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Female emigration from North Africa to Europe – Intercultural Functions

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Abstract: *The current world is under a social phenomenon based on globalization. The revolution of communications, economic freedom, transportation and others are influencing an important movement of population from the poorer areas to those more developed all over the planet. The European Union is receiving immigrants from Africa and Asia that somehow are challenging the social cohesion of the European societies. This research is focused on the immigration from the Maghreb region, including Morocco, Algeria and Tunisia, to Spain and the European Union, because the nationals of these three countries represent an important share of immigrants in European soil. The reference to Spain is due the difficulty to find reliable global European data about immigration, the geographical position of the country as a gate to Europe and its potential as a consistent sample for the rest of Europe. This research has focused on the female participation in this movement of population as a crucial fact to keep the migrants local identity avoiding their assimilation by the host societies or their influence as multicultural vectors in a two ways cultural communication.*

Keywords: Immigration, Europe, Muslims, Female immigrants, integration, European Union.

INTRODUCTION

The outstanding immigration south (Islamic)-north (European Union) in the Mediterranean have created important differentiated cultural communities in Europe. Spain as a southern border of the European Union (as a final destination or just transit area) has become a frontline of the European efforts to organize such a population movement.

Globalization is the most significant social process in the last decades as it is affecting enormously the whole planet from different perspectives, as economy, politics or social composition. However, we continue to identify it as an eminently economic process with no borders for the movement of companies, capital, technology, goods, goods, services.³ Nevertheless, globalization as planetary phenomenon implies multiple immediate consequences in all sectors. For this reason, the absence of the gender variable (the conceptual silence that Isabella Bakker calls⁴) in the studies and research on the subject⁵, makes invisible its impact on half of the population, women, especially when neoliberal economic policies have derived into significant changes in their living conditions, affecting them unequally in different parts of the planet but conditioning them in all of them.

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³ Hans-Peter, M., *La trampa de la Globalización: el ataque contra la democracia y el bienestar*. Taurus. Madrid. 1998. Doulfus, O., *La mundialización*. Bellaterra. Barcelona. 1999. Fariñas Dulce, M.J., *Globalización, ciudadanía y Derechos Humanos*. Dykinson. Madrid. 2000. Guiddens, A., *Un mundo desbocado: los efectos de la globalización en nuestras vidas*. Taurus. Madrid. 2000.

⁴ Bakker, I., "Dotar de género a la reforma de la política macroeconómica en la era de la reestructuración y el ajuste global". Carrasco, C., *Mujeres y economía: nuevas perspectivas para viejos y nuevos problemas*. Icaria. Barcelona. 2003. pp. 245.

⁵ Agra, M^a. J., "Justicia y género: la agenda del feminismo global". Ortega, C., Guerra, M^a. J., *Globalización y neoliberalismo: ¿Un futuro inevitable?* Nobel. Oviedo. 2002. pp. 98.

First, there has been a change in the labor market hardening labor conditions, a fact reflected in the practical disappearance of fixed labor and the easing of contracts, which means greater ease of dismissal of workers. In addition, workers have irregular schedules, in part-time and low-paid jobs rather than stability. Concurrently there is a strong gender segregation, where jobs that require some qualification and that are, therefore, highly paid, are performed by men who also have a training and preparation that allows them to be retrained within a changing labor market, while women and immigrants (especially if they are immigrant women) would form the group of generic workers, following the terminology of Manuel Castells⁶, who perform a very determined activity, which does not require any preparation and which in turn prevents them from being reconverted, thus causing the polarization of the labor market.⁷

Western women (but not women in Arab-Muslim countries) are increasingly accessing traditionally male jobs, to some extent reducing horizontal segregation in the "first world" where, however, there is still a strong vertical segregation, preventing women reaching positions of authority or responsibility. On the other hand, the employment is feminized increasing female employment, but at the same time it means lower wages, longer working hours, night shifts, poor training and scarce possibility of promotion for all the workers. A second negative point is added that characterizes the policies of structural adjustment of the neoliberal economy as the crisis of the welfare state cutting down the public expense that gravitates directly on the women. The reduction of investment in social policies⁸ implies the increase of the free work of women in care activities, as childcare, sick, elderly, etc., which reaches limits that lead to talk about a feminization of unpaid work⁹.

The conjunction of unemployment affecting the less retraining workers, united with the reduction of subsidies and financial aid in situations of unemployment, illness, maternity, etc. are affecting specially women. The poorest countries, main source of female migration to Europe are highly affected by this phenomenon as the economic precariousness is compounded by the absence of democratic regimes that guarantee the fulfillment of basic rights of citizens and prevent the modernization of archaic cultural traditions that discriminate women.¹⁰ It has led to a feminization of poverty¹¹, a feminization of survival, resulting in emigration or prostitution to survive, or a feminization of social exclusion¹². Globalization has perpetuated discrimination against women also at the international level, with most of their work being unpaid, unrecognized and not economically valued.¹³

⁶ Castells, M., "Conclusión: entender nuestro mundo". *La era de la Información*. T. III. Alianza. Madrid. 1999.

⁷ Castaño Collado, C., "Trabajo para las mujeres en un mundo globalizado". VVAA, *Globalización y mujer*. Pablo Iglesias. Madrid. 2002. pp. 40-41.

⁸ Navarro, V., "Globalización y mujer". VVAA, *Globalización y mujer*. Op. Cit. pp. 153. Véase además, Cobo, R., *Globalización y nuevas servidumbres de las mujeres*. Amorós, C., Miguel, A., de, *Teoría feminista: de la Ilustración a la globalización. De los debates sobre el género al multiculturalismo*. Minerva Ediciones. Madrid. 2005 pp. 265-300. Benería, L., "La globalización de la economía y el trabajo de las mujeres". *Revista de economía y sociología del trabajo*. Nº. 13-14. 1991. pp. 23-35.

⁹ Bakker, I., Op. Cit. pp. 263-64. Durán, M^a.A., *La contribución al trabajo no remunerado en la economía española*. Instituto de la Mujer. Madrid. 2000.

¹⁰ Kerikmäe, T.; Hamulak, O.; Chochia, A. (2016). *A Historical Study of Contemporary Human Rights: Deviation or Extinction?* Acta Baltica Historiae et Philosophiae Scientiarum, 4 (2), 98-115.

¹¹ < http://hdr.undp.org/sites/default/files/hdr_2002_es.pdf >

¹² Sassen, S., *Contrageografías de la globalización. Género y ciudadanía en los circuitos transfronterizos*. Traficantes de sueños. Barcelona. 2003. pp. 51 ss. Berzosa, C., "La desigualdad Norte-Sur". Villota, P., de, *Globalización y Género*. Síntesis. Madrid. 1999. pp. 99-108.

¹³ Ribero, I., "Globalización, desigualdad y mujer". VVAA, *Globalización y mujer*. Op. Cit. pp. 16. Martínez Veiga, V., "Globalización y transformación del papel laboral de la mujer". Maquieira, V., Vara, M.J., *Género, clase y etnia en*

There are other negative aspects of globalization consequence of the abolishment of borders as the elimination of international obstacles to criminal activities easing the movement of large sums of money from arms trafficking or the trade of women and girls. In addition to this sexual violence, other abuses against women are also part of globalization, infanticide and abandonment of girls is increasing, the practice of genital mutilation is maintained even in girls residing in Europe, who are taken temporarily to their countries of origin to practice rituals such as the ablation of clitoris, etc. Also continues the policy of arranged marriages, which in case of not being accepted by the adolescents, many are killed by honor.

As a balance to the previously mentioned aspects, Globalization is imposing new patterns of behavior that weaken traditional roles and have a positive impact on the situation of women. The inclusion of women in the labor market, despite the poor working conditions, contributes to the rupture of the patriarchal system. In Morocco, for example, women's work is beginning to be seen as a value in itself and sometimes women earn higher wages than men working in more traditional sectors, thus reinforcing the power of female decision in the home facing the traditional male family providers. However, there are still many young women who must pay the male members of their families and many companies who, instead of paying the workers, give their salaries directly to the male relatives, thereby perpetuating gender inequalities.

On the other hand, the intensification of relations at the global level has contributed, despite the resistance, to the crisis of the traditional family model, favoring the rupture of marriage by legal divorce and separation. As a consequence new family models such as single parent families, matrilineal or de facto unions are emerging. In Morocco, for example, in the urban area, these new structures represent 21% of families¹⁴.

NORTH AFRICAN MIGRANTS IN THE EU

Within the free circulation that allows Globalization, the mobilization of people is not the one what most interests the developed countries. Curiously, globalization increases the obstacles to the exchange of labor and to emigration in general, in countries that need it, hence the paradox.

Since the 1980s, Europe has been imposing a policy of restricting and controlling immigration to member countries of the European Union. Spain is the first European line of containment of the Maghreb immigration, and from those who transit through this area from central Africa. The geographical position of Spain, just 14 kilometers, locates the country in the priority area formed by Italy (receiving migrants from Tunis and Libya) and Greece (Asian migration) with an important impact on the whole European Union. The creation of the European Common Market including the free movement of workers and its later expansion with the Schengen agreement including the free movement of people, has practically abolished the border controls between the member states of the European Union, allowing a free movement of migrants from the Southern border countries as Spain, Italy or Greece to the rest of the members of the Union. Since the year 2000 till nowadays, Spain is the second country that has received the largest number of immigrants worldwide in absolute terms, after the US, and has the highest rate of emigration on the planet.¹⁵

At the beginning of the XXI century, it is estimated that Western Europe had about 65 million immigrants, of whom between 12 and 15 million were Muslims, although the economic crisis made that after the first decade of the century the immigrants' arrivals to the countries Of the European

los nuevos procesos de globalización. Instituto Universitario de Estudios de la Mujer. Universidad Autónoma de Madrid. Madrid. 1997.

¹⁴ Hernández Corrochano, E., "Mujeres inmigrantes en España. Análisis de la situación de las mujeres extranjeras no comunitarias". Cuesta Bustillo, J., *Historia de las mujeres en España. El. S. XX*. Op. Cit., Pp. 216.

¹⁵ Ramiro Troitiño, D. 2013. *European Integration: Building Europe*. Nova Publishers: New York.

Union began to remit, as of 1 January 2015, in the member countries of the European Union there were 34.3 million people born outside the EU¹⁶. However, these data seem to contrast with the intensification of flows of irregular immigrants. In 2015 the arrival of immigrants was around 1.8 million people but fell by more than 50,000 in 2016, according to figures from FRONTEX, the Community Agency for the control of external borders. The data indicated indicate a reduction of 72%, very similar to that shown by the data offered by the UN. Spain is the country of the OECD where the arrival of immigrants during the crisis has reduced the most.

Nevertheless the presence of migrants imposes new challenges on the host European societies, which, after assuming political pluralism, must implement cultural pluralism. The difficulty of the subject is evidenced by the outbreaks of racism, xenophobia and Islamophobia, demonstrating the need for greater promotion and protection of the human rights of migrants in general and a greater express recognition of the specific rights of immigrant women in the European context¹⁷.

Neither the assimilationist model of French integration nor the communitarian insertion of the Anglo-Saxon countries presupposes a satisfactory result, as reflected by the continuous incidents between the local population and the new comers, collected and transmitted by the media. The French idea of integrating the individuals in the society as single units holding political rights has generated diverse problems, especially concerning those marginalized by the society living in ghettos or segregated areas. The high impact of terrorism in France is a reflection of this problem as local French terrorist from North African origins have been often involved in the attacks. On the other hand, the British approach of communitarian solutions¹⁸ has created artificial barriers to the integration of those who want to become part of the British society but are kept away being included in a group even against their will¹⁹.

In recent times, it seems that the EU tends to reinforce a secularized legislative framework where the religious and political spheres are dissociated. The system is based on the individual rights of Muslims as citizens but not as community. Hence the practice of their faith is respected in a personal level, thus preserving the values of the receiving society without demanding renunciation of the culture of origin²⁰.

FEMALE MUSLIM MIGRANTS

In Spain the presence of Muslim immigrants is more recent than in other European countries, such as France. Despite this, the country has a juridical framework for the integration of Muslim communities which is one of the most advanced and balanced in Europe²¹. The arrival flows have been increasing until the outbreak of the economic crisis, but the approach to the real numbers of immigrants must be cautioned, due to the difficulty in producing the statistics because the numerous

¹⁶ http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration_and_migrant_population_statistics/es

¹⁷ Mariño Fernández, F., *La protección internacional de los derechos de la mujer tras la Conferencia de Pekín de 1995*. Ministerio de Justicia. Madrid. 1996. pp. 89-105.

¹⁸ Ramiro Troitiño, D.; Chochia, A. 2015 Winston Churchill And The European Union. *Baltic Journal of Law & Politics*, 8 (1), 55–81; Ramiro Troitiño, D. 2014. *The British Position towards European Integration: A Different Economic and Political Approach*. *Baltic Journal of European Studies*, Vol. 4, 119–136.

¹⁹ Garrido Rodríguez, P., *Immigración y diversidad cultural en España. Su gestión desde la bonanza económica a la crisis*. Fundamentos. Madrid. 2014.

²⁰ Ramiro Troitiño, D. 2014. The European Parliament: past, present, future. *Teisės apžvalga*, 2014, nr. 1 (11), p. 5-24.

²¹ Lathion, S., "Presencia del Islam en Europa: La mujer musulmana en España". *Elpais.com*. 29/07/2007. Pérez Cantó, P., *También somos ciudadanas*. Instituto Universitario de Estudios de la Mujer. Universidad Autónoma de Madrid. Madrid. 2000. Martín Muñoz, G., "El Islam en España". Martín Rojo, L., Gómez, C., eds. *Hablar y dejar hablar (sobre racismo y xenofobia)*. Universidad Autónoma de Madrid. Madrid. 1994. Pp. 219-231.

illegal immigration. It is estimated that the number of Muslims living in Spain is around two million people, an increase of 1.6% compared to 2014, according to the Demographic Study of the Muslim population prepared by the Union of Islamic Communities of Spain, UCIDE, and the Observatory Andalusi, being Morocco the country of origin of the great majority of them²².

Similarly, there has been a significant increase in the number of immigrant women. The presence of women in migratory movements is not a new phenomenon, although researches have made their participation invisible, excluding them from their studies until the mid-1970s, based on the hypothesis that immigrants were mostly men and women were simply dependent on them²³.

Female migration is a growing fact as an unwanted consequence of the neoliberal economy and the patriarchal system and despite the harsh conditions in the receiving country, where they are doubly discriminated, first as immigrants and then as women²⁴. The following graph shows how has been increasing the Muslim immigration registered in Spain during the last twenty years. The sources used are the municipal registers of the National Institute of Statistics. Obviously it does not exclude that there are more immigrants who are not registered and therefore not counted. The representative sample includes the three countries of the Maghreb with the highest flow of emigrants, among whom Morocco, as we anticipated, stands out ahead of the rest.

EVOLUTION OF THE MAGREBIES FROM MOROCCO, ALGERIA AND TUNISIA IN SPAIN IN THE LAST TWENTY YEARS

COUNTRY	MOROCCO			ALGERIA			TUNISIA ²⁵		
	YEAR/ INMIGR	TOTAL	FE- MALE	MALE	TOTAL	FE- MALE	MALE	TOTAL	FE- MALE
1996*	89.983	32.095	57.888	4.614	1.075	3.539	412	113	298
1998	103.225	36.356	66.869	8.429	2.645	5.784	560	176	385
1999	133.001	48.287	84.714	7.637	1.943	5.694	550	146	404
2000	173.158	63.964	109.794	10.759	2.837	7.922	666	173	493
2001	233.416	79.940	153.476	18.265	4.025	14.240			
2002	307.458	101.307	206.151	28.921	5.857	23.064		*	
2003	378.979	123.548	255.431	36.301	7.851	28.450			
2004	420.556	141.873	278.683	39.425	9.132	30.293			
2005	511.294	170.498	340.796	46.278	11.145	35.133	1.566	436	1.130
2006	563.012	191.071	371.941	47.079	11.759	35.320	1.642	437	1.205
2007	576.344	205.134	371.210	45.236	12.271	32.965	1.531	446	1.085
2008	652.695	239.464	413.231	51.922	14.876	37.046	1.741	536	1.205
2009	718.055	274.157	443.898	56.201	16.738	39.463	1.879	597	1.282
2010	754.080	299.328	454.752	58.743	18.439	40.304	1.977	652	1.325
2011	773.995	313.229	460.766	60.912	19.700	41.212	1.997	669	1.328
2012	788.563	325.068	463.495	62.912	21.118	41.794	2.061	682	1.379
2013	792.158	333.354	458.804	64.038	22.342	41.696	2.057	686	1.371
2014	774.383	331.071	443.312	63.525	22.933	40.592	1.978	674	1.304
2015	750.883	324.178	426.705	62.398	22.887	39.511	1.898	679	1.219
2016	755.459	328.656	426.803	62.173	23.087	39.086	1.942	684	1.258

SOURCE: data from the National Institute of Statistics, INE²⁶.

²² <http://observatorio.hispanomuslim.es/estademograf.pdf>

²³ Castaño Collado, C., pp. 44. Solé, C., "La feminización del proceso migratorio". Solé, C., *La mujer inmigrante*. Instituto de la Mujer. Ministerio de Trabajo y Asuntos Sociales. Madrid. 1994. pp. 157 ss.

²⁴ Hernández Corrochano, E., Op. Cit. Morales Lezcano, V., *Inmigración africana en Madrid: marroquíes y guineano*. UNED. Madrid. 1993.

²⁵ Blank boxes represent no data.

²⁶ <<http://www.ine.es/jaxi/menu.do?type=pcaxis&path=/t20/e245/&file=inebase>> [16 de febrero de 2017].

- Reasons for female emigration

For some authors the emigration of men and women has different roots, while the male emigrated for economic reasons, female would be driven by social reasons²⁷. One of these social causes for which the Maghreb women emigrate would be family reunification. This usually occurs when the man decides not to return to the place of origin and the harsh conditions in the host country force them to request the affective as well as economic support of the woman. On other occasions, some women have been recruited by their brothers, previously settled in Europe, to marry them with their co-workers, following the Muslim tradition of arranged marriages, a clear example of implementation in Europe of traditional practices discriminating women taking away their freedom. Family reunification would represent a typology of female migration that would characterize a first wave of arrivals of women in the 80's, mostly from rural areas and who would become, at least initially, housewives. Their situation was very precarious because they did not know the European society and often even the local language. Hence, these women had an absolute dependence of their husbands in the emotional, economic, cultural and even legal level, because it is the marriage bond that allowed their residence. A divorce would end with the residence permission and the woman in an illegal situation. This has occasionally been the subject of blackmail from the spouses to possible feminine complaints of ill-treatment, adding a new level of domination to the traditional female subjugation in the North African societies. All these circumstances have led some researchers to ensure that this type of migration is not a project of their own, but rather the subordination of women to the male movement.

A second wave in the arrival of immigrant women occurred around the 90s and presents different characteristics from the first wave as included young women, urban, single and with a level of training superior to its predecessors.

There are social motivations in their desire or need to emigrate as, for example, having been repudiated in Morocco, having suffered a marriage breakup, a premarital pregnancy or being widowed, with or without children in their charge who to carry out and have to re-depend on male of the family. These circumstances would make difficult to remain in the place of origin since they question their honor and put in question also the honor of their families that sometimes "invites" them to leave in order to avoid the public shame.

However, more and more women are leaving for economic reasons. Young Muslims choose to migrate to Europe due the low profit they obtain from their agricultural or craft economic activities. Even in the most probably case of double discrimination in terms of salary because of their condition of female and migrants, the wage in Europe will always be higher than they could imagine or obtain in their countries of origin. Obviously exploitation is therefore served on a tray unless strong legal protection is provided by the host state.

Annex I shows the evolution of the number of Muslim women and men in Spain with residence permission in the last century, using as a reference the countries already mentioned. It can be verified that the figures reflected here are slightly lower than those indicated by the National Institute of Statistics. Annex II shows the number of persons affiliated to Social Security System in Spain, coming from Morocco and Algeria. It is noteworthy the low numbers of women with Social Security System entitlement that appear, compared with those with a Residency card, which leads us to suppose that many of the women workers are not legally hired and insured or they just simply stay at home as housewife reproducing the social system of their countries without European influence, especially in the case of gender equality.

²⁷ Gregorio, C., "Los movimientos migratorios del Sur al Norte como procesos de género". Villota, P., de, Op. Cit. pp. 264-266.

- Female immigrants in Europe

These female immigrants are usually between 25 and 40 years old. They usually have cultural/professional level/capacity above the work they do²⁸, in fact more and more women with higher education are emigrating to Europe from North Africa, although they work in sectors that European women do not want: About three quarters do it in domestic service, contributing in turn to the mobility of European female professionals²⁹, and less than one tenth would be employed in factories and companies. This trend seems to have no prospect of change, as the aging of the population in the host countries increases the demand for labour for care jobs.

The arrival to Europe of these immigrants usually occurs through the intervention of a second person, usually another woman, who can be the one who hires them or relatives, or friends, who help them financially to pay the ticket of the trip and once in Europe help them to the process of adaptation to a new social reality. It does not necessarily imply that the journey takes place outside the family as usually the decision is consensual. The money needed is obtained with the help of the family and even their own mobility is based on the necessity to support the family by sending a significant part of their wages home³⁰.

On other occasions the emigrations is produced directly by a desire of the family unit for social independence and begin to live in Europe according to the western canons. It must be remembered that, once in the host country in Europe, it completely disappears from the legislative power the normative Islamic model. In fact, this Islamic system has already begun to become more flexible in Northern Africa thanks to the influence of these migrants. The process is neither simple nor automatic, and there are still many women who, despite the absence of impositions in the recipient country, remain faithful to the traditions of the sending country³¹.

Europe faces a social reality in which the migrants are not only Islamic men but whole families or women single or with children³², who have abandoned the idea of returning to their societies of origin and aspire to integrate in the host countries. This settlement will generate changes in the European society. These migrant families need housing, request places of worship and burials according to their rites. In the case of Spain in 2006 there were 344 mosques and 11 Muslim cemeteries following the precepts of the Koran. In 2016, the Observatory of Religious Pluralism in Spain, under the Government, totaled 1,334 places of worship, which represents 21% of the total places of worship of all religions present in Spain.

- Female Muslims and dependents

Another of the great challenges that immigrant societies pose in Europe is related with the training of children and young people, whose proper integration will depend on providing them opportunities. About 200,000 adolescents and children form the second generation of Muslims born in Spain who claim contact with their roots and history. The teaching of Islam in schools is the main demand of Spanish Muslims; these schoolchildren have the right to receive Islamic instruction in public and private schools, provided that they constitute a group of more than 10 students. Of this group of adolescents and children, a large group is made up of girls, whose number has been

²⁸ Lutz, H., "Inmigración y racismo en la Unión Europea". Villota, P., de, Op. Cit. pp. 236. Colectivo IOE, *Mujer, Inmigración y trabajo*. INSERSO. Madrid. 2001. Solé, C., "La mujer magrebí en el Servicio doméstico". Solé, C., *La mujer inmigrante*. Op. Cit. CELEM, *La integración laboral de las mujeres inmigrantes: ¿una oportunidad para la igualdad?*. CELEM. Madrid. 2004.

²⁹ Vernygora, V., 2007. The EU-NZ: time to move. *The National Business Review*, 5.

³⁰ Ibidem. pp. 259-288.

³¹ Pando Ballesteros, M^a.P., "Musulmanas en España. Integración y derecho a la cultura". Pando Ballesteros, M^a.P., (Ed.). *Musulmanas y derecho a la cultura. Tradición y modernidad*. La Xara Edicions. Valencia. 2011. Pp. 17-32.

³² Kerikmäe, T. and Chochia, A. eds., 2016. *Political and Legal Perspectives of the EU Eastern Partnership Policy*. Springer.

increasing proportionately with the passage of the years; let us see as an example the evolution of Moroccan girls in Spain following the data of the National Institute of Statistics.

EVOLUTION OF MOROCCAN GIRLS AND ADOLESCENTS IN SPAIN

YEAR	TOTAL FEMALE	0-19 YEARS OLD	%
2000	63.364	21.436	33,83%
2001	79.940	26.450	33,09%
2002	101.307	33.250	32,82%
2003	123.548	39.955	32,34%
2004	141.873	47.003	33,13%
2005	170.498	56.902	33,37%
2006	191.071	64.315	33,66%
2007	205,134	69.821	34,04%
2008	239.464	82.259	34,3%
2009	274.157	94.829	34,5%
2010	299.328	104.678	34,9%
2011	313.229	110.535	35,2%
2012	325.068	114.794	35,3%
2013	333.354	118.109	35,4%
2014	331.071	115.524	34,8%
2015	324.178	108.826	33,5%
2016	328.656	107.295	32,6%

SOURCE: Data from the National Institute of Statistics, INE³³.

As can be seen in the table that precedes these lines, according to the 2016 Register there would be more than 100,000 Moroccan girls in Spain. These young females face numerous problems of integration in Spain that can be extrapolated to the European level, among them the best known, undoubtedly, is the disputed issue of carrying veiling or not in the schools. But also the girls are debating between putting on long skirts or pants for gym class, eating pork on school menus in the absence of halal food, facing possible fainting in class for fasting during the Ramadan, etc.³⁴

For some researchers, when the emigration becomes irreversible, it is when the woman becomes a protagonist, although not recognized, of the integration process. Well in order to ensure their no return, if they have already decided personally, or to ensure their full integration or that of their descendants. Its role will not be easy, women once installed in Spain should ensure that the family maintains the traditions of Islam, but will establish relations with local institutions so that they are recognized as Muslims and allowed to participate in the citizenship. Basically women take the role of keeping the origin identity of the family by adapting their traditions to the new social

³³ <<http://www.ine.es/jaxi/menu.do?type=pcaxis&path=/t20/e245/&file=inebase>> [16/02/2017].

³⁴ Ramírez, Á., *La trampa del velo. El debate sobre el uso del pañuelo musulmán*. La Catarata. Madrid. 2011.

realities their face. If by any mean women keep integrally their origin identity without European influences, they will transfer their social inadaptability to the minors of the family³⁵.

Women are generally responsible for the education of children, representing the family in the school, and manage issues related to health. But it is understood that this situation occurs in women with some degree of independence regarding their husbands and independence from certain traditions prescribed by the Muslim system that according to Mudawana, comprehend that women do not have their own autonomy, depend on the will of their husbands and also do not have the tutelage of their children. Hence these women would control neither the education nor the aspects related to health of the family, and it should be noted that many Muslim marriages living in Europe have transferred this traditional social behavior from their countries maintaining alive that way of life in the host society³⁶.

CONCLUSIONS

Women therefore maintain the Muslim culture but must reconcile it with the European because inevitably they have to use its codes to survive in the European society, this in the long run will modify her own personality by not being able to renounce either. At this point women act as a bridge between the two cultures to articulate a communication between them, and it is at that moment that she becomes the central figure of intercultural dialogue. But attention will only be a factor of interculturality and integration for the new generation, their children, insofar as it is at the same time transmitter of their culture and enabler of the new. Hence it is necessary to have women who already have their own autonomy and initiative. Qualities that they do not lack, throughout different historical epochs, have shown and continue to do so (serves as a demonstration of their participation in the recent mobilizations of the "Arab Spring"), their ability to question their subalterity and generate strategies of resistance and negotiation, despite the fact that in the western collective imagination, especially in countries receiving immigration, the identification of Muslims with women dependent and without resources of struggle persists.

We can therefore conclude by affirming that the social changes that undermine the foundations of the patriarchal family, provoking changes in gender relations, redefining women's roles and stimulating their desire for emancipation are also influenced, not only by the diffusion of the Western model in the South, this, in turn, together with the economic variable favors the emigration of women and all this cannot be dissociated from the consequences of Globalization. Once in Europe, the Muslim women have the possibility of becoming, for all of the above, an instrument of intercultural dialogue and mediator between both cultures.

³⁵ Tarozzi, A., "Globalización, migraciones y redes sociales. Las mujeres como intermediarias culturales". Villota, P., de, *Globalización y género*. Op. Cit. Pp. 257.

³⁶ Op. Cit. Pp. 257.

ANEX I³⁷

RESIDENTS IN SPAIN WITH RESIDENCE PERMISSION

YEAR	ALGERIA	MOROCCO	TUNISIA
2000	13.647	197.723	637
2001	15.057	533.422	728
2002	19.964	281.447	793
2003	23.704	386.596	908
2004	27.490	386.596	1.013
2005	33.428	492.961	1.192
2006	39.430	543.616	1.327
2007	45.825	648.735	1.561
2008	48.919	717.416	1.740
2009	52.845	767.784	1.795
2010	53.456	737.640	1.725
2011	56.194	770.112	1.791
2012	58.426	790.258	1.801
2013	58.329	785.180	1.783
2014	57.588	770.753	1.743
2015	56.775	766.622	1.766
2016	55.881	759.999	1.287

SOURCE: Data from the Spanish Ministry of Employment and Social Security

RESIDENTS IN SPAIN WITH RESIDENCE PERMISSION ACCORDING TO NATIONALITY AND GENDER

YEAR	ALGERIA				MOROCCO				TUNISIA			
	FEMALE		MALE		FEMALE		MALE		FEMALE		MALE	
	Amount	%	Amount	%	Amount	%	Amount	%	Amount	%	Amount	%
2000	2523	18,48	11.124	81,5	65.250	33	132.473	66,9	164	25,7	473	74,2
2001	2.992	19,8	12.065	80,1	75.151	14	158.271	29,6	190	26,09	538	73,9
2002	3953	19,8	16.011	80,19	92167	32,7	189.280	67,2	213	25,7	580	73,1
2003	5.238	22,1	18.466	77,9	113.707	34,14	219.385	65,8	256	28,19	652	71,8
2004	6.925	25,1	20565	74,8	139.806	36,16	246.790	63,8	297	29,32	716	70,68
2005	6513	24,0	26915	75,9	170.516	34,5	322.445	65,4	341	28,6	851	71,39
2006	10.294	26,1	29.136	73,89	193.180	35,5	350.436	64,4	391	29,4	936	70,54
2007	13026	28,43	32797	71,5	239879	36,98	408.757	63	473	30,30	1.081	69,6
2008	14.699	30,04	34.033	69,5	273.006	38,05	443.924	61,8	546	31,3	1.191	68,4
2009	16.653	31,5	36.012	68,1	299.190	38,9	468.193	60,9	570	31,7	1.223	68,1
2010	17.407	32,5	36.049	67,4	292.929	39,7	444711	60,2	558	32,3	1.167	67,6
2011	18.462	32,8	37.732	67,1	308.519	40,06	461.593	59,9	581	32,4	1.210	67,5
2012	19.591	33,5	38.835	66,4	321.614	40,6	468.644	59,3	599	33,2	1.202	66,7
2013	20.107	34,4	38.222	65,5	324.646	41,3	460.534	58,6	596	33,4	1.187	66,5
2014	20.157	35	37.431	64,9	322.025	41,7	448.710	58,2	603	34,5	1.140	65,4
2015	19.955	35,1	36.820	64,8	323.236	42,1	443.386	57,8	604	34,2	1.162	65,7
2016 ³⁸	19.760	35,3	36.121	64,6	322.728	42,4	437.271	57,5	137	10,6	1.150	89,3

SOURCE: Data from the Spanish Ministry of Employment and Social Security.

³⁷ < <http://extranjeros.empleo.gob.es/es/Estadisticas/operaciones/con-certificado/> > [10/02/2017]

³⁸ Los datos publicados hasta el momento corresponden al mes de junio de 2016

ANEX II

FOREIGN WORKERS REGISTERED IN SPAIN ACCORDING TO THEIR NATIONALITY AND GENDER³⁹

YEAR	ALGERIA					MOROCCO				
	TOTAL	FE-MALE	%	MALE	%	TOTAL	FE-MALE	%	MALE	%
2001	8.762	689	7,8	8.072	92,1	124.223	18.539	14,9	105.683	85,07
2002	11.026	891	8,08	10.135	91,9	148.051	23.000	15,5	125.050	84,4
2003	12.181	1.010	8,29	11.171	91,7	158.328	25.309	15,9	133.018	84
2004	13.177	1.126	8,5	12.051	91,4	172.664	28.728	16,6	143.936	83,3
2005	17.305	1.736	10,03	15.569	89,9	239.941	43.166	17,9	196.775	82
2006	18.331	1.798	9,8	16.533	90,1	250.693	47.336	18,8	203.357	81,1
2007	18.925	2.094	11,06	16.831	88,9	257.340	52.392	20,3	204.948	79,6
2008	16.266	1.956	12,02	14.310	87,97	238.048	54.924	23	183.122	76,9
2009	14.619	1.852	12,6	12.765	87,3	233.484	56.063	24,01	177.419	75,9
2010	13.421	1.844	13,7	11.577	86,2	220.822	54.298	24,5	166.524	75,4
2011	12.496	1.819	14,5	10.677	85,4	210.048	53.489	25,4	156.559	74,5
2012	11.484	1.838	16	9.646	83,9	199.261	53.303	26,7	145.958	73,2
2013	10.119	1.805	17,8	8.313	82,1	185.254	51.849	27,9	133.405	72,01
2014	9.771	1.762	18	8.008	81,9	184.942	51.191	27,6	133.751	72,3
2015	10.073	1.840	18,2	8.233	81,7	195.542	52.980	27,09	142.562	72,9
2016 ⁴⁰	11.717	2.061	17,5	9656	82,4	215.830	55.827	25,8	160.003	74,1

SOURCE: Data from the Spanish Ministry of Employment and Social Security.

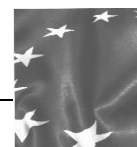
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³⁹ <<http://www.empleo.gob.es/es/estadisticas/contenidos/anuario.htm> AEX-04> [13/02/2017].

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The European Union and the ASEAN's interregional relations

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Abstract: *This paper aims at giving an overview of the nature of the relations between the two specific regional entities that are the ASEAN and the European Union beyond their economic ties. Their relations tend to be less predominant on the international scene and are not as much depicted as others. The current situation, what they managed to create so far as well as the recent developments allow demonstrating how it is possible and necessary for them to evolve toward a more political and diplomatic sense according to an optimistic perspective. However the many challenges they are facing on their way to the deepening of their relations are also to be reminded here. Both entities are fundamentally different and many other actors are involved and tend to influence positively or not the development of such relations.*

Keywords: European Union, Association of South-East Asian Nations, Asia Europe Meeting, EU External Relations

INTRODUCTION

Over twenty years have passed since the first Asian-Europe meeting between the European Union and the Association of South-East Asian Nations happened, as March 2016 marked its twentieth birthday. In the official website of the European Union External Action Service, developing relations with the “*diverse and dynamic region*” that is Asia is indicated as one of the current challenges of Europe as its emergence is of “*global significance*”¹. Having this in mind, it is right to wonder what exactly happened during these twenty years and how the European Union dealt with this challenge².

When it comes to the field of the external relations of the European Union (EU), the Asian-European Union relationship, besides economic-related issues, is not the most obvious one. The focus would rather be on the European Neighbourhood policy³, the historical ties between the two giant powers that are United States and the European Union as well as the current help provided to Africa by the European countries.⁴ However, Asia also constitutes a relevant issue, especially when it comes to the Pacific Asia and even more South-East Asia. They are even further historically and culturally than the Central Asian countries as the Eastern European⁵ countries tend to have shared with them a common Soviet history.⁶

¹European Union External Action Service Official Website, EU in the World: Asia, Online, published the 15/06/2016, URL: https://eeas.europa.eu/headquarters/headquarters-homepage/334/asia_en Accessed the 23/05/17

² Troitiño, D. R. (2013). *European Integration: Building Europe*. Nova Publishers: New York.

³ Costea, S. (2012). *The European Union's Eastern Partnership: the objective of regional cooperation*. The Eastern Partnership and the Europe 2020 strategy: Visions of leading policymakers and academics, 51-60.

⁴ Kerikmäe, T.; Chochia, A. (Eds.) (2016). *Political and Legal Perspectives of the EU Eastern Partnership Policy*. Springer International Publishing.

⁵ Chochia, A. (2012). *The European Union and its policy towards the neighbors from South Caucasus*. L'Europe unie/United Europe, 6, 27–35.

⁶ Kerikmäe, T; Nyman-Metcalf, K; Gabelaia, D; Chochia, A (2014). *Cooperation of Post Soviets with the Aim of not being "Post" and "Soviets"*. In: N. Šišková (Ed.). *From Eastern Partnership to the Association. The Legal and Political Analysis* (144–159).. Cambridge Scholars Publishing.

When focusing on this region, the relationship between the EU and the Association of South-East Asian Nations (ASEAN) raises quite many interesting issues. It might be appropriate to reflect upon the relations between these two regional organisations as they pursue different objectives as well as they possess two really different “*institutional frameworks*” meant to help fulfilling their purposes⁷. Whereas the European Union is quite an original construction halfway between an integrated entity and an intergovernmental organisation, which has been established in this current shape quite a long time ago if it were to be compared with the evolving ASEAN, the ASEAN is more of a classical regional organisation which dates back to 1967. It is important to remind what concretely the ASEAN is. The ASEAN was created by the Bangkok Declaration of the 8th of August during a delicate period of Cold War and conflicts in Asia. The five founding countries were Indonesia, Malaysia, the Philippines, Singapore, and Thailand. All of them were, according to Badel, united by this anti-communist ideology⁸. It functions as a three-pillar based organisation:

- Political-Security community
- Economic community
- Socio-Cultural community

When studying the external relations of the European Union with these countries, it has to be borne in mind that there are still quite important bilateral relations between the Member States and the Asian States which remain of importance due to their common history. For example, historically in Laos there was the French protectorate which still has some influence in the current development of the country. But at the same time, it does not prevent the fact that an EU delegation is settled as well in the country and both lead common diplomatic actions. France and Great Britain greatly contributed to the establishment of these relations. The former colonial powers contributed to raise the European Community's awareness on the necessity to act jointly towards the ASEAN at the times of the Vietnamese then Cambodian conflicts respectively in the 1950's and 1980's⁹. Journoud reminds in his contribution that both countries despite having different motives have been mediating together the issues between People's Republic of China, the United States and the Democratic Republic of Vietnam¹⁰. Moreover, during the Vietnamese issue with Cambodia, in 1979 they pushed the European Community cooperation with the ASEAN¹¹. However, the nine Member States at this time could not find any common position on the political matters. When the United States finally left the region, during the 1980's as trade exchanges as well as discussion became more intense between the European Community and the ASEAN, both countries started to conduct a more politically-oriented discussion with South-East Asia¹². After the conflicts in the region and the Cold War ended, it could have been expected to see a lot of interesting developments in the relations between the two regional powers.

Thus we will interrogate ourselves in order to determine what exactly the relations between the two entities are and what their current challenges are. The purpose of this study would be to have an overview on the perspective of developing relations in Eastern Asia with the ASEAN, within the framework of the ASEM. It would be relevant to adopt a vision going beyond the economic relations even though right now they are the main key point in their relations. It is crucial

⁷Oerstroem Meoller J., (2007), *ASEAN's Relations with the European Union: Obstacles and Opportunities*, in Contemporary Southeast Asia, Vol. 29, No. 3 p466

⁸Badel L., (2016) «*Regards français sur la genèse d'un dialogue interrégional, l'ASEM (Asia Europe Meeting)* », in Relations internationales (n°168), p62

⁹Hauser C., Journoud, P., (2016) «*Introduction*», Relations internationales (n°168), p4

¹⁰Journoud P., (2016) «*De la naissance de l'OTASE à l'accord de paix sur le Cambodge : la France, la Grande-Bretagne et la sécurité en Asie du Sud-Est pendant la Guerre froide* », *Op. Cit.* p31

¹¹*Ibidem.* p42

¹²*Ibidem.* p43

as well to mention Chinese issues as both the European Union and China are currently trying to expand their influence over the region.

1. INTERREGIONAL RELATIONS REMAINING MAINLY ECONOMIC

The relations between the two entities are mainly economic and trade related ones. The fact that the European culture and the Asian one are quite different might be preventing other types of relations from developing. The ASEAN presents an opportunity for the EU to be a significant market¹³.

The GDP growth in the area is quite considerable. They are mainly trading manufactured goods¹⁴ and the ASEAN is the second exporting market of the EU¹⁵. The project of establishing an EU-ASEAN Free Trade Agreement emerged in 2005 and would replace the current Cooperation Agreement of 1980¹⁶. In 2006, an argument was put forward as it would lead to “boost trade in goods and services and help attract new EU investments to ASEAN, as well as encouraging ASEAN's increasing investment in the EU”¹⁷. In this sentence no political motives are included. Both sides would benefit from it, as the ASEAN would have access to a new market¹⁸.

In terms of “interregional” cooperation, two instruments established in 2003 are currently regulating the promotion of economic and trade cooperation: the Trans-Regional EU-ASEAN Trade Initiative (TREATI) and the Regional EU-ASEAN Dialogue Instrument (READI)¹⁹. They benefit as well to the States individually such as illustrated in Quam Minh's explanation on Vietnam current situation. He explains that Vietnam is enjoying preferential customs tariff as well as a free trade agreement since 2016.²⁰

One thing which has to be mentioned is that Asian countries have been fearing for a long time the European construction's nature and perceiving it negatively. Indeed, they were distrusting the European protectionism²¹, calling it the “*Europe's fortress*”. Thus, as the EU became aware of it has tended to change its strategy towards the region. They are conscious that rebranding their image in Asia is essential so the focus switched to the communication with the region. The more Asia gets to know the EU in a good light, the more it would be favourable to the development of European activities in Asia whether they are economic or not²².

Where political and economic matters are interacting is also within the framework of the Free Trade Agreement. Indeed, surrounding the negotiations of this agreement in order to conduct it, there

¹³Robles, C. A., (2008) *The EU and ASEAN: Learning from the Failed EU-Mercosur FTA Negotiations*, in ASEAN Economic Bulletin, Vol. 25, No. 3, p335

¹⁴Petiteville F., (2001) *La coopération économique de l'Union européenne entre globalisation et politisation*, in Revue française de science politique, Vol. 51, No. 3 p212

¹⁵Alles D., (2010) *Union européenne et Asie du sud-est Entre inter-régionalisme asymétrique et bilatéralismes, les aléas d'une action extérieure en construction*, in Revue de l'Union européenne, Revue du Marché commun et de l'Union européenne, Dalloz p.116

¹⁶Robles, C. A., (2008) *The EU and ASEAN: Learning from the Failed EU-Mercosur FTA Negotiations*, Op. Cit. p334

¹⁷Oerstroem Meoller J., (2007), *ASEAN's Relations with the European Union: Obstacles and Opportunities*, Op. Cit. p469

¹⁸Robles, C. A., (2008) *The EU and ASEAN: Learning from the Failed EU-Mercosur FTA Negotiations*, Op. Cit. p337

¹⁹Pham Q. M., (2016) « *Les études européennes, un outil pour développer les relations entre le Vietnam et l'Union européenne* », in Relations internationales (n°168), p50

²⁰*Ibidem*. p50

²¹Badel L., (2016) « *Regards français sur la genèse d'un dialogue interrégional, l'ASEM (Asia Europe Meeting)* », Op. Cit., p64

²²Badel L., (2016) « *Regards français sur la genèse d'un dialogue interrégional, l'ASEM (Asia Europe Meeting)* », Op. Cit., p72

have been mentions made to environment protection, labour rights and standards they have to agree on. The European Union is well aware that expanding its values over Asia is not an easy task. It is admitted that Human Rights are being defended in Europe as well as in Asia even though the way it is done quite differs. Thus the EU is willing to have open discussions on political matters with Asia²³.

Oerstroem underlines that at the time of the Asian Financial Crisis, the EU Member States provided a “*financial assistance through the International Monetary Fund*”, even a lot more than the US, but they did not succeed in obtaining political advantages from this in return²⁴. Indeed, developing political ties between the two regions seems to be quite a challenge for the European Union. Stakes are not solely of economic nature, the Commission is also willing to promote peace and stability in the Asian region²⁵. However the European strategy raises issues on the competences of the EU, the Common Foreign and Security Policy, Petiteville underlines how the EU might be a bit too ambitious compared to its ability to act in terms of security and geopolitical influence²⁶.

2. THE PROGRESSIVE DEVELOPMENT OF POLITICAL RELATIONS

2.1. *The historical and cultural impediments*

The relations of political nature firstly emerged in 1972 as informal before becoming official ministerial consultations back in 1978²⁷. Later on, in 1980 the Cooperation Agreement was signed between the former European Community and the ASEAN²⁸. As mentioned in the introduction, the ASEAN-EU relationship is delicate to consider when taking into account the context during which they developed. Historically, the ties tended to be more of a bilateral nature. As Hauser and Journoud rightly develop it, the idea surrounding the ASEAN was to strengthen the regional cohesion free from the intrusions of big powers and communism. Thus the countries of the ASEAN are willing to develop a pacific relationship between equals²⁹.

Intercultural mutual understanding³⁰ is required. As Oerstroem rightly highlights it, both entities possess two different cultures and histories which might prevent the mutual understanding between them. It is important to underline that for quite a long time establishing political ties with countries other than the neighbours and the United States was not the priority of the European Union. There were no evolutions before the 1990's as there was no need from the European side to deepen the relations with the ASEAN region³¹. Even the development of relations with a key player in our globalized world such as China, is still an on-going process. However, progressively both ASEAN and the EU established a political dialogue³². They both need each other in our globalized

²³Kerikmäe, T.; Hamulak, O.; Chochia, A. (2016). A Historical Study of Contemporary Human Rights: Deviation or Extinction? *Acta Baltica Historiae et Philosophiae Scientiarum*, 4 (2), 98–115.

²⁴Oerstroem Meoller J., (2007), *ASEAN's Relations with the European Union: Obstacles and Opportunities*, *Op. Cit.* p468

²⁵Petiteville F., (2001) *La coopération économique de l'Union européenne entre globalisation et politisation*, *Op. Cit.* p440

²⁶*Ibidem.* p449

²⁷Oerstroem Meoller J., (2007), *ASEAN's Relations with the European Union: Obstacles and Opportunities*, *Op. Cit.* p466

²⁸*Ibidem.*

²⁹Hauser C., Journoud, P., (2016) «*Introduction*», *Relations internationales* (n°168), p7

³⁰*Ibidem.* p96

³¹Oerstroem Meoller J., (2007), *ASEAN's Relations with the European Union: Obstacles and Opportunities*, *Op. Cit.* p467

³²*Ibidem.* p466

world in order to establish themselves as global key players. Both of them understand the requirement to play a role at the global level in terms of politics or economics.

About the different meetings they are having, both sides tend not to consider it the same way. Whereas the EU is thinking about how it can lead to promote the Occidental influence in Asia as well as concrete realisations, the ASEAN is still at the point where it is trying to understand the EU and punctually consulting its partner without excluding that in the future they might conduct actions together³³. Oerstroem identifies the main issue preventing the reinforcing of the relations as the “*reluctance on the EU’s part to move to the EU-ASEAN relationship into the category of a strategic partnership.*”³⁴ Strengthening the relation with Asia for Europe is inevitable for economic reasons but as well as peace purposes. During the ASEM meetings even though the attempts remain measured, the EU is mentioning security issues³⁵.

The initiative came from both Singapore and France to promote trade, multilateralism and dialogue in order for both civilisations to understand each other³⁶. As previously mentioned, Great Britain and France are quite active in the development of the relations. The UK involved itself in convincing the EU to adopt a firm position on the conflict between People’s Republic of China and other countries of the ASEAN related to the South China Sea³⁷.

ASEAN and Singapore especially are willing to develop another type of relationship with the EU. The impulsion of Singapore is quite important³⁸, as the country is acting in a way so that Europe could gain a more important visibility in Asia and have a political impact. The country reaffirmed the necessity to have meetings not only between ministries but high officials as well³⁹.

Europe wants to spread its soft power. In July 1994, the Commission published a communication addressed to the Council defining the new Asian Strategy: there was a willingness to discuss political matters even though they are aware that it might be difficult to have the Human Rights recognized the same way as in the EU⁴⁰. Moreover, the European Commission has gone through the growing pressure of the other institutions such as the European Parliament, the Council to take into account environmental, Human Rights, public health issues when developing relations with the ASEAN. However, as Forster interestingly mentions it, for the ASEAN it is comparable to opposing the “*expensive European welfare and employment models against Asian competition.*”⁴¹

The thing is that the EU’s foreign policy is based on expanding the European values which are thought by the Europeans to be universal, and imposing rules on the international scene which might be reluctant for the ASEAN⁴². There is an Asian willingness to develop itself in opposition with Europe⁴³. Palmujoki qualifies «*neutralism*» as a central «*element of Southeast Asian*

³³*Ibidem.* p470

³⁴*Ibidem.* p469

³⁵Hauser C., Journoud, P., (2016) «*Introduction*», Relations internationales (n°168), p7

³⁶Picciau S., (2016) «*Le rôle de la coopération culturelle et éducative au sein de l’ASEM*», Relations internationales (n° 168), p93

³⁷Journoud P., (2016) «*De la naissance de l’OTASE à l’accord de paix sur le Cambodge : la France, la Grande-Bretagne et la sécurité en Asie du Sud-Est pendant la Guerre froide*», in Relations internationales, p45

³⁸Badel L., (2016) «*Regards français sur la genèse d’un dialogue interrégional, l’ASEM (Asia Europe Meeting)*», *Op. Cit.*, p62

³⁹*Ibidem.* p63

⁴⁰Badel L., Singaravélou P., (2016) «*Le Dialogue Asie-Europe en perspective (xix e-xx e siècle)*», Relations internationales 2016/3 (n°167), p6

⁴¹Forster A., (1999) *The European Union in South-East Asia: Continuity and Change in Turbulent Times*, in International Affairs (Royal Institute of International Affairs 1944-), Vol. 75, No.4, p751

⁴²*Ibidem.* p98

⁴³Badel L., (2016) «*Regards français sur la genèse d’un dialogue interrégional, l’ASEM (Asia Europe Meeting)*», *Op. Cit.*, p61

regionalism »⁴⁴. The ASEAN countries are strongly attached to their independence and sovereignty as the Charter of the ASEAN of 2008 states it. They make a point of condemning external interferences in their affairs⁴⁵. Already in the 1990's when the Community and the ASEAN were dialoguing, Europe wanted to include “*social clause and conditionality*”, however, from the ASEAN side the response was firm and clear. They rejected their demands as Palmujiko explains it in his contribution on “*environmental issues, human rights and democratic values*” as they were not compliant with the current state of the ASEAN⁴⁶.

The ASEAN has not been the priority in terms of external relations of the EU since the focus has been on the closest neighbouring countries from Eastern Europe which might integrate the EU⁴⁷. From the ASEAN perspective, their respective economic interests remain the essential part of their relations⁴⁸. The year 2003 marked the relaunch of the relations with the Commission's communication on the objectives of the EU in the region: fighting terrorism, promoting Human Rights, Stability, Peace, etc.⁴⁹ The European External Action service constitutes one hope for the diplomacy: South-East Asia constitutes a challenge for the European common position as they have different individually objectives and practices in the region⁵⁰.

2.2. The ASEM: a significant however limited improvement in terms of political relations

As Lechervy mentions it, the ASEM failed to impose itself as indispensable since dialogue also happens within other frameworks⁵¹. Its vague purpose and its format raise questions⁵², the main issues being the justification behind the existence of such an entity and the coordination of the actions.

In 1996, the Asian-Europe meeting (ASEM) was created⁵³. Former French President Jacques Chirac declared at that time in Singapore just before the beginning of the summit that: « Europe needs Asia. Asia needs Europe », before inviting both sides to work together to make this big gathering a success⁵⁴. The first summit gathered in Bangkok the fifteen Member States of the European Union at that time along with the President of the European Commission as well as the seven ASEAN Member States representative and their General Secretariat⁵⁵. China, South Korea and Japan also joined the political dialogue⁵⁶. However its action has been limited since it is not

⁴⁴Palmujoki, E., (1997) *EU-ASEAN Relations: Reconciling Two Different Agendas*, in Contemporary Southeast Asia, Vol. 19, No. 3, p271

⁴⁵Alles D., (2010) *Union européenne et Asie du sud-est Entre inter-régionalisme asymétrique et bilatéralismes, les aléas d'une action extérieure en construction*, Op. Cit. p.116

⁴⁶Palmujoki, E., (1997) *EU-ASEAN Relations: Reconciling Two Different Agendas*, Op. Cit., p277

⁴⁷Forster A., (1999) *The European Union in South-East Asia: Continuity and Change in Turbulent Times*, International Affairs (Royal Institute of International Affairs 1944-), Vol. 75, No.4 p749

⁴⁸ *Ibidem*.

⁴⁹Alles D., (2010) *Union européenne et Asie du sud-est Entre inter-régionalisme asymétrique et bilatéralismes, les aléas d'une action extérieure en construction*, Op. Cit. p.116

⁵⁰ *Ibidem*.

⁵¹Lechervy C., (2016) « L'ASEM : le début d'un (mini-)pivot européen vers l'Asie-Pacifique ? », *Relations internationales* (n°168), p119

⁵²Hellendorff B., (2016) « *Le dialogue Asie-Europe (ASEM) depuis les années 1990 : plus pertinent, moins intelligible* », *Relations internationales* (n° 168), p 77

⁵³Oerstroem Meoller J., (2007), *ASEAN's Relations with the European Union: Obstacles and Opportunities*, Op. Cit. p466

⁵⁴Personal Translation ; Badel L., (2016) « *Regards français sur la genèse d'un dialogue interrégional, l'ASEM (Asia Europe Meeting)* », Op. Cit., p60

⁵⁵Blanchemaison C., (2016) « *Vingt ans de dialogue entre l'Asie et l'Europe* », *Relations internationales* (n°168), p132

⁵⁶Badel L., (2016) « *Regards français sur la genèse d'un dialogue interrégional, l'ASEM (Asia Europe Meeting)* », Op. Cit., p60

that often that the projects discussed lead to concrete action with significant improvements⁵⁷. It is the result from the political willingness to establish a political dialogue between the two entities. It leads both sides to take into consideration European and Asian stakes whether they might be economic or cultural⁵⁸. Hauser and Journoud insist on the third cooperation pillar which is the sociocultural one in order to bring the light on other issues than economic ones and to go beyond economic agreements⁵⁹. Its general purpose is the promotion of political dialogue between the two regional powers but also to discuss economic and cultural related issues⁶⁰. The ASEM allows the decision-makers to meet and discuss within an interregional framework, which has to be highlighted as a positive improvement⁶¹.

However, the ASEM is only as its name indicate it a meeting. It is not constitutive of an international organisation nor is it a framework-structure for negotiation⁶². There is no official status for the structure, neither agreements nor treaties resulting from these meetings⁶³. The only existing official document is the "Cooperation Framework Asia-Europe" of 2000. Badel also importantly mentions the fact that there is no administrative structure not a budget to ensure its right functioning⁶⁴. This illustrates the lack of means at the disposal of these meetings and the difficulties to do any concrete action within its framework.

The cooperation is divided into three pillars: economic, politic and sociocultural/intellectual⁶⁵. At the beginning, the three of them did not have the same importance for the members of the meeting, with the priority being set on trade and investments⁶⁶. In the 1990's, the EU was settling its common market and was in the process of its regional integration and as Picciau explains it, thus was interested in the dynamism of the Asian area⁶⁷. It was also the time after Maastricht Treaty when the EU started to take a deeper interest in spreading values like democracy, fundamental freedoms and Human Rights, etc⁶⁸.

Tertrais qualifies the ASEM as "virtual" since it is neither a concrete organisation nor a regional association⁶⁹. The ASEM organises meetings every two years that no one is talking about. Despite the criticism the ASEM remains the European linchpin toward Asia by connecting European and Asian decision-makers⁷⁰. On the initiative of Singapore, providing the material structure for it, the first meeting resulted in the creation of the ASEF, the only organisation able to lead an action⁷¹. Hellendorff questions the functioning of the framework which is neither interregional neither multilateral, and asks whether the ASEM should maintain this format or evolve

⁵⁷ Hauser C., Journoud, P., (2016) «Introduction», Relations internationales (n°168), p3

⁵⁸*Ibidem.* p5

⁵⁹*Ibidem.*

⁶⁰Badel L., (2016) «Regards français sur la genèse d'un dialogue interrégional, l'ASEM (Asia Europe Meeting) », *Op. Cit.*, p60

⁶¹Hauser C., Journoud, P., (2016) «Introduction», Relations internationales (n°168), p6

⁶²Badel L., (2016) «Regards français sur la genèse d'un dialogue interrégional, l'ASEM (Asia Europe Meeting) », *Op. Cit.*, p60

⁶³*Ibidem.*

⁶⁴*Ibidem.*

⁶⁵Picciau S., (2016) « Le rôle de la coopération culturelle et éducative au sein de l'ASEM », *Op. Cit.* p93

⁶⁶*Ibidem.* p94

⁶⁷*Ibidem.*

⁶⁸*Ibidem.* p95

⁶⁹Tertrais H., (2016) « Réflexions conclusives : l'ASEM dans les relations entre l'Europe et l'Asie », Relations internationales (n° 168), p140

⁷⁰Hauser C., Journoud, P., (2016) «Introduction», Relations internationales (n°168), p3

⁷¹Blanchemaison C., (2016) «Vingt ans de dialogue entre l'Asie et l'Europe», *Op. Cit.* p132

towards a supranational dimension⁷². There is criticism towards the fact that problems should not only be discussed in meetings but that there should be action to follow⁷³ in order for the ASEM be useful.

Right now over fifty States have joined the ASEM whereas they started with only half of this number twenty years ago. However it is still not considered as an international actor⁷⁴. Importance of the meetings: it concerns 60% of the worldwide population, 60% of the international trade⁷⁵. The EU is using its soft power in order to bypass the obstacle based on the Asian values with the help of non-governmental actors⁷⁶. An interesting dimension introduced by these meetings is that cultural aspects are put at the same level as economic and political cooperation⁷⁷. Hellendorff identifies six main principles of the ASEM among them can found: equality in the partnership, mutual respect and interest, informality, etc⁷⁸.

2.3. *The ASEF and the promising developments*

Even though the action of the ASEM remains quite limited and presents some inconvenient, during its first summit led to a concrete realisation by creating the Asia-Europe Foundation (ASEF)⁷⁹. It is an interstate foundation aiming at promoting contacts between intellectuals, students, artists and in general civil societies of both Asia and Europe⁸⁰. Despite criticism, according to Blanchemaison, a former French ambassador, it is the only permanent organisation which is providing a useful work by organizing seminars on common challenges of Asia and Europe⁸¹. It has been working actively now for over twenty years. For example, they promoted the exchanges of good practices during the COP21 by organising meetings between the people responsible. They also hold annual seminars on Human Rights⁸². The organisation has its headquarters in Singapore and about thirty people are working there. Besides, communication is also part of their job since they have online websites to document people, students and politics on their action and news related to the topics from political meetings. They are quite active and working in a coordinated way with Asian and European Think Tanks⁸³.

There is a cultural dimension of the projects connecting Europeans and Asians: they target a “people to people” approach. The ASEF is contributing as well as financing some of these projects⁸⁴. It is important to underline the success of this foundation in terms of Eurasian cooperation. As Picciau mentions it, the foundation managed to lead over 600 projects related to education, sustainable growth, environmental issues, Human rights...⁸⁵ The author adds in her contribution how it leads to promote the purposes of the ASEM while its capacity of action is depending from the subventions of the ASEM members⁸⁶.

⁷²Hellendorff B., (2016) « *Le dialogue Asie-Europe (ASEM) depuis les années 1990 : plus pertinent, moins intelligible* », *Op. Cit.* p81

⁷³*Ibidem.* p86

⁷⁴Tertrais H., (2016) « *Réflexions conclusives : l'ASEM dans les relations entre l'Europe et l'Asie* », *Op. Cit.* p135

⁷⁵Lechervy C., (2016) « L'ASEM : le début d'un (mini-)pivot européen vers l'Asie-Pacifique ? », *Op. Cit.* p128

⁷⁶*Ibidem.*

⁷⁷Picciau S., (2016) « *Le rôle de la coopération culturelle et éducative au sein de l'ASEM* », *Op. Cit.* p93

⁷⁸Hellendorff B., (2016) « *Le dialogue Asie-Europe (ASEM) depuis les années 1990 : plus pertinent, moins intelligible* », *Op. Cit.* p82

⁷⁹Hauser C., Journoud, P., (2016) « *Introduction* », *Relations internationales* (n°168), p3

⁸⁰Personal translation ; Blanchemaison C., (2016) « *Vingt ans de dialogue entre l'Asie et l'Europe* », *Op. Cit.* p132

⁸¹Personal translation ; Blanchemaison C., (2016) « *Vingt ans de dialogue entre l'Asie et l'Europe* », *Op. Cit.* p132

⁸²*Ibidem.*

⁸³*Ibidem.* p133

⁸⁴Tertrais H., (2016) « *Réflexions conclusives : l'ASEM dans les relations entre l'Europe et l'Asie* », *Op. Cit.* p140

⁸⁵Picciau S., (2016) « *Le rôle de la coopération culturelle et éducative au sein de l'ASEM* », *Op. Cit.* p99

⁸⁶*Ibidem.* p100

For the last twenty years, the number of members has been increasing due to the European Union's multiple enlargements but also other countries have been willing to join the organisation such as India, New Zealand or even Russia. However, as Blanchemaison underlines it, it has become quite difficult for the organisation to be efficient as the increasing number of members has brought limits to their ability to agree in a consensual way⁸⁷.

On another note, when it comes to promising developments, the European Commission established the New Southeast Asia Strategy (2004), and it resulted from it that the EU is planning to cooperate in the long run with Vietnam, which is quite promising. This can be found in the Strategic document created between 2007 and 2013.⁸⁸ The EU's support to the countries in this region is bringing some interesting improvements. For example, Vietnam managed to integrate the World Trade Organisation thanks to the EU in 2007⁸⁹.

After celebrating its twentieth birthday, there is hope for an improvement as the idea to support an increased connectivity and more targeted cooperation between Asia and Europe emerged. The idea is also to focus on the partnership between the people⁹⁰. The devise of the ASEM in 2016 was indeed « 20 Years of ASEM: Partnership for the Future through Connectivity »⁹¹, even though the purpose remains quite unclear. Lechervy criticises the generic nature of the previous slogans which were « Responsible Partnership for Sustainable Growth and Security » or « Friends for Peace, Partners for Prosperity »⁹². Even though connectivity is not a clear idea, it can be guessed that it aims at multiplying the interactions between the two regions.

There were evolutions, already 10 years ago, the Helsinki summit announced some promising developments to which followed enlargements⁹³. The recent summits have also led to the creation of workgroups working on themes like education⁹⁴. The accent has been put on how to make the ASEM's action more efficient and visible. Besides, European's soft power is promoted through the European cultural and educational policies⁹⁵ which tend to become more and more efficient.

3. THE CHINESE ISSUE

It is important when speaking about the relations between Asia and the EU to mention the inescapable main rising actor in this region and more generally in the global scene: China. From both sides, China's policy and actions have influenced their approach to this relation. From the European Union's perspective, it might be necessary to get closer to these countries in order to restrain somehow the Chinese's influence expansion. Whereas concerning the South-East Asian countries, the region has been seeking for independence from the big powers especially from China. They are looking for "stability" and to protect themselves from the intrusions of other countries such as the US and China⁹⁶.

⁸⁷Blanchemaison C., (2016) «Vingt ans de dialogue entre l'Asie et l'Europe», *Op. Cit.* p133

⁸⁸Pham Q. M., (2016) « Les études européennes, un outil pour développer les relations entre le Vietnam et l'Union européenne », *Op. Cit.* p50

⁸⁹*Ibidem.* p50

⁹⁰Lechervy C., (2016) « L'ASEM : le début d'un (mini-)pivot européen vers l'Asie-Pacifique ? », *Relations internationales* (n°168), p119

⁹¹*Ibidem.*

⁹²*Ibidem.*

⁹³Hellendorff B., (2016) « Le dialogue Asie-Europe (ASEM) depuis les années 1990 : plus pertinent, moins intelligible », *Op. Cit.* p83

⁹⁴*Ibidem.* p84

⁹⁵Picciau S., (2016) « Le rôle de la coopération culturelle et éducative au sein de l'ASEM », *Op. Cit.* p98

⁹⁶Oerstroem Meoller J., (2007), *ASEAN's Relations with the European Union: Obstacles and Opportunities*, *Op. Cit.* p471

Nowadays, China is considered as the country having developed the closest ties with the ASEAN countries despite the fact that the organisation was founded on an anti-communist basis⁹⁷. It is currently the biggest investor in the region. There is a free-trade area established between the ASEAN and China⁹⁸. China is the most important trade partner of the ASEAN⁹⁹. China is also part of the ASEAN + 3,¹⁰⁰ an extended version of the ASEAN including Japan and South Korea. In 1978, when Deng Xiaoping was governing the country, his policy of openness contributed to decrease the ASEAN's distrust¹⁰¹. During the Asian financial crisis in 1997, China took advantage of the inability of the International Monetary Fund to act to intervene and impose itself as a useful partner.

Lechervy argues that China was one of the reasons the ASEM process occurred, as it was one an opportunity for Europe to get closer to China and indirectly discuss the issues of Human Rights¹⁰². China as well as the US, were motivations behind the development of the relationship between the EU and the ASEAN. They are cooperating in order to avoid the emergence of a world solely dominated by the US and China which would not be in accordance with the two regional organisations' interests¹⁰³.

Understanding the Asian point of view is crucial. Bafoil highlights their hostility to colonialism; the region does not want to be perceived as China's backyard¹⁰⁴. The two powers, the EU and China possess two different approaches when it comes to relations with third countries from these two powers: whereas the EU is always providing conditional help to other countries such as in Africa, where they have to comply with the values of the EU, China has adopted a less constraining position. Besides, as previously mentioned, the ASEAN rejected already once such conditional type of relations. This could explain why China right now seems in a better position than the EU.

The 2013 OBOR project is a pillar of the influential policy of China in Asia, which should raise a reaction from the European Union. China has managed to change its approach toward the ASEAN by developing multilateral cooperation and to integrate itself into the process of regional integration¹⁰⁵.

CONCLUSION

Both the European Union and the ASEAN are aware of the necessity to understand each other in order to improve their relations. From the economic point of view, they work quite well. When it comes to political, cultural areas things tend to be more challenging even though improvements have been noticed. They can count on a mutual willingness to enhance their connection. In this sense, the connectivity which has been mentioned aims at promoting mutual understanding,

⁹⁷Astarita C., Courret L., (2008) *Le rôle de la Chine dans l'évolution des organisations régionales d'Asie du Sud-Est*, Perspectives Chinoises, No. 3 (104), p85

⁹⁸Cheng Y. S. J., Jacquet R., (2013) *La stratégie régionale de la Chine en Asie orientale : ambitions et défis*, Perspectives Chinoises, No. 2 p63

⁹⁹*Ibidem*. p64

¹⁰⁰*Ibidem*. p61

¹⁰¹Picciau S., (2016) « *Le rôle de la coopération culturelle et éducative au sein de l'ASEM* », Op. Cit. p86

¹⁰²Lechervy C., (2016) « *L'ASEM : le début d'un (mini-)pivot européen vers l'Asie-Pacifique ?* », Op. Cit. p126

¹⁰³Lechervy C., (2016) « *L'ASEM : le début d'un (mini-)pivot européen vers l'Asie-Pacifique ?* », Op. Cit. p128

¹⁰⁴Bafoil, F., (2013) *Repenser les identités régionales par les élargissements: une comparaison UE/ASEAN*, Revue française de science politique, Vol. 63, No. 1

¹⁰⁵Astarita C., Courret L., (2008) *Le rôle de la Chine dans l'évolution des organisations régionales d'Asie du Sud-Est*, Op. Cit. p85

reflexing together¹⁰⁶. Picciau enunciates the idea that improving the dialogue with Asia would benefit all of the European countries from the cultural point of view. There is a necessity to implement even more the European delegations in Asia as well as reinforcing their capacity of action¹⁰⁷. The European policy's visibility seems to be lacking compared to the United States¹⁰⁸.

It is essential, especially from the European side to keep their mind open and try not to duplicate their organisation on the ASEAN. Alles develops the idea that the ASEAN's regional development should not be compared to the EU¹⁰⁹. The EU can count on partners of choice such as Singapore or Vietnam which whom they are in good terms to support the strengthening and the deepening of the relationship with the ASEAN. Europe and Asia both have common challenges to face such as proliferation of weapons of massive destruction, migrations issues, environmental matters or even terrorism so they need to cooperate¹¹⁰. During the different meetings, within the framework of the ASEM, the ASEAN expressed its willingness not to concentrate on divergences¹¹¹ which is quite promising as to future developments.

Beyond the ASEAN, China is a key player in this relationship that the EU cannot ignore. For example the OBOR (One Belt, One Road) project is a Chinese massive infrastructure project on all over Asia aiming at improving the regional integration of China. It concerns the neighbouring countries of China as well as Eastern European countries which are also part of the framework for the 16+1 initiative¹¹². Cooperation and mutual understanding would be the key for all of these powers to benefit from either the relationships either the regional integration in process.

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¹⁰⁶Hellendorff B., (2016) « *Le dialogue Asie-Europe (ASEM) depuis les années 1990 : plus pertinent, moins intelligible* », *Op. Cit.* p88

¹⁰⁷Picciau S., (2016) « *Le rôle de la coopération culturelle et éducative au sein de l'ASEM* », *Op. Cit.* p103

¹⁰⁸*Ibidem.* p103

¹⁰⁹Alles D., (2010) *Union européenne et Asie du sud-est Entre inter-régionalisme asymétrique et bilatéralismes, les aléas d'une action extérieure en construction*, *Op. Cit.* p.116

¹¹⁰Hellendorff B., (2016) « *Le dialogue Asie-Europe (ASEM) depuis les années 1990 : plus pertinent, moins intelligible* », *Op. Cit.* p89

¹¹¹Palmujoki, E., (1997) *EU-ASEAN Relations: Reconciling Two Different Agendas*, *Op. Cit.*, p281

¹¹²Briefing of the European Parliament (July 2016) "One Belt, One Road (OBOR): China's regional integration initiative"

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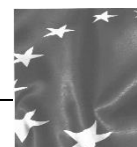
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Territorial conflicts in EaP countries and EU security and defense policy

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Abstract: *Georgia is one of the active and the most successful members of the European Union's Eastern Partnership programme. The country has declared integration into the European Union and NATO as its priority and political orientation. However, the process of its association with the EU has also been complicated with a difficult situation in the country, including frozen conflicts in its two breakaway regions of Abkhazia and South Ossetia, as well as war with Russia in 2008. This paper tries to analyse Georgia's EU ambitions by evaluating the political situation in the country, including above-mentioned conflicts.*

Keywords: European Union, EU Eastern Partnership, Georgia, EU Security

INTRODUCTION

European Union with its earliest forms such as coal and steel community and later European community has emerged exactly on time when devastated Europe from long-going World War II needed unity and path leading to economic prosperity.¹ However by the time as the member states became more and more, their ambitions towards community became boosted as well. Thus EC and nowadays already EU developed major policies, which as well including defense and security policy that has become one of the priorities in EU action plans. After several waves of enlargement, “the EU had brought east and west together, consolidating the fragile democracies that had emerged from fall of the communism.”²

In 2012 European Union received Nobel peace prize as much as its work has caused advancement of peace and reconciliation, democracy and human rights in Europe.³ European Union wants to be ready and able to deter, respond to and protect its member states from internal and external threats by means of mutual cooperation within the member counties as well as NATO. “An appropriate level of ambition and strategic autonomy is important for Europe's ability to foster peace and safeguard security within and beyond its borders.”⁴ With hope to make such effects in other countries than member states, EU commission established European neighborhood policy which later became the base on which eastern partnership was established.⁵ “Faced by enlargement fatigue and growing absorption incapacity within the union, the ENP's main objective was to promote a ring of friends neighboring the EU by pushing for security through European democratic norms and values that seemed to be guided by a Kantian vision. Although the ENP would not offer membership to the six post-communist partner states, the strategic partnership would nevertheless

¹ Troitiño, D. R. (2013). *European Integration: Building Europe*. Nova Publishers: New York.

² Mueller, J-W., East Europe goes south, *Foreign Affairs* 93, International security forum, 2014,14-19, page 14

³ Nilsson, M., Silander, D., Democracy and Security in the EU's Eastern Neighborhood? Assessing the ENP in Georgia, Moldova, and Ukraine, *Democracy and Security*, Vol12, No1, 44-61, page 44

⁴ European union, *Shared Vision, Common Action: A Stronger Europe, A Global Strategy for the European Union's Foreign And Security Policy*, 2016, 19-20

⁵ Costea, S. (2012). *The European Union's Eastern Partnership: the objective of regional cooperation. The Eastern Partnership and the Europe 2020 strategy: Visions of leading policymakers and academics*, 51-60.

offer integration and collaboration, thus safeguarding democracy and security in the region.”⁶ This was kind of an offer to east European countries to cooperate with EU with hope of getting integrated or at least getting technical help and financial aid from union to conduct state reformations. But as much as east European countries are territorially far from the heart of EU and actual continent of Europe and on the other hand close to Russia, thus having major political and territorial problems caused by northern neighbor, this offer which many east European countries eagerly accepted became much of a challenge for European security and defense. Despite the attitude of the EU which seems very optimistic tone, idea and plans of new enlargement waves might become problem for EU defense and security.

As general impression, EU representatives try to make appeal in their daily speeches that eastern partnership is one of the main priorities to the union. This seems to be partially true as much as those countries of EaP who has expressed any kind of will of cooperation have nowadays already signed DCFTAs, association agreements, even got visa free regime, but there is other side of story on which EU tries to keep delicacy. Several EaP countries besides some economic and social problems have major territorial issues. For example, 20% of Georgian land is occupied by Russian troops – Abkhazia and South Ossetia, Ukraine is into actual war with Russia for occupied Crimea, Moldova has problem of Transnistria. Here I am not naming Armenia and Azerbaijan and conflict of Karabakh as much as Armenia obviously is keeping pro-Russian path and Azerbaijan has enough resources to maneuver freely having economic relations with Russia but staying more neutral than others I have mentioned above. It is fact that these conflicts exist, it is also fact that these countries see solution to their territorial problems but what is not a fact is whether EU will integrate these countries in the union with such issues or not.⁷

For me it is obvious that existence of occupied territories and tense relations with Russia hider the process of Georgia's EU integration. Society in country has double approaches to this issue, some believe that EU integration will not happen unless Georgia manages to solve the territorial conflict which in reality is either impossible or perspective of a far future and others claim that for getting status of a member state, Georgia will have to refuse own rights on occupied territories. However governmental authorities and EU based organizations that although existence of conflict zones threaten country stability EU perceives Georgia in its international boundaries not less and not more. Above this, they are stating that EU-Georgian cooperation might help to solve the problem of lost territories.⁸ Despite such options, we all see how slow the process of integration goes. The only argument that politics usually state defending the idea that Georgian EU integration will happen is the example of Cyprus which managed to become a member state despite long-lasting conflict between Turkey Greece and Cyprus itself.

European Union has worked out number of fresh initiatives, strategy and action plan and a new level of ambition for security and defense in 2016. “The EU therefore starts 2017 with a range of policy options to enhance defense cooperation: aligning these initiatives to produce coherent policy in the future is now a priority.”⁹ So it has been interesting for me when EU does such preparations to enhance security, will it shut the entrance to Georgia because it can bring new threats or exactly by this enhanced security policy EU will become a resolution to frozen conflict.

This short research will be focused on Georgia's EU integration. I will not discuss territorial problems of Ukraine and Moldova as such but I will refer to them in some cases. The main aim of

⁶ Supra note 2, page 45

⁷ Chochia, A. (2012). The European Union and its policy towards the neighbors from South Caucasus. *L'Europe unie/United Europe*, 6, 27–35.

⁸ <http://infocenter.gov.ge/123-moutsevs-thu-ara-saqarthvelos-mthavrobas-evrokavshirshi-gatsevrianebis-survilis-shemthkhvashvashi-okupirebuli-regionebis-dabrunebase-uaris-thqma.html>, last time visited 01.06.2017

⁹ Fiott, D., *European defence: the year ahead*, European Union Institute for Security Studies (EUISS), 2014, page 1

this article will be to identify whether the fact that Georgia's 20% is occupied by Russia can become reason on rejection to EU integration. Based on existing research papers, own knowledge and the example of Cyprus I will try analyze and suggest answer to abovementioned issue.

EU AND EASTERN PARTNERSHIP COUNTRIES – PLANS OF NEW ENLARGEMENT AND PROBLEM OF CONFLICTS

EU's idea to cooperate with eastern European countries started shaping in 2003-2004 by commission and finalized under the notion of eastern partnership in 2009 year. EaP was founded on a shared commitment to common values, including democracy, rule of law, respect for human rights¹⁰ and to the principles of international law, underlying responsibility of eastern partnership countries to guarantee the introduction and execution of reforms and satisfying some criterias established by EU. This was meant to be political partnership to make those countries more consistent to handle security challenges.¹¹ "Priority should be given to joint efforts to restore the European security order under international law; underlines that such an order must be based on democratic principles, the rule of law, fundamental values, respect for human rights, the protection of minorities, sovereignty, independence and the inviolability of borders".¹² Here the word integration is not named, however for EaP states partnership means that one day when the fulfill EU requirements they will become member states. EU is ready for new enlargement as soon as EaP countries will be ready for that, this is what I usually hear but what is meant under being ready? Georgia is eagerly trying to be a "good boy" and do everything that EU says and recommends. These steps did give visa-free regime, association agreement and DCFTA to country. Georgian government believes that every single step forward with relation to EU makes it more and more possible to return Abkhazia and South Ossetia. It is believed that people residing on occupied territories will be attracted by the benefits which EU integration can bring. So they put effort to make integration closer and possible.¹³ However, such attitude did not seemed to be mutual. Georgia will never be able to solve Georgia-Russian problem alone. If EU sees this as a hindrance, then of course integration will hardly ever happen considering that this conflict has been existing from early nineties. It was only after war in august 2008 when EU started to intervene in this process at least somehow, sending monitoring groups on conflict lines. In that period, EU understood that EaP countries are so much counterlinked that conflict in one state means that whole region is under threat, especially when Russia is neighboring that region and has economic, trade, political, energy resource influence on those countries. So starting from that moment, EU started intensive cooperation with Georgia in economic, energy and trade fields, signed association agreement and helped with financial aid to conduct major reforms and became security actor in southern Caucasus." On the other hand, for the European Union, the August conflict made it evident that the EU's security begins outside its borders and that developments taking place in its neighborhood affect its wellbeing."¹⁴

Another thing worth to mention here is that it was Georgian and Ukrainian aspiration of EU integration that caused Russian aggression. "The military conflicts in Ukraine and Georgia and the

¹⁰ Kerikmäe, T.; Hamulak, O.; Chochia, A. (2016). A Historical Study of Contemporary Human Rights: Deviation or Extinction? *Acta Baltica Historiae et Philosophiae Scientiarum*, 4 (2), 98–115.

¹¹ Resolution by the Euronest Parliamentary Assembly on Common positions and concerns of the EU Member States and Eastern European partner countries over foreign policies and external threats to their security (2016/C 193/01), Official Journal of the European Union

¹² Ibid

¹³ Supra note 5

¹⁴ Khidasheli, T., *Georgia's European way*, friedrich ebert schtiftung, 2010,page 10-11

political tension in Moldova of the 1990s and 2000 are a consequence of the EU's push for democracy in the region and Russia's reactions and striving for regional hegemonic influence." "It should also be seen as a result of Russia's counter-hegemonic reactions to the EU's promotion of democracy promotion in its neighboring regions."¹⁵ Russian federation openly expressed that was for that cooperation. Sometimes even used economic, trade and energy resources as pressure on these countries. It is as well believed as much as Russia has direct influence on occupied territories of Abkhazia and South Ossetia, it can use that influence and those territories for annexing whole country.

"When signing bilateral Association Agreements with the EU, Georgia, Moldova and Ukraine committed, along with the EU, to promote, preserve and strengthen peace and stability in the regional and international dimensions, as one of the aims of political association; as highlighted in the Joint Declaration of the Eastern Partnership Summit on 21-22 May 2015, the acts of aggression by Russia against Ukraine and Georgia have shown that the fundamental principles of sovereignty and territorial integrity, with internationally recognised borders, cannot be taken for granted in the 21st century."¹⁶ Fact that unresolved territorial conflicts of Georgia are related to EU security I believe are seen from abovementioned aspects. But despite the fact that security strategy of EU in 2003 was mentioning that EU would play huge role as a resolver of the protracted conflicts, it appears that in reality no results were achieved.

Practice of Georgia, Ukraine, Moldova and Armenia show that EU does not have any concrete action plan to handle territorial conflicts in eastern partnership countries, nether individual for each case, nor a unified plan.¹⁷ Despite working on that, it seems to me that EU is more oriented on strengthening own security, as if foresees some eminent threats, which I guess EU relates to Eastern Europe and Russia. Sometimes this issues makes me confused to the extent that maybe EU will leave the idea of eastern enlargement at all when it is related to so many problems of territorial conflicts which directly affect EU- Russian relation. Territorial conflicts per se mean other problems, such as migration, economic destabilization and so on. But the other side of the coin might be that EU strengthens itself so that more effectively gets involved in conflict resolution.

"Conflicts in the territories of Eastern European partner countries make them more vulnerable to political destabilisation and seriously endanger their economic and social situation; whereas, furthermore, these conflict-affected areas within and around the European continent pose a serious danger to the security of the EU and its partners."¹⁸ This is how EU refers to existing conflict and of course it is logical. However the consequences of such perception are hard to foresee. Worth of attention is that EU is never asking neither from Georgia nor from Ukraine and Moldova to make any specific commitment with regard to conflict territories other than keeping peace and not causing military cases.

In my opinion, the strategy which European Union has chosen with regard to Georgia is that they will help country stabilize economy, evolve trade, help to find alternative sources of energy to Russia, help with gaining military experiences and so on.¹⁹ They might not physically and directly get involved into conflict resolution over Abkhazia and South Ossetia because in that case they will have to deal will Russia. Indeed, European union representatives call Russia to be aggressor and have occupied some territories, they as well claim Russia to protect terms of Minsk agreement and

¹⁵ Supra note 2, page 45

¹⁶ Supra note 7

¹⁷ Paul, A., *The Eastern Partnership, the Russia-Ukraine War, and the Impact on the South Caucasus*, IAI, 2015, page 12

¹⁸ Supra note 7

¹⁹ Freire, M., Simão, L., *The EU's security actorness: the case of EUMM in Georgia*, *European Security*, 22:4, 2013 464-477, Page 466

put some sanctions after they have seen Russian threat is already close to continent of Europe. Will helping Georgia to develop they will give country chance to solve territorial problem peacefully as residents of occupies territories will themselves prefer such Georgia to what they have now.²⁰ But the biggest problem which in my opinion is as well evident as Russian endless aggression towards Georgia is that they will not give those residents opportunity to choose. Russia has started passportization in those occupied areas, so Russia himself offers them some benefits. So it seems 50/50 for me that EU plan can help Georgia to recover lost territories. However with other plan than this – in case of using force EU will obviously shut the door to Georgia to avoid direct conflict with Russia and this happens with Ukraine as well. Georgian president Giorgi Margvelashvili is stating that territorial conflicts over occupied lands will be solved according to EU strategy and violent activities.²¹ Although in my opinion all conflicts (Georgia, Ukraine, Moldova) are different from each other, European Union's attitude to problem solution seems same to me. Someone will oppose that in case of Ukraine, EU used sanctions against Russia but I would say that it was social and political pressure on EU to do so, when Russia stayed unpunished after war with Georgia, and the same scenario later happened in Ukraine, it would simply put EU's capabilities under question if the union didn't react. Otherwise it is notable that EU does not want to risk own security to resolve existing problems.

FROZEN CONFLICT IN GEORGIA AND IMPORTANCE OF EU INTEGRATION

Conflict in Georgia over Abkhazia and South Ossetia have started as soon as Georgia proclaimed independence in 1991. First uprising in Abkhazia happened in 1993 and that time Shevardnadze was the one who asked Russia too support with troops and send them in the region. Russian troops were staying in Abkhazia since then. South Ossetia declared independence one year priorly, in 1990. This caused conflict between Tskhinvali region and already independent Georgia which is still ongoing and is full of controversies. But this conflict was not to be internal conflict within the state of Georgia, as much as Russian Republic was politically and militarily involved, supporting de facto government of the region and practically controlling borders Only after Roses revolution, the new president started moving Towards European union and Nato. That was the period when Georgia started reformations and deserved some positive comments from European Union. But frozen conflict still stayed in same condition. The most crucial moment however appeared Georgia-Russian war in 2008. "Russia, on the other hand, had geopolitical aspirations in the Caucasian region, which were tested in the Chechen–Russian conflict, where Georgia was one of the few countries who recognized Chechnya's declaration of independence. Russia started to prevent any new eastern enlargements for NATO and the EU. In spring 2008, NATO promised Georgia that it would become a future member of the organization, which irritated Russia even more. At the same time, the EU launched its neighborhood policy and was about to launch the "Eastern Partnership," aiming to tie Georgia closer to the EU."²² The closer ties between the EU and Georgia intensified the latter's security challenges, leading to fresh military incidents between

²⁰ <http://georgiatoday.ge/news/6416/Amanda-Paul%3A-EU-Enlargement-Capacity-at-All-Time-Low>, last time visited 8.06.2017

²¹ <http://newsday.ge/new/index.php/en/component/k2/item/31649-the-president-of-georgia-problems-of-occupied-territories-will-be-overcome-not-by-violent-means,-but-according-to-the-european-standards> , last time visited 8.06.2017

²² Kerikmäe, T; Nyman-Metcalf, K; Gabelaia, D; Chochia, A (2014). Cooperation of Post Soviets with the Aim of not being "Post" and "Soviets". In: N. Šišková (Ed.). From Eastern Partnership to the Association. The Legal and Political Analysis (144–159).. Cambridge Scholars Publishing.

South Ossetia and the Georgian military”²³. Existing Russian influence on these territories makes this conflict more serious for Georgia and hence more serious threat to defense and security of EU.

Both regions, Abkhazia as well as South Ossetia is economically dependent on Russia. Their budget consists whole from the Russian monetary contribution. Russia has already started passportization in both regions, some even say that residents are threatened to obtain Russian passports.²⁴ This means that Russia will always justify its military interventions in these regions as protecting own citizens from whatever threat there is. So when EU considers that by strengthening Georgian capabilities in economic and other major fields will have major effect on occupied territories, they should always consider that Russia has already put those territories under own “jurisdiction”. “This leaves Georgia and the EU in a security dilemma that involves not only the breakaway regions but also Russia.”²⁵ In 2011 European Union recognized these territories as occupied by Russia.

New parliamentary elections in 2012 have brought new force in government continuing with same route and action plan to move towards EU. Finally Georgia signed association agreement with EU and just recently acquired visa-free regime. This is the argument that EU and Georgia are moving forward together. Parallel to these events, Georgian government is continuing to act within the EU strategy which I discussed above. It is always proclaimed and appealed that European Union when signing any of agreements or providing any support and benefits to the country does that considering the internationally recognized borders. In my opinion in such conditions EU and Georgian relation show that Union is not trying to keep distance from those territories and avoid interceptions. “The EU has repeatedly ignored the requests from the Georgian government for internationalization of the conflict over South Ossetia and Abkhazia through deploying an EU observation mission on the borders. In a similar vein, the EU preferred to distance itself from the Nagorno-Karabakh conflict and relied for its limited activities on the OSCE Minsk Group”.²⁶ With such ways European Union tries to deisolate occupied territories so that European values and decrease unilateral attachment to Russia as well as seed trust that European benefits are actually available for them too. This means that government is offering to occupied territories of Abkhazia and South Ossetia European future however it is obvious that occupied territories should not use this offer for communications with the Union.

When ex prime-minister of Georgia was in Brussels signing association agreement, in first row he noted that eurointegration is important for Georgia as much as it makes possible to reestablish territorial integrity of the state. Same was appealed by the president of the country that European path is the unique possibility for solving territorial conflicts. However interesting for the sense of this article is the response which was made by non-recognized government of the occupied regions. De facto president of Abkhazia stated that deepened relations between European union and Georgia will not have any direct and important effects on the “country” but considering that Europe in such way strengthens its positions in Caucasus, Abkhazia will have to make additional moves to enhance strategic partnership with Russian federation. Similar speeches were made by same governments with regard to Georgia – EU visa liberalization.

I would say that the fact that Moldova as well has received visa liberation with Georgia proves that European Union has similar approach to resolution of territorial conflicts. Because same like Georgia, Moldova has been granted visa-free with aim to make the country as well as its conflict

²³ Supra note 2, page 54-55

²⁴ Sinkkonen, T., A security dilemma on the boundary line: an EU perspective to Georgian–Russian confrontation after the 2008 war, *Southeast European and Black Sea Studies*, 11:3, 265-278, page 267

²⁵ Supra note 2, page 54-55

²⁶ Börzel, T., Lebanidze, B., *European Neighbourhood Policy at the Crossroads, Evaluating the Past to Shape the Future*, 2015, page 27

zone – Transnistria close to Europe. Transnistria as well as Abkhazia and South Ossetia exists with financial aid that is provided by Russian federation. All of such territories can be easily used by Russia to make military or other types of actions to hinder EU integration of these countries and if European Union will not solve conflict before accession of these countries, than Russia will already be direct threat to European Union, literally meaning. But Moldova's EU integration is hindered as well by the fact that Russia has influence not only on Transnistria but basically on polit-economic issues in country.²⁷

“EU believes that the ‘frozen conflicts’ in the European Neighborhood (Transnistria, Abkhazia and South Ossetia, and Nagorno Karabakh) need to be treated urgently in order to bring stability to the region; believes that there should be closer cooperation among the Eastern European partner countries in order to put in place a strong foundation to ensure regional integration”²⁸ despite such notes from side of the European union practice in all of eastern partnership countries show that the policy and action plan which nowadays European union is offering to those states do not have urgent effects. If the union considers that these states will gain status of member states only when their territorial stability will occur, this means integration should not be expected in near future.

Georgia, Moldova and Ukraine being in same type of problems, looking forward to solve existing conflicts with help of the European Union and thus awaiting for integration do have only hope in case if they will not manage territorial stability in their countries. Between existing 28 member states of the European Union, Cyprus was the one who similarly to EaP countries had territorial problems but still managed to integrate in EU. However after that fact European Union as it seems to me tries to avoid such actions. In cases of Bosnia and Kosovo for example, European commission is stating that there still exists “unstable political climate”.²⁹ Well it seems to me that same is happening in Georgia and especially in Ukraine. Some scholars say that despite visa free and other bilateral agreements, there is still doubts within union member states whether over possibility of Georgia EU integration and as arguments they use the way and time union needs to go to the next level of negotiations.

CAN GEORGIA BECOME A MEMBER STATE HAVING CYPRUS AS AN EXAMPLE?

As Cyprus is usually compared to case of Georgia and Cyprus managed to become member state, it will be interesting what was the way to integration and whether than can become an example for Georgia's EU integration.

Cyprus made an application for membership in 1990. Within the period of 1997-1999 European union asked from Cyprus to handle territorial conflict with northern Cyprus peacefully and was noted as a condition for integration. However this condition was taken away, leaving that conflict quite in same condition and in 2004 Cyprus became a member state with territorial problems. This happened during the new level of the biggest EU enlargement.³⁰ By that time Hungary, Latvia, Slovenia, Slovakia, Malta, Poland, Czech Republic and Estonia became member states. For me here stands a question, maybe EU needed such enlargement for increasing own competence and covering new territories with new resources?

²⁷ Centre for European Policy Studies, European neighborhood watch, thinking ahead for Europe, issue 124, 2016, page 1-2

²⁸ Supra note 7

²⁹ <http://www.bbc.com/news/world-europe-11283616>, last time checked 08.06.2017

³⁰ Chochia, A.; Popjanevski, J. (2016). Change of Power and Its Influence on Country's Europeanization Process. Case Study: Georgia. In: Kerikmäe, T.; Chochia, A. (Ed.). Political and Legal Perspectives of the EU Eastern Partnership Policy (197–210). Springer International Publishing.

Some scholars note that integration process was accelerated by the fact that residents wanted get benefits which membership was promising to bring. Others believed that the main factor was that countries who were in conflict, themselves wanted to achieve status of membership and thus were ready to leave their positions. For example, Turkey which was an occupant country of northern Cyprus – part where Turkish Cypriots were living by that time was in process of cooperation with European Union. However as much as I recall due to the issue over Cyprus, these processes of negotiations between Turkey and European Union were hindered and are almost unchanged even nowadays. So Turkey was forced by the circumstances to change own policy with regard to Cyprus.³¹

EU integration of Cyprus is believed to be consequential for the union “longstanding conflict which has continued over the last five decades became an internal EU problem with the membership of the RoC in 2004, and therefore an issue between the EU and Turkey, which is also a candidate for EU membership.”³² But although this issue tensed relation between turkey and the union, it is was stated that EU was using the same passive approach to Cyprus territorial conflict as it is used in cases of EaP. “The EU has always offered economic benefits to the "TRNC" in order to tempt it to conclude an easy solution of the conflict. The EU does not seem to understand the nature of the conflict. Forty-six years of economic blockade has been endured without creating enough pressure to force a reunification of the RoC, despite the much higher standards of living in southern Cyprus." The "TRNC" perceives the Cypriot EU membership to be a security threat, while its guarantor power, Turkey, is not a member State Turkish Cypriots claiming that integration of Greek Cyprus part cannot be affecting them.”³³ This seems the same scenario as I discussed about Abkhazia, however the difference I can see and which in my opinion is the most important element which differs case of Cyprus from case of Georgia is that Turkey as an occupant country was ready to compromise in relation with Cyprus sue to own interest as a candidate of union integration and in case of Georgia, obviously, Russia is never going to such compromises. Conversely Russia make own influence on occupied territories stronger and threaten to Georgia as well as Ukraine and Moldova with every possible tool it can find. Russia as well openly expresses own attitude towards european aspirations of eastern partnership countries.

However with difference to Cyprus, European Union yet is only offering association to eastern partnership countries of Georgia, Moldova, Azerbaijan, Georgia, Ukraine and Belarus. This aspect makes me think that European Union either does not perceive cases of eastern partnership who has territorial problems as similar to Cyprus case or do not want to use same policy towards them. “It should be mentioned that unlike in the case of the Western Balkans, Georgia, as well as Moldova and Ukraine, was granted an “action plan” and not a “roadmap”; the reason for this was EU’s desire to avoid setting the Western Balkans’ experience as a precedent for the Eastern Partnership.”³⁴ Hence if such attitude is correct than Eastern partnership countries are far from integration procedures. If we also consider that these countries are so much counterlinked within the region, they have common values and common threats, it is understandable that if one country has problem of conflict, if somehow affects another one or who region, thus outcomes with European union for these countries will not be very different if not the same.

There is another important issue, as much as all conflicts are different I think it will belogical if we identify what kind of conflict existed in Cyprus. “Conflict in Cyprus dates back to the 1960s

³¹ YIIma, K., A Partitioned State that is in the European Union: The Case of Cyprus, 3 Ankara B. Rev., 2010, 125-140, page 130

³² Ibid

³³ Ibid, page 131

³⁴ Kerikmäe, T.; Chochia, A. (Eds.) (2016). Political and Legal Perspectives of the EU Eastern Partnership Policy. Springer International Publishing.

and is not ethnic in nature; when you look at the two communities in Cyprus, the Greek and Turkish Cypriots, they are very friendly to each other and there was never a great deal of hostility towards reunification. The main issue with the Cyprus conflict was the role of external parties – Turkey, Greece, the UK and to a certain extent, the US. They played a huge role in the conflict coming about in the first place. This is a scenario very different from the Georgian conflict. Also, the Greek half of the island was allowed to enter the EU; this was not a productive step, it was detrimental because it made finding the solution harder, as the Greek Cypriots got leverage in the EU in terms of the Cyprus problem.³⁵ In this sense I would say that conflicts in Abkhazia and South Ossetia were much rougher as far as there were civilians fighting against each other, of course with Russian and other hired troops. One more issue I would like to mention is that occupant country in case of Cyprus could offer much more benefits that Russian can offer to Sokhumi and Tskhinvali and European benefits might be more interesting to residents of those occupied territories than for Cypriots, so maybe this could balance the difference between Cyprus and Georgian conflict cases.

Despite that there are some significant differences between abovementioned conflict cases, some of the researchers state that Georgia should be one of the priorities to European Union due to its location as much as it is the hub between Europe and Asia and EU should be considering how country makes reforms and not based on general regional problems as much as Russia is there major threat, it has been and it will be in future. “The EU has acknowledged Georgia's European choice, even if EaP countries do not have a clear membership perspective. Georgia needs to remain realistic in this respect. It must understand that a step-by-step approach of intensifying relations with the EU in as many different areas as possible will be the best way to advance its integration aspirations. However, one day the EU will ultimately have to decide whether or not EaP countries have a future as full members of the EU.”³⁶

Unless European union makes steps towards eastern partnership countries, they will not have any chance at all to reestablish their territorial integrity. More, nothing will hold Russia from full annexation. And that means Russia becoming direct threat to EU. So one more aspect why European Union might be interested in strengthening own forces within the countries of south Caucasus and others in that region is sphere of the EU security interests.

CONCLUSION

It is quite hard to foresee what will be the outcome either for EU- Georgian cooperation or generally eastern partnership countries. As it was discussed above, the region itself includes so many complex problems that it is possible to be perceived as threat to the security of the European Union. But another part of the story tells, that unless EU continues to work with those countries who hope to accession, that situation might become worse.

Example of Cyprus does not say much about what will be in case of Georgia. There are similarities as well as differences, my opinion was set in such a way that European Union will not do the same scenario with Georgia, Moldova or Ukraine as it did with Cyprus, because it brings actual military threats to Europe. In case of Cyprus such problem did not exist, only insignificant economic problems could be caused just by unstable political situation on the island. With comparison to Georgian case Turkey as much as was itself interested in membership of EU was not constituting such a big threat as Russia can be.

³⁵ Supra note 16

³⁶ Paul, A., Shiryev, Z., Georgia's future: between Euro-Atlantic aspirations and geopolitical realities, European policy center, 2012, page 1

Despite such factors, some scholars believe that “The EU is and should be interested in Georgia, and South Caucasus as whole, not only for bringing peace and stability on its borders and therefore preventing direct problems to the Union but also due to its geographical and political position. The Black Sea area and the South Caucasus region are of different international players’ interests, also due to the region’s huge transit capacities, including the sea routes, as well as the pipelines, being an East–West corridor.”³⁷ So I would say that EU definitely has reasons, why it should be oriented and willing to strengthen works towards conflict resolution in Georgia as well as in other EaP countries. But there is a long way to go for both sides. We should not be expecting any major changes neither with regard to Georgian occupied territories no country’s EU integration. But I would still say that this time makes situation stabilized in country so that its integration will no more be constituting any threat to EU. This will be supported by successful reforms in the state, strengthened national defense and other effects that EU might have on country. But with situation as it is today, in my opinion, Georgia will not get a status of a member state. This will not only be caused by it’s conflict with Russia but will general level of state development.

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³⁷ Supra note 29, page 199

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Ukraine and the European Union

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Abstract: *This paper analyses the EU-Ukraine relations. It collects together the main historical events of the relations and tells us how the Partnership and Cooperation Agreement changed to the challenging Association Agreement while describing some details of the EU's Eastern Partnership program. The crisis in Ukraine is analyzed from the European Union perspective. Among others it brings up some problems of the relations, such as the Ukrainian decision to suspend of the Association Agreement because of the pressure from Russia. Russian relations with Ukraine as well as with the European Union are mentioned. Along with the colorful history brief of the relations between the EU and Ukraine, the possibility of Ukraine to join the EU is covered. In the end there is a summary of current situation and some analyses of the future.*

Keywords: European Union, Ukraine, The Eastern Partnership program, Ukraine-Russia crisis, EU external relations

INTRODUCTION

On March 2017 I came across with the term 'Russian passportization'. Passportization is a Russian policy, where they are offering a Russian nationality or a dual nationality to the residences of the former Soviet Union countries¹. I read several articles about how this was done in East Ukraine and the research made me more interested about the situation in Ukraine as a whole. Ukraine is one of the European Union's (EU) neighbour country,² I wanted to learn more about how the EU is dealing with one of the Europe's worst crisis since World War II³, especially when the crisis is happening next to EU's external borders. On the week on the change between May and June, I visited some EU institutions in Brussels, there in several presentations was mentioned how Ukraine has a European path and how it is a pro-EU country. What does this actually mean?

HISTORY

The EU and Ukraine had their first significant legal framework with their relations in 1994, when the Partnership and Cooperation Agreement (PCA) was signet. The agreement came into force in 1998 and had an initial period of ten years. After that, the agreement was meant to continue with extensions of one year per time, unless one of the parties represents its willingness to denunciation it before six months of the current expiry date. The agreement was founded out dated after internal developments of both sides of the agreement. It did not have specific legal consequences and for example Ukraine was supposed to ensure that it will make its legislation compatible with the EU law, but there was no mention of any timeline, methods of implementation

¹ Anne Peters, "Extraterritorial Naturalizations: Between the Human Right to Nationality, State Sovereignty and Fair Principles of Jurisdiction" in Thomas Giegerich, Alexander Proelss (coord.), German Yearbook of International Law, Vol. 53, Berlin, Duncker & Humblot, 2011, p.634.

² Costea, S. (2012). The European Union's Eastern Partnership: the objective of regional cooperation. The Eastern Partnership and the Europe 2020 strategy: Visions of leading policymakers and academics, 51-60.

³ Taras Kuzio, "Ukraine between a Constrained EU and Assertive Russia" in Journal of Common Market Studies, Special Issue: Europe's Hybrid Foreign Policy : The Ukraine-Russia Crisis, volume 55, issue 1, January 2017, p.1.

or any sanctions if this was not fulfilled.⁴ At that time Ukraine had a hybrid regime, which did not have enough democratic characters that it could work properly with the PCA⁵.

When Hungary, Poland and Slovakia joined to the EU in 2004, Ukraine became the border neighbour of the EU. On the same year EU launched The European Neighbourhood Policy (ENP), the idea was to create “a framework that would be successfully containing the complicated set of relationships”.⁶ They wanted to strengthen the prosperity, stability and security between the EU and its neighbours.⁷ In 2005 ENP Action Plan was adopted with Ukraine and they started its long term objective, the negotiations of new bilateral agreement for replacing the PCA⁸.

EU presented its Global Europe Strategy⁹ in 2006, the main idea was to promote trade liberalisation and integration. Later, on the same year there was an announcement from the EU that they wanted to negotiate, with their neighbours, about the Deep and Comprehensive Free Trade Agreements (DCFTA). During that time Ukraine was dealing with the Orange Revolution, whereof I will talk more about on the next part of this paper. In 2007 Ukraine was the first country to start the negotiations on a new Association Agreement (AA), but the negotiations were able to start only after the Ukraine would join to the World Trade Organisation (WTO). This happened in 2008 and so did the DCFTA negotiations start officially.¹⁰

After suffering with various problems, with very different kinds of neighbours, EU decided to split ENP to the smaller groups¹¹. The Eastern Partnership (EaP) programme launched in 2009 within Ukraine and five other former Soviet countries, Georgia, Moldova, Azerbaijan, Armenia and Belarus.¹² The EaP offered integration politically, through the Association Agreement, economically, through DCFTA as well as the possibility for visa-free regime. Ukraine was the largest and geopolitically the most important of all of these six countries.¹³

Finally in 2011 the AA between the EU and Ukraine was concluded, it was initialled in 2012 and 2013 EU adopted the proposals for final conclusions and signatures. In the end, the agreement was not signed, because the EU still asked Ukraine to rectify its judiciary and law enforcement systems with European standards as well as the abandonment of the practice of selective justice. During all this time, the crisis between Ukraine and Russia was coming along and one day before

⁴ Guillaume Van der Loo, Peter Van Elsuwege, Roman Petrov, *The EU-Ukraine Association Agreement: Assessment of an Innovative Legal Instrument*, EUI Working Papers Law 2014/09, San Domenico di Fiesole (FI), European University Institute, 2014, p.3-4.

⁵ Geoffrey Pridham, “EU/Ukraine Relations and the Crisis with Russia, 2013-14: A Turning Point” in *The International Spectator*, volume 49 issue 4, December 2014, p.54.

⁶ Troitiño, D. R. (2013). *European Integration: Building Europe*. Nova Publishers: New York.

⁷ Kerikmäe, T.; Chochia, A. (Eds.) (2016). *Political and Legal Perspectives of the EU Eastern Partnership Policy*. Springer International Publishing.

⁸ Guillaume Van der Loo, Peter Van Elsuwege, Roman Petrov, *The EU-Ukraine Association Agreement: Assessment of an Innovative Legal Instrument*, EUI Working Papers Law 2014/09, San Domenico di Fiesole (FI), European University Institute, 2014, p.4.

⁹ European Commission, ‘Global Europe: Competing in the World’, COM (2006) 567 final, 4 October 2006.

¹⁰ Guillaume Van der Loo, Peter Van Elsuwege, Roman Petrov, *The EU-Ukraine Association Agreement: Assessment of an Innovative Legal Instrument*, EUI Working Papers Law 2014/09, San Domenico di Fiesole (FI), European University Institute, 2014, p.4-5.

¹¹ Kerikmäe, T.; Chochia, A. (Eds.) (2016). *Political and Legal Perspectives of the EU Eastern Partnership Policy*. Springer International Publishing.

¹² Chochia, A. (2012). *The European Union and its policy towards the neighbors from South Caucasus*. *L'Europe unie/United Europe*, 6, 27–35; Chochia, A.; Popjanovski, J. (2016). *Change of Power and Its Influence on Country's Europeanization Process. Case Study: Georgia*. In: Kerikmäe, T.; Chochia, A. (Ed.). *Political and Legal Perspectives of the EU Eastern Partnership Policy (197–210)*. Springer International Publishing.

¹³ Taras Kuzio, “Ukraine between a Constrained EU and Assertive Russia” in *Journal of Common Market Studies*, Special Issue: *Europe's Hybrid Foreign Policy : The Ukraine-Russia Crisis*, volume 55, issue 1, January 2017, p.3.

the EaP summit in Vilnius Ukraine stated that it would suspend the AA.¹⁴ This was because Ukraine wanted to “ensure the national security of Ukraine and to recover trade and economic relations with the Russian Federation”¹⁵.

The decisions of suspend the AA got pro-EU Ukrainians attention. They started to riot and the disorder ended up for the Euromaiden revolution. The pro-Russia president Victor Yanukovich was dismissed and a new pro-EU government was established. Arseniy Yatsenyuk, a new leader of interim government stated that signing the AA was the priority of the new government. Signing the contract was still not an easy task, this time the Ukrainian government had some legal issues. According to Ukrainian Constitution¹⁶, the president is the one, who is responsible of signing international agreements. Olexander Turchynov, at the time current acting president, was appointed by the Parliament without elections because of the revolution. The situation did bring up some questions of legitimacy.¹⁷

At the same time, also the EU was dealing with competence issues of the AA. The agreement is a mixed agreement, which means that the competence is with both, the EU and it's member states. Because of the situation in Ukraine, there was a political pressure to act quickly. EU has 28 member states and mixed agreements take time until all the members are satisfied with the agreement. This was one of the reasons, why EU decided that all the political chapters of the AA will be signed first. Finally on 21 March 2014 the first part of the agreement was signed. And when Ukraine got its new elected president, Petro Poroshenko, he signed the entire agreement on 27 June 2014.¹⁸

UKRAINE-RUSSIA CRISIS

Since 1991, when the Soviet Union collapsed and Ukraine became an independent state¹⁹, Russia has had its direct and indirect presence in Ukraine²⁰. There have been several disagreements between these two countries and for example in 2006 there were a gas war between Ukraine and Russia²¹.

Before the gas war Ukraine dealt with the, earlier in this paper mentioned, Orange revolution. Ukraine was divided in two different kinds of parts, the east and the west. The east side was mainly Russian speaking orthodoxies, which were strongly pro-Russians and the west was Ukrainian speakers Roman Catholics who were nationalistic and contra-Russians. In November 2004 Ukraine had a presidential elections. West voted for Viktor Yushchenko, who was a pro-EU and wanted to

¹⁴ Guillaume Van der Loo, Peter Van Elsuwege, Roman Petrov, *The EU-Ukraine Association Agreement: Assessment of an Innovative Legal Instrument*, EUI Working Papers Law 2014/09, San Domenico di Fiesole (FI), European University Institute, 2014, p.5.

¹⁵ Decision of the Cabinet of Ministers of Ukraine from 21st November 2013, N 905-p.

¹⁶ Art. 106 (3) of the Ukrainian Constitution.

¹⁷ Guillaume Van der Loo, Peter Van Elsuwege, Roman Petrov, *The EU-Ukraine Association Agreement: Assessment of an Innovative Legal Instrument*, EUI Working Papers Law 2014/09, San Domenico di Fiesole (FI), European University Institute, 2014, p.5.

¹⁸ Guillaume Van der Loo, Peter Van Elsuwege, Roman Petrov, *The EU-Ukraine Association Agreement: Assessment of an Innovative Legal Instrument*, EUI Working Papers Law 2014/09, San Domenico di Fiesole (FI), European University Institute, 2014, p.5-6.

¹⁹ BBC, *Ukraine country profile*, 3 February 2017. URL www.bbc.com/news/world-europe-18018002 Accessed: June 7th 2017.

²⁰ Kerikmäe, T.; Chochia, A. (Eds.) (2016). *Political and Legal Perspectives of the EU Eastern Partnership Policy*. Springer International Publishing.

²¹ Jonathan Stern, *The Russian-Ukrainian gas crisis of January 2006*, Oxford, Oxford Institute for Energy Studies, 2006.

have stronger ties with the Europe and the rest of the west, whereas the east voted for Russian supporter Viktor Yanukovich. The latter was officially declared for the winner of the elections.²²

Soon after the official declaration of the elections winner, there was found a massive fraud by the election observers. They stated that there were over a million extra votes. The west started to riot and demanded that the result should be annulled. The name Orange revolution comes from the colours of the parties. Blue was the colour of the pro-Yanukovich government supporters and orange came from Yushchenko protesters.²³

The EU and USA denounced that the runoff was fraudulent. USA even threatened Ukraine with their relation if it would not do anything for the situation. After that Russia, who unsurprisingly was the supporter of Yanukovich, warned the West to back off.²⁴ On 26 December 2004 The Ukraine's Supreme Court ordered the result invalid and ruled new elections. The new elections were held on 23 January 2005 and this time the independent election observers found the re-run much fairer than earlier rounds. Viktor Yushchenko the winner of the elections, the new president of Ukraine, stated that "The people achieved honest elections, the transfer of power was legitimate. It is a great national victory".²⁵

The orange revolution ended for the result of the fairer elections, but the disputes between the pro-Russians and pro-EU people did not disappear. Russia and the EU as well as the USA had already taken part for the crisis. Then the new presidential elections came in 2010 and this time Yanukovich was elected. During the following year it became clear that "he was set on power aggrandizement through reversing democratic reforms". Ukraine had failed to create a real democracy.²⁶ The pro-Russian way of leading the country was perceived and for example the Russians took Ukrainian military and Security Service of Ukraine (SBU) into control. They were training for training anti-Euromaidan vigilantes.²⁷ The unhappiness for the government was visible and in 2013 the (Euro)Maidan protested started.

In November 2013 Ukraine decided to suspend from the AA with the EU because the pressure from the Russia. This started the disorders in Ukraine, pro-EU presenters were gathering to the streets and to the Maidan in Kyiv for protests with the EU flags. Slowly the protestors diminished and only some few hundred students and student-aged protestors stayed. Then at 4 AM on November 30 2013 the Berkut Special Police forcefully and even violently dispersed the group. This was the moment when Ukrainians became furious, they did not want to stay passive when their children were beaten. Later on the same day, there were already more than ten thousand people on the Maidan again, and people were still coming even from the distant parts of the Ukraine. It is estimated that by 1 December 2013 there had been about eight hundred thousand people at the Maidan. The protests were changing from the EU perspective to the anti-corruption, but the main demands of the protestors were all the time the withdrawal of president Yanukovich.²⁸

²² The Atlantic, Shneider, W, *Ukraine's 'Orange Revolution'*, 2004, URL www.theatlantic.com/magazine/archive/2004/12/ukraines-orange-revolution/305157/ Accessed: June 9th 2017.

²³ The Atlantic, Shneider, W, *Ukraine's 'Orange Revolution'*, 2004, URL www.theatlantic.com/magazine/archive/2004/12/ukraines-orange-revolution/305157/ Accessed: June 9th 2017.

²⁴ The Atlantic, Shneider, W, *Ukraine's 'Orange Revolution'*, 2004, URL www.theatlantic.com/magazine/archive/2004/12/ukraines-orange-revolution/305157/ Accessed: June 9th 2017.

²⁵ BBC News, *Yushchenko takes reins in Ukraine*, 23 January 2005, URL news.bbc.co.uk/2/hi/europe/4198957.stm Accessed: June 9th 2017.

²⁶ Geoffrey Pridham, "EU/Ukraine Relations and the Crisis with Russia, 2013-14: A Turning Point" in *The International Spectator*, volume 49 issue 4, December 2014, p.54-55.

²⁷ Taras Kuzio, "Ukraine between a Constrained EU and Assertive Russia" in *Journal of Common Market Studies*, Special Issue: Europe's Hybrid Foreign Policy : The Ukraine-Russia Crisis, volume 55, issue 1, January 2017, p.6.

²⁸ Euromaidan Press, Borislav Bilas, *Euromaidan Protests – The Revolution of Dignity*, 20 February 2016, URL euromaidanpress.com/2016/02/20/the-story-of-ukraine-starting-from-euromaidan/2/ Accessed: June 9th 2017.

There were speeches as well as music and other kinds of cultural performances during days and nights and they were even establishing a perimeter and Samo, a self-defence patrol, for keeping the Berkut Police away. At the beginning the government was trying to spread out the people, but the more they were trying, the more people came and pushed back. Bilash is writing on his article “The government paid street hooligans, called “Titushkas”, to attack protesters, kidnap activists and journalists and create general chaos throughout Kyiv, while the corrupt police turned a blind eye to these hooligans.” At the beginning of the next year the Ukrainian government adopted laws against protesting. As an example, if you were blocking the entrance of a government building during a protest, you might get six years of imprisonment.²⁹

Three politicians, Arseniy Yatsenyuk, Vitali Klitschko and Oleh Tyahnybok started negotiations, on behalf of the protesters, with the president Yanukovich. The negotiations did not have any resolution, mainly because Yanukovich did not agree to resign. The unsuccessful negotiations and new laws pushed a group of protestors to march from Maidan to the Parliament on 19 January 2014. But the march ended up to the riots with the police and first protestors were killed by shootings. The negotiations were still trying to find the resolution and in the end some of the anti-protest laws were rolled back. Yanukovich still refused to resign and the protests kept going. The Titushkas were continuing their job to kidnap and murder protestors and journalists. In the end of February there was a new march that ended up for the massacre. More than one hundred protestors died. There are some claims that Russia took part of these shootings. The representatives of the protestors, Yanukovich as well as some European diplomats had a meeting for to end this crisis. They created a draft agreement, where was a clause that the new presidential elections should be sooner as it was supposed to be. The protestors still were not happy for the agreement and required that the president would resign before the next morning. During the night Yanukovich fled from the country and as soon as it was discovered, the parliament officially removed him from the office and new presidential elections were held on 25 May 2014.³⁰

One week after the president had fled, armed men without any identifiable insignias started to take the control of checkpoints and government buildings in Crimea. Crimea was an autonomous region of Ukraine, which had more than 60% of ethnic Russians. On the next day these unidentified green men ousted the Crimean prime minister and hoisted to top of Crimea’s parliament building the Russian flag. The new prime minister, Sergey Aksyonov, called for referendum about options for Crimea joining to Russia or giving Crimea the sovereign status by returning the Crimean Constitution of 1992. On 16 March 2014 there was the vote. The voting itself was untrustworthy, for example there has been some evidence that the ballots were pre-filled and the vote had to be done without verified voters list, since the Ukrainian government refused to alienate it. The fact that the Russia was supervising the pole did not help the trustworthiness of the vote either. The result was that 93% of the voters wanted to be part of Russia. The very next day Russia signed a decree recognizing Crimea as an independent state and the day after Aksyonov and Putin signed The Treaty on the Incorporation of Crimea into Russia. EU as well as most of the countries does not recognise the annexation of Crimea.³¹

At the same time pro-Russia protest were happening in eastern and southern Ukraine. It is stated that the most of the protestors were citizens of Russia and that some of the Russian protestors were even paid to come to Ukraine and protest. In the Eastern Ukraine the situation got worse and

²⁹ Euromaidan Press, Borislav Bilas, *Euromaidan Protests – The Revolution of Dignity*, 20 February 2016, URL euromaidanpress.com/2016/02/20/the-story-of-ukraine-starting-from-euromaidan/2/ Accessed: June 9th 2017.

³⁰ Euromaidan Press, Borislav Bilas, *Euromaidan Protests – The Revolution of Dignity*, 20 February 2016, URL euromaidanpress.com/2016/02/20/the-story-of-ukraine-starting-from-euromaidan/2/ Accessed: June 9th 2017.

³¹ Euromaidan Press, Borislav Bilash, *The Annexation of Crimea*, 20 February 2016, URL euromaidanpress.com/2016/02/20/the-story-of-ukraine-starting-from-euromaidan/3/ Accessed: June 9th 2017.

in the provinces of Luhansk and Donetsk, armed militants managed to overtake and occupy government buildings as well as to take control of television and radio transmission towers. Once again there were two referendums after which there was a statement of two independent states: the Donetsk National Republic (DNR) and the Luhansk National Republic (LNR). Several battles were seen across Eastern Ukraine, but what finally got the attention of the world, was when a Malaysian Airlines plane carrying 298 civilians from Amsterdam to Kuala Lumpur was shot down in the Ukrainian airspace. Later on the investigations showed that it was shot down with BUK missile system made by Russia. The systems requires specialized training and the support of ground based radar, whereas the nearest of them are on the Russian soil. In September, after the extensive diplomatic negotiations the Minsk Protocol, a ceasefire agreement was presented. But neither party was following the agreement and the battles kept going. When the Russians inventions to the crisis become more clear the EU as well as US and Canada imposed sanctions towards Russia. In February 2015 the leaders of Ukraine, Russia, France and Germany signed the Minsk II Protocol.³²

EU'S PART IN THE CRISIS

Some people say that the EU is one to blame for the Ukrainian crisis. Cross and Karolewski claims on their article³³ that since the EU is relatively new on its foreign policy, EU is not strong enough for the international relations at all. Bonnenberg has stated on his article³⁴ that the EaP is the reason for all these happenings. He states that the idea of the EaP was to impart Western values to these six countries, but in reality “the effort has been a Western European attempt to strip these countries of their historical ties with Russia.” Of course Russia feels threatened when EU surrounds it and even more after the NATO enlarged to the Baltics and to the former European satellite states of the Soviet Union. The EaP has failed and it has only been harmful to the Europe, “a Europe that is more than just the EU”.

Whereas Solonenko states that the western populism weakens the democracy in Ukraine. She states that after the elections in 2014 “it was thanks to pro-European aspirations and the determination of millions of Ukrainians that the country received a chance to overhaul the old post-Soviet system of governance and make a breakthrough towards becoming a truly European country”.³⁵ Bertelsmann Stiftung's Transformation Index (BTI)³⁶ has shown that Ukraine has improved the quality of its democracy after the Euromaiden protests, but it is still desciped as a defective democracy country. In the West, the rise of the populism, the Brexit and the election of Donald Trump might all affect for Ukrainian democracy. One of these examples is a French Front Nationalist Marine Le Pen, who has insisted that the Russian sanctions should be lifted and that the annexation of Crimea was legitimate. Another example was when the Netherlands voted against AA on June 2016, which delayed the rustication of AA. The postpone of the granting of visa-free travel for Ukrainians is also a good example. “Ukrainians have paid a high price in lost lives and

³² Euromaidan Press, Borislav Bilash, *The Hybrid War in Eastern Ukraine*, URL

euromaidanpress.com/2016/02/20/the-story-of-ukraine-starting-from-euromaidan/4/ Accessed: June 9th 2017.

³³ Mai'a K. Davis Cross, Ireneusz Pawel Karolewski, “What Type of Power has the EU Exercised in the Ukraine–Russia Crisis? A Framework of Analysis” in *Journal of Common Market Studies*, Special Issue: Europe's Hybrid Foreign Policy: The Ukraine-Russia Crisis, volume 55, issue 1, January 2017.

³⁴ Atlantic-Community.org, Heinrich Bonnenberg, *EU's Eastern Partnership to Blame for Crisis over Ukraine*. 28 March 2014, URL www.atlantic-community.org/-/eu-s-eastern-partnership-to-blame-for-crisis-over-ukraine Accessed: June 9th 2017.

³⁵ Kerikmäe, T; Nyman-Metcalf, K; Gabelaia, D; Chochia, A (2014). Cooperation of Post Soviets with the Aim of not being "Post" and "Soviets". In: N. Šišková (Ed.). *From Eastern Partnership to the Association. The Legal and Political Analysis* (144–159).. Cambridge Scholars Publishing.

³⁶Stiftung's Transformation Index 2016, URL www.bti-project.org/en/home/ Accessed: June 9th 2017.

displacements for a unique chance to become a truly democratic and prosperous European country – a chance which populist developments in Europe now undermine.”³⁷

I think that the EU can create international relations, its members has done it far before the EU and its external relations policies, but both of the others authors are partly right. After all these happenings EU should help Ukraine even more, after all they do have the AA. But at the same time maybe the EU has already done too much. If one of the Ukrainian crisis is even called for Euromaiden, that definitely tells, that the EU is part of the disorders. Ukraine is a poor country between the huge Federal State and a large association of states, both offering the possibility “to join their respective (and mutually incompatible) trading blocs with different conditionalities”³⁸ And at the same time both blaming each other and taking offence if Ukraine agrees something with the other. A good example here is when in 2016 January Russia cancelled its free trade agreement with Ukraine after the DCFTA came into the force³⁹.

The problems with the 2004 EU enlargements of new member states, 2007 new enlargement with two not so easy countries as well as the Eurozone crisis made the EU become more careful with promising membership for new countries. That is why the consensus of Ukraine joining to the EU was not enough inside the EU. During the Euromaidan crisis USA and the protestors of the Maidan criticized the EU from its slowness and of the lack of boldness to respond for Yanukovich’s refusal to sign the AA as well as all the others happening in Ukraine. Only after the killings of the protesters in February 2014 waked the EU for the actions. They started to consider the sanctions against Russia. But when Yanukovich fed from Ukraine, EU felt that the situation was good again and started to invest for other international organizations before the Ukraine.⁴⁰

Then the EU extended the relations also for the economic aid. Such as, an agreement in March to embed EU officials in certain ministries in Kyiv in an advisory capacity and the cooperation with Ukraine and OLAF, the EU’s anti-fraud agency. They also started to prevent embezzlement with the creation of a support group for Ukraine by the European Commission to mobilize expertise from member states and promote coordination with donors and international financial institutions. EU created a support package for Ukraine including technical assistance on constitutional, judicial and electoral matters and a plan for accelerating visa liberalization. Later they established a mission to assist Ukraine in the field of civilian security sector reform embracing the police and the rule of law. When AA finally came into the force, it did bring along several other cooperation perspectives. Beside the economic side, it also had political and administrative reform and it promoted democratic values and human rights.⁴¹

In July 2013 Russian took actions against AA and stated some sanctions to Ukraine. In June the chief operating officer, David O’Sullivan, of the European External Action Service (EEAS) stated that that the AA would not be signed only on geopolitical considerations. But by August there was a change of minds when EU realized that it couldn’t lose Ukraine. At the same time various

³⁷ EUROPP – European Politics and Policy, Iryna Solonenko, *How western populism weakens democracy in Ukraine*. 30 March 2017, URL eprints.lse.ac.uk/71816/1/blogs.lse.ac.uk-How%20western%20populism%20weakens%20democracy%20in%20Ukraine.pdf Accessed: June 9th 2017.

³⁸ Tatjana Muravska, Alexandre Berlin, “Towards a New European Neighbourhood Policy (ENP): What Benefits of the Deep and Comprehensive Free Trade Agreements (DCFTAs) for Shared Prosperity and Security?” in Tanel Kerkmäe, Archil Chochia (coord.), *Political and Legal Perspectives of the EU Eastern Partnership Policy*, Cham, Springer International Publishing Switzerland, 2016.

³⁹ Taras Kuzio, “Ukraine between a Constrained EU and Assertive Russia” in *Journal of Common Market Studies*, Special Issue: Europe’s Hybrid Foreign Policy : The Ukraine-Russia Crisis, volume 55, issue 1, January 2017, p.4.

⁴⁰ Geoffrey Pridham, “EU/Ukraine Relations and the Crisis with Russia, 2013-14: A Turning Point” in *The International Spectator*, volume 49 issue 4, December 2014, p.54-56.

⁴¹ Geoffrey Pridham, “EU/Ukraine Relations and the Crisis with Russia, 2013-14: A Turning Point” in *The International Spectator*, volume 49 issue 4, December 2014, p.54-56.

new member states from post-Communist Europe were pressing for signing the AA for geopolitical reasons. After the Crimea EU's conditionality demands had become irrelevant and the focus was now on actions towards Russia. There were several meetings and warnings towards Russia, but EU was still acting way friendlier than for example US or Japan⁴². Only after the Malaysian airlines airplane was shot down the EU sanctions were really adopted.⁴³

The Member States of EU have different kinds of perspectives and interest towards the Russian-Ukraine crisis. But still, besides some individual cases, the EU has maintained its common response towards the sanctions. One reason for this was that "Member States accepted the political and economic costs of sanctioning Russia due to a sense of collective commitment to the principles of sovereignty and self-determination".⁴⁴

In my personal opinion, I think that if two parties have a dispute, a clever third party would not take a side, the best way is to be impartial and keep the relations between both of the parties. Only if both or other of the parties act against current agreements, ethics or for example human rights, then it is the time to show that you do not agree or accept with their actions. For example in the Ukrainian case, I think that the annexation of Crimea and the still on-going wars on Eastern Ukraine went too far. That is why I think that the sanctions against Russia are admissible.

CURRENT SITUATION

The armed conflict in Eastern Ukraine continues⁴⁵ and Crimea, as a part of Russia now, suffers from the sanctions and the loss of the tourism⁴⁶. EU still holds the Russian sanctions⁴⁷, but what is the current situation of the EU and Ukraine relations?

After long negotiations and several delays, finally on 11 May 2017 the European Union approved visa-free travel for Ukrainian citizens⁴⁸. The visa-free travel for Ukrainians with biometric passports will be available in summer 2017 to the all EU countries, excluding the Great Britain and Ireland but including Iceland, Liechtenstein, Norway, and Switzerland. Currently the Delegation of the European Union to Ukraine is organizing information campaigns about the visa-free travels around Ukraine, covering all regions inside Ukraine and continuing until the end of 2018.⁴⁹

A EU-Ukraine summit will be held in 12 July 2017. The trade measures have become more favourable to the Ukraine, when for example on 6 of June EU ambassadors reached agreement on

⁴² Taras Kuzio, "Ukraine between a Constrained EU and Assertive Russia" in *Journal of Common Market Studies*, Special Issue: Europe's Hybrid Foreign Policy: The Ukraine-Russia Crisis, volume 55, issue 1, January 2017, p.9.

⁴³ Geoffrey Pridham, "EU/Ukraine Relations and the Crisis with Russia, 2013-14: A Turning Point" in *The International Spectator*, volume 49 issue 4, December 2014, p.58-59.

⁴⁴ Helene Sjurson, Guri Rosén, "Arguing Sanctions. On the EU's Response to the Crisis in Ukraine", in *Journal of Common Market Studies*, Special Issue: Europe's Hybrid Foreign Policy: The Ukraine-Russia Crisis, volume 55, issue 1, January 2017.

⁴⁵ Live UA Map, URL liveuamap.com/en/2017/9-june-45-attacks-on-ukrainian-positions-yesterday-1-soldier Accessed: June 9th 2017.

⁴⁶ Bloomberg, Misha Friedman, *The High Price of Putin's Takeover of Crimea*, 31 March 2017 URL www.bloomberg.com/news/features/2017-03-31/crimea-pays-a-high-price-three-years-after-russian-takeover Accessed: June 9th 2017.

⁴⁷ European Union Newsroom. *EU sanctions against Russia over Ukraine crisis*, 16 March 2017, URL europa.eu/newsroom/highlights/special-coverage/eu-sanctions-against-russia-over-ukraine-crisis_en Accessed: June 9th 2017.

⁴⁸ Schengen visa info, *EU approves visa-free travel for Ukrainians*, 11 May 2017, URL www.schengenvisainfo.com/eu-approves-visa-free-travel-ukrainians/ Accessed: June 9th 2017.

⁴⁹ Delegation of the European Union to Ukraine. *Information campaign on visa-free travel to the European countries was launched*, 11 May 2017, URL https://eeas.europa.eu/delegations/ukraine/25968/information-campaign-visa-free-travel-european-countries-launches-today_en Accessed: June 9th 2017.

the Council's stance on temporary autonomous trade measures. The agreement will be for three years and it consist “additional import quotas at zero tariff for certain agricultural products ('tariff rate quotas' at 0%) and the partial or full removal of import duties on several industrial products”. The principles under the AA and the safeguard will apply.⁵⁰

The European Union Advisory Mission (EUAM) Ukraine works continually with the relations between the EU and Ukraine. It is “a non-executive mission of the European Union that formally began operations from its headquarters in Kyiv on 1 December 2014, following the Maidan revolution of 2013/14 and an invitation issued by the Ukrainian government... The goal is to achieve a civilian security sector that is efficient, accountable, and enjoys the trust of the public.”⁵¹ For example on 23 May the representatives of the EUAM and Tetiana Kovalchuk, Ukraine’s Deputy Minister of the Interior had a meeting where they announced that the Ministry had set up a dedicated Human Rights Department.⁵²

There is also EUACI, The EU Anti-Corruption Initiative, which objective is “to improve the implementation of anti-corruption policy in Ukraine, thereby ultimately contributing to a reduction in corruption”. The project is now calling for the proposals. “The goal of this call for proposals is to support national level civil society organizations (CSOs) within the field of anti-corruption aiming to engage with regional and local level CSOs and civic initiatives fighting corruption to deliver the state reforms, and to implement extensive advocacy and oversight.” The implementation of the proposed projects will most likely to start in July 2017 or at the latest in early 2018.⁵³

CONCLUSIONS

The relations between the EU and Ukraine had has more turning points, delays, suspends and crisis as ether of the parties were expecting. Both of the parties can be blamed of the negative issues, but as I see it, at the moment the relations are relatively good. The cooperation is working and as Pridham sated on his article⁵⁴ now is the great change to create even more positive cooperation strategy. A Ukrainian government is firmly committed to joining the EU, a civil society is more motivated than before and driven in particular by a young generation hopeful of their country moving on from the Soviet past, and the fact that, besides some Eastern parts of Ukraine, the situation has increasingly alienated by Russia’s aggressive policy towards Ukraine.

I don’t think that corruption is something what we can beat in the one night. We still have a lot of corruption inside the EU as well. But with cooperation it is definitely easier task. In the end, will Ukraine become part of the EU? In 2014 Petro Porošenko stated that Ukraine will apply for the EU membership in 2020⁵⁵, but for example in 2016 European Commission President Jean-Claude Juncker said that ‘Ukraine will definitely not be able to become a member of the EU in the next 20

⁵⁰ European Council, *Ukraine: Council agrees its stance on trade measures*, URL

www.consilium.europa.eu/press/press-releases/2017/06/06-ukraine-trade-measures/ Accessed: 9th June 2015.

⁵¹ EUAM Ukraine, *Our Mission*, www.euam-ukraine.eu/our-mission/about-us/ Accessed: June 9th 2017.

⁵² EUAM Ukraine, *Ministry of Internal Affairs of Ukraine creates Human Rights Unit with EUAM support*, 26 May 2017, URL www.euam-ukraine.eu/news/latest-news/ministry-of-internal-affairs-of-ukraine-creates-human-rights-unit-with-euam-support/ Accessed: June 9th 2017.

⁵³ Delegation of the European Union to Ukraine. *EU Anti-Corruption Initiative (EUACI) Call for Proposals – Ukrainian Registered CSOs*, 20 May 2017, URL https://eeas.europa.eu/delegations/ukraine/26633/eu-anti-corruption-initiative-euaci-call-proposals—ukrainian-registered-csos_en Accessed: June 9th 2017.

⁵⁴ Geoffrey Pridham, “EU/Ukraine Relations and the Crisis with Russia, 2013-14: A Turning Point” in *The International Spectator*, volume 49 issue 4, December 2014, p.59.

⁵⁵ HS, Suvi Turtiainen, *Ukraina aikoo hakea EU:n jäseneksi vuonna 2020*, 25 September 2014, URL www.hs.fi/ulkomaat/art-2000002764306.html Accessed: June 9th 2017.

to 25 years, and not of NATO either⁵⁶. Personally I do think, that in the end Ukraine will be a member of the European Union one-day.

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⁵⁶ Taras Kuzio, "Ukraine between a Constrained EU and Assertive Russia" in *Journal of Common Market Studies*, Special Issue: Europe's Hybrid Foreign Policy : The Ukraine-Russia Crisis, volume 55, issue 1, January 2017, p.2-3.

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Chile and the European Union: a Relationship with Privileges?

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Abstract: *The article aims to provide historical background that allow us to explain the reasons for the European Union, an alliance of global relevance, to sign agreements not only with MERCOSUR (where Brazil and Argentina participate) and Mexico, the great Ibero-American countries, but also and at the same time with a small country located in the antipodes like Chile.*

Keywords: Chile, European Union, EU External Relations, International Policies

INTRODUCTION

The relationship of European countries with America has deep roots that go back to the discovery of the new world. However, in the 20th century since the enormous development of the United States, the Ibero-American nations were under the obvious dependence of the giant of the north and relations with Europe became weak.⁵⁷ It will only be in the decade of the eighties when the European Community manifests its presence again, which will increase progressively by the end of the 20th century and the beginning of today's century, with the signing of agreements that will gradually refine and consolidate this approach.

In this framework of new relations construction is striking, even mysterious, the commitment that assumes, by means of a pact of last generation, a power of global characteristics such as the European Union with Chile a small country located on the periphery of the globe. Developing an hypothesis regarding the historical fact in question, leads us to state, in the first instance, the historical background that culminated in Europe with the Treaty of Maastrich in 1993,⁵⁸ which is the birth certificate of the current continental alliance, and then analyze the path traveled by Chile to achieve, after the government of General Pinochet, the reincorporation to the Western political world, which has, as one of its relevant milestones, the aforementioned alliance.

The current European Union is the successor to the European Economic Community⁵⁹, which, during the 1980s, joined together twelve old world countries in a process that involved political, economic, cultural and legal dimensions, among others.⁶⁰

The first initiatives focused on economic aspects but then transcend to the political sphere, joining the principles of freedom and private initiative, which until today represent the essence of the

⁵⁷ Ferrer, A. (1973) "Relaciones económicas entre la C.E.E y América Latina", *Revista de Estudios Internacionales*, 24, pp. 3-42, oct-dic, Santiago, p.15.

⁵⁸ Ramiro Troitiño, D. (2013) *European Integration: Building Europe (European Political, Economic, and Security Issues)*. Nova Science Publishers Incorporated, pp. 322-324.

⁵⁹ Ballesteros, M.D.L.P.P.; Ramiro Troitiño, D. (2017) *El modelo de integración europea de Churchill*. *Revista de Occidente*, (433), pp. 57-71.

⁶⁰ Pereira, J. (2005) *El nuevo orden de Yalta. La ONU y la Doctrina Truman; El Plan Marshall y la OTAN*, pp.157-179. En Beneyto, J. et al. Eds. *Europa y Estados Unidos. Una historia de la relación Atlántica en los últimos cien años*, Madrid, Biblioteca Nueva.

European Union.⁶¹ We must remember and emphasize that, from the beginning, these negotiations were guided by political ideologies that, during the same years, materialized in the formation of the International Christian Democracy and the reformulation of the International Social Democracy, that abandoned its historical Marxist Leninist inspiration, opening a door to a basic agreement between the two, in respect for the democratic system and the repudiation of totalitarian systems, creating the basic substrate that supported the projects of unity and continental cooperation.

Parallel to what happens in Europe, after the end of the Second World War, Chilean political experience in the context of the Cold War, shows us in 1957 the creation of the Christian Democratic Party, that organized a world-wide doctrinal congress held in Santiago in 1961, presided by Eduardo Frei Montalva, giving origin to the International that will bring together the communities of this inspiration in European and American countries.

The knowledge that leaves us the direct experience of what happened in Chile between the sixties and the beginning of the governments after 1989, reveals to us a society where real political experiments are concrete, like the government of the Christian Democracy and its "revolution in Freedom" and then the government of "Unidad Popular" and its project to build a socialist society, experiences that finally concluded with a ruined and fractured community after the institutional crisis of 1973, that resulted in a direct intervention of the armed forces that during 16 years ruled the country.

For European political sensitivity, the brutal overthrow of the "Unidad Popular" and Allende's death was exacerbated by the subsequent and persistent denunciation of the systematic violation of human rights by the military government.⁶² Virtually, from its origin, the European community and the totality of its political currents condemned the regime directed by the general Pinochet demanding the return to the democratic system, supporting in that sense to the opposing forces considered affines.

Paradoxically, during the dictatorship in Chile, a liberal economic experience was initiated, where private initiative was strongly stimulated. This was the basic pillar for the European capitalist economy since the Bretton Woods agreements by the end of the Second World War. If such experience creates perplexity, the concrete results of the Chilean economy are astounding at the successes achieved, allowing the country to emerge from the economic disaster of 1973 and become a sort of theoretical and practical example on how to overcome the endemic symptoms of underdevelopment, Latin America.⁶³

Finally the Chilean evolution shows an extraordinary military dictatorship giving the political power, Pinochet returns to the position of commander in chief of the army, position he had on September the 10th of 1973, but in fact he is the leader of all the branches of the armed forces; in the lost plebiscite, he has counted with the considerable 43% of support of the citizenship and it delivers a country with a solid economic structure, ordered, functioning efficiently, where practically all the private economic agents have supported him and identify with his government.

The objective of the following analysis is to answer the question of how, in two decades, a country within the continent, showing an exemplary and internationally recognized institutional evolution, was able to destroy and then rebuild a new political, social and economic structure recognized and supported exceptionally by the European Union?

⁶¹ Ramiro Troitiño, D. (2017) "Jean Monnet before the first European Community: A historical perspective and critic." *TRAMES: A Journal of the Humanities & Social Sciences* 21, no. 3.

⁶² Kerikmäe, T.; Hamulak, O.; Chochia, A. (2016). A Historical Study of Contemporary Human Rights: Deviation or Extinction? *Acta Baltica Historiae et Philosophiae Scientiarum*, 4 (2), 98–115.

⁶³ Ferrandois, J. (2004) *Mundo y fin de mundo. Chile en la política mundial 1900-2004*, Santiago, Ediciones Universidad Católica de Chile. p. 512.

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The presidency, that falls into Eduardo Frei, in the constitutive congress of the Christian Democratic International was not only an honorary fact but also represents the beginning of a process that strongly ties Chilean politics with an international organization, in this case the (IDC), whose main offices are in Europe having as territorial bases the cities of Bonn and Rome.

The aforementioned does not mean ignoring another strategic relationship that Frei managed to consolidate, we refer to the strong nexus built with the United States and in particular with the Democratic party and the so-called "Kennedy clan". In this sense it is convenient to know the opinion expressed by a former American ambassador in Chile, who noted the following:

In 1963 the FRAP (Frente de Acción Popular, alliance of the left side, whose presidential candidate was Salvador Allende) embodied the fears of Washington and Rome, who were not disconnected from each other. In contrast, Eduardo Frei and the PDC (Christian Democratic Party) seemed to be a very attractive bet, a team that could become the basis of a counterattack to face Havana and Moscow: a revolution in freedom that would provide an opposing pole of attraction... Chile would incarnate in the ideal political and social realms of its American patrons.⁶⁴

Let us emphasize that among all these relationships, there is a common denominator that cannot be ignored, which is the influence of the Church's teaching on the European and North American leaders already mentioned, who are involved in a political project to face the challenge that globally represents the model of real socialism, an expression of Marxist totalitarianism which was explicitly condemned by the Holy Church since the 19th century.

We cannot ignore this list of events that formed, in the mid 20th century, the foundation of international architecture that was built post-war, and the creation before the political and economic bodies of European integration (with the exception of the Marshall Plan) of the North Atlantic Treaty Organization (NATO). This arises as a structure destined to face the military threat represented by the USSR and its satellite countries and involved the United States, Canada and ten European states forming a block that finally ended logistically depending of the USA.⁶⁵

At the beginning of the sixties, the threat of the communist ideology extends to the American continent through the Cuban revolution, which self-proclaiming socialist becomes an active part of the cold war that, until that moment, had been fought in Europe and Asia.

The construction of a socialist model that defies liberal democracy is the propitious occasion that allows Frei and Christian Democracy's rise in Chile, whose reputation to the eyes of the Western world, compares favorably with a regional political reality, where corrupt family dynasties proliferate or military dictatorships. That way, Frei is consolidated as the natural option and legitimate political alternative to counteract the epic image represented by Castro and his revolution.

After being elected president of Chile, Frei made a trip to Europe in 1965, as a special guest of Italy, France, England, Germany and the Vatican, which represents an unprecedented political and diplomatic event in the Latin American foreign relationships.⁶⁶

⁶⁴ Korry, E. (1998) Los Estados Unidos en Chile y Chile en los Estados Unidos (1963-1975), Revista de Estudios Públicos, 72, pp.12-74, Primavera, Santiago. pp. 31-32.

⁶⁵ Pereira, J. (2005) El nuevo orden de Yalta. La ONU y la Doctrina Truman; El Plan Marshall y la OTAN, pp.157-179. En Beneyto, J. et al. Eds. Europa y Estados Unidos. Una historia de la relación Atlántica en los últimos cien años, Madrid, Biblioteca Nueva. p. 177.

⁶⁶ Ramiro Troitino, D.; Chochia, A. (2015). Winston Churchill And The European Union. Baltic Journal of Law & Politics, 8 (1), 55-81.

The following year, the European Community sets up a regional office in Santiago, which became known as the Liaison Office of the European Coal and Steel Community for Latin America, and the Chilean government is actively engaged in promoting the emerging integration organizations already in existence, which will be highlighted later, the Latin American Free Trade Association (LAFTA) and the Andean Pact.⁶⁷

The rotations of government that take place in European countries between the 1960s and 1970s are natural expressions of the will of their citizens, but whether the Christian Democratic side or the Social-Democrat who is in power will invariably maintain democratic and free-trade principles as the essential axes on which integration initiatives and international relations operate.

Meanwhile the Christian Democratic government will end with the election of the socialist Salvador Allende in 1970. His image as a traditional politician with a long parliamentary career and extensive participation in the masonry shows him, to the European eyes, as a bourgeois social reformer, far removed from violent revolutionary tactics, a condition that arouses wide sympathies in a world shaken by the cruelty that reflects the Vietnam War.

In the words of E. Hobsbawm⁶⁸ we can find the reason for this perception:

When the Soviet leadership of the international communist movement that was threatened by China in 1960, not to mention various Marxist dissidents who did it in the name of the revolution, Moscow supporters in the third world maintained their political option of studied moderation. The enemy, in these countries, was not capitalism, if it even existed, but the pre-capitalist local interests and the (US) imperialism that supported them. The way to move forward was not the armed struggle, but the creation of a broad popular or national front in alliance with the national bourgeoisie and petty bourgeoisie... This strategy, which infuriated those who preferred the armed route, seemed to succeed ... in Chile in 1970

In such a scenario, an idealized Allende image is constructed in Europe, which identifies him, as we have already mentioned, as a moderate politician with a government program that, while maintaining the liberties of the democratic system, looks for the modification of a wild capitalism, after the objective of improving socio-economic conditions of a historically exploited population which now, through transformations achieved by a peaceful way, can be incorporated to a dignified life system. In this respect Hobsbawm⁶⁹ points out:

The left tendency, including humanitarian liberals and moderate social democrats, needed more than just social security laws and wage improvement... How else can we explain the passion for helping third world countries?... This led, that the European liberals of the second half of the 20th century, to support the revolutionaries and the revolutions of the third world.

The construction of this utopia, lived with passion in important sectors of Europe, in fact destroyed progressively the social coexistence and installed in Chile the systematic violence as a conflict solution mechanism which was not perceived in the societies of the old world that supported the *Unidad Popular* experience, furthermore not considering that this alliance in real and concrete terms was inspired in the last instance by a socialist-Marxist ideology with clear presence of Leninist

⁶⁷ Martin, C. (2002) "Las relaciones América Latina-Unión Europea: Antecedentes de la importancia e institucionalización del diálogo político", *Revista de Ciencia Política*, XXIII, (2), pp.46-64, Santiago. p. 49.

⁶⁸Hobsbawm, E. (1998) *Historia del siglo XX*, Buenos Aires, Grijalbo Mondadori. p. 435.

⁶⁹ *Ibid*, pp. 435-436

tactics.⁷⁰ It is interesting, bearing in mind the distorted image in Europe of the "Social Democrat Allende" generating a true myth about its proximity to social democracy, to cite the opinion that Allende himself gave in an interview related to his ideological orientations: "Debray: Does that explain why the Chilean socialist party, for a while now, had nothing to do with European social democracy? Allende: Clearly. Nothing has to do with it, nor with some parties that claim to be socialists in Europe".⁷¹

In theory, both the form and the background of the allendista discourse coincide literally with the principles that the Social Democracy had impelled since its creation, and this will make that, considering the siege that the United States initiated against the Chilean regime, European governments and influential public figures publicly support what they consider an unprecedented political experience which they feel identified with.

The failure of the experiment and the violent end of the Allende's government and its death, will represent, for an important sector of the population and western political parties, a real Greek tragedy that turns to Allende into a martyr and into victims of a cruel repression to his followers, giving origin to an absolute condemnation of the military leaders who led the end of a utopia that was considered peaceful and disarmed.

EUROPE AND THE GOVERNMENT OF GENERAL PINOCHET

The internal reality of Chile on the September 11th 1973, when the Popular Unity government collapses, is dramatic; the economy is destroyed, political forces are immersed into a spiral of irrational actions to prepare their forces for a violent and decisive confrontation, education and public health, at all levels, collapse and live in constant paralyzes, foreign interventions that try to help the sectors in conflict are evident, and so on, the social fabric is broken and the climate of confrontation predicts a civil war.

A privileged witness of the administration of the Unidad Popular government, was former president Eduardo Frei, knowing the apocalyptic vision that is exhibited in Europe on the fall of the government in Chile, in a letter dated November 1973 addressed Mariano Rumor, President of the Christian Democratic International, points out the following background:

The main problem is that this minority government, presenting itself as a legal and peaceful way to socialism (which was the slogan of its national and worldwide advertising) was determined to establish a totalitarian dictatorship in the country and was taking progressive steps to achieve this... To this political picture is added ... facts that have been determining in the Chilean process.

Firstly, once the government was established, converged in Chile thousand representatives of the extreme revolutionary left of America... Men known on the continent for their guerrilla activities, were immediately occupied in Chile... (and) many of them spent their time to paramilitary training and to install guerrilla schools... What democracy can resist this situation?... Inflation in official government figures reached 323% in the last twelve months, however the University Institutes, considering that the country was practically living on the black market, estimated that it exceeded 600%... All productivity rates had fallen: Industries by more than 7%; agriculture about 23 % and mining about 30 %... Bankruptcy was total...".⁷²

⁷⁰ Harmer, T. (2013) *El gobierno de Allende y la guerra fría Interamericana*, Chile, Ediciones Universidad Diego Portales. p. 303

⁷¹ Debray, R. (1971) "Allende habla con Debray", *Revista Punto Final*, 126, pp. 3-62, marzo, Santiago. p. 21

⁷² Frei, E. (1973) *Carta de Eduardo Frei a Mariano Rumor*.

Despite the above, in Europe there was already an environment predisposed to reject the new Chilean political scenario and, accordingly, the 16-year period of the military regime shows a critical period of isolation in foreign relations which is felt as from day one, when the *Junta de Gobierno* declares itself anticommunist and breaks diplomatic relations with almost all the countries that conformed the communist side in the cold war.

Subsequently, and as the government increases repression against the Unidad Popular militants and to the extremist group, *Movimiento de Izquierda Revolucionaria (MIR)*, which is trying to reorganize and fight against it, the critics from Western European countries and even from the American continent will grow transforming the country, along with South Africa and Israel, into true pariah nations with whom no state wants to appear related to.⁷³ The siege will be completed when the United States, which initially supported the military government, ceases to support it since 1976 because of repeated allegations of human rights violations, compounded by an attack in Washington of which members of the Chilean intelligence are held responsible.

That same year 1976, the Chilean Christian Democracy, which initially encouraged and supported the military intervention, becomes an open opponent, realizing that the government's schedule does not contemplate the delivery of power and less the restoration of the existing model until 1973, circumstances to which will be added the exile of various leaders and a failed attempt on one of its historic leaders, Bernardo Leighton, in Rome for which the military government is blamed.

In this brief analysis of the historical development of the military government, we could not ignore other events of major importance that take place in the late 1970s and 1980s which provide views from other perspectives, helping to understand the behaviors that the European Community will concrete.

The Catholic Church, historically predominant in Chile, that had received with cautious and reservations the change of government, shows with the advance of the years, an attitude in the majority of the bishops of open critic towards the military and civilians in the power, assuming an actively protective role of opponents to the regime, considering that its mission was to defend the human rights frequently violated in the country.

Furthermore, we finally believe that it is relevant in this analysis of the period, to add international policy actions that have not been adequately taken into account and which we consider as key to the relationships that will be built at the end of the military regime, we are referring specifically to the election of Chilean politicians in positions of importance at an international level.

Since 1977, led by the Social-Democrat German Chancellor Willy Brandt, and as a United Nations initiative, is formed a commission of the highest level that will focus on the analysis of North-South relationships, with the commendable purpose of suggesting measures to deal with the pressing drama of inequality between developed and underdeveloped nations.⁷⁴

The former Christian Democrat president, Eduardo Frei Montalva is invited to be part of this selected group, which will result in the achievement of, at least three political objectives: the alliance between the two major European countries, which were confronted after the fall of the Allende's government, is harmonized, the cleaning of the image of Frei, who was strongly criticized in Europe for being considered the civil responsible of the fall of the government of the Unidad Popular and for supporting the installation of the *Junta de Gobierno*, and in the third place, after the cleaning of Frei's image, the main internal political figure of Chile, a world rostrum to lead the opposition to the General Pinochet's government.

⁷³ Wilhelmy, M., Durán, R. (2003) Los principales rasgos de la política exterior chilena entre 1973 y el 2000, *Revista de Ciencia Política*, XXIII, (2), pp. 273-286, Santiago. pp. 274-275

⁷⁴ Fermandois, J. (2001) Eduardo Frei Montalva: Esplendor y ocaso. *Revista de Estudios Públicos*, 83, pp. 297-314, Santiago. p. 310.

Directly related to the above we can verify that Andrés Zaldívar, a prominent Chilean political figure, is elected president of the International Christian Democratic, a role he plays between 1981 and 1986. Another less well-known Chilean, Luis Ayala, joins external political institutions becoming, in 1986, general secretary by the International social-democratic. All that is shaping, in the old continent, a political scene that will have as resonance box the European Parliament.⁷⁵ This institution of the community where the two partisan organizations mentioned have historically represented the mainstream, will be used permanently as a tribune to support the forces of opposition to the military government.

To complement this, let us finally mention that in 1992, just after the government of Patricio Aylwin began, the champion of the opposition, the Social Democrat Enrique Silva Cimma, chancellor of the new government, was appointed honorary president of the International Social-Democratic.

Having said that, with respect to the international political scenario that left few margins of movement, let us indicate that the cornered regime begins a true socio-economic revolution inspired by a model denominated neoliberal whose mentor is the school of economics of the University of Chicago, where the role of the state, in mostly all spheres of society, is minimized giving to the freedom to undertake and to the private initiative, a decisive role. That way, in Chile, an iron-fisted political control with broad economic freedom, that opens the frontiers of trade with the farthest latitudes, will be combined. The most prestigious Chilean historian of the 20th century, evaluating the transformations to the historical role of the state pointed out:

From then on (1974) a general restructure of the economy, of the society and of the state power: in a certain way a "revolution from above"... The cardinal idea of the Republican Chile is, historically considered, that the state is whom has been shaping and affirming Chilean nationality throughout the 19th and 20th centuries; and that the purpose of the state is the common good in all its dimensions... Now, instead, the trend towards privatization expands and the conviction that economic freedom is the basis of political freedom and finally of all freedom expressed by representatives of the economic team, without considering the similarity of this postulate with those of a primary Marxism.

Over the years the country's economy, literally destroyed by the allendist experience that suffered in 1974, the negative effects of the petroleum crisis, it becomes a true laboratory of the so-called Neocapitalist theories and the results, especially in the field of macroeconomics, give rise to what was called "the Chilean miracle".⁷⁶

Into the political scenario, a frustrated guerrilla attempts to prevent the achievement of the schedule designed to return to a democratic model, through electoral mechanisms, and which was incorporated in the new Constitution of the country on 1980, the moderate opposition openly supported by Western democracies, will face and defeat the regime in a plebiscite that marks the return of the country to the democratic system by reinserting it into the international community.⁷⁷

⁷⁵ Ramiro Troitiño, D. (2014). The British Position towards European Integration: A Different Economic and Political Approach. *Baltic Journal of European Studies*, 4(1), 119-136. p. 343.

⁷⁶ Chomsky, N.; Dieterich, H. (1995) *La Sociedad Global. Educación, Mercado y Democracia*, Chile, LOM ediciones. pp. 19-92.

⁷⁷ Fermandois, J. (2004) *Mundo y fin de mundo. Chile en la política mundial 1900-2004*, Santiago, Ediciones Universidad Católica de Chile. p. 489.

CHILE AND ITS POLITICAL REINTEGRATION. GOVERNMENT OF AYLWIN AND THE *CONCERTACION*

The full reincorporation of the country into the world's political system in the early 1990s, must be understood as a continuous flow where realities of different natures interact and combine, giving rise to events and conjunctures that finally, in the case we studied, allowed a peaceful political transition which gradually decompressed strong internal tensions that, at some point, seemed to threaten that evolution.

It is in this context, with a Chile incorporated again in the democratic system, that we observe the signing of three successive agreements that deepened its relation with the European Union.⁷⁸

These diplomatic events, gather in protocols, as from 1990, which will be perfected, in a country of 14 million inhabitants at the end of the world, with an annual GDP of US\$ 32.851 million and a per capita income of US\$ 2,328, with an alliance totaling about 470 million inhabitants, which represented the cultural center of the Western world, with annual GDP of US\$ 7.5 trillion and GDP per capita of US\$ 14,835.

Practically at the same time, the E.U signed agreements with Mexico (a population of 100 million and linked to the United States and Canada in NAFTA) and MERCOSUR, an alliance of which Brazil and Argentina are part of, (together they add a population of 230 million plus Uruguay and Paraguay) that is to say, we are talking about the three most populous and powerful nations in Latin America.

The figures indicated reveal a relationship of deep asymmetries, where the construction of an alliance with Chile apparently does not show a logically quantitative and rational explanation. We believe that the key to understand this process, is found in the political agreements made by the moderate opposition to Pinochet with the international Christian Democrat and Social Democrat in the 80's, to give governability and economic support to Chile at the time the military government ends.

CONCLUSION

We believe that the strong reasons that led the European Community to define and concrete, in the Chilean case, a privileged treatment, is built on the evident support that was given to the opposing forces for 16 years and that was crowned with the electoral defeat of General Pinochet and the victory of Patricio Aylwin.

As this was not enough however, for the military leader ceased to be a powerful player, the new government's economic management should be exceptionally supported, opening the doors to agreements that would consolidate, within a liberal capitalist democratic pathway, the political forces of Chilean left center.

On the other hand, it is necessary to ask whether Pinochet's political defeat was considered, at that time, sufficiently "demonstrative effect" by the international European policies to discourage the emergence of new military governments in Latin America or, on the contrary, precisely in view of the successful Chilean economic experience carried out by the military regime, it was necessary, from a strategic political point of view, to strongly support Aylwin's government, which could be considered by the ideological nature of the parties that were part of it, faithful representative of the great European collectivities. This support action would aim to overcome and appropriate the previous economic performance and, thus, associate the definitive leap to the developed world of the

⁷⁸ Irigoien, J. (2000) Las relaciones de Chile y el MERCOSUR con la Unión Europea. Revista de Estudios Internacionales, 130, pp.3-12, Santiago. pp. 6-7.

country with the operation of a democratic government, neutralizing any success that the military regime wanted to attribute itself.

The previous interpretation is obviously complemented by the political reality in the 1990s, when the European Union is consolidated as a global power,⁷⁹ further favored by the Eastern sector collapse or by the real socialisms, which acts in the countries that integrate it as a strong incentive to expand its guiding principles: democracy and free market economy, which coincides fully with the birth and development of the new Chilean regime.

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⁷⁹ Kerikmäe, T.; Chochia, A. (Eds.) (2016). *Political and Legal Perspectives of the EU Eastern Partnership Policy*. Springer International Publishing.

The Eastern Partnership policy and EU Neighborhood Policy in Georgia - Analyzing EU-Georgia relations

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Abstract: *Focusing on EU neighborhood policy and Eastern partnership policy, this paper aims to showcase the improvements, which was achieved between EU-Georgian relationships. The main ascent will be done on Georgia's perspective. The paper aims to examine how does the EU conducts relationship with Georgia and how will Georgia benefit from this relationship. Furthermore, the following questions will be answered: Why was the Eastern Partnership policy created? What are the main factors that led to its development? What are the main differences between EU Neighborhood policy and Eastern partnership policy?*

Keywords: Eastern Partnership policy, Georgia, Abkhazia, South Ossetia, EU Neighborhood policy

INTRODUCTION

The enlargement of the European Union has highlighted the need of reshaping the EU institutional framework and policies addressing the new neighborhood. In recent years the European Union is identified as security actor.¹ Activities conducted by the Union showcases that EU is not only obsessed by its internal affairs but it also cares about the third countries too.² The relationship between Georgia and EU become significant in 2003. In this year the European Union enclosed Georgia with the European Neighboring Policy. This step can be seen as the new aim of the union to contribute in the conflict of Abkhazia and South Ossetia.³

Despite the fact that in legal literature we cannot find what is the definition of 'conflict resolution' on part of the EU,⁴ it has to mean introducing concrete policies which will be implemented and formulated by the Union that will lead to a achieve mutually acceptable agreements. EU's impact on conflict resolution in Georgia can be seen during the Georgian-Russian war in 2008.⁵ In this paper the EU's involvement and relations with Georgia will be analyzed.

In 2010 European Parliament made a resolution where the importance of a new strategy for south Caucasus was highlighted. It was said that "geopolitical location of the South Caucasus and its increasing importance as an energy, transport and communications corridor connecting the Caspian region and Central Asia with Europe; considers it of the utmost importance therefore that EU cooperation with the South Caucasus be given high priority, not least in matters relating to

¹ Costea, S. (2012). The European Union's Eastern Partnership: the objective of regional cooperation. The Eastern Partnership and the Europe 2020 strategy: Visions of leading policymakers and academics, 51-60.

² Kerikmäe, T.; Chochia, A. (Eds.) (2016). Political and Legal Perspectives of the EU Eastern Partnership Policy. Springer International Publishing.

³ Chochia, A.; Popjanevski, J. (2016). Change of Power and Its Influence on Country's Europeanization Process. Case Study: Georgia. In: Kerikmäe, T.; Chochia, A. (Ed.). Political and Legal Perspectives of the EU Eastern Partnership Policy (197-210). Springer International Publishing.

⁴ Troitiño, D. R. (2013). European Integration: Building Europe. Nova Publishers: New York.

⁵ Chochia, A. (2012). The European Union and its policy towards the neighbors from South Caucasus. L'Europe unie/United Europe, 6, 27-35.

energy; emphasizes the role of the three countries as essential for the transit of energy resources, as well as for the diversification of the EU's energy supply and routes".⁶

"Georgia's relations with the EU has a long story, which as in the case with a majority of other post-Soviet countries started just after Georgia regained its sovereignty after the breakup of the Soviet Union.⁷ The EU was one of the first to assist Georgia in the difficult early years of transformation to a democratic country. The European Commission opened its Delegation in Georgia in Tbilisi in 1995, and the first main document on which Georgia and EU relationships are based on—the Partnership and Cooperation Agreement—came into force in 1999."⁸

In this paper two main policies of the European Union will be analyzed. Firstly, I will talk about the EU's Neighborhood Policy and conclude the main elements and achievements. Later I will answer the following questions. Why was the Eastern Partnership policy created? What are the main factors that led to its development? What are the main differences between EU Neighborhood policy and Eastern partnership policy?

THE EU NEIGHBORHOOD POLICY IN GEORGIA

The European Neighborhood Policy of the European Union included ambitious objectives based on commitments to share values and effective implementation of political, economic and institutional reforms. Among other eastern European Countries, Georgia was also invited to enter into intensified political, security, economic and cultural relations with the EU, enhanced regional and cross-border co-operation and shared responsibility in conflict aspirations. The European Union took note of Georgia's expressed European aspirations. EU welcomed Georgia's readiness to enhance cooperation in all domains covered by the action Plan. The level of ambition of the relationship depended on the degree of Georgia's commitment to common values as well as its capacity to implement jointly agreed priorities in compliance with international and European norms and principles. The pace of the relationship fully acknowledged Georgia's efforts and concrete achievements in meeting those commitments.⁹

"In terms of the failure of the ENP, the deficiencies are well-documented with reference to governance, process and practice. Contrary to the evolution of the southern dimension the EU's governance approach to the east has moved from bilateralism to multilateralism in the EaP, precisely because the EU wanted to inject a more political dimension into the process of transformation. However, the EU's overarching logic, and the underlying principles of differentiation and partnership found in the EU's approach, have been severely undermined by its practice through bilateral and multilateral processes on issues such as visa policy, democracy, energy and conflict resolution. This has meant that the governance and governmentality of the east has more often than not been characterized by imbalance, and has thus been far from adequate in addressing the threats stemming from weak governance, political instability and the frozen

⁶ Retrieved from <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0193+0+DOC+XML+V0//EN> [accessed 05 June 2017]

⁷ Kerikmäe, T; Nyman-Metcalf, K; Gabelaia, D; Chochia, A (2014). Cooperation of Post Soviets with the Aim of not being "Post" and "Soviets". In: N. Šišková (Ed.). From Eastern Partnership to the Association. The Legal and Political Analysis (144–159).. Cambridge Scholars Publishing.

⁸ Gabelaia D., Georgia's right to 'European Dream', Political and Legal Perspectives of the EU Eastern Partnership Policy, Tallinn Law School, p211

⁹ European Commission, ENP EU/Georgian action plan, p1 retrieved from https://eeas.europa.eu/sites/eeas/files/georgia_enp_ap_final_en_0.pdf [accessed 05 June 2017]

conflicts, not to mention the competition faced by Russia in its own attempts to reassert control over what it constructs as its own sphere of influence”¹⁰

In 2004 the European Union launched its European Neighborhood Policy. The policy asserts that the EU wants to promote stability, security and well-being of all by the use of incentives in lieu of sections and to foster cooperation in areas of mutual consent and interest. This policy is remarkably balanced in its attention to interest and values, soft in respect of the absence of elements of coercion and rather generous in its offer of material assistance. At the end of 2006 there already were signs of a generalized European Neighborhood Policy among the neighboring countries and in June 2007 the Union acknowledged this by embracing the German EU presidency's plan to revive the policy.¹¹

However, while talking about the good sides of the policy it is important to analyze why not this approach was as successful as the EU's Eastern Partnership policy. Georgia and EU agreed on specific reform steps and requirements in all ENP priority areas. Despite this fact, the policy was partly successful in Georgia. There are some reasons why it was so successful. The first reason was the positive conditionality. Secondly, the formulation of the policy was too vague and not credible enough. For instance the Union did not mention exactly what kind of reforms would Georgia get in case of any legislative reforms. Georgian authorities were disappointed that the security issues were not on a high condition. Finally, Georgia and eastern European countries were disappointed due to the fact that Policy was building too many distinct nations. The principle of differentiation was also lacking from the ENP.

The Next chapter will analyze the Eastern partnership Policy. Here I will make it clear why this Policy is better and how Georgia benefited from this approach.

THE EASTERN PARTNERSHIP PROGRAM

Poland and Sweden developed the need of an eastern partnership policy on 23 May 2008. Later the project proposal was sent to all EU member states. It was officially launched on May 7 2008 on Prague summit. The eastern partnership policy aims to cooperate with Ukraine, Moldova, Georgia, Azerbaijan, Armenia and Belarus. EAP helps the six countries with harmonization of European standards. Principles of joint ownership, differentiation and conditionality are the main features of the policy.¹²

What are the main elements that EAP aims to envisage? We can divide the approach into three main elements. Firstly, the policy strengthens and intensifies the bilateral relations between the European Union and the partner countries. Secondly, it encourages flagship initiatives designed to increase EU visibility in the region. Finally, the EAP provides various financial sources and partnership instruments, cross border cooperation instruments and bilateral assistance.¹³

“In governance terms, the principles that underpin the EaP remain the same as those of the ENP: it is guided by differentiation, joint ownership, and conditionality the latter related to progress

¹⁰ Christou G.(2011), Multilateralism, Conflict Prevention and the Eastern Partnership, *European Foreign Affairs Review*, 16:207-225, 2011 Kluwer law international BV.,p419

¹¹ The EU as a modest ‘force for good’: the European Neighborhood Policy *International Affairs* 84: 1 (2008) 81–96 © 2008 The Author(s). Journal Compilation © 2008 Blackwell Publishing Ltd/The Royal Institute of International Affairs ESTHER BARBÉ AND ELISABETH JOHANSSON-NOGUÉS, p1

¹² Monacu O. (2009), The Eastern Partnership – A premise for an enhanced EU-Eastern Neighboring cooperation Relationship, *Romanian Journal of European Affairs*, Vol. 9, No.4, p48

¹³ Monacu O. (2009), The Eastern Partnership – A premise for an enhanced EU-Eastern Neighboring cooperation Relationship, *Romanian Journal of European Affairs*, Vol. 9, No.4 51

and reward conditional on agreement and implementation based on EU norms and values. In addition, the EaP references legal and regulatory approximation but not the wholesale adoption of the EU acquis. There is an aim to facilitate the movement to approximation through institutional and administrative capacity building at bilateral and multilateral levels of governance, and the commitments of partner countries will be reflected not in Action Plans but rather in Association Agreements (AAs; legally binding), which will offer added incentives in the thematically prioritized areas of the EaP. The macro-governance framework, therefore, resembles that of the ENP and points towards horizontal joint structures of governance.”¹⁴ The EaP did not show its visibility directly after it was officially launched. However, after one year the visibility of the policy was clear for the partner countries. The most significant achievement was that by 2010-2013 the budget was increased by a third billion euro. Some scholars see the policy as a new opportunity for the neighbors to sort and reset their relations with EU.¹⁵

How does the policy work? It has two tracks. The first one is bilateral and the second one multilateral. The bilateral dimension supports socio-economic and political reforms in the countries. Programmes contribute the objectives which are focused assistance in the priority areas identified in each country's multi-annual programming document and complementary support for the implementation of agreements with the EU that builds on the experience of the Comprehensive Institution Building programme. The multilateral dimension complements bilateral relations with thematic platforms to exchange best practices on issues of mutual interest and it also initiates the flagship platforms.¹⁶ The key issue for the policy is to cooperate with Society. Civil Society Forum, Neighboring Civil Society Facility and dedicated funding at regional and country level are the good examples to prove this fact.

One crucially important fact is that the member states of the European Union have not officially given the six countries the status of an EU member candidate country. It is obvious that there is a little appetite among the majority of the member states to widen the group of would be member states for a lot of reasons. EaP countries can get advantages that were not offered to the EFTA countries in the context of EEA. During the period of 2014-2020, the European Neighboring Instrument (ENI) is the key EU financial instrument for cooperation with the Eastern Partnership countries. Furthermore, in 2007-2013, the funding came from the European Neighborhood and Partnership Instrument (ENPI). Nearly 2.5 billion euros was spent for the programs which cooperated with European partners in 2010-2013. This cooperation took account 350 million euros of additional funds when the Eastern Partnership was launched.¹⁷ “The Eastern Partnership, initiated by Poland and Sweden, has gradually become an important project for the Eastern part of EU's neighbors. Meant at first to counterbalance the Union for Mediterranean project, initiated for the Southern EU neighbors, the EaP has developed into a separate project, with specific and ambitious cooperation goals, both among EU and the Eastern partner countries. The free trade areas entailed, the visa-free travel perspective, the enhanced bilateral cooperation and the development of multilateral and, most of all, regional components of the initiative are only a few of the main goals the EaP intends to address. The EaP initiative envisages the relations of the EU27 with

¹⁴ Christou G.(2011), Multilateralism, Conflict Prevention and the Eastern Partnership, *European Foreign Affairs Review*, 16:207-225, 2011 Kluwer law international BV.,p218

¹⁵ Korosteleva, E. (2011), the Eastern Partnership Initiative: A New Opportunity for Neighbors? *Journal of Communist Studies and Transition Politics*, 27(1). pp. 1-21. ISSN 1352-3279 p3

¹⁶ European neighborhood policy and enlargement negotiations, Eastern Partnership, European Commission, retrieved from https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/eastern-partnership_en [accessed 28 May 2017]

¹⁷ European neighborhood policy and enlargement negotiations, Eastern Partnership, European Commission, retrieved from https://ec.europa.eu/neighbourhood-enlargement/neighbourhood/eastern-partnership_en [accessed 28 May 2017]

Ukraine, Moldova, Georgia, Azerbaijan, Armenia and Belarus, all the six countries already under the ENP umbrella. The Eastern Partnership has a positive, constructive agenda, meant to support these six countries develop and harmonize with European standards.”¹⁸

Furthermore, the policy makes the access to the European markets easier. Many neighbors compete but the new policy makes EU to give up some strict regulations. Researchers suggest that EU should press ahead with DCFTAs for its eastern and southern neighbors in a way which will bring them into parts of single market. It has to be mentioned that EaP makes traveling for the citizens of the partner countries way easier. For instance EU provides more than two million Schengen visas. The process of obtaining visa is shortened and this does not damage the reputation of the European Union. “Money is a powerful motivator”. Including the overall budget and the part of it devoted to external relations, “there is a scope for increasing the amount spent in regions where the EU has a strong interest in stability, prosperity and political reform, and especially in the neighborhood.”¹⁹

EaP was welcomed in Georgia due to the fact that it was officially launched after the war of 2008. Georgian people saw this step from the European Union as an answer to Russian aggression. However, EU received more attention in 2013, when the Association Agreement (AA) between Georgia and the EU was initiated. Georgia's effort was finally appreciated by the EU. It can be said that AA made EaP to look more successful from Georgian perspective.²⁰ The next chapter aims to analyze the Eastern partnership policy from the Georgian Perspective. I will conclude the most significant steps that has been made under this policy.

EASTERN PARTNERSHIP POLICY: THE GEORGIAN PERSPECTIVE

The eastern partnership policy is not a product of EU's internal issues. Increase perception of insecurity, threat and risk resulting from events such as Russian-Georgian war in August 2008, the violence in the Moldovan elections in 2009 and the Ukraine-Russia gas crisis in 2009 led to the development of EaP. The policy added a multilateral dimension for ensuring security to the east, but firstly retained similar Marco-framework and method for engagement, and importantly the same tensions and trade-offs between the normative/duty and risk threat narratives.²¹ For Georgia the threat of military aggression from Russia is a main concern. None ‘froze’ conflicts have seen any movement towards a solution. Conversely, Russia enhanced military support to unilaterally recognized parts of Georgia. Abkhazia and South Ossetia. Georgia sees the eastern partnership policy as added value, but feels that its security concerns are ignored.²²

Georgia seems to be satisfied with the EaP's bilateral incentives and possibilities for multilateral cooperation. But as a Georgian expert emphasizes, “the region has significant security concerns, that may not be governed solely with the soft measures offered by the EaP. The EU's response to Russia's failure to fulfil the 2008 peace accord remains too soft and inconsistent”. The

¹⁸Monacu O. (2009), The Eastern Partnership – A premise for an enhanced EU-Eastern Neighboring cooperation Relationship, Romanian Journal of European Affairs, Vol. 9, No.4,

¹⁹ Grant CH., A new neighborhood policy for the EU, Center for European Policy reform brief, retrieved from http://cerlive.thomaspaterson.co.uk/sites/default/files/publications/attachments/pdf/2011/pb_grant_neighbourhood_11_march11-170.pdf [accessed 28 May 2017]

²⁰Sharashelidze T., The Eastern Partnership, the view from Georgia, retrieved from http://www.ecfr.eu/article/commentary_georgia3025 [accessed 30 May 2017]

²¹ Christou G.(2011), Multilateralism, Conflict Prevention and the Eastern Partnership, European Foreign Affairs Review, 16:207-225, 2011 Kluwer law international BV. P415

²²Shapovalova N. (2010), the EU's Eastern Partnership: one year backwards, Fride, A European think Tank For global action, p1, p9

policy has a great potential. Political leadership and society of Georgia see no alternative to integration into Western structures. EU integration is priority for society as well as for the government. It even has higher priority on Georgian policy agenda than NATO membership, which is postponed for the foreseeable future.²³ Before the EaP was launched, there were significant developments between EU and Georgian relationship. In 2010, Georgia and EU started to negotiate about the association agreement. Later, they signed visa facilitation agreement. Competition policies and food safety regulations started to harmonize with EU level. Nowadays EaP is still new for the country.

Most Georgian people consider themselves as a part of the European continent. In general, Georgian government officials and lawmakers are showing optimism towards the EaP contrasted with their dissatisfaction of the ENP. Georgian state Minister for Euro-Atlantic Integration, Giorgi Baramidze, stated that the EaP would go “far beyond the current ENP framework. Public officials think that the principle of differentiation is valued more in this policy. Georgia criticized the approach of EU neighborhood policy when it did not differentiate between South Caucasian countries. The EaP in Georgia does not serve only social and economic goals but most likely it serves security issues. On one side, public officials reveal critics towards the policy and say that it misses security and conflict resolution dimensions. They feel that EU is a soft power. However, on the other hand government officials consider that the Eastern partnership policy with its incentives and principles is more credible compared to the European Neighborhood Policy and its shortcomings.”²⁴

“Georgian academics agree with decision-makers that the inadequate security and conflict resolution dimension is the major flaw of the EaP. It is emphasized that expanding the security scope of the EaP will be “a decisive” determinant of the EaP’s success in Georgia. This is underlined even by a political scientist from Abkhazia stating that an expanded EaP focus on this issue “is the only way to transform the context of the conflict and make it possible to alter public discourse in Abkhazia and Georgia toward new ideas for conflict resolution.”²⁵

To make it more clear, the Eastern Partnership policy offers to Georgia innovations which are not included in the European Neighborhood Policy. These innovations can be sorted in the following way:

1. Association Agreement, which with the aim of economic integration embraces the Agreement on Deep and Comprehensive Trade with Europe (DCFTA);
2. Pacts on Mobility and Security, which implies simplification of visa regime and cooperation with the EU in combat corruption, organized crime and illegal migration;
3. Comprehensive institution building (aiming to support good governance);
4. Promotion to Energetic security (either in member-state or in the territory of the EU) by financing infrastructure sphere and by other ways;
5. Intensive cooperation in the issues connected with protection of environment and climate;
6. Deepening contacts between people;

²³ Shapovalova N. (2010), the EU’s Eastern Partnership: one year backwards, Fride, A European think Tank For global action gv10

²⁴ Rinnert D. ,Georgia and the Eastern Partnership: Perceptions and Viewpoint from Tbilisi retrieved from <http://centruminicytyw.org/wp-content/uploads/2011/01/YEaPPublication.pdf#page=65> , [accessed 30 May 2017], p76

²⁵ Rinnert D. ,Georgia and the Eastern Partnership: Perceptions and Viewpoint from Tbilisi retrieved from <http://centruminicytyw.org/wp-content/uploads/2011/01/YEaPPublication.pdf#page=65> , [accessed 30 May 2017], p78

7. Promotion of cooperation between public civil organizations and the government in partner-states and increase of their inclusion in solution of the mentioned problems.²⁶

I personally think that one of the most important changes which was brought by the Eastern partnership Policy to Georgia, was that the role and the recognition of non-governmental organizations is higher. The EaP has led to increased opportunities for NGOs in Georgia and it has given them new means and ways for empowerment. EU clearly has less direct impact on imposing or supporting democratic change within third countries. The impact of the EaP on NGO empowerment has been strongly influenced by how the other actors involved, in this case the EU and Georgian government, have recognized the role of the NGO.²⁷

As Dali Gabelaia argues in her article, adoption of the law was one of the important and complex requirement. The Problem in this aspect was that Georgian authorities had the wrongful understanding of the essence of the law due to the low level of awareness. Georgian Legislation straggled a lot until it finally adopted the law on prohibition of all kind of discrimination. The issue of protection of minority rights was problematic for Georgian Society from the beginning. May 17, 2013 is a good argument to prove this fact. When the draft law was adopted, it was different from the original one and was criticized by nongovernmental and religious organizations. The main reason of disagreement was between the Orthodox Church and authorities. In the end the law was adopted. While the nongovernmental organizations criticized the draft law for removal of the effective mechanism of enforcement introduced by initial draft. Despite serious turmoil, On May 2, 2014, the Georgian Parliament adopted the law at its third reading.²⁸

THE IMPLEMENTATION OF THE EAP IN GEORGIA

We can divide the implementation of the Eastern partnership policy in Georgia in five main elements: Association agreement, Visa facilitation, Law governance, civil society forums and Comprehensive Institution building program.

The Association Agreement (AA) between EU and Georgia officially began in Batumi, Georgia on July 15, 2010. The ratification of AA replaced the outdated PCA as a legal bases of bilateral relations. By launching AA, EU has expressed that the EaP incentives are credible and achievable for partner countries even though it may take long until the Association agreement is finalized.²⁹ The AAs between EU and Ukraine, Moldova and Georgia are the most ambitious among all EU association agreements with third countries. These agreements contain various novelties. Scholars describe these agreements in three main words: comprehensiveness, complexity and conditionality. Comprehensiveness means that the agreements are framework agreements which embrace the whole spectrum of EU activities. In order to achieve complexity, they are equipped with multiple specific provisions on legislative and regulatory approximation. And finally, in order to achieve the conditionality the government of Ukraine, Moldova and Georgia are obliged to provide reports to the EU in line with approximation deadlines specified in the Agreements. In

²⁶ Paresashvili N., Abashishvili A., Policy implementation of the eastern Partnership in Georgia, Faculty of Economics and Business, Ivane Javakishvili Tbilisi State University Street #2 doi:10.13165/VPA-13-12-4-09, p637

²⁷ The Eastern Partnership: civil society in between the European and domestic level: the case of Georgia, East European Politics, Vol.30, issue 1, 2014, p67

²⁸ Gabelaia D., Georgia's right to 'European Dream', Political and Legal Perspectives of the EU Eastern Partnership Policy, Tallinn Law School, p214-2015

²⁹ Rinnert D., Georgia and the Eastern Partnership: Perceptions and Viewpoint from Tbilisi retrieved from <http://centruminicytyw.org/wp-content/uploads/2011/01/YEaPPublication.pdf#page=65>, [accessed 30 May 2017]

addition to the drafting of progress reports, which is a common practice within the EU's strategy, the monitoring procedure may include the participation of EU institutions, bodies and agencies, non-governmental bodies, supervisory authorities, independent experts and others depending on circumstances.³⁰

The visa facilitation is another key aspect of the Eastern partnership policy. After the war of 2008, EU promised Georgia to grant it with the visa free regime. However, it did not happen until Georgia began negotiation with EaP. Finally, in 2010 Georgia and EU signed visa facilitation agreement which was signed and passed by the European Parliament in December 2010. This agreement contains a visa free reduction for Georgian citizens from 60 to 35 euros as well as some procedural simplifications and a reduction of required visa application document.³¹

“Eastern partners are first expected to sign visa facilitation and re-admission agreements with the EU. EU incentives offered under visa facilitation agreements include simplified procedures and shorter delays for obtaining EU visas, reduced visa fees for short-stay visas As well as simplified criteria for multiple-entry visas for certain categories of persons. While these measures represent tangible progress over the previous schemes, they are less significant for Georgia than for Moldova or Ukraine because of the country's remoteness from the EU. The costs incurred by Georgian citizens travelling to the EU minimize the importance of visa fee reduction.”³²

The year of 2017 is very important year for Georgia as the visa free regime is finalized and the citizens of the country have right to travel in the territory of MS without visas. From March 2008 Georgian citizens entered EU without visas. As part of the EU-Georgia Visa Liberalization Action plan Georgia was obliged to adopt a law on elimination various forms of discrimination. In April 2014, the Government has submitted the draft to the Parliament. The law was adopted on 2 May 2014. Following the signature of the president the law on the Elimination of all Forms of Discrimination has entered into force officially.³³

Law governance process should be considered in a high level. Harmonization within the EU law is a necessary precondition for Georgian progress of EaP related programs such as Deep and Comprehensive Free Trade Agreement. In recent years, some significant laws were passed in Georgia. In my point of view the most important one was the undiscriminating law.³⁴

In 2009, civil society forum was launched. Until today, 62 civil society organizations have become as a part of Georgian Civil Society platform. Another key program within the Eastern Partnership policy is the development of ICB programme in early 2011.the budget of EaP is towered together to this program.³⁵

While talking about the Eastern partnership program it is important to highlight the cost that has been done by the European Union to Georgia. Having outlined first results of the EaP's implementation in Georgia, the following parts of this study aim at revealing more general prospects

³⁰ Kerikmäe, T.; Chochia, A. (Eds.) (2016). Political and Legal Perspectives of the EU Eastern Partnership Policy. Springer International Publishing

³¹ Rinnert D. ,Georgia and the Eastern Partnership: Perceptions and Viewpoint from Tbilisi retrieved from <http://centruminicyw.org/wp-content/uploads/2011/01/YEaPPublication.pdf#page=65> , [accessed 30 May 2017] , p11

³²Meandering Europeanization. EU policy instruments and policy convergence in Georgia under the Eastern Partnership, retrieved from <http://www.tandfonline.com/doi/pdf/10.1080/21599165.2013.807804?needAccess=true>, [accessed 30 May 2017] p350

³³ <https://matsne.gov.ge/ka/document/view/2339687> (last time checked 10.03.17)

³⁴ Rinnert D. ,Georgia and the Eastern Partnership: Perceptions and Viewpoint from Tbilisi retrieved from <http://centruminicyw.org/wp-content/uploads/2011/01/YEaPPublication.pdf#page=65> , [accessed 30 May 2017] ,p11

³⁵ Rinnert D. ,Georgia and the Eastern Partnership: Perceptions and Viewpoint from Tbilisi retrieved from <http://centruminicyw.org/wp-content/uploads/2011/01/YEaPPublication.pdf#page=65> , [accessed 30 May 2017] ,p11

of the policy initiative in the South Caucasian republic. Budget for Georgia increases significantly under the EaP.

“While it received 120 million from 2007 – 2010 via the ENPI, this amount augments by 50% to 180 million from 2011-2013 if reforms will be carried out. All financial contributions to Georgia are delivered within four priority areas Together, the EU and Georgia develop specific bi- and multilateral projects related to these areas. With increasing direct contributions of the EU, the EaP seems to improve financial shortcomings of the ENP. Nevertheless, financial support of 180 million for three years remains a small sum considering Georgia’s enormous domestic reform costs in areas such as the judicial system. Furthermore, the EaP National Indicative Program (NIP) budget appears to be less substantial in light of the EU post-conflict assistance package for Georgia from 2008-2010. At a donor conference following the August war, the EU pledged 483.5 million while the entire aid program amounts to 3.44 billion”³⁶

Governance by conditionality has impacted the practices of policy convergence in Georgia. Imposing strict conditionality and establishing linkages between sectorial require, the Eastern partnership Policy has strengthened the EU’s reach and generated more systematic convergence with Georgia.³⁷

CONCLUSION

To sum up, the ENP raised the expectation that this policy would enable harmonization of the east neighborhood countries of the EU to the Union. The Policy seemed at first glance well placed to allow the EU to temper interests and values with consideration for the well-being of its eastern partners. However, this result was not achieved. For a lot of years EU has gradually showcased it’s willing to be a conflict manager and global security manager. Many efforts of the Union has been ad hoc. The accomplishments in 2008 during the Georgian-Russian war and the recent visa free regime which was granted to Georgian citizens prove that Union sees Georgian’s desire for its Eutrophication.

On the other hand, EaP is more successful instrument. The paper showcased how important this policy is for Georgia. It can be said that Georgian authority’s point of view about the Eastern Partnership policy is divided into parts. The first pars sees and appreciates the increased potential of the EaP compared to ENP while the other group criticizes the Policy.

Finally, I will answer the question which is asked in the first part of this paper. How the EaP does differs from ENP and how can Georgia benefit from the new policy? The missing security and conflict resolution is a major flow of the EaP. The EaP introduce an increased compliance with EU standards in Georgia. However, the conflict resolution issue remains still unclear.

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³⁶ Rinnert D. ,Georgia and the Eastern Partnership: Perceptions and Viewpoint from Tbilisi retrieved from <http://centruminicyw.org/wp-content/uploads/2011/01/YEaPPublication.pdf#page=65> , [accessed 30 May 2017] ,p11

³⁷ Meandering Europeanization. EU policy instruments and policy convergence in Georgia under the Eastern Partnership, retrieved from <http://www.tandfonline.com/doi/pdf/10.1080/21599165.2013.807804?needAccess=true>, [accessed 30 May 2017] p352

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- The EU as a modest 'force for good': the European Neighborhood Policy *International Affairs* 84: 1 (2008) 81–96© 2008 The Author(s). Journal Compilation © 2008 Blackwell Publishing Ltd/The Royal Institute of International Affairs ESTHER BARBÉ AND ELISABETH JOHANSSON-NOGUÉS,

European Union Eastern Partnership Programme in Georgia

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Abstract: *The purpose of this research paper is to identify the relationship between Georgia and the EU. Also how effective is Eastern Partnership (EaP) and how Georgia can avoid the pressure from Russia. There are also discussed developments in Georgia, which are funded by the EU and how is democratic reforms helping country to become more democratic. In conclusion suggestions and opinions are given what the EU and Georgia should do from both sides to keep peace in the Caucasus region and how the EaP should be reformed, in order to face challenges properly, which Georgia has.*

Keywords: Eastern Partnership, Georgia, Russia, polls, criticism, communication

INTRODUCTION

The relationship between Georgia and the EU has never been as strong as it is today. Georgia became part of Eastern Partnership (EaP), which is focused on South Caucasian region and tries to conduct reforms, which will guarantee development of democracy and safety in the region. It can be seen as an economic and conflict resolution mechanism within the region.¹

However some experts think that after the crisis in Ukraine, the EaP doesn't correspond to the demands of the partner countries and it fails as cooperation. The research question will be: Why is EaP cooperation beneficial tool for Georgia to become closer to the EU and conduct successful reform? The paper will focus on Georgia's relationship with the EU, what is EaP itself, it's weaknesses and strong points, how Georgia citizens view new reforms, Russia as a threat will be discussed, what should be done from EU and Georgian government's side to have successful reforms and what achievements Georgia has reached so far. In the end research question will be answered and some suggestions will given. The different facts will be discussed and my opinions will be also included. There are used different materials: books, working papers, policy briefs, facts sheets and EU official documents.

EU-GEORGIA

First of all I would like to discuss the relationship between Georgia and the EU in general, form where does it start and what does it cover. The relationship dates back from the time when Georgia got independence after the dismantle of the Soviet Union and started active cooperation with EU. The EU was the first to help Georgia to form Democratic society. The European Commission opened its delegation in Tbilisi in 1995 and the first document between Georgia and EU was the Partnership and Cooperation Agreement in 1999.²

¹ Costea, S. (2012). The European Union's Eastern Partnership: the objective of regional cooperation. The Eastern Partnership and the Europe 2020 strategy: Visions of leading policymakers and academics, 51-60.

² Chochia, A.; Popjanovski, J. (2016). Change of Power and Its Influence on Country's Europeanization Process. Case Study: Georgia. In: Kerikmäe, T.; Chochia, A. (Ed.). Political and Legal Perspectives of the EU Eastern Partnership

The most important event happened in June 2014, when the EU and Georgia signed an Association Agreement, which deepened political and economical ties between those two. Up till now EU plays a significant role in the development of Georgia.

So how exactly EU supports Georgia? First of all EU helps financially and technically. At the moment more than 100 projects are being conducted in Georgia. On 18 July 2014, Georgia signed a memorandum with EU from 2014 till 2017. This cooperation is focused on reforms in public administration and justice sectors, also on agriculture and countryside developments. The entire fund for this reforms are between €335 and €410 million.³

The second important support is for conflict resolutions. The EU continues to support Georgia's efforts to settle relationship with Abkhazia and South Ossetia. It supports Georgia's territorial sovereignty. The EU conducts monitoring mission since September 2008, which helps in monitoring the situation in the conflict territorial borders of Georgia.

Georgia on the other hand is actively involved in the EU's crisis management operations. A Framework Agreement on participation of Georgia in CSDP (the common security and defense policy) operations entered into force in March 2014. The most recent news is visa liberalization, about which agreement started in March 2011. Today Georgia citizens can freely move within EU borders.⁴

As we see Georgia and EU have very tight connections with each other and that is caused by Georgia willingness to become member of the European union and be the part of the democratic society.

THE EASTERN PARTNERSHIP PROGRAMME

In order to be closer with the EU, Georgia became member of EaP. "The Eastern Partnership (EaP) is a joint initiative of the EU and its Eastern European partners: Armenia, Azerbaijan, Belarus, Georgia, the Republic of Moldova and Ukraine. It was established in 2009 at the EU Prague Summit, in order to bring those countries closer to the EU. The Eastern Partnership supports and encourages reforms in the EaP member countries for the benefit of their citizens."⁵

The partnership is based on the following principles:

- Supremacy of Law;
- Good management;
- Protection of human rights;
- Respect and protection of minorities;
- Market economy;
- Sustainable development.⁶

Policy (197–210). Springer International Publishing; Chochia, A. (2012). The European Union and its policy towards the neighbors from South Caucasus. *L'Europe unie/United Europe*, 6, 27–35.

³ European Union, External Action Service (2016). Facts sheet, EU-Georgia relations. Brussels, July 2016. Pp. 1-5. http://eeas.europa.eu/archives/docs/factsheets/docs/eu-georgia_factsheet_en.pdf

⁴ Ibid.

⁵ Kerikmäe, T.; Chochia, A. (Eds.) (2016). *Political and Legal Perspectives of the EU Eastern Partnership Policy*. Springer International Publishing

⁶ Nino Paresashvili and Avtandil Abashishvili (2013). *Policy implementation of the Eastern Partnership in Georgia*. Faculty of Economics and Business, Ivane Javakishvili Tbilisi State University. January 2013. P. 636.

Members share their best practice and experience between each other to guarantee development and safety in the region. According to the aims and values of the Eastern Partnership, Cooperation Platforms have been created:

- Platform 1: democracy, efficient governance and stability;
- Platform 2: economic integration and convergence with the EU policy;
- Platform 3: protection of environment, change of the climate and energetic security;
- Platform 4: contacts between people.

Each platform has developed its own aims and working programs that guarantee effective implementation of the Eastern Partnership Program.⁷

So that means partner countries should focus on above-mentioned issues and try to conduct reforms, which will be in compliance with the EU rules and which will guarantee further developments in relationship between the EU and them.

EAP AND GEORGIA

One of the main factors, according to which Georgia became part of The Eastern Partnership (EaP) was the need of the safety. The cooperation was officialy established after the 2008 Russia-Georgian war and was viewed as an EU answer to Russian aggression. So that Russia could see that Georgia wasn't alone and it wanted to become part of the EU. After the AA, the EaP was seen more realistic change in order to become more successful in Georgia's perspective. The AA itself is a significant achievement for Georgia, because after that many major developments have been achieved . For example, Georgia has restored its food security agency. Maybe there still are some issues still related to food security in Georgia, but the fact that this mechanism has started to work is quite big deal. ⁸

In 2012 there were some cases of violence against minorities, which became an alarming topic for human rights activists. The law was adopted, but its up to Georgian citizens how will they benefit from it from now on. A Personal Data Protection Inspector's office was created in order to guarantee protection of the basic human rights. Moreover, Georgia also has a labour inspection office. This office is still quite weak, but it collects facts and cases of abuse. The real problem is still a lack of information in society, people don't know still how they can benefit from the relationship with the EU.

The most significant feature of EaP is The Deep and Comprehensive Free Trade Area (DCFTA), which is at the same time an opportunity and a challenge for Georgia. Georgian export is focused on drinks and rural products, which are mainly meant for post Soviet countries. The main problem is the lack of the knowledge about the opportunities, which the European market can give to Georgian citizens. Also the standard and quality control of the Georgian products should become more regulated and stricter. It will still need some time to raise interest towards the EU market. In order to change situation, in 2013, under the guidance of the Euro-Atlantic Integration, the Information Centre of NATO was created. This agency helps to raise knowledge and opportunities, which EU offers to Georgia.⁹

⁷ Ibid. pp. 637-638.

⁸ Tornike Sharashenidze. Riga and beyond, what future for the Eastern Partnership? Food-for-thought paper:Georgia. ECFR Riga Series. Views from EAP Countries. p. 16. http://www.ecfr.eu/page/-/Riga_Series_EAP_Countries.pdf

⁹ Ibid. pp. 17-18.

Even if such problems exist there are still some positive changes. Georgian export rose up to 12% in the first six months of the DCFTA. Also small and medium sized enterprises were created in order to support new investments in Georgia.¹⁰

Another important topic in EaP is energy security, which includes different activities within the framework of the Energy Community. Under the EU4Energy initiative, the effectiveness and clarity of energy markets are achieved by improving the availability and quality of data for consumers, investors, researchers and policy makers, better management and analyses of data.¹¹

The document “South Corridor”, approved in the Prague summit, gives a specific plan for cooperation in energetic sphere, in which Georgia plays a significant role.¹² Also partner countries take part in different EU agencies and programmes. For example: Erasmus +, Creative Europe, Cosme and Horizon 2020.¹³

The latest achievement is visa liberalization, which means that Georgia citizens can travel within EU easier, with biometric passports and without visas. As Georgia Prime-Minister Giorgi Kvirikashvili tweeted on 28 March 2017 when the visa-free regime with the EU was officially launched: “Georgia is returning to the European family.” This achievement can be seen as an important tangible benefit towards Georgia’s European integration process.¹⁴

So as we can see the cooperation within the EaP is based on the principle “more for more”, which means more support from the European Union in exchange for more progress towards democratic reforms.¹⁵

After such significant steps made by Georgia many Georgian politicians, academics, and civil society activists are now observing what could be the next step in EU-Georgia relations. The EU acknowledges the importance of bilateralism in its relations with EaP countries. This is because the needs of countries are different and this is the factor to prevent the common approach. However, it may be unappealing to the EU, because Georgia’s political importance may be not so important. So the best case is to have both bilateral and multilateral mechanisms for cooperation with the EU.¹⁶

RUSSIA

One of the main challenges, which EU and EaP countries have is to avoid Russian diplomatic and propaganda pressure. According to the European Council on Foreign Relations report, which was intended to analyze the differences between the EU member states about their general foreign policy towards Russia. According to the report, governments are torn between two approaches

¹⁰ European Union, External Action Service (2016). Facts sheet, EU-Georgia relations. Brussels, July 2016. Pp. 1-5. http://eeas.europa.eu/archives/docs/factsheets/docs/eu-georgia_factsheet_en.pdf pp. 1-2.

¹¹ European Commission. JOINT STAFF WORKING DOCUMENT. Eastern Partnership - Focusing on key priorities and deliverables. Brussels, 15.12.2016. p. 28. https://eeas.europa.eu/sites/eeas/files/swd_2016_467_f1_joint_staff_working_paper_en_v3_p1_8733051.pdf

¹² Nino Paresashvili and Avtandil Abashishvili. Policy implementation of the Eastern Partnership in Georgia. Faculty of Economics and Business. Ivane Javakhishvili Tbilisi State University. 2013. P 642.

¹³ Facts sheet. Eastern Partnership. A policy that delivers. Brussels, 21 May, 2015. P. 2 http://www.eeas.europa.eu/archives/docs/factsheets/docs/factsheet_eastern_partnership_en.pdf

¹⁴ Lebanidze B. Policy brief. Georgia’s European Integration: What Comes After The Eastern Partnership? Georgian Institute of Politics. April 2017/Issue #6. pp. 3-4. <http://gip.ge/wp-content/uploads/2017/04/Policy-Brief-6-Bidzina-Lebanidze-2.pdf>

¹⁵ Eurasia Partnership Foundation (EPF) and Swedish International Development Cooperation Agency. “Who is Who in Brussels on Georgia and the South Caucasus.” European Initiative - Liberal Academy. Tbilisi, 2012. P 23. http://www.ei-lat.ge/images/doc/who%20is%20who_epf_ei-lat_eng.pdf

¹⁶ Chochia, A. (2013). Models of European Integration: Georgia’s Economic and Political Transition. (Tallinn University of Technology). TUT Press..

towards Russia. One side sees Russia as a threat that needs to be controlled with “soft-containment,” the other side sees it as a potential partner that can be changed through “creeping integration” into the European system. However, at the current moment we see that Russia’s relations with the EU are filled with uncertainty and political conflicts. Russia at the same time builds strategic bilateral partnerships with certain countries.¹⁷

Russia has been against closer relationship between the members countries of EaP and the EU. Russian leaders could’t accept the “Western” choice of them and the proof was the case in 2008 when Russia intruded in Georgia and when in 2014 Moscow occupied Crimea and started military intervention in Donbas. The situation got worse when the signing of the AAs became a realistic scenario. Russian government thinks that EaP countries are part of it and somewhat it can be seen as a desire to revive the Soviet Union and old glory of Russian empire. In order to accomplish its desire, Moscow established its own integration project in 2015, the Eurasian Economic Union (EEU), which includes two EaP countries, Armenia and Belarus. The authorities of Georgia, Moldova and Ukraine stay firm on their opinion that they aren’t interested in joining the EEU. As we can see still Russian authorities, despite enormous efforts, haven’t been able to change the European choice of Ukraine, Moldova and Georgia in the following years. This shows that Russia isn’t all powerful, however it can bring destabilization in those countries.¹⁸

The lack of common long term strategy towards Russia, might be a benefit for Russia itself.¹⁹ Because of this EU should come up with a plan to stop the pressure from Russia, which will be effective and not just a text on the paper.

PUBLIC OPINION

It is interesting to know what are Georgia citizens thoughts about the EU in General and how they see the future. It is necessary to see if Georgian citizens really are willing to become part of the European values and also this fact guarantees farther development of EaP in Georgia, since EU is founder of this cooperation.

In 2013 there was a survey, which asked: “if there was a referendum tomorrow, would you support Georgia’s accession to the EU?” 83 % of Georgian speaking respondents and 38% of non-Georgian speakers, minorities answered yes. However it should be noted that that people who answered yes, considered that Georgia wasn’t yet ready to become member of the EU. Only 13 % of Georgian speakers thought that the country was ready.²⁰

According to the 2014 European Neighbourhood Barometer survey, 25% of Georgians don’t trust the EU and 26% would prefer to join the Eurasian Economic Union. Specialists who are against EU, say that they are afraid either of the political relations to worsen with Russia and losing opportunities to trade with it, or of the harmful influence of Western culture on the traditional Georgian way of life. Such views can be influenced by “Eurasian” NGOs and pro-Russia media sources. On the other hand the 68% of Georgians still support integration with the EU. What can

¹⁷ Kristina Bocková and Marek Lenč. Eastern Partnership Reality Check. The case of Moldova and Georgia. East European Security Research Initiative. POLICY BRIEF, March 2015. P 2-3.

¹⁸ The Stefan Batory Foundation and Friedrich-Ebert-Stiftung. Eastern Partnership Revisited. Warsaw 2015. P 14-15. http://www.fes-europe.eu/fileadmin/public/editorfiles/publications/575_12002_1_.pdf

¹⁹Kristina Bocková and Marek Lenč. Slovakia. Eastern Partnership Reality Check, the case of Moldova and Georgia. Published at: LENČ, M. –BOCKOVÁ, K. 2014. ISSN 2257-3690 P. 165. http://www.academia.edu/11290053/Eastern_Partnership_Reality_Check._The_case_of_Moldova_and_Georgia

²⁰ Hug, A. (2015) Trouble in the Neighbourhood? The future of the EU’s Eastern Partnership. The Foreign Policy Centre. European Commission. p. 47.

be the reason for such results? The government conducted reforms, in agriculture, social policy, health care, the justice sector, public administration and local government, but of course results may not be satisfactory as citizens expected. The overall mood in society is negative regarding the economic policies of the government and living conditions. On the other hand we can see positive changes as well, for example healthcare reforms and the situation regarding human rights and the freedom of speech.²¹

The 2014 polls show that jobs 63%, poverty 32% and territorial integrity 30% are the most critical issues for the Georgian population. Despite this, the country's population considers EU integration as an instrument in order to solve the above mentioned issues.²²

Yet another survey conducted by NDI in August 2014 aimed in finding out what was the attitude of the Georgian population towards the Association Agreement. According to the survey, 79% of the Georgian population knew that Georgia had signed the Association Agreement with the EU and 69 % of those positively rated this step. 58 % expected the economy to improve and 33% hoped that security would strengthen. More jobs 13% and the territorial integrity 10% were also expected as a result of European Integration.

The results of the above mentioned surveys show that support for European integration is high and the population expects that the biggest problems facing the country will be solved after joining the EU.²³ The development is slow, but changes can be seen in everyday life.

WHAT SHOULD BE DONE FROM GEORGIA'S SIDE?

So on behalf of Georgian government what should be done to conduct successful reforms concerning EaP and for integration in to the EU. The Georgia Government should focus on reforms that are top priority for the country. The serious problem is the government's tendency to influence institutional bodies and get decisions, which are satisfactory for them. The targets are justice sector and local government reforms. Another problem is political fight with the opposition. From the EU's point of view, the independence of Georgian judiciary system and prosecutor's office is the top priority in the country, which was mentioned by the president of the European Council, Donald Tusk in Brussels on 26 February 2015, when meeting with the Georgian prime minister, Irakli Gharibashvili.²⁴ So that means that in order to conduct successful reforms it is important to have efficient governance and supremacy of law. Also, there should not be any selective justice.

Representatives of local government should come up with a strategy, so that the citizens will also be involved in policy planning. This will lead to the situation, where person can trust the local institutions more. Involvement of wider society in the improvement of the legislation, will guarantee more fair and democratic decisions. Corruption is still seen in the country and effective measures are needed to eliminate and prevent corruption among the members of the Georgian government.²⁵

²¹ Teona Turashvili, Konrad Zasztowt. Georgia after the Riga Eastern Partnership Summit. The Polish institute of International affairs. Policy brief. No. 17 (119), May 2015. P 1-2.

²² Hug, A. (2015) Trouble in the Neighbourhood? The future of the EU's Eastern Partnership. The Foreign Policy Centre. European Commission. p. 47.

²³ Ibid. p. 48.

²⁴ Teona Turashvili, Konrad Zasztowt. Georgia after the Riga Eastern Partnership Summit. The Polish institute of International affairs. Policy brief. No. 17 (119), May 2015. P 1-2.

²⁵ Ibid. p. 6

WHAT SHOULD BE DONE FROM THE EU'S SIDE?

The EU officials, together with representatives of local civil society, should monitor developments closely and push the EaP governments to conduct relevant measures to resolve the problems. The EU should support local government reforms in Georgia and have deeper relations. At the same time, the focus should be on raising awareness among the citizens of Georgia, about the main advantages of the reform, which EaP suggests. The EU should conduct special seminars and events not only in Tbilisi, but also in the regions.

There is always a danger from Russian financed NGOs and media, which are focused on to spread the false information about the EU. It is well-known that South Caucasus region is very chaotic region, because of its' location and Russia as a neighbour. Therefore the EU should define its long-term future goals.²⁶ Also a practical approach should be found, how AA/DCFTA and the EEU can exist together in the region.²⁷

So as we can see even though the reforms are continuing in Georgia, there are still challenges, which must be overcome. This could be achieved only by thorough planned and rational strategy, on which the EU, Georgian government and public sector should be working on.

CRITICISM

The EaP is often criticized. Some say that it is unsuccessful, because it is less stable and less favourable for the EU and EaP members. However I think that it depends on how the EaP concept is understood. Obviously it can't be seen as a miraculous remedy for all the problems in the countries of Eastern Europe. The failure of the EaP can be seen in a situation, where, Azerbaijan, Belarus and Armenia are somewhat not really engaged in the processes.²⁸

Another problem is the question: "how much of the EU policy towards the six EaP countries should be common and how much should be diverse?"

The EU politicians, diplomats and experts have different opinions, but recently they have agreed that the EaP countries should be divided into two groups and the EU should offer a different methods to the three countries, which have signed AAs and DCFTAs and a different approach to those, which haven't. This is because the EU should consider the European choice of the partner countries and their successful reforms in order to build a democratic society and a well-functioning economy, which could change the situation in the entire region.²⁹

However, many EU diplomats and experts say that a specific policy towards the three association countries wouldn't mean that the other three EaP countries, Azerbaijan, Armenia and Belarus will be ignored by the EU.³⁰

At the current moment the EU faces many internal problems, concerning Eurozone crisis, Brexit and the surge of the refugees. Those asylum seekers are mostly from Asiatic and African countries and also from Syria, where is a war. Because of this many think that this may be the reason why the EU doesn't give enough attention to the Eastern European countries at the moment.³¹

²⁶ Ibid.

²⁷ Neil Melvin and Giulia Prelz Oltramonti. Managing conflict and integration in the South Caucasus: A challenge for European Union. Stockholm International Peace Research Institute. Policy Brief. November 2015. p. 7

²⁸ The Stefan Batory Foundation and Friedrich-Ebert-Stiftung. Poland. Eastern Partnership Revisited. Associated Countries in Focus. Warsaw, 2015. p. 12-13

²⁹ Troitiño, D. R. (2013). European Integration: Building Europe. Nova Publishers: New York.

³⁰ Ibid. p. 14-15

³¹ Ibid. p. 16

I think in general EaP can be considered effective as an official package of EU proposals. The situation in Georgia is much better based on the following reforms. The EaP package includes three elements: firstly the AA and DCFTA with the EU, secondly visafree travel with the EU and the membership of the Energy Community created in 2006 for the Western Balkan countries.

The signing of the AAs and DCFTAs by Georgia must be considered as a big success because by giving visa liberalisation to Georgian citizens, but showed also other Eastern European countries, that their citizens are welcomed in Europe. We can say for sure that, ten years ago, nobody could have imagined that such incident would have been possible to happen. This opportunity allows a new, much more higher level of people-to-people contacts between the EU and partner countries.³²

It should be understandable in Georgia's case that, while the EaP has the potential to become a more effective Neighborhood Policy, it isn't a suitable tool to be as an effective conflict policy. It wasn't designed as a policy to stop conflict issues in the first place.³³

It could be said that Georgia has effectively used the chance given to it by the EaP.

COMMUNICATION

The following state organs in Georgia help to set up communication between EU and Georgian government. The office of the State Minister of Georgia on European and Euro-Atlantic Integration supervises how successfully Georgian government's conducts activities regarding the European integration. The Georgian Ministry of Economy and Sustainable Development has an obligation in front of its citizens to explain the main idea and the process of implementation of the DCFTA. The ministry has launched a web-page, which informs public about the EaP. The Georgian government has also set up communications strategy regarding the EU integration for the period of 2014-2017. This document involves information about government aims, methods and other plans. This document together with annual action plans for different institutions provide a good basis for the communication with the EU. In order to inform the public about the future plans, the information center of NATO was created in 2005 under the supervision of Ministry of Foreign Affairs of Georgia. The center is called "Information Center on NATO and EU". The center's main task is to inform the public about the EU benefits. The center cooperates closely with EU Member States and also with youth organisations, medical staff, farmers, public servants of local authorities and others in Georgia. The center also started to create new media projects and launched campaigning activities in order to promote EU integration. The EU Delegation in Georgia organises many initiatives to promote the EU and the AA/DCFTA within the country and is issuing relevant information materials, including factsheets. The delegation is actively using cultural events and youth initiatives for engaging with the younger generation.³⁴

As we have discussed above, the public opinion polls and surveys showed that the majority of the population doesn't know information about the process of integration of Georgia to the European Union and result was wrong recognition and the development of stereotypes and myths.³⁵ That's why it is important to talk on televisions, on social media and publicly about the benefits of the EU in general to broaden society's knowledge about it.

³² Ibid. p. 12.

³³ Fean, F. (2009) Making Good Use of the EU in Georgia: the "Eastern Partnership" and Conflict Policy. September. p. 19.

³⁴ The Eastern Partnership Review. EU-related communication in Eastern Partnership countries. Estonian Centre of Eastern Partnership. No. 22. May 2015.P 16

³⁵ Ibid. p. 17.

CURRENT SITUATION

Within the period 2014-2017 Georgia is getting EUR 335 million and EUR 410 million partially from the ENI umbrella programme, which is considered as a reward mechanism given for the building deep and sustainable democracy within the country. It finances the following programmes focusing on the support of public institutions, the development of rural business and protection of the rights of minorities and vulnerable groups. Also to support the DCFTA, the small business and reforms in the justice sector.

The funding will help Georgian government and the business community to adapt to the new challenges and opportunities of trade after signing the AA/DCFTA. The funding will make stronger the policy framework and national legislation on small business, improve market observation, engage with business associations, make it easier to get access to banking and promote business-oriented cooperation among small farmers.

Social involvement is very important in this situation, since the DCFTA support programmes target is creating job opportunities for vulnerable people, including internally displaced persons. There are still more than 250000 internally displaced persons in Georgia, from Abkhazia and South Ossetia, because of the unresolved conflicts. This people experience above average unemployment rates.

The programme focuses on justice system reforms as well, in order to launch a new and deeper key reforms in criminal and juvenile justice. The independence, professionalism, impartiality and efficiency of the judiciary are the main priorities. Also access to justice and a fair trial and the reform of private and administrative law.

The ENPARD (the “European neighbourhood programme for agriculture and rural development”). It is a successful example of EU–Georgia cooperation to raise growth in rural economy, which brings together public institutions and small farmers, non-governmental organisations (NGOs) and associations, the business community, universities and schools.³⁶

CONCLUSION

To sum up, situation in Georgia is still quite tense, because Russia is crossing the borders every minute, therefore Georgia should work more and try to use all the opportunities it has given by the EU. I think that EaP cooperation as a package in general is an effective tool, in order to conduct different reforms and make Georgia more economically and politically democratic. It is one big step towards becoming the part of the European Family. However, regarding security and conflict resolution it needs more work. It should come up with the action plan, which will be effective against Russian aggression. The Caucasian Region is very difficult to handle, because the EU has to consider both EEU member countries and countries, which strive for their European future.

The internal problems also play vital role within the EU. The problem is that Russia for some EU member states seem a very helpful ally and important political player in suppressing war in Syria. It is also considered as a loyal and trustworthy gas supplier. Some may think that, because of refugee crisis and economic crisis EU can't solve the problems of Eastern countries well, I agree with this statement partly. This is because the fact that internal facts can't be the main reason. The other reason could be the flaws in the EaP system itself. It should be focused on each of partner

³⁶ Ibid. p. 15.

countries separately, since those countries have different political, economical, social problems within the country, so common approach can't be used.

The multilateral platforms should be strengthened, because this will make possibilities for member states to exchange best practices and experience between each other. "More for more" principle should be the core of the EaP cooperation, so that countries will, have more passion and motivation to conduct and strive for better situation in their countries and in the region as well.

As we see EU and EaP is funding a lot of programmes, so maybe there is a need for much more increased funds, so that many more reforms will be conducted. As time goes the contribution from the EU side is increasing so that can be seen as positive step.

Georgia should focus on conducting reforms intentionally. The achievements, for example visa liberalization is the big step and country should continue in such a way. So in this process government and civil society should work together and also citizens' knowledge about the benefits of the EU and EaP should be raised. The EU should be more serious about its neighbourhood and try to become more strategic and ambitious. It is about the political will, the principles and understanding the needs of partners.

In conclusion relationship between EaP and Georgia can be considered positive. Both parties have carried out the cooperation on energy security, political and economic development and promoting security and peace.

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