"Does the European Neighbourhood Policy Make a Difference? Policy Patterns and Reception in Ukraine and Russia"

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Abstract

The European Neighbourhood Policy has, from its very beginning, seized the attention of scholars and has remained high ever since on the academic agenda. Among the large number of publications already produced, many have analyzed ENP objectives, methods and influence through a comparison with EU enlargement policy toward Central and Eastern Europe in the 1990's. This paper argues that an alternative picture of the ENP can be obtained through a comparison of policy rationale and implementation in two countries – one benefiting from the policy, Ukraine and the second having rejected it, Russia. Such comparison highlights discrepancies between (i) a discourse focusing on differentiation among countries (within and without the policy), (ii) the similarity of policy patterns and instruments proposed by the EU to Ukraine and Russia, and (iii) differences between Ukraine and Russia in policy reception, which contribute to shape two distinct modes of policy implementation (selective adaptation in the case of Russia and accommodated conditionality in the case of Ukraine).

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1. Introduction

The European Neighbourhood Policy (ENP)'s genesis and motivations are already well known. The policy was designed to "avoid new dividing lines in Europe" and to "promote stability and prosperity" across the continent (European Commission 2003). In other words, the ENP is an EU initiative to shape its environment and frame the growing interdependence between an enlarged Union and its new neighbours.

Within a very short timeframe, this initiative has been widely publicized by the European Union, in particular through a specific EC Website[1] dedicated to the new policy, designed with a view to diffusing the already rich corpus of policy documents and disseminating EU discourse. Interestingly, the special relationship to be developed with the new neighbours was also enshrined in the EU Constitutional Treaty, which was signed only a few months after the ENP was launched[2].

Both ENP's declared ambitions and the importance given by the EU to a brand new policy – defined as the main EU's external priority – suggests that the ENP may have considerable effects and create new modes of governance on the continent. To what extent does the ENP bring changes in EU foreign policy and, more specifically, to what extent does it make a difference in EU relations with its neighbours?

To assess the changes brought in by the ENP, this paper will build an analysis grid articulating two dimensions: the theoretical framework used for thinking the ENP so far and empirical observations drawn from policy implementation. The first part of this paper will review the academic publications on the ENP, highlight their focus

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[1] http://ec.europa.eu/world/enp/index_en.htm
[2] Title VIII, Article I-57 of the Treaty provides :
"1. The Union shall develop a special relationship with neighbouring countries, aiming to establish an area of prosperity and good neighbourliness, founded on the values of the Union and characterised by close and peaceful relations based on cooperation.
2. For the purposes of paragraph 1, the Union may conclude specific agreements with the countries concerned. These agreements may contain reciprocal rights and obligations as well as the possibility of undertaking activities jointly. Their implementation shall be the subject of periodic consultation."

and point out possible analysis gaps. The second part will then propose an alternative approach in the study of the ENP, emphasizing policy implementation, in particular policy reception. Such approach will be developed in a third part through a comparison of EU relations with a country benefiting from the ENP (Ukraine) and with another country formally left out of the policy (Russia).

2.   Scholars and the ENP: An Overview

Among EU external policies, the ENP has received an unprecedented interest from the academic community, starting from its very beginning (cf. in particular Wallace 2003; Cremona 2004; Grabbe 2004). The number of conferences, papers, seminars, books and articles dedicated to the neighbourhood policy over the last four years make it the first external EU policy to attract such large attention from scholars within a very short timeframe[3]. Think-tanks have also devoted a number of working papers to the new policy, either in the EU (including in new Member States) or in the neighbouring countries[4].

How can the academic activity on the ENP be assessed? In analysing the huge literature already produced, attention will be paid to the methodological and analytical focuses and the conclusions scholars have drawn from their observation. The ambition here is not to provide the reader with an exhaustive review of the literature on the ENP, even though such exercise has not been carried out yet. This section aims rather at *getting an insight* into the literature to highlight the main analysis grids which have been used to study the ENP.

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[3] For instance, within the last six months: "The European Neighbourhood Policy: A Framework for Modernization?", European University Institute, Florence, 1st-2nd December 2006; "Politique de voisinage et sécurité. Défis, objectifs, moyens", Centre Universitaire de Södertörn et Ecole supérieure de la Défense Nationale, Stockholm, 29 November – 1st December 2006; "A New Impetus for the European Neighbourhood Policy", Stiftung Wissenschaft und Politik, Berlin, 10-11 October 2006; "Wider Europe Conference", Sussex European Institute, Kyiv, summer 2006.
[4] Cf. for instance the research and policy advice performed (among others) by the Centre for European Policy Studies and the European Policy Centre in Brussels, the Batory Foundation in Warsaw, the Institute for International Relations in Prague, the International Centre for Policy Studies in Kyiv.

2.1 Enlargement as a core reference for ENP analysis

When looking at the content of the analyses produced so far on the ENP, the most striking feature is that they overwhelmingly consider the 1990's enlargement process as *a reference* to study the neighbourhood policy.

A majority of academics referring to enlargement analyzes the ENP from the point of view of *policy emission* and points out the existence of a strong correlation between enlargement and neighbourhood policies.

Such conclusion is based upon the analysis of the neighbourhood policy's *creation*, which corresponded in time with the admission of ten new Member States into the EU. Starting in 2001-2002, EU attention was shifted onto external consequences of enlargement (Delcour 2006), specifically on the need to address security challenges at the borders of the future enlarged EU (Cremona 2004). The prospect of enlargement and the growing awareness that it may act "as a divisive and destabilising factor" (Cremona 2004:4) were thus instrumental in giving rise to a discussion on "Wider Europe" in several EU Member States and candidates countries, and within the Commission and the Council (Delcour 2006).

Beyond the rationale and the agenda-setting phase, a number of publications shows that the ENP *very design* originate in the enlargement policy. Marise Cremona (2004:4) argues that the "basis of the ENP can be found in the recent enlargement of the Union". Elsa Tulmets analyses the transfer of policy modes from one policy to another and highlights four levels of adaptation: *discourse* (the use in the ENP discourse of conditionality, replicating accession conditions); *principles* (key principles of the ENP – differentiation, decentralisation- are also based upon the enlargement experience); *policy modes* with the use in the ENP of a benchmarked approach which is the trademark of the open method of coordination and which was originally transferred from internal policies into the enlargement policy (Tulmets 2005); and finally, *tools*: the replication in the ENP of assistance tools created for the enlargement policy, such as TAIEX and Twinnings. Inspiration from the enlargement process is particularly strong in the main ENP tool, the Action

Plans, either in the very content and drafting for the first ones[5], or, more importantly, in a method based upon bilateral negotiation, conditionality and benchmarking, which links the strengthening of the relations together with the progress achieved by partners countries in the respect of political commitments and common values (Emerson 2004; Kelley 2006; Tulmets 2006; Cremona, Hillion 2006). Thus, for Judith Kelley the most convincing evidence of policy transfer stands in the combination of socialization and conditionality strategies already used in the enlargement process and, from an institutional point of view, in the transfer of staff from DG Enlargement into the new Wider Europe Task Force (Kelley 2006).

How do academics explain the transfer of enlargement methods to the ENP? While the EC justifies such modelling by a search for effectiveness - enlargement being described as the most effective EU foreign policy tool (Landaburu, 2006, Rehn, 2006)-, scholars point out the limits of its rationality. Urgency has been identified as a key factor in the ENP agenda-setting and policy formulation phases (Delcour 2006), thus compelling EU institutions to draw upon previous experiences for building the new neighbourhood policy. Referring to organizational management and policy transfer theories, Judith Kelley argues that this corresponds a "mechanical borrowing" (Kelley 2006: 32) even if it results in a more active role for the Commission in EU foreign policy[6]. She explains the ENP modelling on enlargement policy through a strong path dependency, thus stressing a mechanism of policy lock-in within the Commission for shaping the ENP. While agreeing with the transfer of enlargement methods to the ENP, other scholars show that the process is much more complex than suggested by Kelley's "mechanical borrowing". Elsa Tulmets (2006), for instance, puts the emphasis on the adaptation of enlargement methods to the neighbourhood context, thus acknowledging less rationality to EU institutions in the ENP formula-

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[5] According to Judith Kelley, "some early drafts of the Action Plans were modelled directly on the association agreements used for recent accessions" (Kelley 2006:32)

[6] With respect to the enlargement process, Cécile Robert had already shown how the design and implementation of the enlargement policy allowed the Commission to gain leadership in the EU system in particular through mobilizing expertise (a function upon which the Commission had a monopoly in the enlargement process), and through articulating technical analysis and policy challenges (Robert 2001).

tion. This process of adaptation has resulted in a flexible policy, which, she argues, is evolving towards variable geometry (Tulmets 2006: 29).

The main conclusions which are drawn from this comparison between enlargement and neighbourhood policies relate to *policy impact*. Here, the bulk of papers published points out the differences with the enlargement process. The main difference stems from a lack of "carrots"(or incentives for reform) in neighbouring countries when compared to 1990's candidates. For instance, the financial incentives offered under the ENP are considered to be far from generous when compared to assistance provided under the Phare programme (Tulmets 2006). Kelley (2006) focuses on political incentives and argues that the EU even could loose its attractiveness without the political and voting rights granted by membership. According to several other scholars, the use of enlargement methods could be even more discouraging for neighbours as the expectations regarding accession are high in several neighbouring countries, whereas the ENP does not offer any membership prospect. Thus, the ENP is often mentioned as a "substitute to enlargement" (Tulmets 2006), not able to yield similar benefits because its *finalité* differs. Ultimately, the discrepancy between the use of enlargement methods and the lack of accession prospect raises the question of policy legitimacy and legitimization (Goujon 2005).

2.2 The ENP as a shift in literature on EU external action?

Overall, this brief insight into some of the papers published on the ENP stresses a "spill-over" from internal policy areas (enlargement, which has itself drawn upon other internal policies methods) to external ones (the ENP). From a methodological point of view, this focus on enlargement also reflects a shift in the literature on EU external action based upon increasing references to - and linkages with – EU internal integration for the study of an external policy. Such approach is linked to the growing blurring of boundaries between internal and external governance (Lavenex 2004).

To what extent does "the extension of governance beyond EU member states constitute a new perspective on EU international role"(Lavenex 2004: 682)?

It is argued here that publications analyzing this extension to the ENP have contributed to fill the gaps in the existing literature on EU external action. Since the 1970s, the external developments of European integration have given rise to a number of publications, which Franck Petiteville divides into three strands based upon their core theme: first, analyses of the institutionalisation of a European foreign policy; second, analyses of key policies developed abroad by the EU and of their impact; finally, theorization of the EU's international action (Petiteville 2006). Shortcomings of the existing literature have been noted by Michèle Knodt and Sebastian Princen (2003) and later by Christopher Hill and Michael Smith (2005). Knodt and Princen concentrate on the *object* of scholar analysis; they deplore both a separation by pillars and the prevalence of the second pillar (in particular literature focusing on institutionalisation of CFSP, corresponding to the first group mentioned by Franck Petiteville). Following the interpretation by Knodt and Princen, the institutional partition of the Union in pillars, set up by the Maastricht Treaty, resulted in a similar partition in the literature.

This gap is reduced by the literature analyzing the ENP as an "overarching" or a "cross-pillar" policy, in particular the papers by Dov Lynch (2004), Marise Cremona and Christophe Hillion (2006), Elsa Tulmets (2006). For Elsa Tulmets (2006), the umbrella dimension of the ENP results from the use of the open method of coordination (OMC), which was first transferred from internal policies to the enlargement process and then from enlargement to the neighbourhood policy. Indeed, the OMC favours flexibility and linkages between the various instruments used under the ENP. Cremona and Hillion also insist on the cross-pillar nature of the ENP. They show how the articulation of security, stability and prosperity in the ENP reflects an "attempt to integrate the pillars within the framework of one policy" (Cremona, Hillion 2006:20). Such attempt is also evidenced from policy documents, e.g. the European Security Strategy (2003) and the letter by Chris Patten and Javier Solana (2002): the joint contribution of the EC Commissioner and CFSP High Representative highlights both the cross-pillar nature of the challenges facing the EU and the need for ensuring greater consistency between the first and second EU pillars. Several other publications point out the importance of security challenges in EU neighbourhood (Lynch 2004 a,b) and the discrepancy between those external

challenges and a growing EU internal security *acquis*, (Grabbe 2003), the central role of security objectives in the ENP (Cremona 2004) and the use of first pillar instruments for security purposes. Thus, through the use of a broader theoretical framework, the research led on the ENP may contribute to bridge the gap noted by Hill and Smith (2005: 4) in the existing literature on EU external action, i.e. an 'internal lenses' focus combined with a reliance on tools of comparative politics. Analyzing the ENP as a cross-pillar policy opens new research perspectives through bringing back international relations theories in the study of EU foreign policy, as suggested by Hill and Smith.

Finally, through emphasizing both the transfer of policy modes and norms from the enlargement policy and the cross-pillar character of the ENP, the literature on ENP has also contributed to the debate on the EU's distinctive nature as an international actor. This discussion started by François Duchêne, who called the EU a "civilian power", has been further developed with the analysis of conditionality in EC external policies (De Wilde d'Estmaël 1998, Petiteville 2003). It has gained a new impetus since the end of the 1990's: the European Security and Defence Policy's (ESDP) developments raised a controversy among scholars about the persistence of EU's distinctive international profile as a civilian power (Manners 2002, 2006; Smith K. 2005; Sjursen 2006). The ENP, as an attempt to build "a coherent over-arching policy" (Cremona, Hillion 2006) offers a fruitful ground for such an approach. Discussions on the use of benchmarking and conditionality to strengthen democracy and stability in neighbouring countries (Kelley 2006, Cremona, Hillion 2006, Tulmets 2006), but also analysis of the EC interventions in "frozen conflicts" (Popescu 2005; Helly 2007) also shed light on possible transformations / continuity in EU external action.

3. Analyzing the European Neighbourhood Policy: Building an Alternative Approach

3.1. *Explaining European Neighbourhood Policy: identifying analytical gaps*

While the above-mentioned analyses explain in depth the ENP policy framework and origins, and, to a certain extent, contribute to a new inspiration in the literature on EU external action, how do they account for policy implementation? The objective here is not to criticize the relevance of the comparison between enlargement and neighbourhood policies: as summarized in the previous section, the case for comparison is strong and the evidence convincing. However, several questions will be raised in this section to identify possible gaps left aside by the existing literature on ENP.

To begin with, how does the European Neighbourhood Policy relate to previous EC policies vis-à-vis the neighbours and how do academics account for this relationship? This issue is central in ENP implementation, as ENP is explicitly meant to "supplement [the existing framework of relations] and build upon existing policies and arrangements"[7] (European Commission 2003:15). How has the EU managed, then, to ensure coordination between the new policy and the existing framework of relations? The question has been raised by several scholars concerning the Mediterranean countries. Raffaella Del Sarto, for instance, has investigated the apparent contradictions between the "Wider Europe" scheme and EU traditional policy towards the Southern Mediterranean countries[8]. The articulation between the ENP and the Euromed Partnership also lies at the core of Manuela Moschella's research. Based upon a comparison between the two policies, she stresses the need for the ENP, as an "instance of regionalism", to take into account the lessons learnt from a decade of Euromed partnership, among which the "importance to eliminate the asymmetrical perception between the two shores of the Mediterranean" (Moschella 2004). When it comes to Eastern European neighbours, the picture is quite different. Indeed, the literature has paid very little attention to EU relations with those countries and to EC policy in that region before the ENP was launched. Even though a few exceptions can be mentioned in this respect (Cremona 2004; Cremona, Hillion 2006; Delcour 2006), no

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[7] Underlined by the author. The Commission also indicates that "the new neighbourhood policy should not override the existing framework of EU relations with Russia and the countries of Western NIS and the Southern Mediterranean (…)".

[8] "'Wider Europe", the Mediterranean, Israel and the Middle East", presentation at the Workshop on Europe's External Borders, University of Liverpool, 2003.

publication has exclusively focused on the analysis of coordination modes between the ENP and EEC pre-existing policy framework in Western New Independent States (NIS). Why such an absence? This question will be explored hereafter, to check whether it reflects modes of articulation based upon a substitution scheme rather than a coordination one (i.e. the ENP being analyzed as erasing the former policy framework), or whether it corresponds to academics' unawareness or neglect of specific coordination patterns and thus can be considered as a shortcoming of the existing literature. In other words, is the enlargement focus in the ENP analysis justified by a *tabula rasa* phenomenon in EU relations with the Western NIS? Or, on the contrary, has the academic community overestimated the role of enlargement at the expenses of other factors?

The focus on policy transfer and replication of enlargement methods in the ENP literature raises a second series of questions. While the literature has convincingly demonstrated the reality of such a transfer in policy design, what about policy implementation? How do the EU make its policy work? Indeed, the EU's foreign policy "cannot be understood fully by examining treaty articles and formal institutional arrangements alone" (Smith M. 2005: 157). The hypothesis developed here is that policy reception and third countries' expectations matter and influence the way EU's foreign policy work. When it comes to the ENP however, Eastern neighbours' expectations have only been described by a few scholars (Goujon 2005; Wolczuk 2004, 2005; Kelley 2006) to underline the gap with ENP objectives, especially in the case of Ukraine. Policy reception and implementation in the field have been subject to little analysis, with a few noticeable exceptions (cf. the PhD research conducted by Gabriella Meloni; cf. also Popescu 2006). It can be argued, however, that those are elements which contribute to shape the policy as well as EU's influence: "To a significant extent, actorness is constructed through the interplay of internal political factors and the perceptions and expectations of outsiders." (Bretherton, Vogel 1999:1). The key question here is therefore: to what extent does the EU shape its neighbours perceptions' and conversely, how is the ENP affected by the neighbours' preferences?

3.2. Ideas for An Alternative Approach

This paper argues that the ENP can also be understood through using other "conceptual lenses" (Cram 1997). Thus, it will propose an alternative approach. The analysis presented hereafter will mainly focus on the issues of policy reception and outputs. The key questions here are the following: what does the ENP produce (Smith K. 2003: 3)? And, additionally: Does policy reception matter? To what extent do policy beneficiaries shape its outputs? These questions are closely interconnected if one follows the hypothesis that perceptions and actions of policy recipients also influence policy implementation and outputs.

To assess the outputs of the Neighbourhood Policy, the analysis will build upon a comparative approach. It will compare the EU's policy and relations with Ukraine, a country benefiting from the ENP, to those with Russia, that has decided not to take part into the policy. Such a comparison, which at first glance may seem surprising nowadays to the majority of analysts of the EU-Ukraine and EU-Russia relations[9], is based upon several key assumptions.

First, strong similarities in EU policy towards those countries after the collapse of the USSR and a close starting point in the relationship with the EU before the ENP was launched. The EU had set up a comparable policy framework in all former Soviet Republics, consisting of a Partnership and Cooperation Agreement (PCA) – signed in 1994 both for Ukraine and for Russia[10] - and technical assistance under the TACIS programme (Technical Assistance to the Commonwealth of Independent States). The PCA proposed a similar structure to all partners, including provisions to foster political dialogue, economic liberalization and to a certain extent legal approximation with EC *acquis*[11]; it also provided for the same institutional framework. Thus, in line with its traditional preferences to

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[9] Such comparison, however, was briefly sketched by Marise Cremona and Christophe Hillion in a recent paper (2006), as part of their analysis of ENP weaknesses. Based upon that comparison, they highlight the inherent tension between joint ownership and conditionality in the ENP.

[10] The PCA came into force on December 1st, 1997 in Russia and on March 1st, 1998 in Ukraine.

[11] Cf. Article 55 of the Partnership and Cooperation Agreement signed with the Russian Federation, Article 51 of the PCA signed with Ukraine.

operate at a regional level (Smith K. 2003), the EU designed a single policy pattern for the former Soviet Republics. However, this was coupled with elements of differentiation both in policy objectives and instruments. But here again, similarities between Ukraine and Russia should be stressed. Differentiation can rather be found between Ukraine and Russia, on the one side, and other former Soviet Republics, on the other side. For instance, PCA signed with both countries included the possibility to set up a free trade area, which was not the case for other CIS countries. Both Ukraine and Russia have been the subjects of EU Common Strategies in 1999, a new CFSP tool (created by the Amsterdam Treaty) which was not used for any other country in the region. Ukraine and Russia were also the main beneficiaries of TACIS: Their shares in the total programmes disbursements exceeded by far those of any other former Soviet Republics. It is also worth stressing that both countries faced similar difficulties in their relations with the EU, including in particular disputes on quotas and agreements for sensitive products such as steel, and more important, on the status granted by the EU to their economies. It should not be concluded from the above that the EU developed exactly the same policy in Ukraine and in Russia. The point here is rather to highlight a similar logic and a comparable level of relations.

The second assumption underlying the approach developed here is that the European Neighbourhood Policy is meant to bring a change in EU's relations with its neighbours and to have an added value for policy partners. Thus, the hypothesis here is that Ukraine's and Russia's relations with the EU should take a different path starting from ENP's creation, since the latter does not formally take part in the policy while the former is considered as a "priority partner country"[12] under the ENP. Moreover, domestic policy developments in both countries, including the Orange Revolution, could be interpreted as reinforcing the hypothesis of divergence. Thus, comparing outputs and policy patterns for a country benefiting from the ENP - Ukraine – and for a country used as "groupe témoin" or placebo - Russia – should allow to draw lessons on the ENP's added value. Such comparison is traditionally used in evaluating public policies.

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[12] http://ec.europa.eu/external_relations/ukraine

However, the methodological ambition here is not to provide a fully-fledged evaluation of the ENP. Such evaluation would necessarily be incomplete or biased for several reasons. First, the ENP is still a policy in the making, with the seven first Actions Plans being finalized early 2005[13] and still a few plans not finalized, a strategy being refined by the Commission in December 2006 (European Commission 2006) and a financial instrument, the European Neighbourhood and Partnership Instrument (ENPI), just coming into force in January 2007, concomitantly to the new EU financial perspectives. Second, as perfectly summarized by Michael Emerson, Russia was left "half in and half out" of the Wider Europe Initiative which has led to the creation of the ENP (Emerson 2004: 9). This unique status has not noticeably changed ever since, as explained hereafter. Its ambiguity makes it impossible to consider Russia merely as a placebo or witness group in assessing the policy outcomes.

This paper should thus be read as an alternative and explorative analysis grid to understand the ENP, not as an evaluation. Rather than providing answers, it has the ambition to raise questions to shed a different light on a policy which has been almost exclusively studied from the point of view of policy decision / formulation.

4. "In" and "Out": What Does it Change?

Public policies can very roughly be defined as a set of public interventions/actions designed by the government/public authorities to tackle a problem. In other words, a public policy reflects the "capacity of public systems to manage public problems" (Thoenig 2006). Since policies are supposed to have effects on those problems, change is therefore the key variable.

To identify the changes induced by the ENP, this paper will focus on three levels of analysis:
- Discourse on EU-Ukrainian and EU-Russian relations;
- Policy objectives in EU-Ukrainian and EU-Russian relations;

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[13] With Israel, Jordan, Moldova, Morocco, the Palestinian Authority, Tunisia and Ukraine

▪ Policy implementation, tools and methods.

4.1 A Discourse based upon differentiation

Discourse analysis[14] highlights an increasing divergence between Ukraine and Russia in the perception of their relations with the European Union, based upon a redefinition of their interests.

Ukrainian discourse: participation in the ENP as a first step towards accession ?

Since the end of 1990's, Ukrainian authorities have been emphasizing the European orientation of Ukraine's foreign policy and expressing their wish to join the EU. Ukraine officially declared in 1998 EU membership as a strategic goal[15]. The EU integration choice has been reinforced after Yushchenko's election at the end of 2004 and it has not been questioned following March 2006 elections, which have brought back to power Viktor Yanukovich. According to the Ministry of Foreign Affairs, "the European integration is a key and irreversible priority of Ukraine's foreign policy"[16].

How does the Neighbourhood Policy fit in this discourse? Both interviews held in Kyiv and discourse analysis highlight a strong disappointment vis-à-vis the ENP and its being dissociated from a membership perspective, which confirm the conclusions drawn by other scholars (Wolczuk 2005; Batory Foundation 2006; Cremona, Hillion 2006; Kelley 2006; Kratchovíl 2006; Petrov 2006). Discourse on the ENP, however, has changed over time to become harsher. The ENP was first criticized as reflecting a lack of EU

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[14] This section will build upon a review of Ukrainian, Russian and EU discourse including: foreign policy documents and speeches (e.g. Presidents'/Ministers of Foreign Affairs' speeches), interviews. Those correspond to a preliminary exploration ; I intend to conduct additional research in the field within the next months to refine the results.

[15] As analyzed by Katarina Wolczuk, such orientation is based upon a large agreement among political elites with the European choice, while the overall positive attitude of the Ukrainian population vis-à-vis EU accession conceals both a weak level of information on the EU and strong regional differences (Wolczuk 2004).

[16] Cf. www.mfa.gov.ua

strategy towards Ukraine[17] and a move backwards when compared to the Polish propositions of the early 2000's, in particular the Non Paper drafted by the Polish Ministry of Foreign Affairs. A connected interpretation was that the ENP could only be a first step or a "temporary mechanism"[18] for Ukraine on the road to EU membership. The gap between Ukrainian expectations and EU action grew following the Orange Revolution, which consecrated Ukraine's European aspirations but did not lead to a major change in EU policy (Wolczuk 2005; Petrov 2006). In particular, the Neighbourhood Action Plan, prepared and negotiated under the former administration, was not perceived as bringing an adequate answer neither to Ukraine's longstanding European choice[19], nor to those newly expressed aspirations. Two months after his election, President Yushchenko stressed that "European integration is the only path open for Ukraine (…) Ukraine's definitive choice of Europe cannot be denied"[20].

The maturation of the Neighbourhood Policy, with other Action Plans being signed with Caucasus or Mediterranean countries, pushed Ukrainian authorities to "require further differentiation" (Cremona, Hillion 2006: 34). This is reflected in the call for an enhanced agreement[21], thanks to which Ukraine could again be at the forefront of the Neighbourhood Policy. However, whatever the benefits of such agreement may be, the objective in the long run remains EU accession:

> "We do not accept any substitute for European integration policy like one proposed by the concept of European neighbourhood policy (…). We do not see any need in our further participation in the ENP, which

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[17] This was in particular the position expressed by Boris Tarasyuk, then Chairman of the European Affairs Committee at the Verkhovna Rada. Intervention at the conference "EU Enlargement and Neighbourhood Policy", Stefan Batory Foundation, Warsaw 2003.

[18] Interview with a Ukrainian civil servant, Anti-monopoly Committee, Kyiv, March 2006.

[19] "[The Action Plan] does not comply with [our] vision of the future of [bilateral] relations". Statement of the Ukrainian Foreign Ministry on 14 December 2004, www.mfa.gov.ua.

[20] Discourse before the European Parliament, Strasbourg, 23 February 2005.

[21] The official negotiations between Ukraine and the EU for an enhanced agreement started on 5th March 2007. Cf. European Commission, IP/07/275.

as it was said by different occasions, is politically not acceptable for Ukraine"[22].

Russian discourse: towards a new assertiveness in the relations with the EU

Russian authorities' discourse on the relations with the EU reflect the fundamental importance granted to the Union under Vladimir Putin's Presidency. In the hierarchy of external priorities set by President Putin upon his accession to Presidency in 2000 (Conception of Foreign Policy 2000), the EU ranks second after CIS countries. Such importance is also attested in political nominations, in particular two appointments in 2004, i.e. one year after the launching of the four EU-Russia Common Spaces. Mikhaïl Fradkov, appointed Prime Minister in March 2004, was formerly the Russian Representative to the European Communities in Brussels[23]; a few weeks following his designation, the Russian President appointed a special advisor for the development of relations between Russia and the European Union, Sergey Yastrjembsky. Both nominations are clear evidence of the articulation between domestic politics and priorities enshrined in Russian external agenda.

The discourse on relations to be developed with the EU reflects a strong perception of Russia's specificity as an international actor. This claim for uniqueness motivated the rejection of the Neighbourhood Policy, which was interpreted as neglecting or even as denying Russian global character (Delcour 2006). The principle of differentiation underlying the ENP, which could have been considered as a means to take Russian's specificity into account, was analyzed as a lack of clear priorities among neighbours (Arbatova 2004). Such an interpretation led Russian authorities to urge the EU develop a tailor-made relationship, which gave rise to the "Strategic partnership" launched in Saint-Petersburg in 2003.

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[22] Speech of Roman Shpek, Ambassador of Ukraine to the EU, EU-Ukraine Parliamentary Cooperation Committee. Strasbourg, 15 February 2007.

[23] Interestingly, Fradkov was appointed Representative to the European Communities in 2003, when Russia and the EU decided to develop their partnership through creating four Common Spaces.

Stemming from the perception of Russia's international nature, two key elements can be identified in Russian discourse on the relationship with the EU. First, the demand for an <u>equal</u> partnership with the EU, which is linked to Russia's evolution and to its forthcoming accession to the WTO. For Russia, this requires a new type of agreement replacing the PCA, which is due to expire at the end of the year:

> "An automatic prolongation is not our preferred variant. The PCA is already partly outdated. It was signed in 1994 at a time when both Russia and the EU were different, and in 2007 new changes will occur. For instance, we expect the Russian Federation to become a full right WTO member. And if you carefully examine the text of the PCA, approximately one third relates to issues sorted out by accession to WTO"[24].

Second, the demand for a <u>wide-ranging</u> partnership taking also into account the EU's evolution, i.e. 2004 and 2007 enlargements and the developments of the ESDP since 1999[25]:

> "The European Union is changing, it is enlarging and acquiring new dimensions, including a military-political one. The spectrum of our interaction expands accordingly"[26].

This expanding security dimension coincides with the Russian vision of a multi-polar world[27] recently re-asserted by Vladimir Putin at the Munich Security Conference[28], and it is therefore perceived as positive. It calls for developing joint actions and cooperation on international issues, e.g. in the framework of the Quartet when it comes to the Near East conflict or on Iranian nuclear threat. Finally,

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[24] Interview of Vladimir Chizhov, Permanent Representative of Russia to the European Communities in Brussels, to Russian accredited journalists, 13 September 2005 (translated from Russian by the author).

[25] In 2000, the Russian Ministry of Foreign Affairs explicitly stressed the need for defining a position vis-à-vis the EU's expanding military capabilities. Cf. "Mid-term Strategy Towards the European Union 2000-2010", www.mid.ru

[26] Interview with Vladimir Chizhov, Permanent Representative of Russia to the European Communities in Brussels. Published in *Vremya Novostei Daily*, July 26, 2005.

[27] "The European Union today is not only a free trade area between Member States. It is also an important political factor and to a great extent one of the poles of influence in the contemporary multipolary world". Interview given by Vladimir Chizhov, 13 September 2005, op.cit.

[28] Cf. *Vedomosti*, 12 February 2007.

progress in ESDP justifies the all-encompassing vision of EU-Russian partnership favoured by Russia and corresponding to the global nature of both parties.

This cooperation on international issues, however, is tightly connected to another and less visible dimension of the Russian discourse: EU-Russian cooperation in their common neighbourhood. Russian authorities aim at defending Russian interests in the CIS countries/former Soviet Republics, including in EU new Member States[29], while at the same time minimizing differences arising in this region with the EU as a whole. To that purpose, EU action in the neighbourhood is referred to as one of the numerous themes being discussed in the framework of EU-Russian cooperation, and not as a core issue. The fact that Russian authorities do not directly mention the ENP, or that they consider neighbourhood as a vague concept not precisely defined[30], reflects their willingness not to grant the policy too much importance:

> "Our colleagues have a different understanding of priorities [NB different from a strict geographical definition of neighbourhood]. Their understanding mainly includes European countries of the CIS. As stressed by our President, we do not pretend to have a monopoly on this part of the world"[31].

Interestingly, Russian discourse reflects a vision of EU-Russian relations as still being under construction, in spite of the new framework being designed in 2003[32.] Russian authorities consider what

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[29] In particular, the Baltic States are considered by Russia as an area of multiple tensions, including obstacles to citizenship for Russian minorities in Latvia and Estonia, border issues and more recently tensions around the Soviet memorial in Estonia.

[30] "One of the [international issues] discussed in the framework of the EU-Russian political dialogue is what our EU partners like to call the region of common neighbourhood. This is not a strict geographical term. If only this criterion was taken into account, the first issue to be discussed would be Norway, in so far as it is a common neighbour". Interview given by Vladimir Chizhov, 13 September 2005.

[31] Ibidem.

[32] "Roadmaps are not the end of our work, but rather the beginning of a new step" Interview given by Vladimir Chizhov, 13/09/2005, op.cit.

they call the "2007 factor"[33] as an important step in EU-Russia relations, much more than the ENP developments.

An increasing differentiation in EU discourse among policy participants and a growing split between "insiders" and "outsiders"

It is argued here that EU discourse on relations with Ukraine and Russia has followed the two countries' increasingly diverging perceptions. While differentiation between them[34] was very weak in EU draft documents on Wider Europe, it has significantly strengthened over time. EU discourse can thus be characterized as reactive and pragmatic.

Defining and naming the neighbours was a key concern of the joint letter published by Chris Patten and Javier Solana in August 2002, which can be considered as the first policy document on the Wider Europe issue. Ukraine was pointed out as a country whose aspirations and declared willingness to join the EU should clearly be addressed in the new policy[35]. With respect to Russia, the authors underlined its specificity, but also the difficulty of dealing with it. Even though they recognised "clear arguments " to differentiate Russia from other future neighbours, based, among others, upon its lack of accession's willingness, they also acknowledged the key role played by Russia in the region and its being "indivisible" from the other three countries targeted by the future policy. Interestingly, the first Commission proposal – the Wider Europe initiative presented in March 2003 – did not sketch any distinction between Rus-

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[33] "Vstrecha na vyshem urovne Rossija- Evropeiskij Sojuz, Helsinki 24/11/2006", 28/11/2006, www.mid.ru. (High-level meeting Russia-European Union, Helsinki, 28/11/2006, Russian Ministry of Foreign Affairs.

[34] The evolution of this concept in EU discourse should be noted: in the EC "Wider Europe" communication (European Commission 2003), the basis for differentiation is a different starting point among neighbours in the relation with the EU. The concept is further explained in the 2004 EC Strategy Paper, which gives a broader definition including also geographical location, political and economic situations, reform programmes, and, interestingly, perceived interests in the context of the ENP (European Commission 2004).

[35] "Our future eastern neighbours fall somewhat uncomfortably in-between. Making their situation less ambivalent and more comfortable – particularly for Ukraine (…)- is probably the most immediate challenge for our neighbourhood policy" (Patten and Solana, 2002)

sia and Ukraine: Russia was still included in the policy (European Commission 2003).

The shift in EU discourse and differentiation among "Western NIS" was first induced by Russian authorities' refusal to be included in the neighbourhood policy. According to interviews held at DG Relex, Russia's very negative reaction to the EC proposal of being part of the ENP compelled the Commission to develop an un-planned[36] individual approach for Russia[37]. The articulation be-tween the specific approach requested by Russia and the ENP then became a key issue for the EU[38].

As for Ukraine, the first reactions expressing disappointment and frustrations not to be offered a membership prospect did not led the EU to propose a kind of enhanced status to Ukraine in the frame-work of the ENP[39]. The EU's immediate reactions following No-vember 2004 elections and subsequent demonstrations remained cautious too (Wolczuk 2005). While welcoming the democratic ori-entations of the new Ukrainian President, they gave a limited an-swer to his European aspirations, with the exception of the Euro-pean Parliament[40]. The underlying idea was to reinforce Ukraine's participation in the ENP rather than to propose an alternative: as mentioned in several interviews held at DG Relex, "ENP incentives are clearly sufficient for Ukraine"[41]. Clear assertion of the preva-

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[36] "From our perspective, our most important neighbour's place in our neighbour-hood policy is self-evident" (Verheugen, 2003).

[37] Interview DG Relex, Brussels, March 2005.

[38] It first developed a scheme of flexible interaction, based upon the need for co-herence (European Commission 2004). However, tensions with Russia on politi-cal evolutions in western NIS and "frozen conflicts" were instrumental in the EU's building a new scheme based upon dissociation between the strategic part-nership developed with Russia and the ENP, and cooperation with Russia for pre-venting conflicts and enhancing stability in common neighbourhood (e.g. Black Sea) (European Commission 2006).

[39] In particular, the Strategy Paper did not refer to Ukrainian expectations nor to any possible forward-leaning role for Ukraine (European Commission 2004).

[40] Resolution voted on 13 February 2005, *Official Journa*l C 247 E, 6/10/2005. The Parliament called EU leaders to give Ukraine "a membership perspective". In January 2006, the Parliament voted a resolution in which it reiterated its call and asked the recognition of a "European perspective in the long-term". Report on the European Neighbourhood Policy, rapporteur Charles Tannock, A6-0399/2005.

[41] Interviews, DG Relex, Brussels, March 2005.

lence given to the ENP framework is also linked to the reflection developed within EU institutions throughout 2006 on enlargement strategy. Whereas they do not preclude membership over the longer term, the European Council conclusions stress the need for ensuring also the deepening of EU integration and taking into account the capacity of the Union to absorb new members (European Council 2006).

4.2. Policy objectives, tools and processes

Whereas the analysis of EU, Ukrainian and Russian discourses highlights a strong differentiation based upon participation in the ENP framework, it can be argued that the EU policy patterns in the two countries are far from dissimilar when it comes to policy objectives and tools. However, further analysis indicates that policy tools are used differently by Ukraine and Russia, thus suggesting two distinct modes of appropriation.

4.2.1. Policy objectives: different labels, same content?

The comparison of *key policy objectives and achievements* in the relationship with the EU shows a continuing coincidence between Russia and Ukraine over the last four years, albeit under different names. This coincidence can be identified in several main policy areas, among which economic cooperation and cooperation in the field of justice and home affairs.

1. Economic cooperation

Over the last four years, Russia and Ukraine have apparently been following different paths in their economic cooperation with the EU. Whereas the objectives of cooperation with Ukraine are embedded in the framework of the ENP and thus defined by the Action Plan signed in 2005, Russia and the EU have decided at the Saint-Petersburg summit in May 2003 to launch a Common Economic Space, the roadmap of which is part of the package agreed in Moscow in 2005 (EU-Russia Roadmaps 2005). Both documents, however, use a similar wording to describe the relationship with the EU. The Roadmap for the EU-Russia common economic space indicates that "the overall objective of the CES is the creation of an open and

integrated market between the EU and Russia". The Action Plan signed with Ukraine mentions "the perspective of moving beyond cooperation to a significant degree of integration, including through a stake in the EU's Internal Market". Thus, in both cases the purpose is similar: to reach integration through fostering reforms for promoting an open and transparent economy and eventually building a free-trade area. Both documents also mention the same instruments: approximation of relevant legislation and institutional capacity-building.

How can similarity in the economic cooperation's objectives be explained? It can be argued that it corresponds to the logical extension of the objectives defined under the PCA framework in the 1990's. Two elements play a key role here. First, over the last decade Ukraine and Russia have been facing roughly the same challenges in the promotion of reforms and in their external economic relations. For instance, both countries have been struggling for the acknowledgement of their market economy status at the end of the 1990's/early 2000's[42]. Their integration into the world economy has been hampered by similar problems, e.g. the lack of transparency and regulatory complexity. Secondly, even though the agreements expire in 2007 for Russia and 2008 for Ukraine, PCA provisions have not been fully implemented in both cases; both the Roadmaps and the Action Plan call for ensuring an effective implementation of PCA provisions, in particular in the areas of trade, administrative and macro-economic reforms. Therefore, even though policy framework for relations with the EU diverges, elements of continuity prevail and the current policy achievements are still rooted in the long-standing objectives mentioned in the PCAs.

2. Freedom, Security and Justice

The analysis of the cooperation developed in the field of justice and home affairs (now called "freedom, security and justice") also shows that it largely builds upon previous agreements and tools. For instance, EU-Russia Action Plan on Combating Organised Crime[43],

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[42]This status was granted by the EU to Russia in November 2002 and to Ukraine in December 2005.

[43] European Union Action Plan on Common Action for the Russian Federation in Combating Organized Crime, *Official Journal C 106*, 13/04/2000

signed in April 2000, remains a pillar of current EU-Russia coop-
eration in the field of Justice and Home Affairs[44]. EU-Ukraine co-
operation in the context of the European Neighbourhood Policy is
based on the 2001 Action Plan on Justice and Home Affairs[45]. Like
economic cooperation, the objectives and key issues of JHA coop-
eration with the EU are similar for Ukraine and Russia: migration
and border management, money laundering, trafficking in human
beings, drugs and corruption[46]. While migration and border man-
agement issues are addressed through cooperation with Frontex[47] in
both cases, over the last few years the key element both for Ukraine
and for Russia has been the negotiation of a visa facilitation agree-
ment. This has been linked by the EU to the negotiations on a read-
mission agreement[48]. Beyond policy tools and current achievements,
it should be stressed that the long-term perspective (establishing a
mutual visa-free travel regime with the EU[49]) is the same for
Ukraine and Russia.

Thus, this brief overview of policy objectives and achievements in
two key sectors show that the ENP has not generated any major rup-
ture, neither temporal (the priorities for cooperation were often de-
fined before the ENP was launched) nor geographical (the priorities
for cooperation are roughly the same for Ukraine and for Russia,
mainly because challenges are similar).

4.2.2. Policy tools: Same content, different use?

Policy tools used in the relationship with the EU are also, at least
partially, similar: the institutional framework and assistance tools do

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[44] Cf. Roadmap for the Common Space on Freedom, Security and Justice, May
2005.

[45] European Union Action Plan on Justice and Home Affairs in Ukraine, 10 De-
cember 2001, *Official Journal C 077,* 29/03/2003.

[46] EU-Ukraine JHA Ministerial meeting, November 2002.

[47] European Agency for the Management of Operational Cooperation at the Ex-
ternal Borders of the Member States of the European Union.

[48] The agreements were signed at the EU-Russia Summit on 25 May 2006 in So-
chi and at the EU-Ukraine Summit on 27 October 2006 in Helsinki.

[49] Cf. EU-Russia Summit, Joint Statement, May 2003; Roadmap for the Common
Space on Freedom, Security and Justice, May 2005; Joint Statement, Permanent
Partnership Council on Freedom, Security and Justice, 30 October 2006.

not formally differ for Ukraine and for Russia, highlighting elements of continuity with pre-ENP policy.

<u>Institutional framework</u>

As indicated above, the EU designed in the 1990's a new pattern of *agreements* encompassing all the former Soviet Republics. Thus, the institutional framework is still similar since the ENP builds on existing policies and arrangements.

Against this background, negotiations for a new agreement with Ukraine and with Russia should be considered as a test for the ENP. In particular, will the policy generate a new model of relations to be enshrined in an unprecedented type of agreement? ENP'scapacity of innovation could thus be checked against the degree of divergence between the two future agreement. Whereas the status of negotiations is more advancedin the case of Ukraine[50], draft negotiation directives and EU discourse, as shown in the two paragraphs below, highlight strong similarities in the scope of agreements, with an emphasis on the broader nature of EU-Russia partnership:

> "The Agreement [with Ukraine] aims to deepen political co-operation on democracy, human rights and the rule of law, to establish a deep and comprehensive free trade area, increase energy security, and strengthen co-operation on key areas such as justice, freedom and security, environment, transport and people-to-people exchanges" (European Commission 2007).

> "The Commission wants the new agreement [with Russia] to be based on recognition of common values such as democracy, human rights and the rule of law. The Commission hopes the agreement will adopt ambitious objectives on political and external security cooperation, effective multilateralism, provisions on the fight against organised crime, WMDs, migration and asylum, and counter-terrorism. In particular, the Commission wants to consolidate the EU-Russia energy relationship based on reciprocity, fair and equal access and a level playing field, and to

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[50] Throughout autumn 2006, Poland blocked the opening of negotiations with Russia due to Russian embargo on Polish meat. At the end of February 2007, Lithuania has threatened to do the same following the closure by Transneft (Russia's state-controlled pipeline operator) of the Druzhba link to Mazeikiu Nafta (a Lithuanian refinery) after a leak last summer. Cf. *Kommersant*, 24 February 2007.

promote further development of EU-Russia trade relations" (European Commission 2006b).

The hypothesis here – to be tested against further progress in the negotiations – is that the EC has not yet designed the new type of agreement promised to its neighbours. Whereas it has sketched the broad outlines of an enhanced agreement, the content will be determined by political bargaining within the EU and with partners during negotiations[51].

Assistance

Even though it is not part of the ENP, Russia is included in the *assistance framework* designed for the neighbourhood policy. It was offered ENPI support to implement parts of the strategic partnership linked to the ENP. This offer has important policy consequences. First, benefiting from ENPI entails participating in cross border co-operation projects. Such participation gives evidence of continuity[52] (Delcour, 2002). Its inclusion in cross-border projects under ENPI can also be analyzed as an expression of EU search for regional coherence, already noted in the Patten/Solana letter. The use of TAIEX and Twinning to provide assistance not only to ENP beneficiaries, but also to Russia[53] deserves a specific attention. TAIEX and Twinnings have widely been pointed out as the main assistance tools for pre-accession. Their replication in the neighbourhood policy is also one of the key arguments to analyse the ENP in the light of enlargement policy and to point out similarities of methods (Kelley 2006; Tulmets 2006; Cremona, Hillion 2006). How should the extension of TAIEX/Twinning to a non-candidate and a non-ENP country such as Russia be analysed? Whereas this extension necessarily weakens the offer made to ENP partners (since other countries are proposed simi-

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[51] Evolution in the EU discourse in the second half of 2006 shows that the content of future agreements is tightly linked to political developments, as shown by the greater emphasis on the need for a genuinely co-operative partnership with Russia in the field of energy (Council of the European Union 2006).

[52] Following Finland's accession to the EU in 1995 the third Tacis regulation (n°1279/96) introduced cross-border cooperation in EU assistance to the former USSR and Russia was the first non-candidate country to benefit from that instrument in the 1990's.

[53] Cf. http://taiex.cec.eu.int/

lar tools), it also reflects a de-contextualization of instruments which were specifically designed for EU accession (since Russia has no intention to join the EU). It can be argued that such de-contextualisation is not the desired effect of a public choice, but can be better explained through path dependence. Indeed, some of the tools mentioned above were introduced in the former USSR by the EC before the ENP was launched, first in Russia through a mechanism called IBPP (Institution Building Partnership Programme), which shared features of the Twinning exercise (Delcour 2003)[54]. The specific experience accumulated under IBPP in Russia was useful in developing Twinnings in the former Soviet Union; they were first introduced in the Russian Federation in 2005 before being extended to Ukraine and to other CIS countries[55]. Thus, the costs of designing a specific instrument for Russia would have been higher than those of transition from IBPP to Twinnings.

The above-mentioned similarities in the instruments and institutional framework used by the EU in its relationship with Ukraine and Russia reflect the persistence of pre-ENP elements. The EC justifies such legacies with the need to ensure policy coherence in the region while promoting a pragmatic approach, taking into account political and economic developments (European Commission 2003; Verheugen 2003). However, several elements limit this rationalist interpretation, among which the discrepancy with the neighbours' expectations. Therefore, persistence of pre-ENP elements and similarities between policies vis-à-vis Ukraine and Russia may be better explained through the EU's tendency 'to reproduce itself' in its relations with non-members (Bretherton, Vogler 1999: 249) and its failure to invent new policy patterns tailor-made to partners' needs.

4.2.3. Policy appropriation : Two modes of adaptation

However, concluding that EC policy in the NIS is systematically replicated would partially be misleading in so far as it would neglect any possibility for EU partners to adapt the policy. Analysis of policy implementation shows the existence of mechanisms of appropriation

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[54] Interview at the EC Delegation to the Russian Federation, Moscow, June 2003.
[55] EC Delegation to the Russian Federation, Introductory note, "Introduction to the use of the Twinning Instrument in Russia", 2005.

in the field, both in Ukraine and in Russia, thus highlighting two modes of policy adaptation.

Russia and the EU: selective adaptation

Russia's insistence on developing an equal partnership with the EU has resulted in a number of policy adaptations. First, the principle of partners' equality has framed policy formulation and it has been embedded in all policy documents. For instance, the Roadmap for the Common Space for freedom, security and justice mentions as the first overarching principle underlying EU-Russia cooperation "equality between partners and mutual respect of interests" (EU-Russian Roadmaps 2005), before the "adherence to common values, notably to democracy and the rule of law". Cremona and Hillion (2006) also note that "the conceptualisation of the Common Economic Space was the task of an EU-Russia High Level Group consisting of an equal number of Russian and EU representatives, rather than the exclusive job of the Commission and the Council services". This recognition of equality as an overarching policy principle is translated into policy mechanisms. Russia has expressed its preference for flexible and concrete forms of dialogue with the EU. This preference is not new and can be traced back to the shift in EU-Russia relations at the end of the 1990's-early 2000's, reflecting a new Russian assertiveness[56] (Shemiatenkov 2002) which developed well before Vladimir Putin's Presidency and resulted in the promotion of a dialogue-driven approach (Delcour 2002). Concrete examples of such dialogue are for instance the Round Table of EU-Russia Industrialists launched at the end of the 1990's, or the EU-Russia energy dialogue.

While fostering joint ownership, Russia's approach is also based upon a *selective adaptation in the socialization process.* Socialization can be very roughly defined as the process by which actors learn to adopt the behaviour pattern of the community in which they live. Two elements should be mentioned in the case of Russia. First, the socialization process, as mentioned above, started

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[56] Talking about the EU-Russian relations in the 1990's, Vladimir Shemiatenkov indicates: "It was golden time for the EU policy-makers. Whatever they proposed was sooner or later accepted by the Russian side." (Shemiatenkov 2002).

in the 1990's with learning mechanisms in the Tacis programme (including cross-cooperation projects) and consultation / dialogue mechanisms in the framework of the PCA and of the Northern Dimension. Second, the new policy framework – Russia's rejection of ENP and the development of a specific strategic partnership – has *de facto* strengthened the role of socialization at the expenses of conditionality. Political conditionality has always been part of the PCA and of the Tacis regulations and it is now included in the ENPI regulations. However, the EU has used negative conditionality only twice with Russia (in 1995 and 2000, cf. Delcour 2002), without producing any effect. Positive conditionality is also unlikely to exert a great pressure on Russia for several reasons, among which Russia's size, its multi-vector foreign policy and the little weight of European aid in Russian budget.

While conditionality is unlikely to produce results in the case of Russia, socialization can only be "voluntary" – in Kratchovíl's words (Kratchovíl 2006: 13). The tough negotiations for the content of EU-Russia roadmaps, especially those on the common economic space and justice and home affairs, highlight Russia's attempts to shape the content and tools of cooperation according to its areas of interests. Legal approximation to EU laws is not a fully-fledged process, but a selective one used by Russia for fulfilling its own policy interests. Approximation is limited either in depth (i.e. the degree of approximation, cf. Meloni 2007) or in width (i.e. to selected policy areas). It is primarily targeted at the adoption of rules and standards for facilitating trade relations and improving Russia's integration to the world economy, thus answering Russia's economic and especially political interests. As mentioned by Shemiatenkov (2002: 9), approximation is to be seen as "a vital factor of [Russia's] radical societal transformation". The adaptation of EU laws in the field of competition, for instance, is expected to improve domestic situation and at the same time is facilitated by the historical lack of Russian regulations in that field.

Does this selective use of EU norms and tools mean that Russia can be considered as a free-rider of the European Neighbourhood Policy? This conclusion would imply a fully-fledged rationalist behaviour on the part of Russian authorities. However, a first analysis of policy reception indicates that while Russian policy-makers try to

maximize their power and benefits in their relations with the EU, they also adopt rules which they deem appropriate.

Ukraine and ENP: accommodated conditionality

While the picture is quite different for Ukraine, it can be argued that, to a lesser extent, the ENP is also adapted in the field to fit Ukrainian interests. The developments in the sphere of legal approximation, in particular, show that Ukraine has built its own interpretation of EU requirements and has positioned itself as a would-be EU candidate preparing for the accession process.
Such behaviour is illustrated by two examples.

First, it is reflected in a maximalist interpretation of the *acquis* to be adopted. Legal approximation started already almost a decade ago, in 1998 (Petrov 2006), with the entry into force of the PCA. The degree of approximation foreseen in the agreement, however, was limited: "Ukraine shall endeavour to ensure that its legislation shall be gradually made compatible with that of the Community" (Article 51 of the PCA). Furthermore, the areas in which approximation was required were mainly those referred to in the PCA, i.e. Internal Market-related legislation. Ukrainian authorities promoted a much broader understanding which also included the second and third pillars of the European Union. For instance, the Ukrainian Parliament refers to European Union law (Verkhovna Rada 2002), thus encompassing the whole *acquis*. The Action Plan constitutes a shift, as far as it broadens the areas of approximation. Since its signature, Ukraine has already made huge efforts and progress in further approximation under the trade area, in the light of WTO accession (Petrov 2006: 62) but also in complying with political requirements and international standards concerning democracy and the rule of law[57]. The latter should be underlined, even more so as the concept of "common values" mentioned by the Action Plan is "vague"; moreover, "the AP does not specify the scope of these values" (Petrov 2006: 61). Such efforts from Ukrainian authorities in the political area, with a special focus on Council of Europe norms, go beyond the mere "political reorientation" of the PCA sparked by the ENP (Cremona, Hillion 2006: 29). It can be argued that it reflects

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[57] Interview with a civil servant, Ministry of Justice, Kyiv, May 2006.

an anticipated behaviour from the Ukrainian government, which foresees further steps in EU integration and which at the same time gives a signal to the EU.

Interestingly, the methods used for legal approximation recall those used under EU integration or the enlargement process. For instance, since 2001 a Scoreboard has been set up on Implementation of the EU Action Plan, in order to track progress in the implementation of JHA measures in Ukraine. This instrument was then replicated and a Scoreboard was created to monitor legal approximation. Scoreboards have widely been used either during the process of EU's internal integration, e.g. to monitor the implementation of Internal Market legislation, or under the enlargement process to track the progress of candidate countries with the approximation of their legislation to that of the EU. Here, it should be noted that Ukraine is the only neighbouring country to resort to such instrument, which also highlights its distinctive profile among the neighbours. This specificity is also demonstrated by the development of a legal approximation mechanism within the Ukrainian institutional system, involving both the executive and legislative branches of power. The Ministry of Justice monitors the implementation of the National Programme of Approximation in collaboration with the Committee of European Integration in the Verkhovna Rada, it provides expertise of draft laws on their compliance with EU law and it ensures analytical, information and methodological support to the approximation process; in 2004, a State Department on Legislation Approximation was established as a specialized governmental body subordinated to the Ministry of Justice and responsible for day-to-day activities in the field of legal approximation[58]. Again, there is no such developed mechanism in other neighbouring countries.

Thus, Ukraine – starting even under Kuchma's Presidency – has pushed forward legal approximation, first as a means to take advantage from EU enlargement[59], then to acquire a distinct profile under the ENP and to position itself as a pre-candidate.

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[58] Interviews in Kyiv, March 2006: Committee of European Integration, Verkhovna Rada and Ministry of Justice.
[59] "We agreed that one of the most effective ways to use the opportunities of the current EU enlargement is for Ukraine to intensify its work in aligning its legisla-

Even though their perspective is different, the analytical framework developed by Schimmelfennig and Sedelmeier (2004) can be used to summarize the differences between Russia and Ukraine in policy reception. To study EU external governance, Schimmelfennig and Sedelmeier focus on the transfer of EU rules, asking specifically how rule transfers happens and what is exported. Thus, little attention is paid to policy adaptation by third countries in the implementation of EU rules. However, the categories proposed by Schimmelfennig and Sedelmeier can also be used as a grid to highlight differences in policy reception, e.g. between Ukraine and Russia. As shown above, Russia cannot be considered only as "strategic utility-maximizer" (Schimmelfennig, Sedelmeier 2004: 663); it rather combines elements of the social learning and (mainly) lesson-drawing models. The above analysis for Ukraine highlights a combination of (mainly) the external incentives model, in which positive conditionality and bargaining for rewards play a key role, with a few elements following the logic of appropriateness which characterizes the social learning model.

5. Conclusion

Two main conclusions can be drawn from this brief comparison of EU relations with Ukraine and with Russia. First, the European Neighbourhood Policy was neither created out of the blue (or out of a vague and ill-defined framework of relations) nor constituted a tabula rasa in EU relations with neighbours. The ENP has not only built upon an institutional framework designed over the last decade in the relations with the EU but also on habits and socialization elements embedded in those relations. The comparison between Russia and Ukraine shows that four years after the ENP was launched, policy patterns do not significantly differ, in spite of discursive differentiation. Does it mean that the ENP is much ado about nothing? The comparison rather indicates the combination or coexistence, in the ENP, of elements transferred from enlargement with patterns and features specifically developed in EU-NIS relations before the ENP was launched. The relation with the EU is

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tion, norms and standards with those of the European Union". Ukraine-EU Summit, Joint Declaration, Yalta, 7 October 2003.

therefore shaped by policy continuity and routine as much as by policy transfer from the enlargement process.

The second conclusion which can be drawn is that even if European foreign policy is often "unreflexively Eurocentric" (Bicchi 2006: 287), policy reception matters. The bulk of academic publications on the ENP has referred to constructivist or sociological-institutionalism approaches to analyse the neighbourhood policy. The point is not to deny the relevance of those approaches or to criticize the reference to enlargement: they allow to account for EU policy formulation. But this paper has shown that to a certain extent, EU external policy is a two-way process. Such conclusion is rather obvious in the case of Russia, based both upon its rejection of the ENP and its use of selected ENP instruments. But Ukraine has also accommodated the policy to its own preferences, in particular through policy and conditionality interpretations. Thus, ENP's content and its outcomes are not predetermined, but are shaped through interactions during policy implementation.

Analyzing the way Europe is seen from outside, thus, allows to shed a different light on EU foreign policy, and especially on a multi-faceted neighbourhood policy.

Acknowledgements

References

Documents

COUNCIL OF THE EUROPEAN UNION (2004), *Conclusions on the European Neighbourhood Policy*, 14 June.

COUNCIL OF THE EUROPEAN UNION (2006), *18-Month Programme of the German, Portuguese and Slovenian Presidencies*, 17079/06, 21/12/2006.

EUROPEAN COMMISSION (2003 a), *Wider Europe-Neighbourhood : a New Framework for relations with our Eastern and Southern Neighbours*, communication to the Council and the Parliament, 11/03/2003, COM (2003) 104 final.

EUROPEAN COMMISSION (2003 b), *Paving the Way for a New Neighbourhood Instrument*, Communication COM (2003) 393 final, 1/07/2003.

EUROPEAN COMMISSION (2004 a), *European Neighbourhood Policy Strategy Paper*, Communication from the Commission COM (2004) 373 final, 12/05/2004.

EUROPEAN COMMISSION (2004 b), *Proposal for a Regulation of the European Parliament and of the Council laying down general provisions establishing a European Neighbourhood and Partnership Instrument*, COM (2004) 628 final, 29/09/2004.

EUROPEAN COMMISSION (2004 c), *Communication from the Commission to the Council on the Commission Action Plans under the European Neighbourhood Policy*, COM (2004) 795 final, 9/12/2004.

EUROPEAN COMMISSION (2006), *Communication from the Commission to the Council and the European Parliament on Strengthening the European Neighbourhood Policy*, COM (2006) 726 final, 4/12/2006.

EUROPEAN COMMISSION (2006b), Press Release, IP/06/910, 4 July.

EUROPEAN COMMISSION (2007), Press release, IP/07/275, 2 March.

EUROPEAN COUNCIL, 14-15 December 2006, Presidency conclusions, http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/92202.pdf

EU-RUSSIA ROAD MAPS (2005), http://ec.europa.eu/comm/external_relations/russia/russia_docs/road_map_ces.pdf

LANDABURU Eneko (2006), "From Neighbourhood to Integration Policy : are there concrete alternatives to enlargement ?", conference CEPS "Revitalising Europe", Brussels, 23 January.

MINISTRY OF FOREIGN AFFAIRS OF THE RUSSIAN FEDERATION (2000), *Konsepcija inostranoj politiki* (Conception of foreign policy), www.mid.ru

MINISTRY OF FOREIGN AFFAIRS OF THE RUSSIAN FEDERATION (2000), *Mid-term Strategy Towards the European Union 2000-2010*, www.mid.ru

PATTEN Chris, SOLANA Javier (2002), *Joint letter on Wider Europe.* http://europa.eu.int/comm/world/enp/pdf/_0130163334_001_en.pdf

PRESIDENT OF UKRAINE (1998), *Strategy of Ukraine's integration to the European Union,* 11 June 1998 No. 615/98, http://www.mfa.gov.ua/mfa/en/publication/content/2823.htm

REHN Olli (2006), "The EU accession process, an effective tool of the European foreign and security policy ", NATO Parliamentary Assembly, 21 February.

SECRETARIAT OF UKRAINE-EU COOPERATION COMMITTEE (2006) *Position Paper on Ukraine EU Action Plan Implementation by the Ukrainian Side*, 20 June 2006.

VERHEUGEN Günther (2003), "EU Enlargement and the Union's Neighbourhood Policy", Diplomatic Academy, Moscow, 27 October 2003

VERKHOVNA RADA (2002), Law on *Conception of the Overstate Programme on Approximation of the Ukrainian Legislation to the Legislation of the European Union,* 21 November 2002 No. 228-IV.

Literature:

ALLISON Roy, LIGHT Margot, WHITE Steven (2005), *Putin's Russia and the Wider Europe*, Oxford, Blackwell.

ARBATOVA Nadia, (2004), "Europe : How wide? How deep? A Russian view", *European Policy Centre*, Brussels, issue 12.

BARANOVSKY Vladimir (2002), *Russia's attitudes towards the EU: Foreign and Security policy Aspects*, Programme on the Northern Dimension of the CFSP, Helsinki.

BICCHI Federica (2006), "Our size fits all: normative power Europe and the Mediterranean", *Journal of European Public Policy*, 13 (2), March, pp. 286-303.

BRETHERTON Charlotte, VOGLER John (1999), *The European Union as A Global Actor*, London: Routledge.

COPSEY Nathaniel (2006), "Europe and the Ukrainian Parliamentary Elections of 2006", in: Alan MAYHEW, Nathaniel COPSEY, "The European Neighbourhood Policy: The Case of Ukraine", Sussex: University of Sussex, *SEI Seminar Papers n°1*, pp.7-19.

CRAM Laura (1997), *Policy-making in the European Union: conceptual lenses and the integration process*. London: Routledge.

CREMONA Marise (2004), "The European Neighbourhood Policy : Legal and Institutional Issues", *CDDRL Working Papers,* (25), November.

CREMONA Marise, HILLION Christophe (2006), "The Potentials and Limits of the European Neighbourhood Policy", in: MAYHEW Alan, COPSEY Nathaniel (eds.), "The European Neighbourhood Policy: the Case of Ukraine", Sussex: University of Sussex, *SEI Seminar Papers n°1*, pp. 20-44.

DE WILDE D'ESTMAËL Tanguy (1998), *La dimension politique des relations économiques extérieures de la Communauté européenne*, Brussels, Bruylant.

DE WILDE D'ESTMAËL Tanguy, SPETCHINSKY Laetitia (2000), *Les relations entre l'Union européenne et la Fédération de Russie*, Louvain, Institut d'études européennes.

DELCOUR Laure (2002), *La politique de l'Union européenne en Russie (1990-2000) : de l'assistance au partenariat ?*, Paris : L'Harmattan.

DELCOUR Laure (2003), « La refonte de l'aide européenne à la Russie », *Revue d'études comparatives Est-Ouest*, (4), pp.85-110 .

DELCOUR Laure (2005), « L'Union européenne et la Fédération de Russie », in : Franck PETITEVILLE, Damien HELLY, *L'Union européenne sur la scène internationale*, Paris : L'Harmattan.

DELCOUR Laure (2006), "La politique de voisinage et les relations russo-européennes: partenariat stratégique ou lutte d'influence?", *Etudes européennes* (9).

DUCHÊNE François (1973), "The European Community and the uncertainties of Interdependence", in: M. KOHNSTAMM, W. HAGER (eds), *A Nation Writ Large? Foreign Policy Problems before the European Community*, Basingstoke, Macmillan.

EMERSON, Michael (2004), "European Neighbourhood Policy: Strategy or Placebo?", CEPS Working Document n°215, November.

FEATHERSTONE Kevin, RADAELLI Claudio (eds) (2003), *The politics of Europeanization*, Oxford, Oxford University Press.

GOUJON Alexandra (2005), « L'Europe élargie en quête d'identité : légitimation et politisation de la politique européenne de voisinage », *Politique européenne*, 5, pp. 137-163.

GRABBE Heather (2004). "How the EU should help its neighbours", Centre for European Reform, http://www.cer.org.uk/pdf/policybrief_eu_neighbours.pdf.

HELLY Damien (2007), "The EU´s Influence in its Neighbourhood: the Example of Crisis Management in the Caucasus", *European Political Economy Review*.

HILL Christopher, SMITH Michael (2005), *International relations and the European Union*, Oxford: Oxford University Press.

KELLEY Judith (2006), "New Wine in Old Wineskins: Policy Adaptation in The European Neighborhood policy", *Journal Of Common Market Studies*, 44 (1), March, pp. 29-55.

KNODT Michèle, PRINCEN Sebastian (2003), *Understanding European Union's External Relations*, London : Routledge.

KRATOCHVÍL Petr (ed.) (2006), *The EU and its Neighbourhood: Policies, Problems and Priorities*, Prague: Institute of International Relations.

LAVENEX Sandra (2004), "EU external governance in 'wider Europe'", *Journal of European Public Policy*, 11 (4), August, pp. 680-700.

LYNCH, Dov (2004 a), *The European Neighbourhood Policy*, European Union Institute for Security Studies, http://eurojournal.org/files/dov_prague.pdf

LYNCH Dov (2004b), *The Russia-EU partnership and the shared neighbourhood*, European Union Institute for Security Studies.

LYNCH Dov (ed.) (2005), "What Russia sees", *Chaillot paper* n°74, Institute of Security Studies.

MANNERS Ian (2002), "Normative Power Europe: A Contradiction in Terms?", *Journal of Common Market Studies*, 40 (2), pp. 235-58.

MAYHEW Alan, COPSEY Nathaniel (eds.) (2006), "The European Neighbourhood Policy: the Case of Ukraine", Sussex: University of Sussex, *SEI Seminar Papers n°1*.

MELONI Gabriella (2007), "Who's My Neighbour", *European Political Economy Review*, (7), Summer, www.eper.org.
MOSCHELLA Manuella (2004), "The European Union's Regional Approach Towards its Neighbours: The European Neighbourhood Policy Vis-à-Vis EU-

Mediterranean Partnership" in : FULVIO Attinà, ROSSI Rosa (eds.), *European Neighbourhood Policy: Political, Economic, and Social Issues*, Catania, the Jean Monnet Centre/ EuroMed.

PETITEVILLE Franck (2003) "Exporting 'values'? EU external co-operation as a 'soft diplomacy'", in: KNODT Michèle, PRINCEN Sebastian, *Understanding European Foreign Relations*, London : Routledge, pp.127-138.

PETITEVILLE Franck (2006), *La politique internationale de l'Union européenne,* Paris : Presses de Sciences Po.

PETROV Roman (2006), "Past and future Action on Approximation of Ukraine Legislation to that of the EU", in: MAYHEW Alan, COPSEY Nathaniel (eds.), "The European Neighbourhood Policy: the Case of Ukraine", Sussex: University of Sussex, *SEI Seminar Papers n°1*.

POPESCU, Nicu (2005) "The EU in Moldova - Settling the conflict in the neighbourhood", *Occasional Papers n°60*, Institute for Security Studies.

POPESCU, Nicu (2006) "The EU and South Caucasus: Lessons from Moldova and   Ukraine",   14   p.   Available   at http://www.ceeol.com/aspx/getdocument.aspx?logid=5&id=b7746911-5e34-40b0-88b6-81d290af8bfe

SCHIMMELFENNIG Frank, SEDELMEIER Ulrich (2004), "Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe", *Journal of European Public Policy*, 11 (4), August, pp. 661-679.

SHEMIATENKOV Vladimir (2002), "Sociology of Approximation", 6th ECSA World   Conference,   Brussels,   December   2002. www.ecsanet.org/ecsaworld6/contributions/session2/Shemiatenkov.doc

SHEMIATENKOV Vladimir (2003), « The « Wider Europe" : Can the idea be "sold" in the East", *European Policy Centre*, issue 9.

SMITH Karen E.(1998), "The Use of Political Conditionality in the EU's relations with Third Countries : How Effective?", *European Foreign Affaires Review*, (3), pp. 253-274 .

SMITH Karen E. (2003), *European Foreign Policy in a Changing World*, Cambridge : Polity Press.

SMITH Karen E. (2005), "Still 'civilian power EU'?" *European Foreign Policy Unit Working Paper* 2005/1.

SMITH Michael (2005), "Implementation: Making the EU's International Relations Work", in: HILL Christopher, SMITH Michael (eds.), *International relations and the European Union*, Oxford: Oxford University Press, pp. 154-185.

SJURSEN Helene (2006) "The EU as a 'normative' power: how can this be?" *Journal of European Public Policy* 13 (2), March, pp. 235–251.

THOENIG Jean-Claude (2006), « Politiques publiques », in : BOUSSAGUET Laurie, JACQUOT Sophie, RAVINET Pauline, *Dictionnaire des politiques publiques*, Paris : Presses de Sciences Po.

TULMETS Elsa (2005), "The Introduction of the Open Method of Coordination in the European Enlargement Policy: Analysing the Impact of the PHARE/Twinning Instrument", *European Political Economy Review,* 3 (1), Winter, pp. 54–90

TULMETS Elsa (2006), "Adapting the Experience of Enlargement to the Neighbourhood Policy: The ENP as a Substitute to Enlargement?", in KRATOCHVÍL Petr (ed.) (2006), *The EU and its Neighbourhood: Policies, Problems and Priorities,* Prague, Institute of International Relations, pp. 29-57.

WALLACE William (2003), "Looking After the Neighbourhood: Responsibilities for the EU-25", *Notre Europe Policy Papers*, n°4.

WHITE Steven, MC ALLISTER Ian, LIGHT Margot (2002), "Enlargement and the New Outsiders", *Journal of Common Market Studies*, 40, pp. 135-153.

WOLCZUK Kataryna (2004), "Integration without Europeanisation: Ukraine and its Policy towards the European Union", *EUI Working Papers*, European University Institute, Florence.

WOLCZUK Kataryna (2005), "Ukraine after the Orange Revolution", *CER Policy Brief.*