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Future EU Foreign Policy towards the Eastern Adherent Countries

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Introduction

European expansion is a far more divisive topic today than it would have been a few years ago. The Brexit referendum and the rise of many nationalist parties across the EU have shown that the EU is vulnerable, and wanton expansion can have dire consequences for the union as a whole.

Nevertheless, these facts have not stopped the EU from pursuing better relations with many of its neighbors. Today, there exist an almost unending number of cooperation agreements, multilateral neighborhood policy arrangements, bilateral contracts and other forms of diplomatic cooperation. Throughout these arrangements, two countries have arisen as likely candidates for EU membership in the future.

Moldova and the Ukraine are both party to many arrangements with the EU. Most importantly, both of these countries have also signed Association Agreements, putting them on a direct path to membership should the conditions of the arrangements be upheld.

This background paper seeks to analyze the history and context of the EU's relations with Moldova and the Ukraine. With the recent democratic problems of Moldova and the continuous Ukrainian dispute with Russia. The question of their accession to the EU is paragon. Should the EU give their backing towards the two countries would shape European politics in the future. To that extent, the paper begins by placing both countries on the path to accession as defined by the European Commission. The EU's many association agreements are then outlined, before EU-Moldova and EU-Ukraine relations are traced historically.

Accession to the EU

It would be incorrect to refer to a singular process of accession to the European Union. Generally speaking, the Union tends to adopt case-sensitive policies which are focused on contending with the particular issues a candidate country is dealing with. Nevertheless, we can broadly refer to three main stages of the accession process:

- First, when the candidate country is ready, it can become an official candidate for membership of the EU. Currently, the list of official candidate countries includes Macedonia, Montenegro, Serbia and Turkey.¹
- Second, the country begins official membership negotiations. This process also involves the adoption of established EU law, *Acquis Communautaire*, preparations to be in a position to properly apply and enforce it and implementation of judicial, administrative, economic and other reforms necessary for the country to meet the conditions for joining.²
- Once the aforementioned criteria have been met and negotiations have been finalized, the candidate country officially becomes an EU member state³. A country can only ascend to an EU membership only after all the members of the European Council unanimously agree.

Notably, neither the Republic of Moldova nor the Ukraine can be placed at any point in this accession process. While both have been attempting to develop good relations with the EU via other means and systems, most accounts agree that the countries are still a long way from properly beginning the accession process.⁴ Nevertheless, to understand the context of Ukraine and Moldova's relations with

¹ "Candidate Countries - Enlargement - Environment - European Commission", Ec.Europa.Eu, Last modified 2019, <http://ec.europa.eu/environment/enlarg/candidates.htm>.

² Collectively, these conditions are known as the Copenhagen criteria. For a full overview of what is covered by these criteria, see "Accession Criteria - European Neighbourhood Policy And Enlargement Negotiations - European Commission", European Neighbourhood Policy And Enlargement Negotiations - European Commission, Last modified 2019, https://ec.europa.eu/neighbourhood-enlargement/policy/glossary/terms/accession-criteria_en.

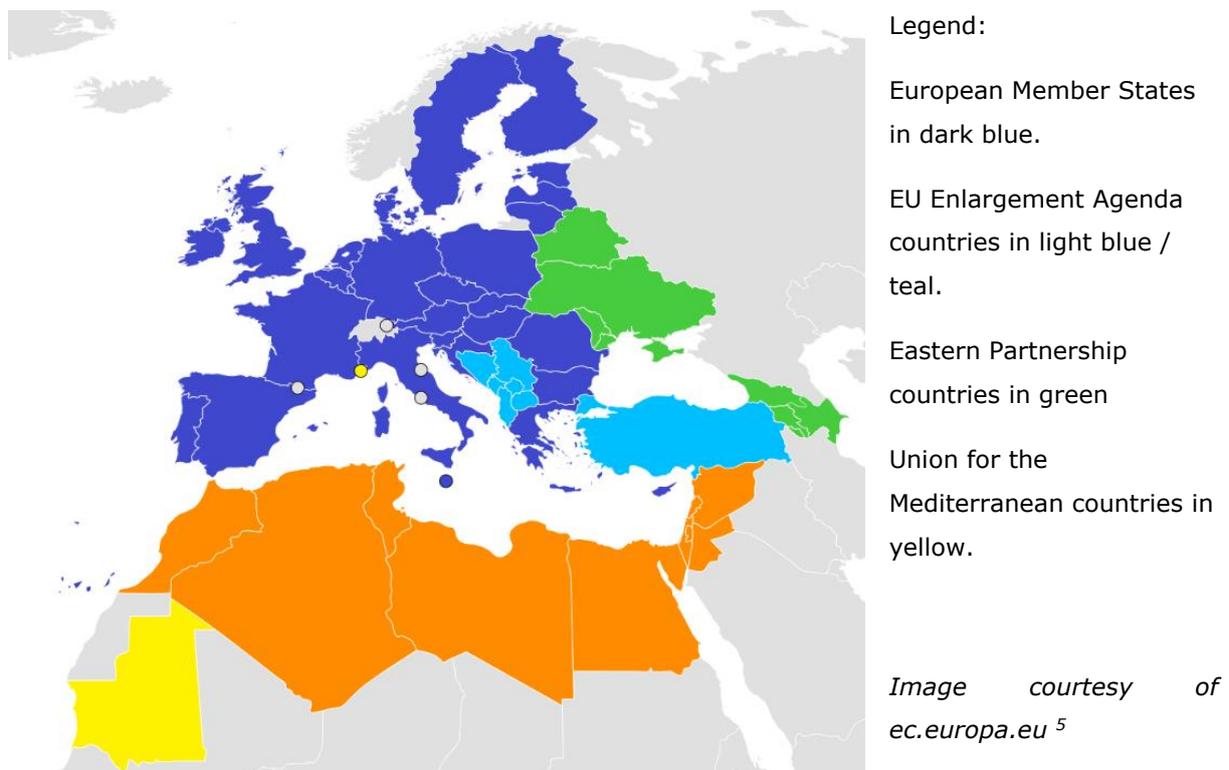
³ "Steps Towards Joining - European Neighbourhood Policy And Enlargement Negotiations - European Commission", European Neighbourhood Policy And Enlargement Negotiations - European Commission, Last modified 2019, https://ec.europa.eu/neighbourhood-enlargement/policy/steps-towards-joining_en.

⁴ Valentina Pop, "Balkans Model To Underpin EU's 'Eastern Partnership'", Euobserver, Last modified 2008, <https://euobserver.com/enlargement/26766>.

the EU, it is necessary to take a closer look at some of the European partnership programs within which the two countries are situated.

The variety of EU association agreements.

In addition to the Union itself and the multitude of bilateral agreements it supports, the EU also maintains a variety of multilateral partnership programs to develop good relations with its neighbors. The largest and most important of these programs is known as the European Neighborhood Policy (ENP).



In brief, the ENP was launched in 2004 by the European Commission, and covers 16 countries. Throughout its life, it has had a budget of approximately 2.2 billion euros a year, and has used that money to “build on common interests with partner countries of the East and South and commitment to work jointly in key priority areas, including in the promotion of democracy, rule of law, respect for human

⁵ "European Neighbourhood Policy - Migration And Home Affairs - European Commission", Migration And Home Affairs - European Commission, Last modified 2019, https://ec.europa.eu/home-affairs/what-we-do/policies/international-affairs/european-neighbourhood-policy_en.

rights, and social cohesion.”⁶ In practice, the EU has used these funds to negotiate reforms in the destination countries, promising money for development in exchange for tangible results via reforms.

However, the ENP is not the only multilateral venue the EU uses to cooperate with other states. One other such program is known as the Eastern Partnership, and is of particular concern to the EU’s relations with both Moldova and the Ukraine. It is important to note that the ENP and Eastern Partnership have a lot in common, but nevertheless remain separate and continue to run in parallel.

The Eastern Partnership was inaugurated by the EU in 2009. Currently, it encompasses the post-Soviet states of Armenia, Azerbaijan, Belarus, Georgia, Moldova and the Ukraine.⁷ Its official goals are “to provide an avenue for discussions of trade, economic strategy, travel agreements, and other issues between the EU and its Eastern European neighbors. It also aims at building a common area of shared democracy, prosperity, stability, and increased cooperation,” with the ‘core’ of the policy being the promotion of human rights and rule of law.⁸ Over the course of its run, the program has cost the EU approximately 200 million euros a year, money spent on supporting reforms and regional development programs.⁹

Unofficially, the program also fulfills some of the EU’s more practical interests. Firstly, aiding these countries and promoting their democratic reforms has the important result of ensuring peace and stability in Eastern Europe, a very important concern for countries such as Poland, Romania, Slovakia and the Baltic states which actually border Eastern Partnership nations. Secondly, as Valentina Pop points out while writing for the EU observer, the partnership can be understood as the first step of a long process of accession, thereby allowing the EU to expand its borders further east if it wishes to.¹⁰

⁶ "European Neighbourhood Policy (ENP)", EEAS - European External Action Service - European Commission, Last modified 2019, https://eeas.europa.eu/diplomatic-network/european-neighbourhood-policy-enp/330/european-neighbourhood-policy-enp_en.

⁷ "Eastern Partnership", EEAS - European External Action Service - European Commission, Last modified 2019, https://eeas.europa.eu/headquarters/headquarters-homepage_en/419/Eastern%20Partnership.

⁸ Idem.

⁹ VADEMECUM ON FINANCING IN THE FRAME OF THE EASTERN PARTNERSHIP, ebook, 1st ed. Brussels: European Commission, 2010, http://eeas.europa.eu/archives/docs/eastern/docs/eap_vademecum_en.pdf.

¹⁰ Valentina Pop, "Balkans Model To Underpin EU's 'Eastern Partnership'", Euobserver, Last modified 2008, <https://euobserver.com/enlargement/26766>.

Additionally, in more realist terms, the program can also be viewed as a measure to counter Russian influence over its former possessions. This interpretation is part of a broader trend within International Relations literature to frame the European Union as a normative power – a contender on the international arena that accumulates power and fulfills its objectives without using force.¹¹

Finally, the last program that will be detailed is the Ukraine – European Union Association Agreement. By far the most recent of the programs, it was put into force in 2017, and includes all of the EU's member states, Ukraine and Euratom. In essence, it commits its members to co-operate and converge economic policy, legislation, and regulation across a broad range of areas, including equal rights for workers, steps towards visa-free movement of people, the exchange of information and staff in the area of justice, the modernization of Ukraine's energy infrastructure, and access to the European Investment Bank. The parties also committed to regular summit meetings, and meetings among ministers, other officials, and experts. The agreement furthermore establishes a Deep and Comprehensive Free Trade Area between the parties.¹²

While relatively similar in content to the other agreements, the Association Agreement nevertheless differs in the scope of the cooperation it proposes: Far from a trade in money and reforms, it should be conceived of as the comprehensive first step towards the 'Europeanization' of Ukraine. Political pundits have, for the most part, attributed the creation of the agreement to the aftershocks and instability caused by Russia's 2014 intervention and the succeeding war of secession in Ukraine's Donbass region.¹³ The association agreement was initiated in 2012, but the Ukrainian government suspended preparations for signing the association agreement on 21 November 2013, during the presidency of pro-Russian Viktor Yanukovich. The political part of the Association Agreement was signed on 21 March 2014 by the new Prime Minister, Arseniy Yatsenyuk. The economic part of the Ukraine–European Union Association Agreement was signed on 27 June 2014 by the new President, Petro Poroshenko.

¹¹ The list of writers dealing with this topic is very extensive. For some classical examples, see the works of Pace, Sjursen and Laidi in the bibliography.

¹² "Agreement - Consilium", Consilium.Europa.Eu, Last modified 2012, <https://www.consilium.europa.eu/en/documents-publications/treaties-agreements/agreement/?id=2013005>.

¹³ Andrew Gardner, "The EU-Ukraine Association Agreement: A Potted History", POLITICO, Last modified 2014, <https://www.politico.eu/article/the-eu-ukraine-association-agreement-a-potted-history/>.

A very similar program exists between the EU and Moldova as well, to the point that the two agreements share names as well as their commitment to creating a "Deep and Comprehensive Free Trade Area." Moldova is currently actively pursuing EU memberships. The integration process, however, has been hampered by many internal issues. The unresolved issue of the breakaway republic of Transnistria is a major barrier to any progress. Also, Moldova's autonomous region of Gagauzia held two referendums on February 2, 2014 where an overwhelming majority of voters rejected integration with the EU and opted for closer ties with Russia.

To conclude, it is important to note that the agreements mentioned still do not fully encompass the extent of the EU's cooperation with Moldova and the Ukraine. Leaving aside the Union as a whole, almost each member state has some form of bilateral agreements with one of the two countries. To detail each of these would be impossible, but it is our recommendation that delegates research their individual country's relations with both Moldova and the Ukraine to gain a better picture of their position. Now, with the partnership programs detailed, this paper will historically trace Moldova and Ukraine's actions with regard to the EU.

A history of denied wishes?

Ukraine

The post-Soviet state has quite a long history of attempts at rapprochement with the EU, going as far back as the 1997 EU-Ukraine summit in Kiev.¹⁴ This was followed by another summit in Vienna a year later, wherein Ukraine officially expressed its wish to join the EU for the first time.¹⁵ The following few years would prove to be relatively uneventful, being marked only by a small number of unofficial talks between Ukraine and the EU.

Later, in 2004, the country would go through the Orange Revolution – a three-month period of protests and demonstrations, allegedly caused by the widespread voter fraud and corruption that had taken place during Ukraine's 2004 presidential elections. Nevertheless, the revolution was a success that led to free and fair

¹⁴ "The Ukrainian Week", Ukrainianweek.Com, Last modified 2013, <https://ukrainianweek.com/Politics/73494>.

¹⁵ Idem.

elections, seating Viktor Yushchenko as the new president of the country.¹⁶ By all accounts, Viktor can be described as a pro-Western and pro-European politician, and his institution as leader greatly aided the country's accession prospects.¹⁷

This was evidenced in January of 2005, when the European Parliament nigh-unanimously voted in favor of a motion stating the wish of the EU to develop closer ties with the Ukraine, including the possibility of future membership.¹⁸ Four years later, this wish would materialize into the EU's Eastern Partnership program, wherein Ukraine was one of its six members.¹⁹

However, the 2010 presidential elections would change the situation quite drastically. The winner, Viktor Yanukovich, had a markedly different stance on EU integration and is described by most sources as strongly pro-Russian.²⁰ One of his first actions as president was to imprison his pro-European political opponent, Yulia Tymoshenko, on very questionable charges.²¹ President Yanukovich's general disregard for democratic values and negative stance on the EU also contributed to a cooling of relations.²² In fact, the aforementioned Ukraine – European Union Association Agreement (Hereafter AA), which was scheduled to begin the process of ratification in 2012, ended up being delayed for over 5 years due to Yanukovich and the crises to follow.²³

¹⁶ Gerald Wright, "Review: Civil Resistance And Power Politics The Experience Of Non-Violent Action From Gandhi To The Present", *International Journal: Canada's Journal Of Global Policy Analysis* 65, no. 3 (2010): 779-781, doi:10.1177/002070201006500316.

¹⁷ "Yushchenko: Ukraine Has Every Chances To Be European Union Member - Oct. 16, 2009", *Kyivpost*, Last modified 2009, <https://www.kyivpost.com/article/content/ukraine-politics/yushchenko-ukraine-has-every-chances-to-be-europea-50824.html>.

¹⁸ *Europarl.Europa.Eu*, Last modified 2019, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P6-TA-2005-0009+0+DOC+PDF+V0//EN>.

¹⁹ "Eastern Partnership", *EEAS - European External Action Service - European Commission*, Last modified 2019, https://eeas.europa.eu/headquarters/headquarters-homepage_en/419/Eastern%20Partnership.

²⁰ Andrew Roth, "Ukraine's Ex-President Viktor Yanukovich Found Guilty Of Treason", *The Guardian*, Last modified 2019, <https://www.theguardian.com/world/2019/jan/25/ukraine-ex-president-viktor-yanukovich-found-guilty-of-treason>.

²¹ "Boiko: Naftogaz Will Not Withdraw Civil Suit Against Tymoshenko - Oct. 07, 2011", *Kyivpost*, Last modified 2011, <https://www.kyivpost.com/article/content/ukraine-politics/boiko-naftogaz-will-not-withdraw-civil-suit-agains-114375.html>.

²² "German Ambassador: Association Agreement Unlikely To Be Signed Unless Tymoshenko Is Free - Feb. 23, 2012", *Kyivpost*, Last modified 2012, <https://www.kyivpost.com/article/content/ukraine-politics/german-ambassador-association-agreement-unlikely-t-122991.html>.

²³ "Agreement - Consilium", *Consilium.Europa.Eu*, Last modified 2012, <https://www.consilium.europa.eu/en/documents-publications/treaties-agreements/agreement/?id=2013005>.

Tensions between the Ukrainian president and his people came to a head in 2014. After refusing to sign the AA, a series of riots and protests broke out all over the country in opposition to the government. Faced with a crisis of legitimacy, Yanukovich fled to Russia and allowed the government to come back into the hands of pro-Western politicians.²⁴ This was followed almost immediately by Russia's annexation of the Crimean peninsula, as well as the conflict in Donbass.²⁵ The instability caused by these social upheavals is arguably the reason why accession negotiations were put on hold.

Lastly, in 2017, Ukraine finally was able to join the AA. Since then, a number of smaller steps have been taken to promote further integration, and it seems as if the worst of its instability is behind it.

Moldova

The Republic of Moldova began seeking rapprochement with the EU as far back as 1994, with the signing of the Partnership and Cooperation Agreement.²⁶ Eventually, this was replaced by the EU – Moldova Association Agreement in 2014, which is very similar in content to Ukraine's own Association Agreement, and focuses on free trade and reforms.²⁷

Unlike Ukraine, Moldova benefits from having a very strong historical and cultural link to its Western neighbor – the European Member State of Romania. Most importantly, Moldovan citizens are able to obtain Romanian passports if they can show that their ancestors were at one point Romanian, meaning that almost any Moldovan citizen can enjoy free movement rights within the EU. This fact has

²⁴ "NPR Choice Page", Npr.Org, Last modified 2019, <https://www.npr.org/sections/parallels/2014/02/19/279673384/four-things-to-know-about-whats-happening-in-ukraine>.

²⁵ Eric Engle, "A New Cold War? Cold Peace. Russia, Ukraine, And NATO...", SSRN Electronic Journal, 2014, doi:10.2139/ssrn.2419414.

²⁶ "European Commission - PRESS RELEASES - Press Release - PCA With Moldova Enters Into Force", Europa.Eu, Last modified 1998, http://europa.eu/rapid/press-release_IP-98-582_en.htm.

²⁷ "Moldova - Trade - European Commission", Ec.Europa.Eu, Last modified 2019, <http://ec.europa.eu/trade/policy/countries-and-regions/countries/moldova/>.

prompted some political writers to call Moldova a *de facto* member of the EU, at least with regard to the free movement of labor.²⁸

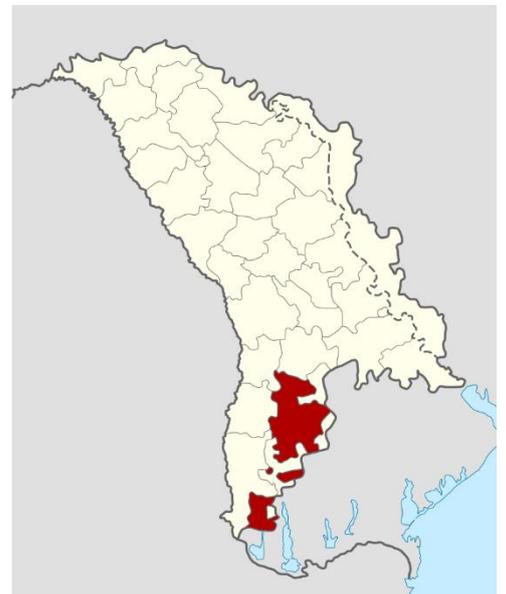
At the same time, Moldova faces much of the same issues as Ukraine in its path towards the EU, with many issues evidencing the country's weak grip on its



territory. Firstly, towards the North-East on the border with Ukraine is the breakaway republic of Transnistria – a self-administered territory that seceded from Moldova in 1990. Despite not being officially recognized by any states of the UN, the small region nevertheless has a Russian consulate and enjoys the support of the Russian Federation. For these reasons, it should come as no surprise that the citizens of Transnistria are strongly against European integration, favoring instead the improvement of relations with Russia

and the possibility of joining the Eurasian Customs Union.²⁹

The region of Gagauzia³⁰ poses similar challenges to the Moldovan government: After seceding in 1991, the Gagauz people began pursuing improvement of relations with Russia – a country with which Gagauzia shares strong historical and cultural ties. As recently as 2014, citizens of the region voted overwhelmingly against pursuing relations with the EU.³¹ The Union, being a spreader and supporter of democratic values, is thus hamstrung by popular opinion from further improving its relations with Moldova.



²⁸ Uwe Klußmann, "Reunification With Romania? EU Dreams In Communist Moldova - SPIEGEL ONLINE - International", SPIEGEL ONLINE, Last modified 2007, <https://www.spiegel.de/international/europe/reunification-with-romania-eu-dreams-in-communist-moldova-a-617005.html>.

²⁹ Berg, Eiki, and Scott Pegg. "Scrutinizing a policy of "engagement without recognition": US requests for diplomatic actions with de facto states." *Foreign Policy Analysis* 14, no. 3 (2016): 388-407.

³⁰ This name is most often translated as "land of the Gagauz people"

³¹ "Gagauzia Voters Choose Russia Over EU", *Radiofreeeurope/Radioliberty*, Last modified 2014, <https://www.rferl.org/a/moldova-gagauz-referendum-counting/25251251.html>.

However, it's not just popular demand working against the EU. Moldova also suffers from deeply-rooted corruption issues: Transparency International rated the country 122nd out of 180 countries on its Corruption Perception Index, with a reported 37% of Moldovans admitting to paying a bribe in the same year.³² This issue was made most blatantly obvious in 2015, when the country's leadership was caught after committing bank fraud worth 1 billion dollars and suffered no legal repercussions.³³ This becomes a particularly pertinent topic when one considers the vast amounts of funds that the EU sends to its member states for development. For example, the EU's cohesion funds committed 63.4 billion euros over seven years to countries within the EU with lower GDPs.³⁴ Skeptics point out that Moldova, with its spotty anti-corruption system, may simply divert these funds and line the pockets of its leadership.³⁵

It is for all of these reasons that Moldova has proved to be a remarkably complex proposition for the EU. Unlike Ukraine, the Republic of Moldova's central government has generally always been in favor of European integration. However, limiting factors have appeared from both within and without to prevent this relationship from maturing.

Conclusion

The situations of Moldova and Ukraine are very complex. The problems with Ukraine and Moldova and other Eastern European Countries have the capabilities to affect future EU policies and directions. With countless Russian interference in recent times in Ukraine, the Ukrainian dilemma has ascended more than just local regional politics. Left unchecked, the problem could spill over with global consequences. The same goes for Moldova. With its corruption problems, Moldova

³² Miriam Ayed, "Moldova Corruption Report", Business Anti-Corruption Portal, Last modified 2017, <https://www.business-anti-corruption.com/country-profiles/moldova/>.

³³ "Moldovans Hold Anti-Corruption Rally", BBC News, Last modified 2015, <https://www.bbc.com/news/world-europe-34237078>.

³⁴ "Cohesion Fund", Ec.Europa.Eu, Last modified 2019, https://ec.europa.eu/regional_policy/en/funding/cohesion-fund/.

³⁵ Dimiter D. Teshkov, "What Can Explain The Varying Progress Of Moldova Towards European Integration Over Time?", Openaccess.Leidenuniv.Nl, Last modified 2019, https://openaccess.leidenuniv.nl/bitstream/handle/1887/54312/2016_Vassileva_PA_IEG.pdf?sequence=1.

is a perfect example of the EU's dilemma with regards to the Eastern Europe Partnership.

Questions A Resolution Must Answer (QARMAs):

1. How should Russia's interests be reconciled with the EU's expanding influence?
2. How should the interests of the people of Transnistria, Gagauz and Donbass be taken into account?
3. What should be done about Moldova and Ukraine corruption issues?
4. Should the EU do more to promote its values in the two countries?
5. What, if anything, should be changed about the current Association Agreements with Moldova and the Ukraine?
6. Should the EU pursue expansion at all?

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