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Poking the Bear? - Russia and the EU in the Black Sea region

1. Introduction

Its new enlarged borders brought the European Union closer to some interesting and important regions. The Black Sea region\(^1\) is a distinct geographical area rich in natural resources and strategically located at the junction of Europe, Central Asia and the Middle East. Countries like Moldova, Azerbaijan, Armenia and Georgia are of an increasing importance for the EU since they represent an expanding market with great potential and an important hub for energy and transport flows, but are also faced with challenges like unresolved frozen conflicts, environmental problems as well as illegal migration and organised crime. It is for this reason that the EU has a vital interest in ensuring prosperity, stability and security in its neighbours around the Black Sea, thereby also contributing to the overall prosperity, stability and security in Europe.\(^2\)

The EU integration process of South Eastern Europe (SEE) is a history of success. With its regional approach, which served as basis for the Stability and Association Process, the EU greatly supported necessary reforms in the SEE countries and led them to the status of potential or full candidates for an EU membership. In the Post-Soviet scenario of the Black Sea region, however, the European Union is facing a unique situation which is different from the one in SEE and is characterised by a rather complex structure of international actors. Apart from the states involved and the new, partly recognised states like Abkhazia and Nagorno-Karabakh, the key players are international organisations such as the OSCE, NATO and the UN, transnational enterprises and of course states - one of whom is Russia, Europe’s by far largest neighbour.

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\(^1\) The Black Sea region, as defined by the European Commission in its documents, includes Greece, Bulgaria, Romania and Moldova in the west, Ukraine and Russia in the north, Georgia, Armenia and Azerbaijan in the East and Turkey in the South. Armenia, Azerbaijan, Moldova and Greece who are not littoral states per se, are also included for historical, geographical and political reasons. This article will focus particularly on Armenia, Azerbaijan, Moldova and Georgia.

This contribution focuses on Russia’s role for the EU and how its influence in the Black Sea region is reflecting in the relations between the EU, Moldova and the countries of the Southern Caucasus (SC) by analyzing the policy interests of the actors involved and the existing legal and political instruments – or the lack thereof. More precisely, it tries to find an answer to the question: Is the Union’s signature approach to the Black Sea area by means of regional co-operation, as pursued in the SEE, capable of delivering viable results?

2. Russia’s role in the region

The Russian Federation is without doubt a very important player for the Black Sea region, as it enjoys an elevated standing resulting not only from its geographical location but also from the fact of being the successor state to the former Soviet Union. Therefore, Russia’s policy towards the region – often criticised by scholars as hegemonic3 – is still to some extent driven by the wish to uphold its weakened influence since the collapse of the Soviet Union.4 Recent intentions to reintegrate the Post-Soviet region resulted in President Putin’s proposal for a new supra-national “Eurasian Union”, which would focus primarily on economic issues based on the Customs Union between Russia, Belarus and Kazakhstan and would be open to all former Soviet countries. In the context of Russian policy towards the region over the past ten years, this integration project can be interpreted as a new attempt at installing lost influence and power.5

Modern Russia’s interests in the region can be summarised as follows: Foremost, Russia seems to seek to retain control over the energy sector. The SC as an important part of the EU energy supply scheme is without doubt still of highest Russian interest. Secondly, Russia concentrates on the management of territorial conflicts,6 of which there are many in the region, notably in Transnistria, Abkhasia, South Ossetia and Nagorno-Karabakh.

As opposed to these rather unified fields of interest, Russia’s relations with the countries concerned are not homogenous and differ widely:

3 Cf Stewart, Russische Außenpolitik im postsowjetischen Raum. Das Baltikum, die westlichen GUS und der Südkaukasus im Vergleich, SWP Studie S 5 (März 2010) 9.
4 Delcour/Tulmets, Pioneer Europe? The ENP as a Test Case for EU’s Foreign Policy, European Foreign Affairs Review 2009, 501 (515).
5 See further Halbach, Vladimir Putin’s Eurasian Union. A New Integration Project for the CIS Region? SWP Comments 1 (January 2012).
On Moldova, which historically and culturally is more connected to Romania, Russia is exercising its influence in terms of energy supply and the Transnistrian issue. Transnistria, a part of the Moldovan state territory in the east of the Dniestr river, separated in 1990 and is highly dependent on Russian military support ever since. Based on recent developments, one can say that Russia is acting as a mediator but also tries to preserve the status quo for its own benefits.

Russia’s relations with Georgia, which has been gravitating towards West for many years, deteriorated increasingly since the Rose revolution in 2003. The Abkhazian war in the early 1990ies, the ban on Georgian wine and mineral water in 2006 and the military dispute over the separatist region of South Ossetia in 2008 caused the political dialogue to cease completely and showed that Russia is not afraid to use harsh means in order to defend its interests.

In contrast to this, Armenia is considered the only pro-Russian country on the Southern Caucasus, but not without reason. Armenia is tied to Russia by a political and military alliance. Plus, its economy is controlled by Russian entities, which makes it very dependent on its big neighbour.

The relations with Azerbaijan, a country that is close culturally as well as politically to Turkey, another big player in the region, can be characterised as ambivalent: Azerbaijan is the only SC country that is independent from Russian energy supplies which forces Russia to treat the country as an equal partner. Russia is also engaged as a mediator in the Nagorno-Karabakh conflict.

In terms of legal instruments of co-operation, Russia’s policy towards Moldova and the SC is twofold: On the one hand, Russia greatly emphasises bilateral relations with every country involved. On the other hand, it is also trying to maintain its influence through regional organisations or forms of co-operation like the Commonwealth of Independent States (CIS) the Eurasian Economic Community (EAEC), the Organisation of the Black Sea Economic Co-

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7 Cf Stewart, Russische Außenpolitik, SWP Studie S 5 (März 2010) 17.
8 Stewart, Russische Außenpolitik, SWP Studie S 5 (März 2010) 23.
9 Stewart, Russische Außenpolitik, SWP Studie S 5 (März 2010) 25 f.
operation (BSEC) or the Collective Security Treaty Organization (CSTO). While the CIS has lost its former power quite long ago, all other organisations also show rather little success, especially in the Caucasus region, simply because most of the SC countries decline to subscribe to membership in those organisations. Moreover, Russia is trying to marginalise or dissolve other regional organisations in which it does not participate or which call its dominance into question, like the Central Asian Economic Union or the GUAM Organisation for Democracy and Economic Development (short for Georgia, Ukraine, Azerbaijan and Moldova).

Its significant position as a regional power explains the elevated interest the EU expresses towards Russia. Not only is Russia interesting for the Union in terms of trade and energy supply, but especially the EU’s ambitions in the field of peace-keeping and conflict resolution require close co-operation. As Russia is a strategic partner, the EU does not want to - as former External Relations Commissioner Ferrero-Waldner put it - “neglect (the EU’s) relations with Russia”, but rather to strengthen the strategic partnership by stepping up co-operation. Consequently, this would mean that any EU measures taken with respect to the Black Sea region would seem to require consideration of Russia’s possible reaction.

However, a common and strategic EU policy towards Russia is not easy to achieve since internally, the EU Member States (MS) disagree in this matter. Mostly for historical reasons, the new EU MS have a different approach vis-à-vis Russia than the old ones. Also, the dependence on Russian energy supplies creates a divide between the EU MS. While e.g. France, Italy and Germany have a quite positive attitude towards Moscow and are eager to advance EU-Russian relations, MS like Poland and the Baltic states take a significantly more critical position and tend to obstruct negotiations making it a challenge for the Union to develop a more coherent policy towards Russia.

In addition, Russia’s own view of the EU and other actors in the region is a very critical one. Russia seems to want to preserve its influence in the region and is declining initiatives of

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12 Halbach, Vladimir Putin’s Eurasian Union, SWP Comments 1 (January 2012) 3.
13 Stewart, Russische Außenpolitik, SWP Studie S 5 (März 2010) 32.
14 Cf Halbach, Vladimir Putin’s Eurasian Union, SWP Comments 1 (January 2012) 3.
15 See the statement made in the course of the 2755th Council Meeting on General Affairs and External Relations General Affairs, Luxembourg, 17 October 2006.
16 Labedzka in Blockmans/Lazowski (Eds.), The European Union and its Neighbours, 575 (588).
other existing actors, the fear being that fostering links with the West and approaching the Black Sea countries to the European model could push them further away from Russia in the long term. Indeed, it seems that Russia perceives EU initiatives in the region as a potential hindrance to its own closer co-operation with those countries, notably concerning economic integration. In this light, the proposal of a “Eurasian Union” led by Russia can be seen as a counter-model that Russia uses to compete with the EU over integration in the shared neighbourhood region. This so-called Integrationskonkurrenz is officially not acknowledged by the Kremlin, but reality shows Russia’s rather aggressive approach to the region. Then again, Moscow is not convinced by the efficacy or impact of EU multilateral co-operation mechanisms and is apparently not taking them serious. Nevertheless, Russia’s government recently expressed the wish to co-operate with the EU and the countries of the Black Sea region as equal partners.

3. Overview of the EU-Russia and EU-SC relations

In order to assess Russia’s influence on the EU’s policies in the SC region, it is first necessary to take a closer look at the existing EU-Russia relations.

3.1. Russia

Being the EU’s largest neighbour and major trading partner in fossil fuels and metals, Russia has always claimed for itself a special relationship with the EU. After the breakdown of the Soviet Union, the very first Partnership and Co-operation Agreement (PCA) was signed with Russia in 1994 and entered into force three years later after ratification by all EU MS. This agreement was based on former Art 113 and 235 TEC (now Art 207 and 352 TFEU) and

20 Cf Zagorski, Eastern Partnership from the Russian Perspective, IPG 2011, 41.
24 Zagorski, IPG 2011, 41 (46).
25 Zagorski, IPG 2011, 41 (54)
26 Agreement on partnership and cooperation establishing a partnership between the European Communities and their MS, of one part, and the Russian Federation, of the other part, OJ 1997 L 327, 3.
includes the respect of common general principles such as democracy and human rights, but also political dialogue, trade in goods, employment, cross-border supply of services, current payments and capital, protection of intellectual property and economic as well as legislative co-operation. It also provides for institutions where the implementation of the agreement is being supervised and the political dialogue is held. The most important institution is the Cooperation Council on the ministerial level, which was remodelled into the Permanent Partnership Council in 2008. Other institutions are e.g. the Co-operation Committee and the Parliamentary Co-operation Committee. It is also supplemented by a range of sectoral agreements concerning trade in steel, nuclear safety, textile, visa and readmission as well as science. Up until today, the PCA, which was initially concluded for a ten year period, is still the basis of all EU-Russia relations, since plans to replace it have not yet succeeded.

In addition, in order to underline Russia’s importance and value for the EU, both sides agreed upon a so-called “Strategic Partnership” to develop enhanced bilateral relations outside the main EU approach to its neighbours via the European Neighbourhood Policy (ENP). Therefore, in 1999, the EU adopted its first unilateral Common Strategy towards Russia, addressing the consolidation of democracy and the rule of law in Russia, the integration of Russia into a common European economic and social space as well as co-operation to strengthen stability and security in Europe and beyond. Russia responded with a complementary “Strategy for Developing Relations with the European Union in the medium-term Perspective (2000 – 2010)”, where it also expressed its interest in developing a close partnership with the European Union in order to reinforce their respective positions within the international community and to promote a social market economy.

At the 2003 EU-Russia Summit in St. Petersburg, the parties decided to create the four Common Spaces in order to replace the expiring Strategy and to add new impetus to the stagnating partnership after the Chechen war. The benefit of the spaces—which consist of the Common Economic Space, the Common Space on Freedom, Security and Justice, the Common Space on External Security (CSES), Common Space on Research and Education, including Cultural Aspects—is their reciprocal approach: in their framework, the EU-Russia relations are now being developed on the basis of a mutually agreed agenda, which was set out by a single package of road maps adopted in 2005.

Another proof of Russia’s special standing with the EU is the fact that, even though not a member of the ENP, Russia receives technical assistance from EU funds. Most EU financing has been provided by the European Neighbourhood and Partnership Instrument (ENPI), but Russia has also received money from Nuclear Safety Co-operation Instrument, the European Instrument for Democracy and Human Rights, the EU’s Instrument for humanitarian aid and other thematic programmes.

After the Russian-Georgian War in 2008, which brought the EU-Russia relations again to an almost freeze and forced the EU to re-examine its approach towards Moscow, the EU and Russia are currently negotiating a new agreement to replace the old PCA and to provide for the contractual framework for EU-Russia relations in the future. The possible options range from a complete abandonment of any treaty basis to a new comprehensive framework agreement. Also, at the EU Russia Summit in Rostov-on-Don in May 2010, a Partnership for Modernisation was created to advance both the European and the Russian economies and to contribute to the global recovery and stronger international economic governance.

40 Cf van Elsuwege in Dashwood/Maresceau (Eds.), EU External Relations, 326 (348).
41 Cf “EU and Russia launch new partnership for modernization”, IP/10/649, Brussels, 1 June 2010.
In the last years, Russia has declined participation in most of the existing EU multilateral initiatives, e.g. the Eastern Partnership (which will be addressed below) by stating that it cannot accept neither any norms or standards nor conditionality imposed by a foreign organisation. Nevertheless, Russia takes part in the **Northern Dimension** policy, established in 1999 by the European Union, Norway, Iceland and the Russian Federation in order to provide a common framework for the promotion of dialogue and concrete co-operation, to strengthen stability, intensify economic co-operation, and promote economic integration, competitiveness and sustainable development in Northern Europe, covering the geographic area from the European Arctic and Sub-Arctic to the southern shores of the Baltic Sea and beyond. In the south, Russia is a member of the **Black Sea Synergy** (BSS), a regional co-operation forum between the countries surrounding the Black Sea which will also be described in the following.

All in all, the EU-Russia relations are based on a variety of policy instruments which are rather complex and overlapping as well as intransparent. However, in view of the strategic partnership envisaged by both parties such multi-layered and close interlacing has to be evaluated generally as positive, its effectiveness being doubtful, of course.

### 3.2. Moldova and the countries of the SC

With regard to its eastern neighbours, the EU is using similar instruments as with Russia, although they differ slightly due to particularities of every country/situation.

With Moldova and the countries of the SC, the EU is exercising its bilateral relations also through **PCAs** which came into force in 1998/1999. Until then, co-operation was limited to technical and humanitarian assistance. Issues covered by the PCAs (again, similar to the

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44 Partnership and Cooperation Agreement between the European Communities and their MS and the Republic of Moldova, OJ 1998 L 181, 3; Partnership and Cooperation Agreement between the European Communities and their MS, of the one part, and Georgia, of the other part, OJ 1999 L 205, 3; Partnership and Cooperation Agreement between the European Communities and their MS, of the one part, and the Republic of Armenia, of the other part, OJ 1999 L 239, 3; Partnership and Cooperation Agreement between the European Communities and their MS, of the one part, and the Republic of Azerbaijan, of the other part, OJ 1999 L 246, 3.
45 This was provided notably through ECHO, Council Regulation 1257/96 concerning humanitarian aid, OJ 1996 L 163, 1, and TACIS, Council Regulation 99/2000, OJ 2000 L 12, 1; cf Labedzka in Blockmans/Lazowski (Eds.), The European Union and its Neighbours, 575 (588).
PCA with Russia) *inter alia* include trade in goods and services, employment, economic cooperation as well as political dialogue and the respect of general principles. Between the EU and the SC countries, **no bilateral summits** are held like with Russia,46 but regular meetings take place in the institutional framework provided by the PCAs.

Also, the Union has already concluded **visa facilitation** and **readmission agreements** with Ukraine,47 Moldova48 and Georgia.49

In addition, within the framework of its Common Foreign and Security Policy, the EU adopted quite a few measures which all underline the region’s importance for Brussels:

First, the EU adopted **Joint Actions** concerning the Georgian border with Chechnya,50 Ingushetia51 and South Ossetia52 in order to provide Georgian authorities with means to support the on-site OSCE Observer Missions.

Second, two (of currently ten) EU **Special Representatives** were appointed by the Council in order to increase the Union’s presence in the region and to promote the EU’s policies and interests in these areas as well as actively contribute to the promotion of peace, stability and the rule of law: One Special Representative deals with issues related to the Southern Caucasus and the crisis in Georgia53 and another’s mandate covers Moldova.54

With regard to Moldova, the **European Union Border Assistance Mission to Moldova and Ukraine** (EUBAM) was launched in 2005 in order to enhance co-operation between the EU

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46 Labedzka in Blockmans/Lazowski (Eds.), The European Union and its Neighbours, 575 (599).
47 Agreement between the European Community and Ukraine on the facilitation of the issuance of visas, OJ 2007 L 332, 68; Agreement between the European Community and Ukraine on the readmission of persons, OJ 2007 L 332, 48.
49 Agreement between the European Union and Georgia on the facilitation of the issuance of visas, OJ 2011 L 52, 34; Agreement between the European Union and Georgia on the readmission of persons residing without authorization, OJ 2011 L 52, 47.
54 Labedzka in Blockmans/Lazowski (Eds.), The European Union and its Neighbours, 575 (606).
and the Moldovan and Ukrainian authorities in the fight against weapons trafficking, smuggling, organised crime and corruption, thus helping to improve security and stability in the region.  

Furthermore, the Union - upon Georgia’s invitation - conducted its first Rule of Law Mission in the context of the European Security and Defence Policy towards Georgia (EUJUST THEMIS) in order to support the Georgian authorities in addressing urgent challenges in the criminal justice system.  

In addition to that, the EU established a civilian EU Monitoring Mission in Georgia (EUMM), the mandate of which is to monitor compliance in close co-ordination with partners, particularly the UN and the OSCE, with the EU brokered Six-Point Agreement of 12 August 2008, signed by both Georgia and Russia, and the Agreement on Implementing Measures of 8 September 2008 on the territory of Georgia in order to contribute to stabilisation, normalisation and confidence building in the region.  

In a multilateral approach towards its southern as well as its eastern neighbours and in compliance with the European Security Strategy, in 2003 the EU launched the ENP which *inter alia* addresses Moldova and the countries of the SC. This policy aims at reinforcing relations with the EU neighbouring countries to the east and south in order to promote prosperity, stability and security at its borders, which is achieved mainly through development and implementation of action plans and the granting of technical assistance. Based on country reports prepared by the European Commission in 2005 assessing the political and economic situation, tailor-made ENP action plans were developed for every country defining an agenda of political and economic reform priorities in the short and medium-term. The implemen-

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tation of these objectives is supported through several instruments of technical assistance, mainly through the ENPI, and monitored by the Commission.

In order to add more depth to this existing policy and to answer the call of the Eastern neighbouring countries for a closer co-operation, in late 2008 it was decided to create the **Eastern Partnership (EaP)** towards the countries of Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine.\(^{62}\) This initiative aims at enhancing relations using a bilateral as well as a multilateral track in parallel.\(^{63}\) While the bilateral EaP dimension aims at intensifying the EU relations to every country according to its individual needs and ambitions, the multilateral EaP dimension, which is the true added value of this initiative, shall improve the relations between the EU and the partner countries as well as foster co-operation between the partner countries themselves. Apart from meetings at presidential (so-called Eastern Partnership Summits) and ministerial level, the main implementation tool is the creation of four platforms, dealing with democracy, good governance and stability (platform 1), economic integration and convergence with EU policies (platform 2), energy security (platform 3) and contacts between people (platform 4).\(^{64}\) In addition, five Flagship Initiatives, including initiatives on Integrated Border Management, Regional Electricity Markets, Energy Efficiency and Renewable Energy Sources as well as Environmental Governance were set up providing visibility and focus to multilateral co-operation.\(^{65}\) In order to include other actors such as the civil society and non-governmental organisations as well as national parliaments into the EaP, the Civil Society Forum (CSF), the EU-Neighbourhood East Parliamentary Assembly (EURONEST) and the Eastern Europe and a South Caucasus Local and Regional Assembly were established.

Furthermore, the EU encourages regional co-operation between Azerbaijan, Armenia, Georgia, Moldova, Russia, Turkey and Ukraine through the **Black Sea Synergy**\(^{66}\) that was launched in 2007 in order to encourage regional co-operation between the countries surrounding the

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Black Sea. In a functional approach gathering all countries bordering the Black Sea basin, issues like democracy, trade, energy, transport, fisheries, environment, science and education as well as security and the management of frozen conflicts are discussed.

At present, the EU is negotiating **new agreements** with all countries concerned within the framework of EaP. These agreements should take the form of Association Agreements including, if possible, agreements on the establishment of a **deep and comprehensive free trade area** (DCFTA) and will significantly deepen the countries’ relations with the EU. Also, negotiations of visa facilitation agreements with Armenia and Azerbaijan are to be started soon.

4. **Russia’s involvement in EU policies and vice versa**

So how does the EU involve Russia, its positions and interests in its policies towards Moldova and the SC? To answer that, one has to take into account three possibilities: The first one is to examine whether issues concerning the Black Sea countries come up in the bilateral relations between the EU and Russia, whereas the second possibility is to ask: Does Russian influence reflect in the bilateral talks between the EU and the respective countries? A third way to assess Russia’s influence in the region is to take a closer look at its engagement via multilateral co-operation forums established by the EU itself or where the Union is a member.

4.1. **Issues of SC and Moldova in the relations between EU and Russia**

On a bilateral level, first and foremost the **political dialogue** - as foreseen in Art 6 of the EU-Russia PCA and the Common Spaces road maps - has a prominent place in involving matters concerning Moldova and the countries of the SC. This instrument adds flexibility and dynamism to the partnership relations. There are about 40 different dialogues which are either envisaged or have already been initiated.

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68 Cf Hillion, Russian Federation, in Blockmans/Lazowski (Eds.), The European Union and its Neighbours (2006) 463 (481).
Topics discussed include *inter alia* energy. The EU-Russia *energy dialogue* within the Common Economic Space is the most prominent one. This is a truly important issue for the EaP countries, since their geographic location puts them in the position of transit states for Russian oil and gas exports into the EU. Furthermore, Russia is heavily involved in most of their energy sectors\(^69\) in terms of energy supply, economic ties as well as in terms of price policy.

In addition and more importantly for the Black Sea countries, talks about conflict management and *conflict resolution* between Brussels and Moscow are being held. In this respect it should be noted that the core issues of Moldova and the SC are the frozen conflicts in Transnistria, Abkhasia, South Ossetia and Nagorno-Karabakh which constitute an important part of this dialogue.\(^70\) However, the biggest disadvantage of this practice is that the countries concerned are neither heard nor involved.

Furthermore, a Russia-EU *visa dialogue* has been started in 2007 in order to explore the possibilities of visa-free travel between Russia and the Schengen area as a long-term perspective.\(^71\) These talks raised concerns among the EaP countries that a visa-free regime for Russian citizens without granting the same rights to citizens of EaP countries would effectively create a major imbalance in Russia’s favour. So far, little progress has been made in this regard.

Apart from this, other forms of involvement of regional issues in the bilateral EU-Russia relations are scarce.

#### 4.2. Russia’s influence on the EU-Moldova/SC relations.

In the framework of the bilateral ENP relations with each SC country Russia is mentioned in every Country Strategy Paper. For instance, the Strategy papers towards Armenia and Azerbaijan contain a brief analysis of the relations of the respective country with Russia underlining its influence in the region in economic and political matters.\(^72\) On the subsequent level of

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\(^69\) Cf Tolksdorff, Russia’s response to the Eastern Partnership.


National Indicative Programmes and annual Action Plans, however, there is no more mentioning of aims, instruments, measures etc. involving Russia.

In spite of this, several issues concerning Russia are part of the EU’s relations with Georgia and Moldova. The EU is one of the official facilitators of the negotiations on conflict resolution in Transnistria and is also involved in the South Ossetian conflict resolution.

On the Transnistria issue, the ENP Action Plan for Moldova contains a briefly stated commitment of the EU “to continue its efforts to ensure the fulfillment by Russia of the Istanbul commitments with regard to Moldova”. The EU is trying to contribute to resolving this conflict between Moldova and the Transnistrian Moldavian Republic, which is being supported by Russia in military terms, by participating in the so-called “5+2”-talks under the auspices of the OSCE, which have recently been resumed.

Concerning South Ossetia, in the 2006 EU-Georgia Action Plan, the EU committed itself to including the issues of settlement of the South Ossetian and Abkhazian conflicts in the EU-Russia political dialogue meetings. After the escalation of the South Ossetia conflict in August 2008, the EU played the role of a mediator and assisted in concluding a ceasefire agreement and the extraordinary Council of 1 September 2008 decided to provide political, financial and practical support to Georgia.

Russia itself is, of course, not directly involved in the political dialogues between the European Union and the SC countries, but issues linked to Russia like visa liberalisation come up at the negotiation table. Brussels has already started a visa dialogue with Moldova. The one with Georgia has not started yet, not least because of the problems Georgia is having with regard to the EU-Russia visa dialogue. Since most Abkhaz and South Ossetians have Russian citizenship, granting them visa-free entry to the Schengen area would not only “create a

73 Cf Zagorski, IPG 2011, 41 (55).
74 At the 1999 OSCE Summit in Istanbul, Russia committed itself to withdraw its forces from Georgia and Moldova.
76 See the Remarks of Herman Van Rompuy, President of the European Council, following the 28th EU-Russia Summit, Brussels, 15 December 2011, EUCO 162/11, PRESSE 500, PR PCE 121.
78 See the Press release on the Extraordinary meeting of the General Affairs and External Relations Council, Brussels, 13 August 2008, 12433/08 (Presse 236).
clear discrimination within Georgia”, as Georgian Vice-Prime Minister Georghi Baramidze put it, but could also be interpreted as an encouragement of separatism or as approval of the “Russian occupation” of these territories by the European Union.

Visa liberalisation and readmission are indeed good examples of the EU practice on an institutional level within the EU. The Union’s institutions, especially the newly established European External Action Service (EEAS), are forced to pay attention to Russia’s policy and need to co-ordinate their own approach towards these countries in accordance with the development of the EU-Russia relations at large.

From all this it becomes obvious that the EU is very hesitant to involve Russian influence into its bilateral relations to the countries concerned. But it also cannot ignore its presence and that is why it is indirectly reflecting on the EU relations to these countries.

4.3. Russia’s influence on a multilateral regional level

On a multilateral regional level, the EU’s instruments for involving Russia are also limited:

As indicated above, even though Russia was meant to be included in the ENP and is mentioned in the ENP Regional Strategy of 2004, where it is described as a key partner of the EU, it is by its own wish not a member of the ENP.

Since regional co-operation in the framework of the Eastern Partnership is limited to ENP members, Russia is not included in the EaP multilateral platforms’ meetings as well. This is especially pitiful because in this framework, actors involved also discuss questions of energy security which is, as mentions before, one of Russia’s key priorities in the region. Interesting enough, at the Civil Society Forum 2010 in Berlin, there were also participants from Russia (notably the Moscow Helsinki Group, the International Youth Human Rights Movement and

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80 Georgian government perceives the breakaway regions of Abkhasia and South-Ossetia as occupied by the Russians. This opinion has recently been approved by the European Parliament. Cf European Parliament, resolution of 17 November 2011 containing the European Parliament’s recommendations to the Council, the Commission and the EEAS on the negotiations of the EU-Georgia Association Agreement, 2011/2133(INI).
the Center for the Development of Democracy and Human Rights), but of course they do not represent the official position of the Russian Federation.

The only regional co-operation forum initiated by the EU where Russia is a member state is the above-mentioned BSS, whose framework also includes non-ENP countries. This initiative, however, has shown very modest impact so far. Whereas the issues discussed in this framework are very broad, the outcome is yet too little (which can be seen from the only progress report of 2008). As a step forward in this initiative, the Black Sea Environmental Partnership was launched in March 2010, but again with low impact so far.

Russia is an observer in the EU “Baku Initiative” that was launched in 2004 in order to facilitate the integration of energy markets of the Black Sea and Caspian Sea regions into the EU market as well as the transportation of the Caucasian/Caspian fossil resources to Europe. Unfortunately, Russia is not taking part in the TRACEA and INOGATE programmes within this framework, even though they involve almost all of Russia’s neighbouring countries, but informal consultations with Russian officials apparently do take place.

To sum up, there are virtually no effective or attractive co-operation mechanisms by the EU to involve Russia as well as Moldova and the countries of the SC.

5. Possible Solutions and Prospects

Even though it is obvious from the above that Russia has a big influence on Moldova and the SC countries, its involvement in the EU integration process of these counties is problematic.

At present, the EU is, on the one hand, compelled to respect Russia as a strategic partner and is influenced by the Kremlin’s interests and position in the SC in the way the EU conducts its own policy in the region. On the other hand, there are almost no EU induced in-

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85 Cf Ministerial Declaration on Enhanced Energy Co-operation between the EU, the Caspian Littoral States and their neighbouring countries, the so-called “Astana Conclusions” (available at http://ec.europa.eu/dgs/energy_transport/international/regional/caspian/doc/2006_11_30_astana_conclusions.pdf).
struments – not to mention co-ordinated political will – involving Russia in these matters, and certainly no attractive or even satisfactory ones.

This obvious mismatch shows that there is a need for a more effective co-operation mechanism on a solid basis within the EU in order to ensure prosperity, security and stability in the region while at the same time accommodating Russia’s economic and political influence in the post-Soviet area. Accordingly, Moscow urges the Union to develop co-operative projects which include the EU itself, Russia and the EaP countries. Therefore, the big challenge for the EU is to find a mechanism that suits its own policy needs and also allows Russia to play a constructive role in the region. This could be achieved through various means:

The first - and easiest - possibility would be the re-ignition of the Black Sea Synergy. This would mean using existing mechanisms and infrastructure and help save resources. In this regard, the EU could, for example, ensure the efficiency of technical assistance and foster concrete projects so that co-operation in this framework can improve. Some of the EaP countries are in favour of this possibility considering the advantages at hand. But unfortunately, due to the current overall political situation, this improvement is not likely to happen.

The second solution is the idea of including Russia (together with other key players in the region) in the EaP as a full member. According to the Joint Declaration of the Prague Eastern Partnership Summit, as a third state, Russia “will be eligible for the participation on a case-by-case basis in concrete projects, activities and meetings of thematic platforms, where it contributes to the objectives of particular activities and the general objectives of the Eastern Partnership.” Despite Moscow’s massive concerns raised at the very launch of the EaP, recent statements by high Russian government officials signalise that Russia does not rule out the possibility of joining the EaP. Considering this, an inclusion of Russia into this initia-

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88 Kremer, Caucasus Analytical Digest 19/2010, 15 16.
89 See the Joint Declaration of the Prague Eastern Partnership Summit, Prague, 7 May 2009, 8435/09 (Presse 78).
90 The EaP was then characterised as an EU initiative to establish a sphere of influence in its Eastern neighbour-
hood forcing the countries concerned to choose between Russia and the EU, cf Stewart, Russland und die Östliche Partnerschaft. Harsche Kritik, punktuelles Kooperationsinteresse, SWP Aktuell (April 2009) 2.
tive could not be as improbable as it seemed a few years ago, but still remains a quite unrealistic scenario.92

A third possibility, initially proposed by Poland at an informal foreign ministerial meeting on the EaP in Sopot in May 2010, is including Russia into the EaP apart from a full membership by organising of a so-called “Group of Friends of Eastern Partnership” (officially named Information and Co-ordination Group), an informal group of states and international financial institutions which officially do not participate in the EaP itself, but are willing to support this initiative on an ad hoc basis, e.g. by contributing to concrete projects within its framework. The idea behind the Group was the creation of a forum where EaP members as well as non-members would be able to inform each other about their plans and co-ordinate their respective actions. The official inauguration of the Group took place in Brussels on 29 September 2010 with participation of United States, Russia, Turkey, Norway, Switzerland, Canada, Japan, the EBRD, the EBI and the World Bank.93 Thus, once the operational framework for the Group is established, Russia will be able to participate in the meetings in the EaP framework while still obtaining its special status for the EU. This could positively contribute to the development of mutual trust.94

However, certain EaP countries (first and foremost Georgia) almost instantly expressed their doubts about the idea of Russia participating in any EaP projects as they simply do not consider Moscow as a “friend”.95 Thus it remains to be seen whether the Group of Friends is a viable solution, provided all participants are indeed willing to co-operate.

The fourth possibility is the creation of a totally new multilateral co-operation mechanism involving the EU and Russia as well as the Black Sea countries, which could be carried out on different levels, much as the existing means of co-operation foreseen in the PCAs. This idea is not new, a similar initiative as a sort of Public-Private-Partnership was proposed by Fischer and Zagorski in 2010.96

92 The same opinion is raised by Tolksdorf, Russia’s response to the Eastern Partnership.
93 See also http://www.easternpartnership.org/eap-institutions/group-friends-eastern-partnership.
96 Cf Fischer/Zagorski, Russia, the EU and their Neighbours: Partners in Modernization, in Partnership with Russia in Europe: New Challenges for the EU-Russia-Partnership, Friedrich Ebert Stiftung April 2010, 18.
One could, of course, argue that institutions are not the answer to all tensions on an international political level. The EU has often been criticised about its obsession with institution-building and the experience of nearly 10 years of ENP shows its lack of effectiveness in crucial areas like conflict management. In addition, the most recent EURONEST forum in September 2011 which was characterised as a “disaster” by several EU officials, but also the latest developments within other co-operation forums initiated by the EU, made it obvious that even if there are multilateral co-operation mechanisms, this does not necessarily mean that they produce viable results. On the contrary, MS having issues with each other tend to paralyse these forums instead of finding solutions to their mutual problems by way of a constructive dialogue.

So the question remains: Is a regional Black Sea co-operation forum at all a realistic possibility? One could critically submit that the actors involved are too heterogeneous and the problems at stake are too complex and not likely to be solved easily. This assessment is not improved by the fact that some countries concerned are simply not willing to co-operate with each other. At the same time, other countries are more than ready to negotiate. Therefore, if there is still a chance, however small, the international community - and first and foremost the EU as the leading example for multilateral co-operation - should not give up on it easily, but rather proactively work towards the establishment of such a mechanism.

In all constellations mentioned above, this would of course also mean for Russia that it would have to give up its hegemonic approach as well as its scepticism against multilateral co-operation and start co-operating with the EU and the SC countries on an equal footing. Considering Russia’s wish to be treated as equal partner in the framework of the EU-Russia Strategic Partnership, this would be at least worth trying, if not too much to ask.

6. Conclusion

To conclude, it can be said that Russia is an important player for the Black Sea region which makes it also important for the EU. However, the scenario is completely different from the one the EU has been facing in South-Eastern Europe. Being an exceptional neighbour, a regional power and a strategic partner, the EU has to pay attention to Russia’s interests as well as actions while developing and implementing its policy towards Moldova and the SC countries.
The Union disposes of a wide range of instruments for interacting with Russia and the countries of the Black Sea basin, but none sufficient to balance Russia’s influence and to provide for a solid basis for a true regional co-operation between all actors.

There are several possibilities to include Russia into the EU’s multilateral co-operation with the countries concerned, which all have their negative and positive aspects. Still the European Union has the potential to serve as a mediator for Russia and the Black Sea region and should more actively seek to establish an attractive and effective basis for regional co-operation.

Yet, this strongly depends on the existence of a unified political will of all countries concerned, but first and foremost the EU and its MS themselves. This implies that the Union, on the one hand, needs to speak with one voice towards Russia and, on the other hand, manage to develop a coherent policy strategy for the Black Sea region that also involves Russia in order to create a genuinely fruitful co-operation and achieve its goal of ensuring prosperity, stability and security for the region in the future.