as far as several countries of the EaP have access to the sea. Moreover, during the economic growth in Ukraine insufficient level of ports development and ineffective management shall be a substantial challenge for trade development.

Within the creation of a common economic union among the EaP countries, Ukraine has to initiate the introduction of consultation groups for the operational discussion and solution of disputable cases of state support by the EaP countries to avoid unreasonable trade limitations.

Together with other EaP Partner States Ukraine may also initiate use of common approaches in execution of reforms (e.g. pension reform), implementation of educational projects and observing the common principles of migration policy.

Ukraine may attract finances from the EU for adjusting the work of the national monitoring and emissions trade system as well as support to local ecological principles within the program for regional approximation.

#### **Regional economic approximation**

The EU proposes to the EaP states to introduce its experience, especially of the new Member States in introducing the regional cohesion and development program (*cohesion policy*).

Modernization and enhancement of efficiency of the governmental aid system is the most important cooperation component among the parties. Cooperation between the EU and Ukraine in this sphere shall prevent introduction of trade sanctions from the side of trade partners of Ukraine, particularly the EU (the probability of which is very high because of Ukraine's violations of WTO requirements in this sphere), facilitate the increase of aid efficiency under conditions, when the state income is limited, and the structural changes of the economy of Ukraine.

Ukraine has to initiate the projects that shall allow accelerating the transition to the use of horizontal instruments of governmental aid. These are: support to small and medium enterprises, regional development, environment protection and attraction of investments to scientific research and developments (innovations). Provision of governmental aid for these purposes shall not distort the trading conditions among the EaP states, and shall result in the increase of employment rate in depressive regions or those, which suffered the consequences of the economic recession most.

Ukraine has to support the pilot initiative of the EU on introducing the assistance network to the small and medium enterprises of the EaP states. Simplification of the regulatory environment may become the stimulus for attracting investments and introduction of new businesses, diversification of the structure of Ukraine's economy as well as decrease of tension in the labour market.

Like in other countries, the SME may start to play the balancing role in the Ukrainian economy. Currently, the structure of the GDP and employment in Ukraine is dominated by several large enterprises and spheres, which makes the Ukrainian economy rather vulnerable to external shocks. Moreover, the majority of enterprises of SME in Ukraine are engaged in the sector services, and very less are in the production sector. Thus, often the development of SME cannot soften the social consequences of employees downsizing in the large industrial enterprises.

An important segment of the Ukraine's economy, where the appearance of small and medium enterprises is reasonable, is the energy saving technologies and services market. Ukraine can make the spreading of the EU technical and financial expertise into a priority for enterprise development particularly in this sphere.

Ukraine may continue cooperation with the EU in recovery of the financial institutions. The IMF credit to Ukraine has become largely possible due to the EU interest in supporting the state banking system. Ukraine may hope for the further assistance in restructuring the banking system and changing the goals and instruments of the monetary policy.

## **2.6. Additional values of the energy dimension of the Eastern Partnership for the integration of Ukraine**

*Mykhailo Gonchar*

### *2.6.1. Energy cooperation within the framework of the Eastern Partnership*

Energy sphere is important for the European Union and Partner States, and it has occupied a significant place in the Eastern Partnership Initiative. Traditionally, the EU uses several communications corridors (oil and gas pipes, transportation sea routes), which play the energy connectors role, i.e. the communications, which connect the supporter to the user, including the transit state.

1. The North Sea (Norwegian): 14% of gas and 13% of oil from the sea shelf of the Northern Sea out of the total volume of the EU consumption. Though, Norway is not a member of the EU, but taking into consideration its membership in NATO, the Northern Sea energy connector may be considered the internal European one.
2. Northern African: 13% of gas and 10% of oil from Algeria, Libya.
3. Eastern connector system: oil (29%) and gas (24%) from the Russian Federation and Central Asia through continental and sea routes, which consists of three connectors:
  - *Eastern-European*: oil and gas from the Russian Federation through continental way, that is through the pipeline systems of Ukraine, Belarus and partially Moldova;
  - *Russian-Black Sea*: oil from Russia in tankers through the Black Sea Straits. The prospective for development is the Burgas-Alexandroupolis oil pipeline project;
  - *Russian-Baltic*: oil and gas from Russia through the Baltic Sea. It was formed with oil in 2005 after the introduction of the Baltic pipeline system. Formation of the energy connector shall be finished in case of the Nord Stream and BTS-II projects implementation.
4. Persian and Mediterranean (Suez): 12% of oil consumption from the Persian Gulf (Iran, Saudi Arabia).
5. Caspian-European (Turkish): oil from Azerbaijan through the pipeline Baku-Tbilisi-Jeihan. It has a perspective for development of gas sphere from Azerbaijan, Turkmenistan and Iran ("Nabucco"), the Middle East (Iraq, Egypt) within the framework of the Southern Gas Corridor; the Russian Federation (Blue Stream 2), and oil through the project Samsun-Jeihan on the territory of Turkey.
6. Black Sea-Central European: is in the stage of formation (project Odesa – Brody, Konstantza – Trieste and the "White Stream"). Source: oil and gas from Caspian.

When Poland and Sweden raised the initiative of the Eastern Partnership, Europe had not yet felt the wave of the financial crisis, Russia had not invaded Georgia and the gas supply through Ukraine to the EU had not been stopped. In the beginning, the initiative did not have such notions as energetic, energy safety, etc. Events of the last year from the moment

of the EaP initiation make us look at this instrument differently. The European Commission communication describes the energy component of the EaP in a rather detailed way, which is not the case with the March Declaration of the European Council and the Final document of the Prague Summit.

The significance of the energy dimension of the EU relationships with its neighbours was once again demonstrated during the gas crisis in January this year, when the supplying monopolist stopped the gas supply to Ukraine first, and then to the EU. The energy safety under conditions of prices volatility for resources, and the global political instability turned as much important as the defence security and fighting against terrorism. The EU has to create a "position of force" for itself. And the EaP is one of the mechanisms for creating such a position. Of course, if this becomes the goal. If the EaP is considered as a mechanism for ambitions deterrence of the Partner States of the Initiative from membership in the EU, the energy sphere shall transform into a vulnerability area of the Community. This is exactly how it looks like today, as far as we may see the total absence of a single voice from the EU states, and the common external energy policy still remains only a dream of the Brussels bureaucracy mostly limited by two Directorates – DG TREN and DG RELEX. The key position for the EU is the integration of the above mentioned Eastern-European Connector into the energy space of the EU without allowing the reincorporation of the pipeline infrastructure of Ukraine, Belarus and Moldova into the monopolist corporations of hydrocarbons suppliers from Russia. The process of control introduction over the main pipelines from the Russian side is currently under way in Moldova and Belarus.

The sharpness of the energy problem for Europe is felt even by NATO. The basis for the Alliance attention for such a non-natural problem of energy safety for NATO became the Declarations of the NATO Riga Summit (article 45) and the Bucharest Summit (article 48).

***That is why the EaP in the given context may become an additional mechanism for cooperation among the EU and the Partner States in providing the energy safety for the EU and Eastern Partners.***

From the point of view of energy safety provision for the EU, 5 EaP Member States are important:

1. Ukraine, as a key transit state of gas and oil from East to the EU. It is described in the Ukraine-EU Memorandum on Cooperation in energy sphere dated December 1, 2005, and the Brussels Declaration dated March 23, 2009.
2. Azerbaijan, as an oil supplier (Baku – Tbilisi – Jeyhan) and a gas perspective (Baku – Tbilisi – Erzurum), and also as a transit state for oil and gas from the Eastern Caspian, and under definite conditions (implementation of the "White Stream" Project) a part of Iran gas.
3. Georgia as an exclusive transit state of oil and gas from Caspian to the EU market.
4. Belarus as an oil (Northern "Druzhba") and gas (Yamal – Europe) transit state.
5. Moldova as a gas transit state for the Southern Europe (Romania, Bulgaria, Greece, Turkey, the Balkans).

It is necessary to take into account, that from the position of the traditional intervention from Russian to the EU and Ukraine plans to create and develop the independent energy infrastructure, the most vulnerable component is Georgia. Destabilization of Georgia creates problems for both implementation of prospective projects of Caspian oil and gas transit through the Black Sea to Europe as well as currently functioning Baku – Tbilisi – Jeyhan oil pipeline, and Baku – Tbilisi – Erzurum gas pipeline, and also the possible future projects "Nabucco" and the "White Stream". Events in the Southern Caucasus in August 2008 proved that. The probability of the military scenario connected to the threat of energy supply breach through the Southern-Caucasus corridor remains for 2009, and it is being intensified.

*According to the logic of energy safety provision, it would be reasonable for the EU to integrate the energy infrastructure of the mentioned EaP States (+ Turkey) into the energy space of the EU. Regardless of the fact, whether the mentioned states become the members of the EU in the short or long term perspective or not, their energy infrastructure, which has a strategic importance for the EU, has to develop in a harmonized way with the European energy sector.*

### ***2.6.2. Integration of Ukraine into the EU energy space – a precondition for stability and development***

Speaking about Ukraine, its sector integration into the energy space of the EU would facilitate the solution of the problem of protection from a "gas weapon" use by anybody. It is possible through the ***creation of the European Integrated Gas Contour (EIGC)*** – joint system of the EU gas supply, which would be technically capable of providing necessary circulation of gas resources from the storage points to the gas deficit regions. The basic components of the EIGC shall become the Underground Gas Storage Facilities (UGSF). The dead line for creating the EIGC is not later than the energy resources supply from the Russian Federation reach more than 50% of the total EU import. In the given context, the Ukrainian UGSF system may become the basic system for the EIGC in the East of the EU.

To prevent the future recurrent energy aggression, there should be initiated a system of trust actions of the Eurasian scale – from extraction to consumption. Under the EU auspices it would be initiated in the format of the Eastern Partnership. This system may be called ***Initiative (Regime) of Energy Transparency (IET)***. It should be based on the fundamental right to know. Consumers, does not matter in which country they may be – Russia, Ukraine or the EU, have the right to know the parameters for energy products flow, because in the end they pay it all. The main list of available information should include the following:

- Volume of energy reserves,
- Volume of energy production,
- Volume of energy resources transmitted for transit,

- Actual real capabilities of pipelines,
- Actual free capabilities,
- Tariffs for transit and storage,
- Volume of incoming and out-coming energy resources in a transit state,
- Volume of energy resources received by consumers,
- Energy demands of a consumer,
- Energy consuming structure,
- Working pressure in the pipeline and its daily dispersion.

Transparency of the chain "Upstream – Midstream – Downstream" will create the mode of trust. Europe needs a special procedure to create a transparent energy sector, especially for a gas segment, because monopolistic structures work mainly in this sphere. Each consumer has the right to know whether he pays the economically based price, where and in what way the energy monopolists spend benefits, what is the role of mediators and how much the consumers pay for this. Such a system of transparency might become a mechanism of diagnostic and early warning of potential problems. The EU and the Eastern Partner States, which are transit states for the most important energy routes, might initiate the creation of such a mechanism either a separate one or another one by expanding the already existing since 2003 Extractive Industries Transparency Initiative (EITI) for energy transit sphere. Azerbaijan, by the way, is a world leader in implementing this Initiative. The NGOs of Ukraine, Georgia, Azerbaijan and Kazakhstan have developed with the support of network of the Soros Centres, proposals for the transparency mode for the energy resources transportation sphere. This joint proposal was put to public on the 4<sup>th</sup> Global Conference on EITI in Doha, the capital of Qatar, in February 2009.

In case of the Eastern Partnership, Russia shall continue using the idea of a priority for bilateral relationship, which is in place with the Russia – EU dialogue, to prevent the implementation of the Common Energy Policy of the Community. Unfortunately, the EU only declares to have such a policy, but in reality it does not exist. Separate policy of series of the EU Member States (Germany, Italy, France) made impossible the consolidation of the EU position on the series of challenges and threats, which the Community encounters both externally and internally.

The problem of gas provision to the EU shall continue to be laid over to the "problem of instability in transit states", i.e. Ukraine and Belarus. A large-scale information and propaganda campaign, which always accompanies the "gas wars" of the Russian monopoly, partially reaches its goal discrediting the transit states as not transparent, risky areas, necessary to stay away through implementation of adequate bypass projects due to the joint efforts of Russian Federation and the EU.

The current transit in the line East – West and perspective line South – North has a fundamental importance for the gas and oil transportation system of Ukraine, just like the energy

resources have for the extracting states. Moreover, the Western neighbour of Ukraine, the EU, shall increase the import of energy resources, in particular, gas. According to the research of the UNDP Blue Ribbon Analytical and Advisory Centre: "*Demand in the EU is led by increased electricity needs, while diminishing reserves in the North Sea drive the need for gas imports up to almost 85% of primary gas needs. Therefore, by 2030 the EU will be importing in excess of 400 Mtoe (~440 bcm) of natural gas, or the volume of its gas consumption in 2004*".<sup>33</sup> Given forecast of the UNDP concerns the time horizon for 2030, but even if it turns to be too high, it is possible to expect a serious increase of gas transit through Ukraine to the EU demands, if the main supplier in the East – Russia does not get into default in carrying out its export obligations. Though, if it becomes the reality and what volumes may be transported through Ukraine shall depend, furthermore, on how transparent and convenient the transit energy infrastructure system of the state shall become.

Transparency shall have the major importance for preserving the Ukraine's energy transit capability in the direction East – West, which turned to be under risk, caused, not in last place, by the non-transparency of the oil and gas sector functioning in Ukraine.

### *2.6.3. Proposals on using the Eastern Partnership format for integrating Ukraine to the EU energy market*

Ukraine's joining the Energy Community Treaty has a substantial importance. The European Commission gives the priority importance to involving Turkey, Georgia, Moldova and Norway into it. The basic importance for Ukraine is given to the successful adaptation and implementation of Directive 2003/55/EC into the national legal base. This is the position fixed in the Brussels Declaration from March 23, 2009.

Completion of projects within the framework of Metrological Center in Boyarka and equipping the Eastern and Northern section of the state border with the gas-measuring stations and oil measurement nodes are an indicative value for Ukraine – EU cooperation in the energy sphere. Introduction of a strategic oil reserve in the form of a model, which corresponds to criteria of the Organization for Economic Co-operation and Development (OECD) and the International Energy Agency (IEA), shall also become a step forward to a more transparent functioning of the oil sector in Ukraine. It is reasonable to put into agenda of Ukraine – EU Dialogue the issue on using Ukrainian UGSF by the consuming companies of the EU as well as development of a joint program for reclamation of the Black Sea shelf.

These all in total are capable of creating the basis for maximum tight sector cooperation in a bilateral format between Ukraine and the EU, which, in the end, may lead to integration

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<sup>33</sup> "Comparative analysis of energy safety of the EU and Ukraine" UNDP Blue Ribbon Analytical and Advisory Centre, Energy policy Group, 2007. page 31

of the Ukrainian energy sector into the corresponding EU sector, regardless of the level of political integration. The Eastern Partnership format may play the role of additional site for promoting the Ukrainian interests.

## **2.7. Migration, mobility and visa issues in the format of the Eastern Partnership**

*Oleksandr Sushko*

### *2.7.1. Cooperation within the Eastern Partnership – increase of migration regulations efficiency*

The Eastern Partnership may become an efficient instrument for providing freedom of movement for the citizens of the Eastern European countries, if movement remains one of the priorities for practical content of the given Initiative till the moment of full liberalization (cancellation) of visa regime from the EU side.

Provision of freedom of movement through cancellation of visa regime has become a vitally important priority for the Partner States; and the level of its implementation shall be substantial for the general perception of the Eastern Partnership efficiency.

Though, the component of free movement of people may become a mutually beneficial priority for the EU as well, because advance to visa-free regime shall be accompanied with implementation of a series of reforms within the Partner States and that facilitate substantial progress of the important for the EU spheres. They are:

- fighting the illegal migration, human trafficking and other drawbacks of the cross-border criminality;
- safety of documents;
- border management including border infrastructure development (Integrated Border Management);
- cooperation in the sphere of security and law enforcement;
- implementation of readmission.

So, implementation of measures directed at reaching the visa-free regime by the Partner States, except their primary task (provision of freedom of movement), shall substantially improve the situation in the sphere of security, law and order, fighting the international criminality in the region, and increase the capabilities of the countries of the region to counteract "new challenges to security".



### ***2.7.2. Eastern Partnership Potential for Visa Regulations***

As far as Ukraine is far beyond the other Partner States in the most of the EaP components for implementation, currently it is important to make conclusions from the Ukrainian experience compiled during the last two years:

- 1) Agreement on Simplification of Visa Procedures (which, obviously, shall become the model for other Partner States), which is active from January 1, 2008 has facilitated definite improvement of situation with visa issuance to Ukrainian citizens and became a step into the right direction, though not sufficient. The Agreement has not become an effective mechanism yet, and it is incapable of compensating the negative results of the Schengen Area expansion for the majority of Ukrainian citizens travelling to the EU countries. De facto, the Agreement lacks mechanisms of direct action, because the consulates continue using their ministerial instructions, which either disregard some of the Agreement provisions or interpret ambiguous provisions not for the benefit of the applicant. So, the Agreement on Simplification of Visa Procedures may not be considered as a sustainable instrument capable of solving the problem of freedom of movement.
- 2) It is necessary to welcome the intention of the European Union to initiate full cancellation of consulate fee (payment for considering visa application) for the Partner States proposed in the Communication of the European Commission from December 3, 2008. The optimal step would be to cancel the consulate fee for all Partner States already from January 1, 2010.
- 3) The terms and conditions for the full cancellation of visa regime for the Partner States remain the key challenges. The way to go in this direction shall be approval of "road maps" for each state, execution of tasks of which must lead to cancellation of visa regime. Ukraine started its "visa dialogue" in September 2008, and it has certain experience that may be taken into consideration during the development of practical steps for other Partner States within the Eastern Partnership.
- 4) As far as delay with the development of "road maps" within the "visa dialogue" is considered as a feature of lack of sincerity and political will from the EU side, it is necessary to complete formation and approval of similar documents for Ukraine and Moldova already in 2009, for the Caucasus States – in 2010. Yet the progress of the political dialogue between the EU and Belarus seems to be problematic, and this is the development of cooperation on simplification of visa procedures may become acceptable and useful way for cooperation with Minsk for the coming years.
- 5) Importance of "road maps" lies in clear identification of the problem, solution of which shall open the right of a free movement along Europe to citizens of a certain country, and that shall create additional capabilities for strengthening the structural public ten-

sion and public control over the actions of the authorities, and so, facilitate strengthening of democratic institutions and processes within the Partner States.

In general, as far as implementation of certain priorities of the "visa dialogue", like the Integrated Border Management, fighting illegal migration, human trafficking, etc., shall only benefit from multilateral efforts, and the EaP as the regional initiative has substantial potential in the given direction.

### *2.7.3. To visa-free regime through regulation of justice, migration and border spheres*

Below, there is a list of concrete priorities, execution of which within the Eastern Partnership may be of common interest to the Eastern European Partner States.

Obviously, the capability for **effective protection of border along the whole perimeter** is one of the weak points of practically all Partner States. A substantial number of migrants from the third countries are moving through the borders of the Partner States, and the EU considers it to be as an argument against excessive openness from the EU side. The Partner States have to demonstrate progress in the following issues:

- Continuation of reformation of the border services from the paramilitary units of soviet type into the modern border police (service);
- Technological development of the integrated border services database, provision of modern electronic communications of the Central Office of State Border Service with all border-crossing stations;
- Border services personnel training in accordance with the European operational standards, particularly, the Schengen Border Guards Handbook;
- Strengthening of cooperation within FRONTEX (EU agency, which is responsible for coordination of the operational cooperation among the EU Member States in the sphere of border security), as well as bilateral cooperation with the border services of the neighbouring states, undertaking measures to strengthen confidence within the corresponding services of the EU Member States.

It is obvious, that the successful completion of these priorities shall benefit from implementation of a certain element of polygonality, when the partner actions are not synchronized but, at least, coordinated. Ukraine's and Moldova's bilateral experience within the EUBAM may serve an example, which may be used on the borders between Georgia and Armenia, Georgia and Azerbaijan.

In the sphere of **documentation security**, the parties may share their best practices, bearing in mind, that the majority of the countries during the recent years have changed the standards for their travelling documents (passports, ID-cards) and have certain experience:

- Partner States have to introduce the new standard for their foreign passport with the biometric data. Up till now, there is no integrated format for the biometric data but it is important that it corresponds to the standards of the International Civil Aviation Organization (ICAO), – the UN Organization, which introduces standards for the electronic travelling documents and biometric information.
- Passport has to be full adapted for the electronic reading systems, which are used in the EU States. Except for the EU passport, the EU recommends introduction of biometric data into other personal documents, particularly the driver's license.

In the sphere of **migration policy and migration control** the Partner States mostly encounter similar challenges, which stipulate common priorities for the close perspective:

- approval of legislation on national migration policy, which would correspond to the European practice and introduce effective mechanism of migration control;
- coordination of the national legislation on refugees and asylum seekers according to the European norms and recommendations of the UN Refugee Agency. Introduction and support of centres for temporary living of asylum seekers;
- provision of rights for asylum seekers, including in the sphere of mechanism for appeals petitions consideration for the decision of first instance for the issues of asylum provision and refugees;
- introduction of changes to the Criminal Code and the Code of Criminal Procedure, legislation on misdemeanours; introduction of responsibility for violating the EU legislation, particularly, on immigration;
- efficient repatriation of those people from the territory of the Partner States, that stay there illegal (if there are no any precautions prescribed by the European and national legislations on the rights of refugees).

The issue of **readmission** belongs to the most sensitive, as far as the society and the elites fear that the obligations on readmission could "transform the country into the drain box for illegal migrants". Solution of the problem may include the model of integrated readmission environment for the Eastern Europe proposed by Ukraine in the beginning of 2000s', and that may include either the bilateral or multilateral systems of agreements.

Ukraine shall be one of the first Partner States to encounter direct obligations on readmission in the context of implementing the EU – Ukraine Agreement on Readmission. Other Eastern European Partners shall learn the Ukrainian experience in this issue.

**Cooperation in the law-enforcement activity, fighting corruption and organized criminality** are the priorities, which shall be evaluated by the Partner States during consideration of liberalization issues, and, as a result, full cancellation of visa regime from the EU side. Among the practical priorities there may be envisaged:

- multilateral consultations and experience sharing on development and implementation of state programs and plans that would prove the seriousness of intentions of the states to overcome organized criminality;
- coordination and experience sharing on state policy in providing assistance to victims of human trafficking, support of international projects of public organization, which work in the given sphere, implementation of social and information campaigns on fighting the human trafficking;
- ratification by all the Partner States of the *Council of Europe Convention on Action against Trafficking in Human Beings*, approved in 2005 and that came into force on February 1, 2008;
- fullest use of anti-corruption recommendations of the Group of States of the Council of Europe GRECO;
- continuation of process for signing and ratification of European and international conventions connected with mutual legal assistance and extradition. Particularly, *the Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters* from November 8, 2001;
- preparation and conclusion of agreements by the Partner States on cooperation with EUROJUST – the EU Agency dealing with fighting against organized criminality;
- bringing the practice of Internal Affairs Authorities to conformity with the international (European) standards, certain trainings for law enforcement personnel. Organization of institutional cooperation among the Ministries of Internal Affairs of the EU Partner States and EUROPOL;
- approval of laws that would correspond to the European norms for personal data protection.

The Partner States have to settle down the disputes in the sphere of **conferment of nationality** and adjust corresponding national legislation to the European standards. Particularly, it is necessary to strengthen requirements to acquire nationality for those people who live on a permanent basis outside the corresponding countries. Firstly, it goes about citizens of the conflict zones – self-proclaimed states. It is necessary to support dialogue among the Partner States with participation of the EU with the aim of finding compromises and mutual understanding in the given issue.

**Public component.** Advancing to the provision of freedom of movement and the *people-to-people contacts* in the Eastern European region should include intensive public lobbying and practical initiatives at the international level.

The main problem for the public communities of the region is not the deficit of attention to migration and freedom of movement issues (on the contrary, there is a substantial interest for it in the informational field), but it is a problem of lack of integration of internal debates on the given topic into the mutual European discussions, campaigns, projects, initiatives in this subject.

The largest effect is gained by those initiatives, which are developed as international and based on the authority of the current public or public and political organizations both in the states that strive for visa-free regime and the EU Member States.

## **2.8. Security, Defence and Stability within the Eastern Partnership Initiative**

*Oleksiy Kolomiyets*

Report by the EU High Representative Javier Solana on implementation of the European Security Strategy (ESS) "*Providing security in a Changing World*"<sup>34</sup> dated December 11, 2008 may be considered as the guideline document that shall be the basis for developing priorities and implementation mechanisms for the "Security, Defence and Stability" sphere of the Eastern Partnership Initiative. Thereby, it is necessary to consider the following:

1. problematic of security and defence issues is one of the most sensitive, including the political sense both among the Eastern Partner States and the EU Member States;
2. the given problematic shall be kept under most strict control, including political control, both from its perspective executors and the interested states, international and regional organizations;
3. the given problematic must have the most effective mechanism for cooperation and implementation based on the principles of complementarity, avoiding duplication, synchronization, asymmetry, flexibility;
4. necessity for adequacy of declared goals and tasks as well as capabilities for their real achievement under conditions of appropriate provision and stimulating;
5. necessity for seeking algorithms of actions, which would facilitate and not impede the relations among all the involved executing states, the EU and NATO;
6. positive perception of corresponding missions, operations and tasks among the Member States that shall be used during practical implementation.

Taking into account the position of the ESS as the guideline document for the EU functioning in the sphere of ESDP/ CFSP (European Security and Defence Policy / Common Foreign and Security Policy), it shall be absolutely logical to design its key goals and priorities to reach those goals, which are determined within the EaP. Meanwhile, taking into account the heterogeneity of the legal base of the Partner States of the Initiative in the sphere of foreign policy, security and defence, the most effective and probable cooperation shall be cooperation in the format of the EU – a Partner State or the EU – ad hoc group of the EaP Partner States.

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<sup>34</sup> Report by the EU High Representative Javier Solana in association with the European Commission on the implementation of the European Security Strategy: *Providing Security in a Changing World*, S407/08 11 December 2008

## ***2.8.1. Eastern Partnership and the Key Challenges for the European Security***

### **Challenge 1 – proliferation of weapons of mass destruction**

Distribution of weapons of mass destruction by both the states and the non-governmental agencies is considered by the ESS as a potentially largest threat to the EU security. The same way this threat may be classified within the other EaP states. *Two main factors* must be taken into account: availability of material and intellectual capabilities in the EaP Partner States to support and develop WMD; close proximity to the states, which are potential owners of WMD, firstly Iran. It is also necessary to bear in mind that the Report of Javier Solana on ESS scoreboard<sup>35</sup> envisages "additional measures for increasing press on Iran". The legal base for the EU activity in the given sphere is the Strategy on WMD approved in 2003, and which emphasizes the importance of preventive measures through the UN activities and multilateral relations "acting as the key donor and with the third states and regional organizations for the purpose of developing their capabilities to avoid proliferation."

For the EaP it may be important to have a capability for development of the common position for the conference on changes to Agreement on Non-proliferation, which is planned for 2010. Within the EaP there may be also effectively developed approaches to the problematic treaties on *CTBT*, *post-START*, *Fissile Material Cut Off Treaty* and the Hague Code of Conduct.

The EaP has a real potential to function as a counteraction for financing activities on proliferation of WMD; development and support of actions on bio-safety, prevention of proliferation of delivery systems, especially ballistic missiles.

### **Challenge 2 – terrorism and organized criminality**

The new version of the ESS proves "the firm decision" to fight all forms of terrorism and encourages for improvement of facilities for early detection of radical groups, as well as close cooperation in the sphere of counteracting financial terrorism. The mentioned directions must receive full practical support within the EaP. The Hague Program of 2004, the Strategy for the External Dimension of Justice and Home Affairs of 2005 and the EU Counter-Terrorist Strategy of 2005 may be considered as a rather serious base for corresponding support from the Initiative.

Within the EaP there may be involved the Crisis Coordination Arrangement and Civil Platform Mechanisms to fight use of chemical, radiological, nuclear and bio-terrorist mate-

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<sup>35</sup> 'The ESS Scoreboard' by *Giji Gya*, ISIS Europe – European Security Review no.42, December 2008

rials. It is necessary to consider the opportunity for using the European Alert Platform with the goal to prevent recruiting and support of terrorists through the Internet.

The ESS emphasizes that the "existing partnership with our neighbours and the key partners must be strengthened in the sphere of human movement, police and legal experts cooperation to fight the organized criminality". The principal importance in this case shall be given to cooperation with the Initiative Member States.

### **Challenge 3 – energy security**

Rapid increase of diversification of sources, transit routes, growth of investments and their effective use, development of integrated rules and mechanisms for prevention must become priorities for an effective functioning of the EaP. The EaP Partner States must carefully consider the strategic initiatives and approval of the EU laws, which directly create the new architecture of the European energy security. Taking into account the extremely important geo-political aspect of the given challenge, it is necessary to consider the issues on creating the EaP constant acting authority on energy security.

### **Challenge 4 – problematic of climate change**

In March 2008, the European Commission and the EU High Representative represented the Report dedicated to the climate change problems. Deterioration of environment, disasters, fight for natural resources directly influences the human activity and has political consequences, including those of security character, as well as increase of uncontrolled migration level. The climate change, as the ESS new version states, "may lead to disputes on trade routes, maritime zones and resources that used to be unreachable". Attempt to develop a common position within the EaP in the process of preparation for the Copenhagen Conference on the Kyoto Protocol in December 2009 may become a base for the further activities in this sphere.

### **Challenge 5– cyber security**

Attack against the state and the private IT systems of the EU Member States may be considered as a potentially new political and military weapon. The similar attacks took place within Georgian States structures in August 2008, and any country of the EaP may suffer such threat. In 2006, the EU approved the Secure Information Society Strategy, which is aimed at fighting Internet criminality and may become a decent base for effective functioning of the EaP in fighting the challenges of cyber security.

### ***2.8.2. ESDP Development Tendencies and the Eastern Partnership***

There have been outlined *five main tendencies for ESDP development*, beginning from the initiation of operational phase in 2003 under the Greek Presidency in EU<sup>36</sup>:

- globalization of operational area;
- expansion of operational spectrum;
- expansion of civil and military cooperation;
- strengthening of cooperation between the first and the second pillars of the EU functioning;
- development of processes, which are connected by the means of conducting operations.

Let's consider each of these tendencies with corresponding projecting for their possible use within the EaP.

*Tendency 1.* The EU Police Mission in Bosnia and Herzegovina (EUPM), which tasks were changed in January 2006, provided a serious thrush in *fighting against organized criminality*. The military operation Althea, which started in December 2004 with the aim for further stabilization within the Western Balkans and was implemented under support of a 7 thousand military contingent, and it was the first time used on the basis of the "Berlin Plus" mechanism between NATO and the EU. Practical experience of these operations and especially the use of the "Berlin Plus" mechanism are extremely important for projecting the cooperation mechanisms within the EaP.

Among the EU operations and mission overseas and which are of a substantial importance for the potential support within the EaP, it is reasonable to emphasize on the following ones:

- in the Near East – *EUJUST LEX Operation* (support of criminal justice development in Iraq);
- in Central Asia – *EUPOL* (Afghanistan);
- in Africa – Democratic Republic of Congo and Darfur Province in Sudan.

Moreover, there is a potential for cooperation in the new EU mission in Kosovo – *EULEX* for supporting the Kosovo Government during transition period.

Though, the extreme complications with completion of missions within *Artemis operation* in Congo, breach of planned operation in Chad, termination of EUBAM Operation in the border of Gaza Strip and Egypt proved the absence of a clear strategy for the mentioned operations, absence of common priorities among the EU Member States and lack of necessary means to reach the goals of such operations of such level of intensity. These factors, except the political consequences, must be fully considered during their discussion within the future Initiative mechanisms.

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<sup>36</sup> Five Years of ESDP in Action: Operations, Trends Shortfalls' by Nicoletta Pirozzi and Sammi Sandawi, ISIS Europe – European Security Review no.39, July 2008



Tendency 2. The EU is constantly expanding the spectrum of tasks in the sphere of security, especially in its civil dimension. Except of police, border control and rule of law missions, there is a tendency observed for the increase of number of tasks in the spheres of Security Sector Reform (SSR) and support of Disarmament, Demobilization and Reintegration Programs (DDR). The mentioned spheres, doubtless, may be considered as those that have potential for implementation within the EaP and shall not be considered as of duplication of negative effect on the mechanisms of integration cooperation with NATO.

Tendency 3. Considering the nature of modern operations that are being conducted under various international and structural mandates, the role of strategic, tactical and operational cooperation between the military and civil components is growing rapidly. If such a tendency remains, the problematic for coordination among different institutions within the EU, the EU and NATO, the EU and other international organizations shall require adequate solution. A Civil-Military Section created within the EU Military Staff may take over the functions to coordinate cooperation within the ESDP/EaP.

The special attention is required in the issue of the EaP financial participation in ESDP/CFSP operations and missions. Bearing in mind, that the civil missions are financed directly from the CFSP budget, participation of the EaP Member States in such missions is rather real. Meanwhile, the military missions are mainly financed according to a principle similar to NATO principles, and only a small portion of common expenditures are financed through Athena – mechanism<sup>37</sup>, and that is why it is considered to be problematic to involve the EaP States into it. On the other side, because of many factors for the short-term and mid-term perspectives the EaP States participation in the EU military operations is very vague.

Tendency 4. Considering the EUPAT operation in Macedonia as an example, in the Democratic Republic of Congo there may be observed a substantial increase of cooperation between the General Secretariat of the EU Council and the European Commission. Meanwhile, the distinctive nature in functioning of these two institutions and the availability of office competition may influence the efficiency of cooperation with the EaP. That is why a structure, which shall be responsible for the EaP functioning and development, should be obligatory created inside the European Commission.

Tendency 5. The main instruments for developing civil and military means of reaching the ESS goals are the Headline Goals. To develop this instrument, the EU has approved the European Capability Targets 2010. These two key documents must be carefully analyzed within the EaP with the aim to identify those means, which may be used both in special operations and exclusively within the EU missions. The Capability Development Tool, designed by the General Secretariat of the EU Council may facilitate in determination of

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<sup>37</sup> 'ESDP mission update', ISIS Europe – European Security Review no.36, December 2007

those tools that may be required within the EaP Partner States for their missions and operations planned within ESDP.

Meanwhile, "limitation of the ESDP mandate, arising contradictions among the EU Member States towards these operations and the ESDP development itself causes concern"<sup>38</sup>. That is why this concern must be really taken into account within the ESDP/CFSP – EaP Cooperation.

The problem of interoperability standards and force support during operations must be considered as the key ones in the development of the EaP "Security, Defence and Stability" cluster. Two missions *EULEX* (Kosovo) and *EUPOL* (Afghanistan) are considered as *litmus test* for the ESDP and that is why the perspectives of the EU – EaP cooperation shall largely depend on the result of completion of missions.

### *2.8.3. Eastern Partnership and the ESDP Tools and Mechanisms for their Development*

Taking into account the extreme political sensitivity to the sphere of security and defence as well as development and use of capabilities within the EU institutions, the EU Member States and the EaP Partner States, the most probable is the bilateral approach to the issues of cooperation. In the same time, the multilateral format is not excluded, but the opportunity for the EaP Partner States is practically exempted. In the meantime, the EaP Partner States must have knowledge about the availability of tools within the EU and the EU Member States to complete the ESDP missions and, which is more important, the mechanisms for their development.

In December 1999, the European Council decision determined the "Headline Helsinki Goals 2003" (*HHG 2003*) to perform the whole spectrum of Petersburg tasks. Among the *HHG 2003* there is a need to outline the following: intention to introduce the EU Rapid Reaction Force with the total strength of 60 thousand military personnel. The given initiative, taking into account its non-fulfillment, was re-declared in the new version of the ESS. Moreover, a separate "Declaration of Strengthening Capabilities" proposes availability of tools of such level, which shall provide an opportunity for reaching the following goals:

- opportunity for two simultaneous operations with the strength up to 10 thousand troops with the duration of up to 2 years;
- opportunity for two simultaneous rapid reaction operations with the uses of Battle Groups (BG);
- civil-military mission on humanitarian assistance during 90 days;
- various civil missions of different formats within the main mission (up to 3 thousand experts) during several years.

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<sup>38</sup> 'Five Years of ESDP in Action: Operations, Trends Shortfalls' by Nicoletta Pirozzi and Sammi Sandawi, ISIS Europe – European Security Review no.39, July 2008

On the basis of mentioned goals the EaP Partner States shall receive an opportunity to plan their resources for the possible use in case of a political consent.

The HHG 2003 became a thrust for the European Capability Action Plan, the EU Battle Groups (BG) and the European Defence Agency (EDA) development. Though, taking into account the inefficiency of *HHG 2003*, this Program was substituted in May 2004 by the Headline Helsinki Goals – 2010 (*HHG 2010*) with a focus on, firstly, the quality of capabilities, which are being planned. The *HHG 2010* must be carefully analyzed by the EaP Partner States on the possible support of its implementation and execution of reached results. During such analysis it is necessary to take into account that the "Capabilities Catalogue" *HHG 2010* compiled on the basis of five scenarios, for which the determined capabilities shall be applied<sup>39</sup>:

- forceful separation of parties, engaged in fighting;
- stabilization and reconstruction;
- conflict prevention;
- evacuation operations from dangerous areas;
- humanitarian operations support.

The *BG* Concept has been modified with the key idea to create groups of 1.5 thousand troops capable of staying in crisis points for three days. Currently, there are 15 *BGs* created. The experience learned from implementations of *BG* Concept allowed making several conclusions:

- multinational *BG* must adapt to the use of common language, and this language can be only English;
- to control the *BG* there should be created a joint command system;
- the EU Military Staff must determine the efficiency of *BG* with the help of certification procedure within *HHG 2010*.

There is a real opportunity for all the EaP States to participate in *BG* activity and development. Though, there appear serious contradictions with the proved intentions of a series of the EaP States to make their national contributions to the NATO Response Force (*NRF*).

The main goal of preparation and approval of *ECAP* was overcoming of drawbacks in the European Defence and Security Development Capabilities. After the corresponding analysis, there were 19 priority areas determined and the corresponding Project Groups created within them. The Groups act within the EDA, which is responsible for completion of the European Capability Development Plan (*ECDP*), which has four main goals<sup>40</sup>:

- 1) identify drawbacks;
- 2) make a study of capabilities available within the key areas;
- 3) create a base for national programs, which are being implemented;

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<sup>39</sup> 'Pooling of EU Member States Assets in the Implementation of ESDP' by *Jean-Pierre Maulny* and *Fabio Liberti* (IRIS), European Parliament, DG External Policies of the Union, February 2008

<sup>40</sup> *Ibid.*

- 4) learn the compiled experience for identification of capability needs for future missions and operations.

The EaP Partner States after consultations with *EDA* shall be able to receive an opportunity to project the mentioned *ECDP* goals for themselves, for which the European Capability Defence Mechanism (*ECDM*) may be used with the following goals:

- 1) reach better determination of necessary capabilities and contributions of separate countries;
- 2) assess the available military capabilities and evaluation of the reached progress;
- 3) removal of existing gaps;
- 4) improvement of the EU – NATO relations in the sphere of development and use of resources.

Though, availability of many *ESDP* mechanisms and programs has not provided an opportunity for the EU to become a serious player in the international arena in the sphere of defence and security. Impossibility to provide a necessary number of helicopters led to the danger of breakdown of the planned mission in Chad. Under the perfect scenario, the European armies have to strive to full interoperability use of common standards, armament, doctrines, etc. Though such perfect conditions are absent even within NATO. That is why there are four possible solutions for the problem of insufficient development of the European Defence and Security Capabilities:

- *distribution of capabilities* – the EU Member States must clearly coordinate their military planning;
- *combination of capabilities* – the Member States may pass their capabilities to a common authority keeping control over solution on the use of armament;
- *combination through acquisition* – the most integrated form of combining capabilities. A bright example of such a solution is the *AWACS* system. The development of *A400M* Program may become a successful use of such a decision and facilitate the development of heavy helicopters program;
- *role distribution* – in the background of political and technical conditions, there may appear a situation of impossibility for combination of capabilities. In such a case, there may be developed a system for distribution of roles among the countries.

Currently, there is no common approach within the EU, and that is why there is a combination of four mentioned decisions, which must be taken into account by the EaP Partner States.

## **Chapter III. Eastern Partnership: Implementation and Monitoring**

*Vitalii Martyniuk*

### **3.1. Evaluation of Perspectives for Implementing the Eastern Partnership Initiative**

#### *3.1.1. Is bilateral dimension of the Eastern Partnership a way to complete integration with the EU?*

The Eastern Partnership has become an opportunity for the Partner States to fix the planned and the new perspectives for integration into the EU within the new regulatory and legal frames. If for Ukraine this process is already going on, the other Eastern Partners are in different stages of development. Such a legal fixation depends on interests, intentions and priorities of separate Partner States abiding the principle of differentiation. It is important to follow this principle during the whole period of the Eastern Partnership Initiative operation, absence of limitations for the development of relations of Partner States with the EU and availability of such opportunity for a state, which strives to the EU membership. Firstly, it goes about Ukraine, which has declared by its foreign policy the strategic goal for becoming the EU Member.

In any case, the Eastern Partnership must not replace the perspective for gaining the EU membership. It must not keep the States to the East from the EU within the strict limits with the principle "everything but membership". On the contrary, the Eastern Partnership in the bilateral dimension must stimulate each Partner for reaching the highest levels of full and comprehensive European integration.

The Eastern Neighbours have to welcome the Initiative, implement proper work in their countries and ask for more. In the same time, the reforms, envisaged within the Eastern Partnership, without the final goal decrease their efficiency. Such a goal is determined by, firstly, modernization of the state, which is done to increase the efficiency of its functioning taking into consideration experience of the EU Member States. Secondly, the sector cooperation between the EU and a Partner State requires common standards. Thirdly, successful reformation and implementation of the EU standards within a Partner State shall lead to such a situation, when the EU may hardly refuse the provision of membership perspective. Ukraine must undertake progressive advance in this direction without making a single step back.

The EU counts on Ukraine within the Eastern Partnership understanding that it must be supported and interested in this new format. The EU places an important role upon

Ukraine, the role a leading nation within the Eastern Partnership, and may soon demonstrate it to other Eastern Partners as an example for the process of European integration and approximation to EU. Ukraine, in its turn, may use this mission to develop its positions as a regional leader on the one hand, and for the gradual advancement to the strategic goal of the EU membership on the other hand. Though, the only possible way for Ukraine, just like the rest of the Partner States that strive to the EU membership, is the successful completion of a very meticulous work within their states on reformation of all spheres of life.

### *3.1.2. Perspectives of Implementing the Multilateral Dimension of the Eastern Partnership*

The multilateral dimension is a decisive one for the Eastern Partnership, because without it the Initiative loses its sense and becomes a set of bilateral formats for cooperation of the EU and separate states. The multilateral frameworks shall facilitate development of relations among the states themselves, and create opportunities for solving those problems, which cannot be solved by a separate state. This is the main value of the multilateral format<sup>41</sup>.

How steady the format of the multilateral Eastern Partnership cooperation shall be in the future? This shall depend on the EU and other Partner States capabilities to overcome the potential barriers in the multilateral dimension. There may be many of them, but the main barriers are: lack of political interest from a number of the EU Member States; variations in interests and views among the Eastern Partners; counteraction from third parties.

There is a lack of **political interest from a number of the EU Member States** for the Eastern Partnership development as far as the latter one is mostly a compromise on the agreement of the Member States from the Central Eastern Europe and Baltic on creation of the Union for the Mediterranean than the realized by all EU Member States necessity. Moreover, the EU Member States, which are interested more in stabilization of situation in the Mediterranean Region, are the main EU budget contributors. Such an approach was clearly depicted in the distribution of finances: the Southern dimension of the ENP is provided with two thirds of the total finances of this policy, and the Eastern European States are provided with one third. Some EU Member States consider the Eastern Partnership as a rival to the Black Sea Synergy and other Initiatives, which decreases their political interest in developing this Initiative.

**The Eastern Partners have different interests and approaches** to implementation of the Eastern Partnership, and the efficiency of multilateral dimension shall depend on satisfaction of those interests.

In general, *Ukraine* considers the Eastern Partnership as the framework for its further development of relations with the EU. Currently, we may not speak about outlining the EU

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<sup>41</sup> *Vitalii Martyniuk*, "Real implementation of EU Eastern Partnership shall depend on stability of multilateral dimension" // UCIPR, RU, № 16/576, 19 May 2009.

Membership perspectives for Ukraine. The states that wait for membership firstly are the Western Balkans States (all including Serbia). The EU also has to initiate a complicated negotiations process with Turkey, and that has unpredictable finish, as far as France and Germany openly and categorically expressed against provision of membership to this state. Only after these issues are solved, the EU may pay attention to the Ukrainian membership perspectives. Ukraine has only one opportunity left for today – use best the Eastern Partnership format to implement the European integration intentions, i.e. approximation to the EU standards to the level, when it shall be possible to start reasoned dialogue on membership.

**Azerbaijan**, expressing positive attitude to the Eastern Partnership in general, is mostly interested in developing the energy component. And it does not matter much if the energy relations with the EU develop exclusively within the Eastern Partnership format or other formats for bilateral or multilateral relations are used. Other priorities for Azerbaijan are: security in the region (settlement of Nagorny Karabakh problem) and simplification and cancellation of visa regime. For the civil society of Azerbaijan the important priority is protection of human rights<sup>42</sup>.

**Belarus** has a double interest within the Eastern Partnership. On the one hand, the interest of Oleksandr Lukashenko, as the President of Belarus Center for Political Education Andrei Liakhovich said, is based on three factors: attracting European investors to Belarus, strengthening the Belarus Independency from Russia, and strengthening positions of power within the State<sup>43</sup>. That means that the official Minsk shall not participate in all projects initiated within the Eastern Partnership, and choice of projects shall be based on the mentioned factors. Belarus attitude to Initiative was also proved by the level of representative at the Eastern Partnership Summit – First Deputy Prime Minister of Belarus Vladimir Semashko, who is responsible for economic issues in the government. On the other hand, public representatives of Belarus emphasize on high priority importance of human rights protection in the Eastern Partnership format.

**Armenia** in the Eastern Partnership shall support only those projects and initiatives, according to assessment of the Yerevan Press Club President Boris Navasardian, which bring financial assistance to the country. That is why Armenia is interested in creating a FTA with the EU. The issues of a possible stabilization of situation in the Southern Caucasus are not in the last place, and it may be settled by solving the problem with Nagorny Karabakh and normalization of relations with neighbouring states<sup>44</sup>.

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<sup>42</sup> *Irada Baghirova*. "Azerbaijan: points of view on European integration in the Eastern Partnership", Azerbaijan National Academy of Sciences // Report in the Conference "Additional possibilities of the Initiative "Eastern Partnership" for European integration of Ukraine and Eastern Partners", Kyiv, 27-28 April 2009.

<sup>43</sup> *Andrei Liakhovich*. "Perspectives of relations' extension between EU and Belarus in the Eastern Partnership framework: motivations, obstacles and perspectives", Center for Political Education, Belarus // Report in the Conference "Additional possibilities of the Initiative "Eastern Partnership" for European integration of Ukraine and Eastern Partners", Kyiv, 27-28 April 2009.

<sup>44</sup> *Boris Navasardian*. "Possibilities of the Eastern Partnership for Armenia", Yerevan Press Club, Armenia // Report in the Conference "Additional possibilities of the Initiative "Eastern Partnership" for European integration of Ukraine and Eastern Partners", Kyiv, 27-28 April 2009.

**Georgia** provides overall support to the Eastern Partnership striving to the European integration. We may expect that Georgia supports the projects and initiatives that shall be formed within the Eastern Partnership. Though, the priority for Georgia is security and stability in the Caucasus, firstly in solving the problems with Abkhazia and Southern Ossetia; energy security, including guarantee for energy transit; democratic transformations in the country and development of external economic relations<sup>45</sup>.

**Moldova** declares a European integration course. The official authorities of the State talk a lot about the advantages of Moldova's integration into the EU. But they do it, according to the assessments of the expert of the Foreign Policy Association Victor Chirila, mostly for getting support from voters<sup>46</sup>. In reality, Moldova's authorities are incapable and do not wish to use in full extent the integration opportunities of the Eastern Partnership. The proof of that was the level of Moldova's representative at the Eastern Partnership Summit – Deputy Prime Minister – Minister of Foreign Affairs and European Integration Andrei Stratan. The current priorities of the EU – Moldova cooperation are the following: getting larger access to the EU market; strengthening of economic integration; simplification of movement regulations for Moldova citizens to the EU. Moldova is concerned about the fact that the multilateral format of the Eastern Partnership may weaken the bilateral relations format with the EU, especially taking into account that the EU Council on June 15 this year adopted a decision to initiate negotiations on a new Agreement with Moldova to replace the current Partnership and Cooperation Agreement<sup>47</sup>.

So, the Partner States consider the Eastern Partnership exclusively from their national interests and that is absolutely natural. It is necessary to concentrate the efforts, especially the EU efforts in those directions, in which there are interests of all the Partner States, so that this diversification does not become an obstacle for Initiative implementation. And these directions are as follows:

- development of economic cooperation (expanding capabilities for commodity marketing of national production and inflow of investments);
- development of joint programs to settle down the unregulated conflicts and prevention of potential ones (in the region of the Eastern Partnership there are still four conflict areas: Transdnier, Southern Ossetia, Abkhazia, Nagorny Karabakh);
- territorial integrity and borders regulation (Ukraine has unsettled borders with Belarus, Moldova and Russia);

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<sup>45</sup> *George Tarkhan-Mouravi*. "EU -Georgia: from security questions to European integration", IPS, Georgia // Report in the Conference "Additional possibilities of the Initiative "Eastern Partnership" for European integration of Ukraine and Eastern Partners", Kyiv, 27-28 April 2009.

<sup>46</sup> *Victor Chirila*. "Moldova in the Eastern Partnership: prospects for gradual integration to EU", Foreign Policy Association, Moldova // Report in the Conference "Additional possibilities of the Initiative "Eastern Partnership" for European integration of Ukraine and Eastern Partners", Kyiv, 27-28 April 2009.

<sup>47</sup> Council conclusions on the Republic of Moldova, 2950 General Affairs Council meeting Luxembourg, 15 June 2009.



- guarantee of energy security for both the producer, Azerbaijan, – stable and beneficial sales of energy sources, and other Partners – stability and beneficial transit and provision of uninterrupted supplies of energy products for personal use.

These two latter directions have found their depiction within the Eastern Partnership. The most important projects of the multilateral dimension are the **borders enforcement and construction of the Southern Gas Corridor**.

The Eastern Partnership envisages that **the third parties** may join to separate programs, projects and initiatives. The main attention is paid to Russia and Turkey. The sense of such proposal is that these two countries may be occasionally involved into separate programs but not at the institutional level. In the Joint Declaration of the Eastern Partnership Summit it is stated that the third parties may participate on a temporary basis in concrete projects, types of activities, meetings of thematic platforms, if this facilitates reaching goals of the Eastern Partnership. Participation of Russia and Turkey is required to solve such problems as energy security, settling conflicts, environmental protection, fighting illegal migration. Though, such participation may not always be beneficial for the Initiative development, especially when it goes about Russia.

*Russia* considers any initiative in the post-Soviet area as an obstacle for strengthening its own influence and protection of national interests. In the given region Russia strives to lead the integration processes itself. The "National Defence Strategy of the Russian Federation till 2020" dated May 13 this year stated: "*Russia shall strive to develop a potential for regional and sub-regional integration and coordination in the CIS territory within the CIS itself, and then also the Collective Defence and Eurasian Economic Cooperation Treaty*". Russia cannot stay away of the processes, which shall be developing within the Eastern Partnership. Many Partner States (especially from Southern Caucasus) feel more influence and presence of Russia than the EU. Russia also proposes concrete steps to settle down problems of those countries – from providing privileged credits to settling down the conflicts. Full removal of Russia, as the Minister of Foreign Affairs of France Bernard Kouchner thinks, is inadmissible. France stated that Russia must not have a feeling that it is surrounded and in the same time excluded from the political and economic processes in Europe.

*Turkey*, in general, expresses concern in the Eastern Partnership projects participation, which may facilitate anchoring and strengthening of its role as a leader within the Black Sea region and increase of its influence in the Caucasus. The problem for Turkey is that participation in the Eastern Partnership should not influence the membership of Turkey in the EU. This shall stimulate a careful approach of Turkey to other EU Initiatives, which are not directed at gaining membership.

To neutralize the mentioned obstacles the EU has to conduct a successive and persistent policy in the region; support and develop partner relations with the Russian Federation, but not to make concessions at the cost of interests of the Partner States; propose and execute

practical measures on completing actual problems for the Partner States and act more resolutely and persistently, especially in the sphere of security and energy. In other case, this Initiative shall be gained and used for the benefit of Russia as well as for retarding the European integration and relations of the region with the EU.

### **3.2. Monitoring of the Initiative Implementation**

The Eastern Partnership does not determine the procedure for monitoring its implementation but its structure must foresee that the Ministers of Foreign Affairs of the EU Member States on the annual meetings shall consider the progress and determine directions for development<sup>48</sup>. This shall require complex monitoring of the Initiative implementation during a year in the bilateral and multilateral levels.

It is reasonable to conduct monitoring annually with concentration on progress in reaching the assigned goals and tasks, but not the changes, which took place in a Partner State during the year in comparison with the situation before. This provides an opportunity, firstly, to emphasize the principle of differentiation, which is placed in the Eastern Partnership. Secondly, such an approach depicts the real situation in the sphere of reforms. Thirdly, this stimulates the executing agencies to undertake substantial steps and implementation of practical projects instead of pronouncing declarations and non-concrete measures. Fourthly, this allows conducting the real evaluation of gradual advancement of a Partner State to the EU integration.

At the **bilateral level** the system of monitoring has to be directed at determining achievements, needs and directions for further relations development to provide the principle of differentiated approach in the Eastern Partnership. The system has to combine monitoring of bilateral relations of each Partner State with the EU and monitoring of initiatives, programs and projects, which are proposed for implementation at the bilateral level of the Eastern Partnership. Monitoring of bilateral relations has to include the complex control of completing bilateral agreements, programs and plans determined between a separate Partner State and the EU. Speaking about Ukraine, these are, firstly such current documents: the Partnership and Cooperation Agreement, the Association Agenda, the Agreements on simplification of visa procedures and readmission as well as other sector agreements and bilateral documents; after finishing the procedure of concluding – the Association Agreement and the Agreement of Deep Free Trade Areas. The monitoring has to be conducted in a sector way with assigning a special monitoring group/person for a certain sector that shall provide its efficiency and quality. This particularly deals with Association Agenda or the Association Agreement in the future.

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<sup>48</sup> Communication from the Commission to the European Parliament and the Council "Eastern Partnership", COM (2008) 823/4, Brussels, 3 December 2008.

As far as in the bilateral level both parties have responsibilities, the EU and a Partner State, it is reasonable to use one of two options for monitoring, the use of which shall depend on concrete situation.

The first option envisages that each party, the EU and a Partner State, conducts monitoring and assessment of its part of measures, which it must complete within the bilateral agreements, projects or plans, or assessment of all measures. After that, the specially created working group prepares a general assessment of implementation progress for the year (for long-term programs and plans, for example: Association Agenda) or over the period of completion, if the plan or the program are calculated for less than a year, or after full execution. The first option matches better for monitoring programs, plans or projects, which have a common responsibility and joint execution.

The second option envisages that one party, for example, the European Commission conducts monitoring and assessment of all measures envisaged by the agreement, program or project in general, prepares the corresponding report and presents it to another party (Partner State). The latter provides remarks, additions and proposals, which have to be concerned in the final variant of the report. The second option is more favourable for monitoring of those agreements, programs and plans, which envisage a large number of measures, for which the Partner State is responsible. First of all it goes about Actions plans or Association Agenda (for Ukraine).

In the **multilateral dimension** of the Eastern Partnership monitoring has to be conducted according to platforms and also with the participation of civil society organizations, which is stated in the document of the European Economic and Social Committee (EESC) about participation of civil societies in the Eastern Partnership<sup>49</sup>. The results of monitoring have to be prepared before the annual spring meetings of the Ministers of Foreign Affairs of the EU Member States and the Eastern Partners and have to be included into the annual progress reports. These results must contain not only assessments but also proposals for the further work for a coming year. Moreover, they must be presented in separate platforms on the sector specific ministerial conferences, and must be included into current reports on separate platforms.

In all cases the results of monitoring must represent:

- assessment of tasks completion for a year/period and achievement of goals;
- assessment of efficiency and use of financial resources;
- analysis of causes of non-fulfillment of certain tasks or measures;
- proposals on work improvement and on conducting the further activity.

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<sup>49</sup> Opinion of the European Economic and Social Committee on Involvement of civil society in the Eastern Partnership (exploratory opinion), European Economic and Social Committee, Brussels, 13 May 2009.

Monitoring has to be executed in three levels: operational (monitoring of current execution of measures and implementation of projects), sector (in a certain sphere) and strategic (general on implementation of the Eastern Partnership Initiative). For example, monitoring and assessment of program implementation (strategic monitoring) include assessment by sectors (sector monitoring<sup>50</sup>), which, in its turn, envisages monitoring and assessment of execution of concrete measures according to determined common indicators. The assessment indicator may serve as an accomplishment of a separate measure, adoption of regulatory and legal or control document and introduction of it into action. All the indicators must have their own value, which is determined by its importance and input into reaching the final results (in percentage). The aggregate number of values of all indicators must constitute 100%.

All the parties must conduct monitoring according to a common methodology. For this, it is necessary to determine the unified approaches to the structure of programs, plans and projects; the common assessment indicators; the single structure of reporting results of monitoring as well as the order for cooperation and information sharing among agencies involved in monitoring and executors. It is important that monitoring has an institutional nature and cover all the programs, plans and projects. Executors of concrete projects and measures must timely report on the status of their implementation. To provide rapid monitoring at the national levels it is reasonable to create a joint system – network, which shall include executors, monitoring agencies and central authorities.

It is necessary to emphasize that it is reasonable to prepare the reports on monitoring results not only in the EU, but also in a Partner State, as far as cooperation envisages bilateral responsibility. This shall allow participation of the Partner States in the active process of implementation, increase responsibility of its authorities, increase level of transparency and quality of execution of planned measures, better consider peculiarities and needs of each Partner State, improve communication and cooperation of the EU institutions and Partner State authorities in the process of implementation, provide achievement of goals of national programs and strategies from execution of separate measures and projects and, as a result, increase the efficiency of external assistance to the Partner State as determined by the Paris Declaration on Aid Effectiveness of 2005<sup>51</sup>.

A separate governmental authority has to be responsible for monitoring within a Partner State, that shall provide general (strategic) monitoring and coordination of sector groups of monitoring; get results of monitoring from these groups, national parliaments, independent estimators, organizations of civil societies and private sector; prepare general reports for the country; cooperate and coordinate activities on monitoring by the corresponding EU authorities and other Partner States; develop proposals on improvement of the Eastern

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<sup>50</sup> Monitoring of sector program or monitoring of sector policy support program? // Monitoring courier, Information Bulletin №2, February 2009.

<sup>51</sup> Paris Declaration on increasing efficiency and foreign assistance, 2 March 2005.

Partnership implementation process<sup>52</sup>. In Ukraine it is reasonable to place these functions on the Coordination Bureau for European and Euro-Atlantic Integration of the Government of Ukraine.

The **national parliaments** of the Partner States and the European Parliament must also participate in the process of monitoring, especially on the issues of control over the use of budget finances within the Eastern Partnership implementation. The Committees of the National Parliaments (in Ukraine – Committee on European Integration of the Verkhovna Rada of Ukraine) may prepare the general reports on the basis of monitoring results, which shall be presented at the meeting of EU-Neighbourhood-East Parliamentary Assembly (EURO-NEST PA) and sent to the governmental agencies of the countries and institutions of the EU, particularly, the European Parliament and the European Commission.

The **civil society organizations** of a Partner State must participate in the process of monitoring as the independent estimators. The main value of this participation is the opportunity for comparing the real situation and the officially declared results reached in the course of implementation of the Eastern Partnership. Civil society organizations must provide current monitoring and prepare reports/assessments, which shall be sent to the governmental agencies and the EU institutions. It would be reasonable that these assessments were added to the general reports of monitoring in the form of annexes.

For the diversified programs and plans there must be executed coordination of monitoring, which is reasonable to be placed upon the national coordination authority of the Civil Society Forum of the Eastern Partnership (for details see section 3.3). Its functions on monitoring shall be: determination and distribution of tasks for sector monitoring among separate civil society organizations, coordination and management of monitoring process, results collection (corresponding sector assessments), its processing, preparation of general assessment and its spreading. To make the participation of civil society organizations effective in the process of monitoring, the governmental authorities and the EU institutions must follow the principle of transparency and provide information on results of separately conducted activities. Governmental authorities and the Delegations of the European Commission to the Partner States have to take into account the independent assessments of the civil society organizations while preparing their own reports, and support dialogue with these organizations for sharing information, conclusions and proposals on further work on executing agreements, programs, plans, etc.

### **3.3. Civil Society in the Eastern Partnership**

The civil society organizations must be involved into the process of the Eastern Partnership implementation both in implementation of bilateral and multilateral dimensions of the

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<sup>52</sup> Monitoring courier, Information Bulletin №1, December 2008.

initiative. The Ukrainian Civil Society Expert Community is actively participating in the process of European integration and implementation of the EU programs and projects in Ukraine, activity on facilitating the Ukrainian governmental structures in the sphere of European integration. The last year, the Civil Society Expert Council at the Ukrainian side of the EU – Ukraine Cooperation Committee worked out and submitted proposals for development of the EU Eastern Partnership Project<sup>53</sup>, that were taken into account by the Ukrainian governmental structures, the EU institutions and authorities of the EU Member States in the process of preparation and adoption of the Eastern Partnership Initiative.

According to the Communication on the Eastern Partnership, the European Commission proposed to "support the further development of civil society organizations (CSOs) and create a **Civil Society Forum** to promote contacts among civil society organizations and facilitate their dialogue with the governmental authorities"<sup>54</sup>. The European Commission encouraged the European Economic and Social Committee to participate in the Eastern Partnership Civil Society Forum. The latter has prepared a document with corresponding proposals on its activity<sup>55</sup>.

The Civil Society Forum officially has to start its activity in November this year before the first meeting of the Ministers of Foreign Affairs of the EU States and Eastern Partners, which was planned for the winter 2009-2010, and during which the priorities of the Eastern Partnership for 2010 would be determined.

Availability of the Eastern Partnership Civil Society Forum shall provide the following opportunities:

- involve the CSOs to the process of the Eastern Partnership Initiative implementation and to the development of corresponding bilateral and national programs and plans;
- deepen the contacts among people and develop cooperation with the CSOs of the Partner States and the EU Member States;
- influence the processes within the Eastern Partnership in general and the policy of a Partner State in particular in the sphere of bilateral relations with the EU;
- support dialogue with the society, CSOs and governmental structures;
- facilitate functioning of the EU institutions and governmental authorities, which are involved in implementation of the initiative;
- provide dialogue with the EU institutions and structures of the Eastern Partnership at all levels and take into account the public opinion in the process of preparation and organization of completing the Eastern Partnership programs and projects;

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<sup>53</sup> Proposals from the Ukrainian Civil Society (The Civil Society Expert Council of the Ukrainian side of the EU – Ukraine Cooperation Committee) for the development of the European Union's Eastern Partnership, Ukraine, Kyiv, 24 October 2008.

<sup>54</sup> Communication from the Commission to the European Parliament and the Council "Eastern Partnership", COM (2008) 823/4, Brussels, 3 December 2008.

<sup>55</sup> Opinion of the European Economic and Social Committee on Involvement of civil society in the Eastern Partnership (exploratory opinion), European Economic and Social Committee, Brussels, 13 May 2009.

- facilitate provision of human rights in the Eastern Partnership States;
- increase the transparency of state authorities functioning through informing public about the activities of the Eastern Partnership and development of relations with the European Union<sup>56</sup>.

The European Commission expressed an opinion that the Forum may be organized in the way of annual conferences, in which the Partner States CSOs representatives and the EU Member States shall have an opportunity to discuss various issues and result of the Forum functioning, as well as develop proposals for the activity of multidimensional structures of the Eastern Partnership. To organize the work of the Forum according to such scheme, it is necessary to settle down a series of issues:

- determine the sequence of conference in a Member State and a Partner State;
- make a list of representatives from all the states for such conference;
- create an Organizational Committee for conducting conference (for each year) and a Working Group for preparing necessary documents and materials for the conference (reports, reviews, statements, etc.).

The organizer of the conference may be determined by turns: one year – in a Member State (it is reasonable that it corresponds to the state, which currently holds the EU Presidency), and the next year – in a Partner State (it is necessary to determine the random turn for holding conferences in the Partner States). The organizers have to be determined in the country on a competitive basis. Moreover, it is necessary that there were several organizations with distribution of functions among them. The role of coordinator may be taken by one of the civil society organizations.

To determine the representatives from national organizations or coalitions of organizations to the annual conference, it is necessary to follow these principles:

- parity of representation offices of the Partner States and the Member States;
- representation of a broad spectrum of regions in each of the Partner States;
- parity of representation offices in all spheres covered by the Eastern Partnership<sup>57</sup>;
- parity of representation of public organizations of various forms (charity organizations, think tanks, organizations for human rights protection, labour unions, creative unions, community councils, private institutions, etc.)<sup>58</sup>.

Annual Conference must take place on the eve of the Meeting of Ministers of Foreign Affairs or the Heads of States and Governments in the same year. The result of the conference is the final document, which shall contain the results assessment of the Eastern Partner-

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<sup>56</sup> Eastern Partnership – Towards Civil Society Forum. Recommendations from Civil Society in Ukraine // ADVANCE, Transcarpathian Advocacy and Development Centre, Association of Civil Organizations for Development in Western Ukraine, April 2009.

<sup>57</sup> Eastern Partnership Civil Society Forum, Concept paper, the European Commission, July 2009

<sup>58</sup> What are the Organization of Civil Societies in Ukraine, UCIPR, "Civil Society", №2(9), 2009.

ship Initiative implementation for the year and proposals on further implementation and work of the Civil Society Forum.

The Pilot Annual Conference may be considered the Eastern Partnership Conference: "Towards the Civil Society Forum", which took place in Prague on May 5-6 this year. This Conference took place in the Czech Republic during the time of its Presidency in the EU and under the EU support. The main coordinator was the Czech Association for International Affairs. The partners in organizing conference were the Czech CSOs: the Prague Security Studies Institute and the Prague Institute of International Relations, as well as Polish, Swedish and other European and international organizations. Discussion at the Conference covered a broad spectrum of topics on all platforms. The Policy Recommendations for Eastern Partnership Summit were the results of the Conference.

Though, the Forum work must not be limited to annual conferences only. **The Forum has to become an information and coordination ground for CSOs' activities in the Eastern Partnership area.** It must act independently. Creation of a clear organizational structure of the Forum is a rather complicated task because of a large number of civil society organizations within the EU and the Partner States. The main approach must be provision of an opportunity to participate for all CSOs, which express their will to participate in the Forum. In any case, the Forum must have its coordination authority and a web-site to become a key component of the civil society.

Under conditions of a large number of CSOs, which may express their intention to participate in the Forum, there should be introduced a clear procedure for their participation. One of approaches is an open-call Forum membership, i.e. any civil society organization from the Member States and the Partner States may fill in the on-line application form in the Forum web-site and become its member. Though, this approach may be ineffective because: 1) a large number of CSOs does not allow organizing and coordinating effectively work of the Forum in general; 2) there are CSOs in the Partner States, which do not have English-speaking members; 3) such an approach does not envisage consideration of national peculiarities and priorities; 4) coordination of the Forum work according to national and sector principles remains un-concerted, and that is determinant for an effective work of the Forum.

Sector principle foresees organization of CSOs work in a separate sphere at national and multinational levels. So, in the general coordination body of the Forum there should be created sections/working groups according to platforms and directions<sup>59</sup>. Within a Partner State there may be created sections/working groups by platforms, for example, on development and good governance, energy security, migration and visa regulation issues or economic integration. National working groups must take part in the sphere sections of the Forum, for which the Forum coordination body must have corresponding section in its structure, and their web-pages must be located in the official web-site of the Forum. The work of

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<sup>59</sup> Eastern Partnership Civil Society Forum, Concept paper, the European Commission, July 2009



sector groups in the multinational level must facilitate the implementation of regional sector projects of the Eastern Partnership and in the same time provide consideration of society interests<sup>60</sup>.

The functions of the sector working groups should be the following:

- monitoring of sector projects implementation and preparation of assessments;
- analysis of the current situation and development of thematic platforms;
- working out proposals for the new projects and their implementation;
- provision of transparency for the Eastern Partnership projects through their broad discussion and informing the public;
- development and proposal of new projects within the Eastern Partnership, and involvement of partners including those from other countries;
- expansion of European values and introduction of the EU standards, particularly, principles of democracy and rule of law.

The national principle must envisage conducting measures within one Partner State in all spheres of the Eastern Partnership activity. There is a necessity for creating national coordination body of the SCOs. In Ukraine such a coordination authority may be the Civil Society Expert Council at the Ukrainian side of the EU – Ukraine Cooperation Committee or the Civil Society Council at the Ministry of Foreign Affairs of Ukraine. The National Coordination Body must have its own separate web-site or a separate web-page in the general web-site of the Forum.

The functions of the National Coordination Authority of the Civil Society Forum of the Eastern Partnership may include:

- provision of national CSOs representation in the Forum and their participation in the process of the Eastern Partnership Initiative implementation;
- coordination of activity of national CSOs involved in implementation of the Eastern Partnership and coordination of sector working groups;
- development of cooperation with the Partner States and the EU Member States in the civil society level;
- support of a dialogue and facilitation of Ukrainian governmental authorities work, involved in implementation of the Eastern Partnership and European integration;
- organization of monitoring within the Eastern Partnership and coordination of sector projects on monitoring projects and programs;
- promotion of European integration ideas in Ukraine;
- informing the public on the activities within the Eastern Partnership;

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<sup>60</sup> Opinion of the European Economic and Social Committee on Involvement of civil society in the Eastern Partnership (exploratory opinion), European Economic and Social Committee, Brussels, 13 May 2009.

- informing national CSOs on the Forum activities and results, organization of CSOs participation in the Forum activities;
- provision of representatives from CSOs of the Partner State in the general activities of the Civil Society Forum, and first of all in the annual Conference;
- provision of considering the public opinion in the process of the Eastern Partnership implementation through the public discussions of initiative and projects and development of recommendations;
- facilitation of CSOs work on support and implementation of practical projects.

Participation of national CSOs in the work of the Forum at the national level must be performed on the basis of the open-call membership. The application form can be filled in by the officially registered organization in the web-site of the National Coordination Authority or the main web-site of the Forum, and then it must be sent to the National Coordination Authority. The CSOs delegation for the general activities of the Forum has to be formed from one Partner State, but it should provide representatives of all spheres covered by the Eastern Partnership.

It is reasonable to involve the civil society of the third countries, firstly Russia and Turkey, as it is recommended by the EESC, and that shall be a substantial contribution to discussing the issues of common interest within Forum and thematic platforms<sup>61</sup>.

Such an organization of the Civic Society Forum may provide its clear, effective and transparent functioning, and make a substantial contribution into the Eastern Partnership implementation process. To support the Forum activities, there must be allocated separate finances in the general financing of the Eastern Partnership. Without that, the work of the Forum would descend on existence on paper or, in the best case, on annual conferences. Financing must come from various sources: the EU budget planned for the Eastern Partnership; from international and national charity organizations; from national budgets and from the private sector.

Participation of Civil Society Organizations of Ukraine in the process of the Eastern Partnership implementation facilitates transformation of the governmental activity within the framework of the Initiative into the nationwide program. Participation of CSOs in the stages of development, implementation and monitoring of the Eastern Partnership projects shall make a substantial contribution into its efficiency.

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<sup>61</sup> Opinion of the European Economic and Social Committee on Involvement of civil society in the Eastern Partnership (exploratory opinion), European Economic and Social Committee, Brussels, 13 May 2009.

## Conclusions

In general, the added value of the Eastern Partnership may be characterized by the words of the EU External Relations and European Neighbourhood Policy Commissioner Benita Ferrero-Waldner, who said: *"This Partnership, is built on common interests and shared values. It is a framework for a long-term relationship and engagement by the EU. The Partnership will bring additional support to our eastern partners as they pursue their individual aspirations for closer relations with the EU, and in particular more help in carrying out jointly defined reforms. Our partners' approximation to EU standards in the political, economic and social spheres will bring all of us greater mobility, trade and increased prosperity. Work on the Partnership is already up and running..."*<sup>62</sup>.

The Eastern Partnership Initiative became the reality. It transformed from the phase of discussion on formulating its provisions into a phase of filling in with the practical projects and measures. Just like any initiative or policy, the Eastern Partnership contains a series of advantages and disadvantages. The **main disadvantages** may be the following:

- the format of the Eastern Partnership postponed the discussions on the possibility of membership perspectives for Ukraine for a definite time, just like any other Eastern European Partner;
- lack of financing for implementation of ambitious declared goals in the multilateral format makes the EU and the Partner States to concentrate on implementation of several projects;
- the difference of strategic goals and national interests of the Partner States may cause the delay of implementation of multilateral dimension of the Initiative;
- declared thematic platforms and pilot initiatives do not represent all important concerns of the majority of the Partner States, which firstly deal with settling current unsettled conflicts and issues on territorial integrity;
- implementation of a multilateral format of the Eastern Partnership in many cases is impossible without participation of the third parties, firstly Russia and Turkey, which forces the EU and the Partner States to take into account positions of the latter countries and the level of relations of each Eastern Partner with the mentioned countries.

Regardless of existing disadvantages, the Eastern Partnership still is **an additional stimulus** for developing the EU policy in the Eastern Europe and the Southern Caucasus, the further development of the EU relations with the Eastern Partners and among themselves, continuation of integration processes of the Eastern Partners into the EU, mutual settling down of urgent problems, which arose in the region. The Eastern Partnership has become for the EU the only possible variant for further development and modernization of the European Neighbourhood Policy in the East, which is explained by a series of reasons.

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<sup>62</sup> European Commission "Eastern Partnership Summit to strengthen EU links with Eastern Europe and South Caucasus", Press-Release, Brussels, 6 May 2009

Firstly, the European Union is in a complicated situation of overcoming the internal institutional crisis related to the process of Lisbon Treaty ratification. Secondly, even after the Lisbon Treaty comes into force, the EU must spend certain time for adapting its institutions into the new standards of functioning. Thirdly, there is still an adaptation period in the EU going on after the large-scale expansions of 2004 and 2007. Fourthly, the main priorities for the EU expansion are the Western Balkans states. Fifthly, there has not been solved a problem with Turkey, which is currently in negotiations process with the EU, as far as France and Germany are totally against Turkey membership in the EU.

The Eastern Partnership is a rather flexible format for ENP continuation in the East, and allows coordinating with other EU policies, like the Black Sea Synergy, and contains a principle of differentiation of approaches to development of cooperation with each of the Eastern Partners, and envisages an opportunity for participation of the third parties in separate projects and programs.

The Agreements and other regulatory and legal documents envisaged in the Eastern Partnership allow anchoring and provision of a new stimulus to the bilateral relations of Ukraine and the European Union, and the multilateral dimension of the Initiative is to implement regional projects under the EU auspices, especially in the sphere of economy, energy and migration regulations. The Comprehensive Institution-Building Programme and the Program for Regional Development are important for Ukraine, and they are directed at the social and economic alignment of the regions. Within the multilateral dimension from the already proposed initiative, the priority for Ukraine is the Program on Integrated Border Management, which must facilitate the issue of settling the Ukraine's borders with the neighbouring states. The multilateral dimension is the determinant for the Eastern Partnership, because without it the initiative loses its sense and becomes a series of bilateral formats for the EU cooperation with separate states.

The European Commission managed, though unsubstantially, to increase the *financial package* of the European Neighbourhood and Partnership Instrument for additional €350 million to reach the level of financing to the level of political ambitions of the Eastern Partnership. Moreover, in the process of budget study there shall be considered opportunities for further increase of these finances in the coming EU financial perspective for 2014-2020. The European Commission also encouraged the financial institutions of the EU and the whole world, Member States and Partner States as well as the private sector to make their contributions into the Initiative implementation.

In the EU – Ukraine cooperation on *the political and legal issues* the Eastern Partnership does not propose the totally new directions for cooperation among the parties, as far as the current directions of bilateral cooperation remain relevant up till now and are included in the Initiative. The EU – Ukraine cooperation in political and legal issues within the Eastern Partnership has to be based on positive experience of Technical Assistance and Information Exchange Instrument (TAIEX), Institutional Development Instrument "Twinning",

UEPLAC Project, assessments of the State Administration of Ukraine on basic indicators SIGMA. The main vector of the EU assistance within the Eastern Partnership is the use of CIB Programme aimed at reformation of administrative authorities according to the EU standards and preparation of environment in Ukraine for the future investments, which require initiative approach from the administrations of Ukraine, independent determination of needs, preparation and submitting the projects applications, and mobility. The multilateral platform on democracy development, good governance and stability has to provide an opportunity to apply to the European Commission for democracy through Law or "Venice Commissions", introduction of cooperation in the process of local and regional development, and forecasting the introduction of a special section within the structure of the Eastern Partnership coordinating body. This special section must consist of legal experts in the sphere of comparative law. It must function as the arbitration institution in coordination and progress assessment of the Partner States in the sphere of democracy building, good governance and stability.

Implementation of the ***Regional Development Program*** in the framework of the Eastern Partnership facilitates improvement of life for the citizens of the regions, social and economic alignment of the regions, and decrease of social tension among population, increase of support for the EU integration process, improvement of infrastructure. In Ukraine, this Program covers several pilot regions, and the main one is the Autonomous Republic of Crimea, and it shall also be implemented in the most critical spheres for regional development. To determine other pilot regions it is reasonable to follow the common selection criteria, the basis of which shall have the following: level of social and economic development of the region, importance of the region for stability and development of the state, visibility of results, sufficiency of allocated finances, possibility for creating basis for the further development of the region, capability of the local authorities to act independently, effectively, purposefully and transparently, consciousness and self-starter of the local communities. The CIB Programme has to be implemented successfully in these regions and that shall facilitate the European investments into Ukraine. To co-finance the Regional Development Program, it is reasonable to develop a National Program of Ukraine, which should foresee finances for the projects of European integration. The EU interest in providing assistance to other regions within the Eastern Partnership in the future shall depend on success of the pilot regional projects.

In ***the economic sphere*** the main achievement of the Eastern Partnership shall be creation of deepened free trade area, which has to transform into a common economic union with simultaneous economic alignment in each state, facilitation of small and medium business development, approximation of the national economy of Ukraine to the EU standards, overcoming the economic crisis, reformation of economy, softening the negative consequences in the labour market, recovery of financial and banking system and modernization of the infrastructure of the state. A real opportunity has been created for Ukraine and other Eastern Partners to use the instrument of economic policy and participate in institutions and agencies, which used to be open, as a rule, only for the EU Member Candidates. The

priority for Ukraine is a larger access to the European markets and attraction of European investments. Economic integration into the Eastern Partnership shall be implemented through revival of trade and capital movement, as well as through approximation of economic activity regulations. Ukraine may propose projects in those spheres of cooperation, where substantial progress has been achieved or in those, which are extremely important and vulnerable for both parties: firstly, restructuring of agricultural sector and liberalization of electricity and gas market.

*The energy sphere* of the Eastern Partnership may become one of the EU mechanisms for forming the "position of force". The key issue for the EU is integration of the Eastern European Connector into the EU energy market, not allowing reincorporation the pipeline infrastructure of Ukraine, Belarus and Moldova into the monopolist corporations of Russia. That is why the Eastern Partnership may become an additional mechanism for cooperation of the EU with other Partner States in provision of energy security for both the EU and the Partner States. It would be reasonable for the European Union to integrate the energy infrastructure of the Eastern Partnership States (and Turkey as well) into its own energy space. Ukraine's joining to the Energy Community Treaty has a large importance. The sector integration of Ukraine into the energy space of the EU is possible through creation of a European Integrated Gas Contour – a Joined System for EU Gas Supply that would be technically capable of providing the necessary circulations of gas resources from Underground Storage Facilities to the regions of gas deficit. The indicative value for the EU – Ukraine cooperation in the gas sphere shall have: completion of projects within the Metrological Center in Boyarka, equipping the Eastern and Northern sections of the State Border with gas-measuring stations and oil control nodes, use of the Ukrainian UGSF by the consuming companies from the EU states, as well as development of a joint program for developing the Black Sea continental shelf. To guarantee the energy sources supply to the EU and State Partners consumers it is reasonable to initiate the Initiative for Energy Transparency (IET), which shall provide the openness of the chain "Upstream – Midstream – Downstream". This system of transparency may become a mechanism for diagnostics and early warning of potential problems.

The Eastern Partnership may become an efficient instrument for providing the freedom of movement for the citizens of the Eastern European States with simultaneous provision of norms for *migration policy*. The component of free movement of people may become the most beneficial priority for the EU itself, because it shall facilitate: fight against illegal migration, human trafficking and other challenges of cross-border criminality; border management, cooperation in the sphere of security; implementation of readmission regime. An important step to the full cancellation of visa regime may become the adoption of the "road map" for Ukraine till the end of 2009, and the optimal step is cancellation of consular fee for Partner States from January 1, 2010. The common interest for the Eastern European States may constitute the following priorities: effective border protection along the whole perimeter, security of documents, migration policy and migration control, readmission implementation, cooperation in the sphere of law enforcement, fighting corruption

and organized criminality, settling of conferment of nationality issues and facilitation of people-to-people contacts.

The problematic of *security, defence and stability* is a sensitive one for the Eastern Partnership area. Within the Eastern Partnership it is possible to use the main tendencies of the European Security and Defence Policy (ESDP) development: learning and using the practical experience of the EU operations and participation of the Eastern European Partners in it; supporting the disarmament programs; solving the problem of common interoperability standards in the operations on settling conflicts; adaptation of the Helsinki Headline Goals 2010; opportunity for the Partner States to participate in the activity and development of the Concept of Battle Groups; use of bilateral (EU – Partner State) approach to the issue of security cooperation. In the same time, the multilateral format is not excluded, but the participation of all the Eastern European Partner is practically unlikely.

The procedure of *monitoring* of the Eastern Partnership implementation has not been determined but shall take place. In the bilateral level the monitoring system has to be directed at determination of achievements, needs and ways for further development of relations with the EU. In the multilateral dimension the monitoring must be executed in platforms, pilot initiatives, programs and projects. The results of the monitoring have to be prepared a day before the annual spring meetings of the Ministers of Foreign Affairs of the EU Member States and the Eastern Partners, and have to be included into the annual reports on the Eastern Partnership. These results must contain not only the assessments but also proposals for the further work in the coming year. Moreover, in the separate platforms they must be represented in the sector specific Ministerial Conferences, and must be included into current reports on separate platforms. The monitoring results have to represent the following: assessment of tasks completion for the year/period and achievement of goals; assessment of the use of financial resources efficiency; analysis of causes of non-completion of separate tasks or measures; proposals on improving of work and conducting the further activity. All parties must conduct monitoring according to common methodology. Into the process of monitoring there should be also involved national parliaments of the Partner States, the European Parliament and the Civil Society Organizations.

The Civil Society Organizations participating in the **Civil Society Forum** must be involved into the process of the Eastern Partnership implementation both for bilateral and multilateral dimensions of the Initiative. The Forum has to become an information and coordination site for the CSOs activity in the Eastern Partnership environment. It must have its coordination authority and a web-site. It is reasonable to organize an open-call membership of national CSOs in the Forum through filling in the application by the officially registered organization in the web-site of a national coordination body or the main web-site of the Forum. The Inauguration Conference of the Forum must be conducted before the first meeting of the Ministers of Foreign Affairs of the EU Member States and the Eastern Partners, which is planned for the winter of 2009-2010. The CSOs delegation to the general events of the Forum must be formed from one Partner State, but is must pro-

vide representatives from all spheres covered by the Eastern Partnership. It is reasonable to involve into the Forum activity the civil societies from the third countries, firstly Russia and Turkey. Participation of the Civil Society Organizations of Ukraine in the process of the Eastern Partnership implementation facilitates transformation of the governmental activity within the Initiative into a nationwide program.

The important component of the Eastern Partnership is the development of an inter-parliamentary cooperation within the "**EuroNest**", which shall provide a stimulus and supplement the bilateral dimension of relations and strengthen the cooperation of Ukraine with each Partner State and the EU.

The Eastern Partnership is not a guarantee for reaching the absolute integration of Eastern Partners with EU and is not a way to the EU Membership. It is a mechanism, a set of additional opportunities, instruments, the effective use of which allows Ukraine coming closer to this strategic goal.