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Ambiguities of Europe's Eastern Neighbourhood

Perspectives from Germany and Poland



Springer VS

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Introduction

Wolfram Hilz, Shushanik Minasyan, Maciej Ras

The end of the East-West conflict in 1989/90 signalled the possible end of the division of Europe and brought new hope for peace and prosperity. The demise of communist regimes in the Eastern bloc and the creation of the European Union (EU) occurred almost simultaneously. This process went hand in hand with the evolution of the EU as the centre of gravity in the pan-European space. Subsequently, the West began to increase its influence in Central Europe and the Balkans, particularly during the enlargement process of the EU in the 2000s, a process accompanied by NATO expansion beginning in 1999.

The enlargement of the EU has brought new dimensions to the forefront of European foreign policy and confronted European decision-makers with unprecedented challenges. A series of complex balances had to be resolved to overcome the substantive disparities in foreign policy visions as well as the diverse strategic cultures of the enlarged community. Furthermore, the fall of communism and EU-membership of Central and East European countries removed significant barriers for political dialogue with former Soviet republics. The EU has since engaged with a large number of its newly independent neighbours. In light of local political and social upheaval, the political dialogue centred on supporting system transitions towards pluralistic political cultures by cooperating closely with Russia.

The EU's impact on its Eastern European¹ neighbours intensified after the enlargement in 2004, especially due to the activities of certain new EU member states and the Western European elites' increasing awareness of events in the region. Then in 2004 the EU launched its European Neighbourhood Policy (ENP), which was developed with the explicit objective to prevent new dividing lines between the enlarged EU and its neighbours and instead to strengthen prosperity, stability and security on the continent.

This instrument became essential in readjusting Brussel's policy agenda towards its Eastern neighbours. The ENP was institutionally reinforced in the EU's adoption of the German "Black Sea Synergy" initiative in 2007 and again two years later with the joint Polish-Swedish Eastern Partnership (EaP) initiative. Some of these partnering states – Georgia, Moldova and Ukraine – even

¹ The term 'Eastern Europe' refers to the European post-Soviet republics, including also the Southern Caucasian countries (the EaP partners and Russia).

sought deeper multi-dimensional ties with the West and gradual integration with the EU.

The importance of the Eastern neighbourhood to the EU has grown due to a number of factors. Armed and *frozen* conflicts, non-traditional threats (including cyber-security), transnational organised crime, migration, and the growing assertiveness of the Kremlin in the region are likely to remain serious security challenges for the EU. Simultaneously, however, the opportunities should also be highlighted, especially in two contexts: (1) The majority of EU's Eastern neighbours are culturally closer to the West than the Mediterranean partners; (2) Economic factors play a significant role. The Eastern neighbourhood is treated by the EU as an important source of primary energy resources, labour, and as a transport corridor to Asia.

However, cooperation has been made difficult by Russian conduct, as Moscow perceives the EU's policies in its *near abroad* as a threat to its sphere of influence. Under such conditions, a collision of interests was unavoidable. *Russian imperialism* versus *Western expansionism* turned out to be the dominant narratives promoted by the opposing sides. The *common neighbourhood* area has since become the preeminent field of EU-Russian rivalry and – since the Ukrainian crisis of 2014 – remains an open area of conflict.

Particularly Germany and Poland have vital interests in Eastern Europe. Both states have contributed substantially to the development of the EU's relations with the Eastern neighbourhood. In general terms, their strategic interests to stabilize Eastern Europe are similar, but Berlin and Warsaw occasionally have divergent views in fostering this stability regarding their Eastern European partners. A number of ambiguities such as energy policies and the *Russian factor* caused rifts between Poland and Germany that have been reflected at the EU-level.

Therefore, scholars and experts from German and Polish universities joined efforts to analyse the research problem referred to in the title of this book as a part of the project “Neighbourhood relations as a field of cooperation or conflict. Contradictory interests of Germany and Poland in the Eastern neighbourhood of the European Union”, launched by the University of Bonn and the University of Warsaw.

While all of the contributors try to illustrate the ambiguities in Germany's and Poland's approaches towards the particular cooperating country, this book is divided into three substantive parts. In the first section, the authors trace the common interests and different views of Germany and Poland related to the Eastern neighbourhood against the background of the EU's unique approach of external relations. This is enshrined in the EU's concept of neighbourhood policy, which Wolfram Hilz characterises by stressing core elements developed during the post-war decades of integration. On this positive basis he discusses whether the EU has leeway to adopt its strictly cooperative conception of neigh-

bourhood relations in times of new conflicts. Maciej Raś' contribution contrasts this with Poland's perspective on the EU Eastern neighbourhood, discussing the complexity of Poland's Eastern policy origins, which are mainly rooted in the country's historical and national identity, but also in contemporary geopolitics and current domestic politics among other factors. Shushanik Minasyan then summarises the characteristics of Germany's *Ostpolitik* in its relations with Georgia and Armenia by exploring Germany's foreign policy strategy in Southern Caucasus. She assesses Germany's role and contribution to democratic processes, testing the hypothesis that Germany's engagement retains a strong normative foundation in both countries. In addition, with a view to recent political developments in Armenia and Georgia, the paper defines the main challenges and current opportunities for a stronger political dialogue under the EaP.

Although Eastern European countries should be treated not only in terms of the EU Eastern policy's objectives, but as subjects of international relations with idiosyncrasies related to their identities, perceptions and interests, the second part of the book looks at the Eastern partners with a focus on their relations with the EU. Szymon Kardaś debates the success and failures of the Eastern Partnership, including the role of Russia and concludes that Moscow remains a key element affecting relations between the EU and EaP countries. In his opinion, the *Russian factor* potentially has an impact on EU's Eastern policy, making the EU less ambitious in developing new goals and tools in this respect. Andrzej Szeptycki discusses EU-Ukraine relations, shedding light on several ambiguities of the EU's Eastern policy and differences in the approaches of certain member states. He reveals the limited success of Ukrainian transformation based on the EU model, which he attributes to the Russia-Ukraine conflict as well as the low impact of the EU as a normative power. Andrzej Wierzbicki's contribution expounds that EU-Belarus relations are complicated in nature and have their own dynamics, swinging like a pendulum from periods of revival to those of evident weakening or even a freezing of mutual contacts. He characterizes this relationship in detail, underlining that the EU's policy towards Belarus must be guided by an understanding of the specific conditions of its state- and nation-building process.

In the final chapters, some of the overall challenges connected with the EU's *Eastern dimension* are analysed. Rafał Ulatowski discusses the energy policy objectives and emphasises that Germany and Poland are both striving to strengthen their own natural gas security by becoming a regional distribution hub. Whereas Germany is developing an infrastructure to be a hub mostly for Russian gas, Poland wants to distribute gas imported as liquefied natural gas (LNG). Fabian Schöppner, in turn, discusses conflict management in the post-Soviet area and analyses the cases of Ukraine, Moldova and Georgia, contextualising the continuous discussion of their conflicts within the EU's evolving cooperation frameworks. Finally, Aleksandra Gasztold describes the influence

of the United States on the EaP. She highlights the *U.S. factor* as a significant element of Poland's foreign policy and discusses German autonomy from the United States in this respect, despite the close alliance between the two states.

Finally, we would like to thank all contributors for the fruitful cooperation and everyone who provided valuable feedback on the concept of the volume. We are grateful to Dana Altpeter and Mark Offermann for their editorial assistance in putting this book together. Special thanks go to the Foundation for Polish-German Cooperation for the generous financial support of this project.



The EU and its Concept of Neighbourhood

Wolfram Hilz

1. Introduction

If we take a look at the current condition of Europe and the European Union one impression is inevitable: Europe seems to be a mess – Europe’s crises do not end – nobody seems to be able to stop this European poly-crisis, as Jean-Claude Juncker named it. But at the same time Europe is a place of longing, of desire for most people in the neighbourhood of the EU – especially in the South and in the East. From a Northern African or Eastern European perspective the EU stands as a synonym for stability, welfare and rule of law – in short: for peaceful living – despite its contested integration project.

The assessment of European developments and policies seems to be not just depending on the geographical position – inside or outside the EU – but on the expectations and standards we refer to. If we ask for the character of the EU’s current external policy in general and its neighbourhood policy in detail, we have to ask for violent traditions of Europe’s states in treating their neighbours and the new European approach of peaceful relations between neighbours inside the EU. It is the aim of the following reflections, to identify the unique character of the EU’s neighbourhood conception and the consequences for its external relations in practice.

This article starts with a brief overview of the contrast between traditional behavior of states in Europe and the preconditions for EU members in peacefully treating their neighbours, enshrined in the current EU treaties. A second aspect will be EU’s operational practice of external relations to neighbouring countries during the decades since the end of the cold war. Against this background, the programmatic encoding of the ENP since 2004 will be evaluated in a final step.

2. Europe’s Painful Learning Process: Neighbours are Partners, not Enemies

If we consider that until some decades ago – in the West until the end of the Second World War and in the East until the breakdown of communism in 1989 – the common relationship between European neighbours was mostly character-

ized by mistrust, fear and even the execution of violence, the current situation is closer to former dreams than to pejorative past.

For centuries occupying, conquering and robbing neighbouring territories, states and people seemed to be a *normal* European activity. Just the conception of neighbourhood as a positive idea, a so-called *win-win-constellation*, was not conceivable in Europe 75 years ago. At that time – at the end of the Second World War – thinking in this conception was still a far-away dream. It is important to remember that not only the realization of the ideas of supranational institutions, launched by Jean Monnet and Robert Schuman in May 1950 had been a far-away dream in the beginning, but as well a complete reversal of the traditional – often aggressive – confrontation between European states.

This kind of reversal of treating a neighbour as *good neighbour*, not as an adversary, uncalculable competitor and even enemy was as well a kind of a distant hope, nobody could rely on after a brutal war. But based on the idea of an ever closer cooperation between and integration of European post-war states in Western Europe this new conception of *good neighbourliness* replaced the century-old rivalries at the battlefields. Today it almost vanished and only returns in times of competitions at the soccer field.

To make it clear: From a historical perspective, focusing on the century-old violent traditions in Europe, the accepted procedures of bargaining and negotiating about common solutions between different governments in Europe are a miracle, which became reality. And in comparison with the still predominant conduct of many states in the world, foreign and neighbourhood policies of the EU member states are a rare exception. We have to be aware that neighborhood policy of Europeans inside the EU today is almost the opposite of the traditional behaviour of most countries in the world, even after 1945. And we should not forget that European powers had been imperialists, colonialists and suppressures around the world for centuries.

3. Principles of Good Cooperation inside and outside the EU: The Treaty Basis

For an assessment of EU's current external neighbourhood relations, it is necessary to take a brief look at the overarching influence of the EU's institutionalized principles for peaceful cooperation between its members and towards external partners. This includes the basic norms of the EU treaties in general and the EU foreign policy framework in detail. As a result, the neighbourhood policy options of the EU members can be evaluated against clear standards.

Principles of cooperation between EU members (*internal neighbourhood*) are fixed explicitly and implicitly in the EU treaties since the 1950s: In general, all activities since 1945 aim to reach and keep what we can call the *core*

triangle of European integration, *peace, security and welfare* in Europe. This means, besides all detailed aims of different programs, cooperation and integration steps inside or outside, the EU members have the common aim to stabilize this *core triangle*. When Robert Schuman launched his idea of a coal and steel community he demanded “[...] the elimination of the age-old opposition of France and Germany [...]” as a key to “[...] the maintenance of peaceful relations [...]” in Europe (Schuman, 1950).

In the Treaty of Rome from 27 March 1957 the six founding members of the European Communities used the vehicle of the European Economic Community (EEC) “[...] to preserve and strengthen peace and liberty [...]” (Preamble of the TEEC 1957) and to promote “[...] an increase in stability, an accelerated raising of the standard of living and closer relations between the States belonging to it.” (Art. 2, TEEC 1957)

After renewing and varying this *core triangle* in the Treaty of Maastricht with its deepening and broadening of integration resp. cooperation between European nations in 1992 and following the enlargement of its membership base to former hostile neighbours after the turn of the century in 2004 and 2007, the current treaty base still mentions the *core triangle* as important orientation. In the Treaty of the European Union, signed in Lisbon 2007 all participating neighbours in Europe stressed their continuing will “[...] to promote peace, its values and the well-being of its peoples.” (Art. 3, 1. TEU) This is likewise the basis for all common external activities of the EU and of all members individually.

This binding EU framework is important in another respect: EU members are obliged to comply with the common rules fixed in the EU treaties, negotiated and decided in Lisbon in 2007 – but neighbours and other states outside the EU do not have such treaty based limitations.

For the EU and its member states all external action has to comply with the conditions fixed in Art. 21 of the TEU. All EU members agree in this treaty clause that they have a common obligation to widen the well-established, democratic European cooperation scheme towards their external partners, including neighbouring states. This treaty clause contains the general conditions of all external action, which are normatively binding for all EU members in their external relations:

“1. The Union’s action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law.

The Union shall seek to develop relations and build partnerships with third countries, and international, regional or global organizations which share the principles referred to in the first subparagraph. It shall promote multilateral solutions to common problems, in particular in the framework of the United Nations.

2. [...]

3. [...]

The Union shall ensure consistency between the different areas of its external action and between these and its other policies. The Council and the Commission, assisted by the High Representative of the Union for Foreign Affairs and Security Policy, shall ensure that consistency and shall cooperate to that effect.”

The obligation for consistency in all external activities of the Union (Art. 21, Par. 3 TEU) is perhaps the most ambitious external treaty rule, influencing common and individual neighbourhood policies. “The Union” means in this respect all institutions and representatives of the EU, but as well all member states with their individual foreign policies and external actions. Consistency in neighbourhood relations implies an obligation for member states to comply with the commonly agreed policies of the EU. If all agree on a common programmatic line – like the ENP and the EaP – EU members are not allowed to work against these policies in their national foreign policies. This includes external economic as well as diplomatic activities.

This basic precondition for common or individual policies towards EU neighbours is specified in Art. 8 TEU as a special part of the Union’s normative self-definition of its external actions:

“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.”

As we can see, this is a conception of a positive, cooperative, strictly non-violent relationship towards neighbours and thus a real revolution in the conception of foreign relations – especially in the war-torn continent Europe. It mirrors furthermore the ambitious conception of the European integration project in general, from the beginning in the 1950s, with the main objective of pacifying former adversaries internally and enhancing *attraction* – not power – outside of the small nucleus of a European Community of six.

The core of attraction of the European integration project always was, and still is today, the *win-win*-perspective of cooperation instead of *win-loose*-perspective like in the former Westphalian struggle of powers. But we have to be aware, that the current idea of neighbourhood policy of the EU is still a relatively new concept in the wide range of international relations of states and powers. This peaceful concept, enshrined in Article 21 of the EU Treaty is the basis for all foreign policy activities of the EU – in trade, development, enlargement policy as well as for its CFSP (Stratenschulte, 2013, pp. 8f.).

The latest example for this consistent ambition to inspire partners and neighbours with this pacifying European cooperation approach is the “European Global Strategy” (EUGS), presented by the High Representative Federica Mogherini in June 2016. In this decisive document for current EU external orientation, Mogherini delivers a sober perspective of security challenges and threats for the Union. At the same time she assesses the special role of “our neighbours” as closest geographic partners (a) in the fight against dangers for Europe’s successful postwar stability and (b) as partners to keep the rules-based international order. Mogherini characterizes the updated version for the defense of EU’s *core triangle* as “principled pragmatism”, which is a unique European approach of “realistic assessment” combined with “idealistic aspiration” (EEAS, 2016a, p. 8).

4. Conceptualization of *Neighbourhood European Style* by Practice: ENP and EaP

For decades this concept of taming traditional behavior in foreign relations was stabilized and geographically broadened via the enlargement of the originally small community of six (ECCS, EEC & EAC) to the European community of 9, 12, 15 members and the European Union of 28. Until the big challenge of Eastern enlargement in the 1990s the distribution and acceptance of this concept took place more implicitly than being codified formally in the treaties. It took until the formulation of the so-called Copenhagen criteria in 1993 that the members of the EU for the first time mentioned the elimination of conflicts between neighbours as a precondition for the accession of new members. It was no coincidence that this explicit mention occurred with the end of the division of Eastern and Western Europe in the 1990s which had lasted four decades. It became clear during the so-called *new age of freedom* without walls and *iron curtains*, that discussions about how to develop relationships towards the so-called *new neighbours* in the East had been divergent inside the EU of the 12. Different from the time of the Cold War now there was more leeway to intensify neighbourhood relations especially towards the East beyond mere basic economic exchange.

Combined with the disputes about the necessity to develop a real Common Foreign and Security Policy (CFSP), different national interests in neighbourhood policy became clear inside the EU since the early 1990s: Germany and some smaller partners had been interested primarily in the stabilization of the Eastern neighbours. France and other Southern EU members directed their focus primarily towards the Southern rim of the Mediterranean with its dynamic Arab states. Against this background the decision for a common enlargement policy of the EU towards the former members of the Soviet-dominated Eastern bloc in