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THE EUROPEAN NEIGHBOURHOOD POLICY: SECURITY ASPECTS

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Introduction

This discussion of the security aspects of the European Neighbourhood Policy (ENP) is divided into four parts. The first part address the question of what is at stake with the ENP. What are the particular challenges at the security level? The second and third parts examine security aspects of ENP at two levels: states included with the first wave of Action Plans, such as Moldova, and states in the neighbourhood that are not (yet) part of ENP, such as Russia, Belarus, and the South Caucasus. The security challenges are different in each case. Finally, the paper considers ideas for strengthening ENP at the security level. The discussion here draws on the newly independent states; the Mediterranean partners give rise to quite different challenges.

What is at Stake?

The EU has undergone and remains in the process of a revolution. The most important transformation of the geography and politics in Europe since the end of the Cold War has occurred successfully – enlargement to twenty-five member states. Enlargement is tied to a second major transformation associated with the prospect of ratification and coming-into-force of the draft Treaty on a European Constitution. While changing the way the EU works internally, these twin processes augur profound changes in the way the EU interacts with the world and its neighbours.

There are several dimensions to consider:

1) New Member States:

The EU has new member states, which have different interests than the older members. These states bring new urgency to old questions, and indeed new questions.

2) New Borders New Policies:

The EU has new borders, on Belarus, Ukraine, and Russia, and eventually on Moldova and the South Caucasus. These carry a new urgency to thinking about policies to be adopted in response to potential and actual threats.

3) New Foreign Policy:

Partly in response, the EU started to think about new policies to states on its borders. For much for the 1990s, EU ‘foreign policy’ revolved around the question of membership/non-membership: if membership was on the cards, the EU had a policy to a state; if it was not, then the EU had little foreign policy as such. This is changing. With the ENP, we are witnessing the birth of the EU as a fuller foreign policy actor, able to act beyond the dichotomy of accession/non-accession, drawing on a range of tools to promote its interests.

4) New Security Policy:

For all the clarion calls of the death of CFSP over Iraq, the EU was born as a security actor last year, with operations in the Balkans and Africa. The Iraqi crisis also stimulated thinking on a European Security Strategy (ESS), approved in December 2003. A central point of the Strategy is the need to have a belt of well-governed countries on the EU periphery.

ENP reflects these developments and is an integral part of the birth of the EU as foreign policy actor, able to think and act beyond the straitjacket of accession/non-accession to a state on its borders.

And there is real need to do so. If we take the Eastern neighbours, the EU faces an awkward trio in Belarus, Ukraine, and Moldova: one is an authoritarian state with which the EU has few ties, Ukraine's declared European vocation seems to lose steam by the day, and Moldova is painfully divided by conflict. EU policy approaches, developed in the 1990s, while not to blame, did little to prevent such dead-ends from arising. In all of these states, a decade of 'transition' resulted in the impoverishment of society, dis-industrialisation, and the rise of oligarchic power structures overlapping opaquely with the public sphere. The logic driving politics and economics is anathema to the EU model.

Given this context, the stakes of ENP are vital for the EU, its stability and prosperity, and for the old and new neighbours, which seek to share in the benefits of European integration. Since the publication of the Commission Communication in March 2003, the ENP has sought to answer *the* question facing the new EU. The reply provided to this question will determine the EU's birth and growth as a real strategic actor (or not): How can the EU support the transformation of states on its borders into zones of stability and prosperity without offering the incentive of membership? Can the EU transform a country/countries while keeping it at arm's length?

Answering this question requires that the EU invent itself as a full foreign policy actor. Offering further enlargement is simply not feasible for the foreseeable future, but the EU cannot afford to ignore its neighbours; it must engage with them to create a wider Europe of security and prosperity. The security challenges facing the EU in relation to new and old neighbours are five-fold:

1) The Challenge of Inter-dependence:

The EU recognises its security inter-dependence with the neighbours; it cannot build a fence and turn away. On the contrary, as stated in the ESS, EU security starts abroad and requires a forward strategy. The ENP is a vital part of this forward security strategy.

2) The Challenge of Complexity:

The scope of security challenges ranges from JHA questions of organised crime and international terrorism to CFSP issues of WMD non-proliferation and conflict settlement to wider questions of corruption and sustainable development. Such wide challenges arising in the neighbourhood require cross-pillar coordination in EU policy. These challenges also call on the EU to develop new policy areas – such as involvement in security sector reform – to promote stability in neighbours.

3) *The Challenge of Openness/Closure:*

Facing these challenges, the EU must upgrade the monitoring and security of its external borders through stricter control of the flow of goods and people – in effect, ensuring an effective closure of external borders. At the same time, the EU must remain engaged with neighbours and foster ties across borders for a wide range of exchanges. Balancing closure and openness is a challenge facing ENP.

4) *The Challenge of Recalcitrant Neighbours:*

First, not all neighbours are interested in deeper ties with the EU; the EU must seek new ways of engaging with the societies in countries such as Belarus, because complete suspension of ties has shown little effectiveness. Second, the EU faces great powers, such as Russia, with their own special interests in the shared neighbourhood that are not necessarily accommodating to the EU.

5) *The Challenge of Action and Will:*

In dealing with security challenges abroad, the EU often finds itself trapped in a policy limbo between action and non-action, where it emits declaration after declaration on dangerous developments in neighbouring countries but member states do not have the will to push for concerted action at the EU level. Repeated demarches without action undermine EU credibility. EU policy in Belarus lies in such a limbo.

These challenges are made all the more difficult by the constraints which lay over any potential answer from the EU. Within the EU, there can be no further talk of enlargement to the neighbours – this lack of clarity about the finalite of ENP weakens the EU's ability to stimulate reform in neighbours, as the end game remains unclear and, therefore, less attractive than otherwise. Also, the EU's ability to launch ambitious programmes is limited given its preoccupation with pressing internal questions. More widely, the financial resources available for the ENP are constrained. Constraints in the neighbouring states are also multiple. For one, the logic driving politics and economics is largely contrary to the EU model; no longer in 'transition,' these states have 'arrived,' and in a place quite far from the EU in terms of standards, practices, and values. Moreover, these are weak states, with limited ability to absorb external support and undertake reform. They are also divided states, physically in the case of Moldova, and also in terms of foreign orientation in Belarus and Ukraine. This ambiguity limits elite willingness to undertake EU-directed reform.

The question becomes: will the ENP Action Plans be enough to overcome these constraints? Does the ENP work well with the constraints facing the EU *and* those posed by the neighbouring states? Certainly, ENP takes into account EU. However, does it respond adequately to the constraints at play in the neighbouring states? To be blunt, not enough. For the ENP to be effective, it must respond to *both* EU and the neighbour state constraints.

Within ENP: Conflict Settlement in Moldova

Moldova presents a case by which to assess the security aspects of ENP and the EU's response to these thus far. At the widest level, the challenges posed by Moldova for the EU are four-fold:

- 1) Moldova has been unable to develop a united front of identity and future orientation. Moldova has found itself caught between the former Soviet Union, Eastern Europe and the Balkans.
- 2) After some excellent progress, Moldova has made little progress relative to accession countries in terms of transformation on EU lines. While Moldova has declared its aspiration to accede to the EU, little has been done beyond rhetoric.
- 3) Moldova is a divided country, with a separatist self-declared state – the self-proclaimed Pridnestrovyan Moldovan Republic (PMR, or Transnistria). The unresolved conflict is a brake on serious reform.
- 4) Russia weighs heavily over Moldova – with peacekeeping forces along the Dnestr River, a military base on the left bank, allies in local politics and an extensive economic presence. Russia's interests complicate the EU's ability to engage in Moldova.

In practical terms, Moldova poses a number of precise security challenges, which will become more salient with Romanian accession. These problems range from illegal migration from Moldova itself or transiting through Moldova, organised criminal structures exploiting Moldovan weakness, especially from Transnistria, manifested in the trafficking of illicit goods and humans, to the presence of dangerous arms and military equipment stocks in Transnistria, which have been sold illegally and pose a local threat. Separatist Transnistria exacerbates these challenges.

In response, the EU has started to develop a profile, in a process parallel to the development of the ENP. On the political side, EU policy has taken six main lines:

- 1) From December 2002, the EU has taken a more active position in the talks between Chisinau and Tiraspol through demarches and public positions.
- 2) In February 2003 and August 2004, the EU, acting with the US, imposed travel restrictions on seventeen and then ten separatist leaders.
- 3) The EU has sought to diffuse specific points of tension between Chisinau and Tiraspol through high level visits (August 2004 by Robert Cooper) and continual telephone diplomacy (by High Representative Javier Solana).
- 4) The EU has led trilateral talks with Ukraine and Moldova on finalising the customs and border regime of the Moldovan-Ukrainian border (the last meeting was on October 15, 2004) and pledged to provide support the construction and training of a modern border service.
- 5) The EU has pledged its willingness to participate in possible OSCE-mandated missions to monitor the Transnistrian section of border with Ukraine and to consolidate the peace after an eventual settlement agreement.
- 6) The EU has encouraged Russia to fulfil its Istanbul obligations to withdraw its Operational Group and withdraw/destroy the stocks of the former 14th Army in Transnistria.

The more active EU role has supported President Voronin at key moments in his dealings with Transnistria and Russia and Ukraine. Sharper political engagement has helped to persuade Moldova of the seriousness of the ENP offer and made the negotiations on the Action Plan more fluid and businesslike (although not without problems). Despite notable positive points, three limits have been reached that require the EU to accelerate its political engagement:

1) A Special Representative?

The settlement talks are blocked until after the elections in Spring 2005. In advance, the EU should consider how it might become more directly involved in the negotiations in mid-2005 (especially given the worrying trends in the OSCE). In particular, the Council could consider appointing a Special Representative.

2) International Border Monitors

The Transnistrian section of the border must be closed to illegal and non-sanctioned traffic. Continuing talks with Moldova and Ukraine are vital but the possibility of international monitors deployed should also be considered.

3) Security Sector Reform

Moldova remains a weak in institutional capacity, with high levels of corruption, low tax extraction and a collapsing social structure. The EU should consider strengthening the institutional capacity through support to security sector reform – judicial and legal reform, law enforcement reform (training and equipment), and customs and border guard reform (training and equipment). A healthy security sector would help create a more stable neighbour.

Outside ENP: Russia, Belarus, and the South Caucasus

Russia, Belarus and the South Caucasus highlight different security challenges facing the EU that are not covered within ENP and that may affect its successful implementation. Russia has rejected partnership within ENP, preferring the development of four common spaces. This does not mean that the four common spaces will not be able to draw on monies available under the ENP instrument, simply that the EU-Russia framework is 'special.' With suspended contractual agreement with Belarus, ENP has been offered access to ENP to Minsk on the condition of significant political change. The South Caucasus states of Armenia, Azerbaijan and Georgia were included in ENP in June 2004 and will feature only in a second wave of negotiations on Action Plans.

a) The Russia-EU Strategic Partnership

Since 1999, the Russia-EU strategic dialogue has become frequent and intensive. First, Russia and the EU have coordinated positions on wider foreign policy issues. Both have exchanged views on concepts of conflict prevention and crisis management. Moreover, since September 11th, coordination on counterterrorism has started. In addition, Moscow and Brussels have long discussed the question of military-technical cooperation in areas of perceived comparative advantage. Finally, questions of nuclear safety and disarmament have become important areas of cooperation.

However, the dialogue has remained largely declaratory for several reasons. Most fundamentally, the two sides have clashing visions of ESDP. For Moscow, naturally, ESDP should advance Russian interests by providing a model of European security that ensures Moscow an equal voice on all security questions. For the EU, ESDP is not necessarily a motor to drive the creation of a common European security space, but rather, an instrument of EU foreign policy. Future EU operations have a similarly limited scope and objectives: their aim is not necessarily to accommodate the interests of all parts of Europe; it is to manage crises.

As a result, the modalities for Russian involvement in ESDP operations (set by the EU in Seville 2002) fall short of Russian demands. Moscow seeks equality with member states at every level of decision-making. For the EU, non-EU states may participate in an ESDP operation if they desire to do so, and if the EU considers their participation necessary. The conditions for Russian involvement are less accommodating than those for NATO operations.

Moreover, the EU's willingness to not seek the sanction of the UN for all ESDP operations worries Russia, which wants to avoid a repetition of the Kosovo precedent. Moscow is also concerned by the geographical scope of EU operations. Russia's concern here is that ESDP may follow the path of the OSCE, one that comes to narrow its focus on Russia.

Factors specific to Russia and the EU have also hampered the security dialogue. Russian policy is heavily presidential, which provides an important top-level impulse that is not always pursued at lower levels. In Brussels, the dispersal of decision-making power among different institutions affects the EU's ability to interact strategically with Moscow.

At the most basic level, Russia and the EU are different actors. The political dialogue brings together a state that is strongly defensive about its sovereignty and territoriality with an association where sovereignty is pooled and territoriality diluted. Europe is as much a union of interests as a community of shared values. Moscow often sees the blending of values and interests in EU policy and rhetoric as interference in Russian affairs. EU statements about Russian policy in the Chechen conflict have only provoked irritation, as have European declarations about the need for the fair application of the rule of law during the Yukos affair.

How can a common external security space be crafted between the EU and Russia? Certainly, the premises on which Russia and the EU founded their policy of benign neglect towards each other since 1999 no longer exist. These premises were that Russia and the EU were not really close geographically, that both were busy with their own house cleaning, that ESDP barely existed beyond paper and that NATO was Europe's principal security provider. All are changing. Russia matters for EU security at two levels: Because developments inside Russia can impact – positively and negatively – on the EU (the Chechen conflict and questions of nuclear safety and disarmament, organised crime), and because Russian policy can affect EU success in implementing ENP in the new shared neighbourhood of Belarus, Ukraine and Moldova, where Moscow is reluctant to welcome an increasing EU role.

In crafting of a common external security space, two points could be considered:

1) Developing a Joint Conceptual Framework for Peace Support

The EU and Russia should work on elaborating a joint legal and conceptual framework that will allow for joint peace support operations in the future. This is a critical gap in the strategic partnership. A joint framework would help to craft a common security space by assuaging Russian concerns and satisfying EU interests.

2) Working Jointly on the Neighbourhood

The Russia-EU dialogue should focus ever more on the countries of the new neighbourhood to make the most of the potential of ENP, and increase the region's stability and development.

b) The Belarus Dilemma

Belarus was offered access to ENP, including high level political, and ministerial and senior contacts, travel facilitation for Belarusian citizens and more people-to-people contacts should the parliamentary elections of Autumn 2005 prove free and fair and Minsk make significant movement towards democratisation. The parliamentary elections and the referendum were not free or fair, confirming Belarus' fate as Europe's last authoritarian state.

The challenge Belarus poses to the EU is four-fold:

1) Contrary and Uninterested

The logic of politics and economics in Belarus is contrary to EU standards, values and practices. And Minsk could not care less. This raises the dilemma of what the EU can/should do when faced with such a neighbour.

2) Worrying Present and Future

Belarus raises a number of security challenges to the EU, its neighbours and member states in soft security terms. It cannot be ruled out that in the future Belarus may become a more direct challenge, through upheaval or collapse.

3) The Russian Axis

Despite difficulties, Moscow maintains close ties with Minsk and the legal structures exist for a future union. This prospect complicates EU policy and thinking and raises the likelihood of real problem in the future should the union be implemented – what will be the EU response?

4) Stalled EU Policy

EU policy remains one of suspended ties with Belarus until significant policy changes occur in Minsk. Given the results of the recent elections, the EU has little choice but to review this line.

The EU finds itself caught in the *demarche trap*, which lies the grey zone between action and non-action where declaration after declaration is emitted criticising developments in Belarus with no impact. In early 2005, it is necessary to launch a full

assessment of EU policy and to consider new ways to approach this neighbour – either through further isolation, greater containment or engagement.

c) The South Caucasus

The decision to include the three South Caucasus states in ENP reflected a well-established desire to develop a stronger presence in this region. The EU has disbursed close to one billion euros in assistance since 1992 (as have member states). Yet, the EU has little to show in terms of progress. Moreover, the EU and member states are long aware that the PCAs will not be fully applied and there will be no regional stability without the settlement of the region's conflicts. EU thinking has been affected by two factors.

- 1) The South Caucasus is crowded, with the presence of the UN, OSCE, and other major powers. This complicates thinking about a reinforced EU role by leaving little room to claim.
- 2) Second is the complexity of the region's problems. International organisations and European states have sought for a decade to assuage these problems. What value may the EU add?

Since 2003, a number of factors have pushed the EU to develop a greater role. With the development of ENP, and the European Security Strategy, the South Caucasus has moved from being a backwater of EU policy towards the front end. The appointment of Heikki Talvitie as Special Representative in July 2003 reflected increased. Moreover, 2003 marked a turning point with leadership elections in the three states, each offering scope for rethinking relations. In particular, the 'Rose Revolution' in Georgia brought a young and reforming generation to power, insistently *demandeur* for a greater EU role. While less in Armenia and Azerbaijan, the scope for a EU role has widened quite dramatically.

The constraints on EU policy remain salient. These are constraints linked with developments in the region – worrying signs in Armenian and Azerbaijani politics, deep weakness of the Georgian state, the entrenched nature of the conflicts dividing the region, and the activities of other organisations and regional powers – and constraint within the EU – the need to digest enlargement, a preoccupation with security developments in other regions, and the still nascent tools for foreign policy.

Nonetheless, the opportunities for a reinforced role have never been so clear. In taking the ENP forward, the EU could consider the following points:

1) Principles for Intensified Engagement

- Equality of treatment of the three states but differentiation according to progress;
- Engage not only with capitals but also regional actors and, on a limited basis, with the separatist entities;

2) Mechanisms for Engagement

- Explore possible 'Black Sea Dimension';

-Strengthen the means at the disposal of the EU Special Representative;

3) Policy Proposals

-Launch 'Costs of War Studies' to clarify the costs of the current status quo and link to a region-wide dissemination programme;

-Launch a EUROMESCO-style network of European and South Caucasian research institutes to develop regional Euro-expertise and to link strategic communities.

Taking ENP Forward – The Case for Security Sector Reform

The EU must follow through on the recognition of its interdependence with its neighbours. The EU faces a tough task to support their transformation without resorting to its most successful tool of conditionality. Certainly, EU political and security engagement is the clearest possible signal of commitment.

Apart from the specific suggestions raised above, the EU could consider using the ENP framework to support security sector reform in neighbours. A healthy, efficient and modern security sector is a vital and primary attribute of stability. The Commission's Communication on Conflict Prevention of April 2001 recognised its: 'The security sector has not traditionally been a focus of Community cooperation. However, in many countries achieving structural stability may require a fundamental overhaul of the state security sector (i.e. the police, the armed forces and democratic control of the security forces as a whole).' The Communication concludes that: 'Within the limit of its competencies, the Commission intends to play an increasingly active role in the security sector area.' At the declaratory level, therefore, the EU has recognised the role of healthy security sector governance in conflict prevention, and for ensuring the structural stability of states.

In practice, however, the EU has yet to engage actively and coherently in promoting security sector governance. The Union has thus far only on an episodic basis provided some support, mainly financial assistance, to security sector related concerns. Examples of limited EU involvement may be found in Georgia and Moldova.

The European Security Concept pledges the creation of a ring of well-governed countries on the Union's borders. Healthy security sector governance is key to achieving this objective. The EU should make security sector governance a major plank of its promotion of security and stability on its borders. ENP is the logical framework for moving forward in this vital policy area.