

CHAPTER 11

The EU and Russia: Strategic or Short-sighted Partnership?

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Published in in Mahncke, Dieter; Gstöhl, Sieglinde (Eds.) Europe's Near Abroad: Promises and Prospects of the EU's Neighbourhood Policy (2008), Peter Lang.

I. Introduction: More Than Ad Hoc Cooperation?

The fall of the Soviet Union raised great expectations in the western world as to the possibility of integrating Russia into a community of democratic states.¹ Indeed, from a very early stage, the European Union tried to steer the transformation of the Russian Federation towards democracy and a market economy. From 1991 onwards, the EU became the main provider of technical assistance to Russia through the TACIS programme and opened a new representation in Moscow.² In 1994, the EU-Russian Partnership and Cooperation Agreement (PCA) was signed, although due to delays in its ratification it only entered into force in 1997.³

¹ Sven C. Singhofen, *Strategische Partnerschaft oder neue Konfrontation? Die Zukunft der deutsch-russischen Beziehungen*, Berlin, Konrad Adenauer Stiftung, Nr. 159/2006, p. 6, www.kas.de/db_files/dokumente/arbeitspapiere/7_dokument_dok_pdf_8532_1.pdf, 3 November 2006.

² Miguel Angel Medina Abellán, “Russia: Towards a Strategic Partnership?”, in Dieter Mahncke, Alicia Ambos and Christopher Reynolds (eds.), *European Foreign Policy – From Rhetoric to Reality?*, College of Europe Studies, No. 1, Brussels, P.I.E. Peter Lang, 2004, p. 229.

³ *Agreement on Partnership and Cooperation establishing a partnership between the European Communities and their Member States, of the one part, and the Russian*

Once the cornerstones for cooperation with Russia were laid, the EU formulated its vision of EU-Russian relations in the 1999 Common Strategy on Russia.⁴ However, the Russian response, the 2000-2010 Medium Term Strategy towards the European Union pointed to the existence of conflicting objectives.⁵ Russia rejected European influence on its internal reforms. The ‘Wider Europe’ initiative launched in March 2003 was followed by the Russian opt-out of the new European Neighbourhood Policy (ENP), because of fears that Russia would not be treated as an equal partner. A more sectoral approach to EU-Russian cooperation in the form of the creation of four ‘common spaces’ followed.⁶ In addition, there is dialogue on energy and human rights issues, as well as regional cooperation between Russia and the EU’s northern members in the framework of the Northern Dimension.

Thus, the EU and Russia cooperate on a wide range of fields, from foreign policy to trans-border crime, from human rights to market liberalisation. This vast array of efforts reflects the importance that the EU attaches to its neighbour. In October 1999, Javier Solana declared that “to develop the partnership with Russia is [...] the most challenging task that the Union faces at the beginning of the twenty-first century.”⁷ Russia is the EU’s largest neighbour and an important supplier of energy. In addition, both the EU and Russia share a neighbourhood that could benefit from the stabilising effect of a common EU-Russian

Federation, of the other part,
ec.europa.eu/comm/external_relations/ceeca/pca/pca_russia.pdf, 3 November 2006.

⁴ Cologne European Council, *Common Strategy of the European Union of 4 June 1999 on Russia*, 1999/414/CFSP, trade.ec.europa.eu/doclib/docs/2003/november/tradoc_114137.pdf, 3 November 2006.

⁵ www.delrus.cec.eu.int/en/p_245.htm, 3 November 2006.

⁶ European Commission, Communication, *Wider Europe— Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours*, Brussels, 11 March 2003, COM(2003) 104 final; for the roadmaps for the Common Economic Space, the Common Space of Freedom, Security and Justice, the Common Space on External Security and the Common Space on Research, Education and Culture see ec.europa.eu/comm/external_relations/russia/summit_05_05/index.htm, 3 November 2006.

⁷ Javier Solana, *The EU-Russia Strategic Partnership*, Stockholm, 13 October 1999, www.consilium.europa.eu/cms3_applications/applications/solana/details.asp?cmsid=246&BID=107&DocID=59417&insite=1, 17 November 2006.

strategy. Coordination of their foreign policy positions would allow for greater independence from the United States or China.⁸

In official discourse, the EU and Russia claim to maintain a ‘strategic partnership’ based on shared interests and common values such as respect for human rights, democracy and the rule of law.⁹ Yet, the relationship is far from idyllic. Tensions between Georgia and Russia as well as differing attitudes on the Orange Revolution in Ukraine underline that the EU and Russia do not share the same vision on the future development of their common neighbourhood. Cooperation in the framework of the ‘common spaces’ progresses slowly, hampered by differences over environmental policy, visa-free travel, cross-border crime, the necessity to open up the Russian market and the extent to which Russia should have a say in the EU’s Common Foreign and Security Policy.¹⁰ The informal European Council in Lahti in October 2006 confirmed the limits of EU-Russian energy cooperation, with Russia refusing to grant guarantees of a secure energy supply to the EU and hindering European access to its energy market. Finally, the current power-centralising and de-democratising trends in Russia put into question the existence of the common values the strategic partnership is supposedly based upon.

Hence, in this chapter we argue that the EU and Russia act rather on an ad hoc basis than as strategic partners. In order for a relationship to be *strategic*, it needs clear goals and priorities as well as efficient instruments. In a strategic *partnership* open competition between the partners should be limited and there should be agreement on a common agenda for the realisation of important projects. Since values influence the perceived interest of an entity, for example by determining in which

⁸ Oksana Antonenko and Kathryn Pinnick, “Introduction. The Enlarged EU and Russia: From Converging Interests to a Common Agenda”, in Oksana Antonenko and Kathryn Pinnick (eds.), *Russia and the European Union*, London, Routledge, 2005, p.1; Katinka Barysch, *The EU and Russia – Strategic partners or squabbling neighbours?*, London, Centre for European Reform, 2004, p. 1.

⁹ PCA, *op.cit.*, pp. 3, 10; Common Strategy, *op.cit.*; Roadmap for the Common Space on Freedom, Security and Justice, especially pp. 22, 35, ec.europa.eu/comm/external_relations/russia/summit_05_05/finalroadmaps.pdf#fsj, 3 November 2006.

¹⁰ Katinka Barysch, “EU-Russia relations. The EU perspective”, in Debra Johnson and Paul Robinson (eds.), *Perspectives on EU-Russia Relations*, London, Routledge, 2005, p. 21, and Michael Emerson et al., *The Reluctant Debutante: The European Union as Promoter of Democracy in its Neighbourhood*, CEPS Working Paper, No. 223, 2005.

direction the EU or Russia want to see their neighbourhood evolve, there has to be a critical mass of shared values allowing for a common long-term vision.¹¹

In the next section, underlying factors making the creation of a genuine strategic partnership between the EU and Russia complex will be analysed. In the second part, it will be pointed out that the ‘common values’ of the EU and Russia are in fact diminishing rather than increasing. In the final part, energy policy will be used as an example to demonstrate how even in fields of ‘pragmatic’ cooperation such as energy the EU has thus far failed to develop a strategic vision of its relationship with Russia.

II. Obstacles to a Strategic Partnership

The EU faces two major challenges in its attempt to set up a strategic partnership with Russia. On the one hand, its own foreign policy approach differs radically from Russia’s. On the other hand, the EU finds it hard to ‘speak with one voice’ when it comes to important topics such as the promotion of supposedly common values.

A. Divergent Approaches to Foreign Policy

Russia’s foreign policy approach is realist. International negotiations are seen as interest-driven zero-sum-games, with strict reciprocity as an important element of agreements. Russia remains attached to the idea of an independent state with a strong military and spheres of influence.¹²

Since the beginning of the 21st century, Russia’s self-perception and perception of the EU have changed as a result of both Russian domestic affairs and international developments. As the collapse of the Soviet Union overshadowed the advances in European integration at the beginning of the 1990s, NATO was regarded as the main actor and the EU was seen neither as a model nor as a real threat to Russian sovereignty and unity. In the late 1990s, however, this indifference transformed into irritation and mutual disappointment. First, divergences

¹¹ Singhofen, *op.cit.*, p. 6.

¹² Antonenko and Pinnick, *op.cit.*, p. 3; Laurent Vinatier, *Les relations UE-Russie: Moscou pose ses conditions*, Policy Paper 20, Notre Europe, 2006, p. 3; Elena Klitsounova, “EU-Russian relations : the Russian perspective”, in Johnson and Robinson, *op.cit.*, p. 38, Barysch, “The EU and Russia”, *op.cit.*, p. 7-9.

arose over the accession negotiations with former Soviet satellite states in eastern Europe. Russia was disappointed by the lack of support from the West in its striving for national unity, while the West was disappointed by the speed of reforms in Russia. The strategic Foreign Policy Concept of the Russian Federation, adopted in June 2000, defines the role and vision of Russia in a global perspective and summarises the main priorities and means.¹³ The document is dominated by the perception of an external threat to Russia's sovereignty and territorial integrity. The preservation and strengthening of the Russian Federation as a 'great power' is the foremost priority.¹⁴ In this perspective, the EU appears as an 'interstate association' that needs to be taken into account for its economic weight, but is not overly important in the field of foreign policy. However, the EU was also seen as an ally in Russia's strife against a unilateral world order dominated by the United States.¹⁵

Since the approval of the Foreign Policy Concept an important shift in strategy has occurred. Whereas in the year 2000 Russian foreign policy actors believed that the Russian Federation lacked the necessary means to pursue its ambitious goals, this had changed by 2006: Russia experienced relative stability under President Putin, both politically and economically, with the notable exception of the war in Chechnya. Its economic development together with its position as one of the world's most important energy suppliers granted Russia an economic comeback, reflected in Russia's participation in the G7/G8.¹⁶ Today, the EU relies on Russian energy resources for between 15 and 20 percent of its needs. In addition, high energy prices have led to a large budgetary surplus, reinforcing Russia's self-confidence in negotiations with the EU.

These developments have clearly changed the paradigm of Russian foreign policy. Russia aims to protect its interests on its western borders as a result of the enlargements of NATO and the EU.¹⁷ President Putin in fact stated that Russia "should continue its civilising mission on the Eurasian continent".¹⁸ In summer 2006 it became obvious that energy will play a major role in this ambitious endeavour.

¹³ www.fas.org/nuke/guide/russia/doctrine/econcept.htm, 30 October 2006.

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ Russia had taken part at political meetings of the G7 but was excluded from financial and economic committee meetings.

¹⁷ Dov Lynch, "Misperceptions and Divergences", in Dov Lynch (ed.), *What Russia Sees*, Chaillot Papers, No. 74, Paris: Institute for Security Studies, 2005, p. 7.

¹⁸ European Voice, 23 February to 1 March 2006, p. 20.

The EU's approach to foreign policy differs markedly from the Russian one in that the Union relies more on 'soft power'. Thus, cooperation in fields of common interest is seen as mutually beneficial. The main instrument of foreign policy should ideally be regular dialogue and compromise in the framework of joint committees.¹⁹ While Russia puts a lot of emphasis on the importance of interests and spheres of influence, the EU stresses that the existence or development of common values is essential as a basis of successful cooperation.²⁰ Naturally, the European Union does not ignore material interest. The energy dialogue is an example of an interest-driven policy. However, the EU usually encourages the convergence of its partners' values with its own through socialisation and conditionality. Thus, in the framework of the European Neighbourhood Policy, norms are *inter alia* to be promoted by strengthening civil society actors such as non-governmental organisations (NGOs) or the domestic opposition. 'Naming and shaming' is used as a means to create pressure. Low-level dialogues on technical matters allow for the socialisation of administrators. Experts are sent to the partner country to help adapt to European standards. Finally, in order to facilitate the acceptance of the agreements with the EU, the rhetoric usually stresses 'partnership' and 'joint ownership'.²¹ In terms of political conditionality, the EU works "with carrots rather than sticks".²² It favours the encouragement of reform through incentives rather than the discouragement of unwanted actions through threats.

Thus, while Russia prefers hard bargaining about interests regarding the outcome as a zero-sum-game and is assertive, the EU would like to see mutually beneficial cooperation on both interests and values, in the spirit of partnership. Yet, Russia's self-perception as a regional power makes it unwilling to become an object of European norm export and interference in its internal affairs.²³ Thus, for the EU, one big question is whether its 'soft' approach will allow it to defend its objectives against Russian assertiveness.

¹⁹ Vinatier, *op.cit.*, p. 3, Barysch, "The EU and Russia", *op.cit.*, p. 4.

²⁰ See for example the Roadmap for the Common Space on Freedom, Security and Justice, *op.cit.*; Barysch, "The EU and Russia", *op.cit.*, p. 13.

²¹ Judith Kelley, "New Wine in Old Wineskins: Promoting Political Reforms through the New European Neighbourhood Policy", *Journal of Common Market Studies*, Vol. 44, No. 1, 2006, pp. 39-40.

²² Interview with an official of the European Commission, DG External Relations, Brussels, 10 October 2006.

²³ Derek Averre, "Russia and the European Union: Convergence or Divergence", *European Security*, Vol. 14, No. 2, 2005, p. 179; Vinatier, *op.cit.*, p. 11.

B. Internal Divisions in the EU

The second major challenge for the EU is maintaining its credibility towards Russia in the face of internal divisions. Indeed, several EU member states, in particular Germany, Italy under Berlusconi and France, have sought to boost their own international standing by claiming a special relationship with Russia.²⁴ Being on good terms with influential Russia can bring advantages in terms of energy supplies (for example for Germany) or, more generally, enhanced prestige. Russia has developed sufficient understanding of the EU to exploit its member states' ambitions and to play them off against each other or against the stricter positions of the EU institutions.²⁵ Thus, Putin offers Germany closer energy relations and thereby reinforces existing divergences between Germany and the new member states in this sector. On the question of Kaliningrad, Putin could count on the support of France, Italy and Spain. Germany pledged to help Russia with its entry into the WTO during the negotiations. At the Russia-EU summit in November 2003 Berlusconi defended Russia's human rights policy in the Chechen war.²⁶ Indeed, despite the fact that the European Parliament's Belder Report underlined the need to adhere to common positions in order to maintain the EU's credibility and in spite of Chris Patten's plea for more unity, Germany, France and Italy continued to take a soft stance on Chechnya.²⁷ On the other hand, the 2004 enlargement has brought several states into the EU that are critical of Russia and insist on the necessity to push for democratic reforms.²⁸ The changes of government in Germany in 2005 and Italy in 2006 have raised hopes that a coherent

²⁴ See Graham Timmins, "EU-Russian relations – a member-state perspective: Germany and Russia – a special partnership in the New Europe?" in Johnson and Robinson, *op.cit.*, pp. 55-70.

²⁵ *Ibid.*

²⁶ Barysch, "The EU and Russia", *op.cit.*, p. 54.

²⁷ Averre, *op.cit.*, p. 181; Emerson et. al., *op.cit.*, pp. 17-18; Speech by Chris Patten, European Parliament, Brussels, 26 February 2004, SPEECH/04/99, ec.europa.eu/comm/external_relations/news/patten/speech04_99.htm; Bastiaan Belder, *Report with a proposal for a European Parliament recommendation to the Council on EU-Russia relations*, A5-0053/2004, 2 February 2004.

²⁸ Barysch, "The EU and Russia", *op.cit.*, p. 55.

and credible common position on Russia might be easier to reach in the future.²⁹

III. The Failure of the EU's Political Conditionality

In its Communication on ‘Wider Europe’, the Commission stated that shared principles and values are the basis for “deeper political relations”.³⁰ According to the official rhetoric, the special relationship between the European Union and Russia is based on common values and principles, and great importance is given to their promotion at least on paper.³¹ It is indeed questionable whether any form of strategic long-term cooperation is possible between two partners if there is no or little similarity in outlook and fundamental values. For the EU and Russia, a common understanding of governance is of particular importance. In the absence of a common vision of how their common neighbourhood should evolve, Russia’s and the EU’s approaches in the region will not complement each other but clash. Their differences on the future of Georgia, Ukraine, Belarus and Moldova are an indication of these tensions. In the long term, these tensions could well backfire on other issues, such as the energy dialogue and the opening of markets. Indeed, it appears that one-and-a-half decades after the fall of the Berlin Wall the values of the two partners are diverging rather than converging.

A. The Development of Democracy and Human Rights in Russia

Europeans have become increasingly disappointed by the lack of progress in the democratisation of the Russian political system and the respect of human rights. The fact that Russia has never known long periods of stable democratic government, as well as the experience of sixty years of communism, complicates the transformation process. On top of that, President Putin’s reform course has actually led to de-democratisation, while the Russian army is viewed as regularly violating human rights in the war in Chechnya.

²⁹ Interview with a Commission official, *op.cit.*; *Frankfurter Allgemeine Sonntagszeitung*, “Steinmeiers Moskauer Karte”, No. 38, 24 September 2006, p. 8.

³⁰ European Commission, Communication, *Wider Europe*, *op.cit.*, p. 12.

³¹ For examples, see PCA, *op.cit.*, pp. 3, 10; Common Strategy, *op.cit.*; Roadmap for the Common Space on Freedom, Security and Justice, *op.cit.*, especially pp. 22, 35.

Due to the Soviet legacy, trust in political parties is low and the establishment of a stable system of mass parties has failed. Many parties are based in the major cities with practically no members in the regions. The Russian President, by contrast, is regarded as standing above parties and possesses far more legitimacy in the eyes of the people.³² He selects his cabinet, parliamentary approval being necessary only for the appointment of the Prime Minister. Technocrats and candidates with a background in security services are largely overrepresented amongst the ministers, while few have party-political links.³³

The party system is fluid, with parties appearing and disappearing at every election.³⁴ The nature of the parties themselves distorts the representative nature of the Duma. Oversloot distinguishes several types of ‘pseudo-parties’ in Russia. The party supporting the presidential candidate backed by the current power holders is most likely to win elections. This ‘party of power’ is supported by several ‘adjunct’ or ‘satellite’ parties with similar programmes. ‘Favoured opposition parties’ express opposition to attract dissatisfied voters. But once elected they support those in power, turning voter dissatisfaction into support for the regime. Alternatively, their task is to attract some votes but not enough to pass the threshold. Finally, ‘harassment-parties’ confuse the voter by adopting a label or programme similar to that of a real opposition party or by presenting a candidate with a similar name.³⁵

The nature of the ‘party of power’ demonstrates the encroachment of the state upon the party system. In a democracy, a political party wins the election and then forms the government. Inversely, in Russia, the ‘party of power’ is an *ad hoc* creation by the power holders that then usually wins the elections. It centres around the executive and especially the candidate likely to win the presidential election.³⁶

After the Beslan school siege in 2004, President Putin engaged in reforms strengthening state power with the aim of enhancing Russia’s stability. These reforms have contributed to a further weakening of the

³² Hans Oversloot and Ruben Verheul, “Managing Democracy: Political Parties and the State in Russia”, *Journal of Communist Studies and Transition Politics*, Vol. 22, No. 3, 2006, pp. 384-386.

³³ *Ibid.*, p. 385.

³⁴ *Ibid.*, p. 387.

³⁵ See Oversloot and Verheul, *op.cit.*, pp. 391-393, Timmins, *op.cit.*, p. 63; Belder Report, *op.cit.*, raising procedural issues regarding the Duma elections of 2003.

³⁶ Oversloot and Verheul, *op.cit.*, pp. 393-395.

party system and de-democratisation of the country.³⁷ The abolition of single-member constituencies that were used to distribute part of the seats in the Duma weakened independent regional parties. These smaller parties are less likely to pass the five percent threshold in the now purely proportional elections to the Duma than the national parties.³⁸ Similarly, the abolition of direct elections of the regional governors and the power of the President to nominate the governors with the approval of the local legislature led to a dwindling of the capacity of regional parties to influence the regional executives. Moreover, the state usually plays an important role in the creation of parties. However, the new heads of the regions are now unlikely to create opposition parties, as their career depends on those in power at the central state level.³⁹

In 2005, the role of the Duma was further undermined by the creation of a ‘third chamber’ supervising the media, the government and the Duma itself. The appointment of its members is once again strongly influenced by the power holders. One third of its members are chosen by the President in consultation with NGOs, this third then chooses the remainder of the members from national and regional NGOs.⁴⁰

NGOs are intimidated through taxation, controls and limitations to the right to assembly.⁴¹ The press is also curtailed. The broadcasting media are state-controlled, and several critical newspapers have changed their owner and apparently lost their independence since 2005. Thus, the newspaper *Iswestija* was bought by the state-owned enterprise *Gasprom*, while the editor of *Kommersant* had to leave one month after the paper was taken over by the manager of an enterprise affiliated with *Gasprom*. Gorbachov, who used to be a critic of Putin, now partly owns

³⁷ Sandra Kalniete, “EU relations with Russia must focus on values, not trade”, in *Europe’s World*, 2005, p. 27, europesworld.link.be/europesworld/PDFs/EW1_1.3_Kalniete_EU_Relations_with_Russia.pdf, 3 November 2006.

³⁸ Singhofen, *op.cit.*, p. 11; Oversloot and Verheul, *op.cit.*, p. 387.

³⁹ Singhofen, *op.cit.*, p. 11; Oversloot and Verheul, *op.cit.*, pp. 401-402.

⁴⁰ Singhofen, *op.cit.*, p.11; Oversloot and Verheul, *op.cit.*, p. 387.

⁴¹ Council of the European Union, General Secretariat, *EU Annual Report on Human Rights 2005*, Luxembourg: Office for Official Publications of the European Communities, 2005, p. 103; Roderick Kefferpütz, intervention during the Hearing *Governance Human Rights and Civil Society – Can Russia be a “strategic” partner for Europe?*, European Parliament, Brussels, 3 May 2007; Vinatier, *op.cit.*, p. 4; Barysch, “The EU and Russia”, *op.cit.*, p. 12; Singhofen, *op.cit.*, p. 11.

Nowaja Gaveta and defends Putin's politics as guaranteeing Russia's stability, even in Chechnya.⁴²

Despite technical assistance from the EU to facilitate the reform of Russia's judicial system, corruption continues to hinder the effective enforcement of rights and duties.⁴³ The arrest of *Yukos* boss Mikhail Khodorkovsky has given the impression that even the judicial system serves as an instrument of state power.⁴⁴

The decision at the EU-Russia summit of November 2004 to hold human rights consultations every six months does not appear to have led to concrete progress. The European Union is still dissatisfied with Russian disrespect of human rights in the conflict in Chechnya.⁴⁵ Yet, Russia insists on the domestic nature of the conflict and rejects foreign interference. The EU has begun to accept this interpretation while continuing to criticise the situation.⁴⁶ The 'hunt for Georgians' in autumn 2006 that officially aims at reducing the number of illegal immigrants from Georgia on Russian territory does little to improve Russia's image. Indeed, Europe regards these measures both as a reprisal against Georgia's pro-Western course and as a expression of rising xenophobia and extremism in Russia.⁴⁷

As a consequence of Putin's policies, Russia has experienced an increasingly authoritarian regime with a weakened parliamentary and party political system as well as controlled media and NGOs. As pluralism and regional power are reduced, the 'shared values' of democracy, fundamental freedoms, respect of human rights and the rule of law appear more and more to be rhetoric rather than reality. While

⁴² Barysch, "The EU and Russia", *op.cit.*, p. 12; Singhofen, *op.cit.*, p. 11; *Frankfurter Allgemeine Zeitung*, "Wem nutzt Anna Politkowskajas Tod?", No. 234, 9 October 2006, p. 3.

⁴³ Oksana Antonenko, "Russia and EU Enlargement: From Insecure Neighbour to a Common Space in Security, Justice and Home Affairs", in Antonenko and Pinnick, *op.cit.*, p. 72.

⁴⁴ Barysch, "The EU and Russia", *op.cit.*, p. 9.

⁴⁵ EU Human Rights report 2005, *op.cit.*, p. 103.

⁴⁶ For example, Conclusions of the Moscow summit of May 2005, ec.europa.eu/comm/external_relations/russia/summit_05_05/index.htm, 3 November 2006: "The leaders of the EU and Russia addressed in a constructive spirit internal developments in the EU and Russia, including the situation in Chechnya"; Vinatier, *op.cit.*, p. 27 speaks of a state of lawlessness in Chechnya.

⁴⁷ EU Human Rights report, *op.cit.*, p. 104; *Frankfurter Allgemeine Zeitung*, "Jagd auf Georgier", No. 234, 9 October 2006, p. 3: This article reports on Russia's measures against Georgians in October 2006.

Russia is ready to sign up to these values in declarations and documents such as in the framework of the Common Space of Freedom, Security and Justice, it is less willing to implement them in practice – at least not in the way the EU interprets them.⁴⁸ Admittedly, it is not an easy task for the EU to change the direction of Putin's reforms since the Russian President is popular despite the fact that only 25 percent of Russians regard him as democratic.⁴⁹ But, without shared values and no sign of value-based convergence, the ‘strategic partnership’ resembles a selective form of interest-based cooperation.⁵⁰

B. A Lack of ‘Carrots’, Unity and Political Will

The EU’s main instruments for value transfer and the promotion of democracy in its enlargement, neighbourhood and development policies are conditionality and socialisation. Whereas conditionality is a bargaining strategy that seeks to bring a target government to comply with conditions in return for rewards, socialisation aims at achieving the societal acceptance of norms and values through fostering contacts between the two partners at all levels. Socialisation works best if the target society identifies to some extent with the culture of the ‘exporting’ country.⁵¹

Schimmelfennig’s study of rule transfer in the context of the enlargement to central and eastern Europe revealed that the most appropriate explanatory model is the external incentives model, i.e. conditionality, rather than the socialisation model. According to this rationalist model, “a state adopts EU rules if the benefits of EU rewards exceed the domestic adaptation cost”.⁵² The EU’s credibility is related to its capacity to withhold benefits in cases of non-compliance and its consistency in insisting on the fulfilment of its conditions. Secondary factors are the “size and speed” of the benefits involved and the

⁴⁸ Averre, *op.cit.*, p. 185.

⁴⁹ Barysch, “The EU and Russia”, *op.cit.*, p. 12.

⁵⁰ Averre, *op.cit.*, p. 190.

⁵¹ Frank Schimmelfennig and Ulrich Sedelmeier, “Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe”, *Journal of European Public Policy*, Vol. 11, No. 4, 2004, p. 662; Kelley, *op.cit.*, p. 34, Emmerson et al., *op.cit.*, pp. 4-5.

⁵² Schimmelfennig and Sedelmeier, *op.cit.*, p. 664.

“determinacy of conditions”, i.e. to what extent it is clear what a country has to do to get a certain type of benefit.⁵³

The case studies showed that strongly authoritarian governments were less willing to engage in value-related rule transfer because “[d]emocratic rules would have required these governments to give up the instruments on which their political power rested.”⁵⁴ Thus, “successful rule transfer required prior political change at the level of governments that brought democratic, reform-orientated political forces into power.”⁵⁵ However, the EU may have facilitated domestic change through the delegitimation of the anti-integrationist elite and the support of domestic opposition or civil society actors.⁵⁶

The application of this model to EU-Russia relations reveals several problems. The European Union has less to offer as neither of the partners desires a future Russian accession to the EU. Consequently, the EU has to work with smaller incentives such as market access, energy, investment, cooperation on visas and security issues.

Secondly, the EU’s conditionality currently lacks credibility, as the EU does not dispose of the superiority that it had in the enlargement negotiations.⁵⁷ While the EU had little to lose in the case of the central and eastern European countries, a large share of its energy supply comes from Russia, the stability of its neighbourhood depends on Russian cooperation and it could benefit from agreements on cross-border crime. Consequently, several material interests coexist with the wish to promote democratisation and human rights in Russia, so that the credibility of political conditionality depends on the priority the EU attaches to values. However, the EU reacted to human rights violations in Chechnya and the de-democratising reforms of President Putin with verbal criticism only. It faces a dilemma: it can either abandon areas of cooperation of interest to itself and disengage from the non-compliant country or continue to cooperate, lose its credibility and appear to legitimise the regime.⁵⁸ Indeed, “while democracy always comes top in the speeches, in practice it has to find a more modest place in a complex

⁵³ *Ibid.*, pp. 661-668.

⁵⁴ *Ibid.*, pp. 669-670. The importance of the costs the elite incurs for the success of rule transfer is confirmed by Kelley, *op.cit.*, p. 35.

⁵⁵ Schimmelfennig and Sedelmeier, *op.cit.*, p. 669-670.

⁵⁶ *Ibid.*, pp. 669-670.

⁵⁷ *Ibid.*, p. 675.

⁵⁸ Kelley, *op.cit.*, p. 38.

set of often competing and sometimes contradictory interests.”⁵⁹ The main weakness of the EU may well be its reluctance or inability to establish clear priorities among its various interests.

A further element of the EU’s lack of credibility are the still diverging positions of some member states on the importance of values. In the absence of Berlusconi there may no longer be statements of support for Russia’s policy in Chechnya, but the tripartite meeting of Chancellor Merkel, President Chirac and President Putin in the Château de Compiègne in September 2006 carefully avoided the topics of fundamental freedoms and Chechnya.⁶⁰ The summit at Lahti in October 2006 revealed the same split between ‘softer’ countries such as France, the United Kingdom, Italy and Germany and the more critical new member states.⁶¹

In addition, not only can the Russian elite apparently gain the benefit it wants without compliance, but it would even have to pay a high price if it were to comply. After all, democratisation of the state would expose the power holders to the risk of losing their grip on the state, while they are currently well-established in Russia’s “managed democracy”.⁶²

Finally, even the less effective socialisation approach is currently hard to apply to Russia due to the low identification of Russia with the EU. Only a few ‘liberal Westernisers’ are left who would be willing to argue in favour of a Western democracy and market economy as a model for Russia.⁶³

Thus, the EU’s approach to EU-Russia relations has so far failed to generate a convergence of values. It displays a number of weaknesses, most notably internal division and lack of clear priorities that render future success unlikely. The question is whether the ‘strategic partnership’ has allowed the EU to develop a clear vision in a field where a substantial interest is at stake – the energy dialogue.

⁵⁹ Cf. Emerson et al., *op.cit.*

⁶⁰ *Frankfurter Allgemeine Zeitung*, “Küsse statt Achsen”, No. 223, 25 September 2006, p. 2.

⁶¹ *EUobserver.com*, “New member states more far-sighted on Russia, Piebalgs says”, 23 October 2006; *EUobserver.com*, “Putin to test EU unity at Lahti summit”, 20 October 2006.

⁶² Vinatier, *op.cit.*, p. 11.

⁶³ Margot Light, Stephen White and John Löwenhardt, “A wider Europe: the view from Moscow and Kyiv”, *International Affairs*, Vol. 76, No. 1, 2000, p. 79.

IV. EU-Russian Energy Dialogue - A Conflictual Interdependence

According to the European Security Strategy, “energy dependence is a special concern for Europe”.⁶⁴ Russia is the most important single supplier of crude oil (25 percent) and natural gas (25 percent) for the EU and this dependence will continue to grow.⁶⁵ According to a projection of the European Commission, the EU-25 will import more than half of their natural gas needs from the Commonwealth of Independent States (CIS) by the year 2030.⁶⁶ On the other hand, the EU is Russia’s most important trading partner and 57 percent of all Russian import earnings to the EU derive from energy sales.⁶⁷ This dependence on the export of energy to the EU’s internal market has created a vital Russian interest in securing foreign investments and in ensuring access to that market.

Given this strong interdependence, one would expect the EU to have a strategic vision of how to approach Russia in the field of energy. Indeed, there are several institutionalised forms of collaboration with Russia in this field. But the question remains whether the EU uses its strengths in a coherent and efficient way.

A. A Gap between Rhetoric and Reality

Launched by the EU and Russia at a bilateral summit in Paris in 2000, the EU-Russia Energy Dialogue was embedded in the framework of the Partnership and Cooperation Agreement. It shows the importance that both sides attribute to energy-related topics, particularly with regard to security of supply, efficiency, infrastructure, investment and trade. The dialogue aims at institutionalising an economic relationship between the two neighbours in view of the potential to deepen this relationship and ensure mutual predictability. It is surprising that the

⁶⁴ European Security Strategy, Brussels, 12 December 2003, www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf, 3 November 2006, p. 4.

⁶⁵ World gas reserves are concentrated in two regions, the CIS and the Middle East. European gas resources are limited and production is expected to decline steadily beyond 2010, resulting in an increasing dependence on external gas supplies. Cf. European Commission, DG for Research, WETO 2030, ec.europa.eu/research/energy/pdf/weto_final_report.pdf, 3 November 2006.

⁶⁶ *Ibid.*

⁶⁷ Russia is the EU’s fifth largest trading partner. About 50 percent of Russia’s total trade are with the EU. Cf. European Commission, DG Trade, ec.europa.eu/trade/issues/bilateral/countries/russia/index_en.htm, 3 November 2006.

complementary Energy Charter is not at the centre of the Dialogue, the Russian refusal to ratify the Energy Charter symbolising for many the EU's failure to attain its objectives.⁶⁸ The Energy Charter had entered into force in 1998 as a "commonly accepted foundation [...] for developing energy cooperation between the states of the Eurasian continent".⁶⁹ Based on the principles of market economy, mutual assistance and non-discrimination, it was supposed to serve as a multilateral framework of legally binding rules dealing with intergovernmental cooperation in the energy sector. The refusal of the Russian Duma to ratify the agreement demonstrates the lack of willingness on the Russian side to abide by commonly agreed legal rights and obligations in the field of energy.⁷⁰ During the EU summit in Lahti in October 2006 the Russian reluctance was confirmed. In the words of President Putin, Russia is not "against the principles laid down in the Energy Charter but we believe that certain provisions need to be further specified, or a different document needs to be developed on the basis of the same principles as the Energy Charter".⁷¹

In fact, Russia refuses to grant access to its energy market following a two-fold strategy based on the wish to strengthen its economic position and to gain control over its main energy suppliers. The aim is to develop a strong political tool for Russia's economic and foreign policies. Its flagship in this is state-owned *Gazprom*,⁷² a company that holds more than a quarter of the world's reserves in gas and that is Russia's most important single investor abroad.⁷³ The EU, in turn, is driven by the logic of liberalisation, pushing Russia to open its market so that EU companies can gain some control over energy resources.

⁶⁸ *Die ZEIT*, "Putins Energie Offensive", 22 October 2006.

⁶⁹ The Charter was signed in December 1994 and has been signed to date by 51 European and Asian countries and by Russia, cf. www.encharter.org.

⁷⁰ *Ibid.*

⁷¹ President Vladimir Putin at the European summit in Lahti. Transcript of the second press conference for the informal meeting of Heads of State or Government, 21 October 2001, www.eu2006.fi/news_and_documents/other_documents/vko42/en_GB/1161383205709_3_November_2006.

⁷² *Gazprom* is Russia's biggest supplier and most important investor abroad. It holds more than a quarter of the world's reserves in gas. euractiv.com/en/energy/eu-russia-energy-dialogue/article-150061, 3 November 2006.

⁷³ More than 50 percent of shares are directly controlled by the Russian state. Almost 30 percent of the shares are held by 'Russian legal entities' whose identity remains unclear. eng.gazpromquestions.ru/page4.shtml, 3 November 2006.

B. Russia's Realist and Strategic Energy Policy

The conflict over the ratification of the Energy Charter is sparked by colliding interests with regard to the control of pipelines and the transit of energy. Russia has decided not to sacrifice control over its energy resources and infrastructure, even in negotiations over its accession to the WTO.⁷⁴ It is determined to tighten its control over its most important good by internal and external measures. The declared goal of Russian politics is to reinforce *Gazprom*'s position in Europe. In addition, recent events demonstrate that Russia has the political will and ability to influence external actors in its effort to protect its sphere of influence.

The North European Gas Pipeline (NEGP, Nord Stream), directly connecting Russian gas fields with Germany, is an example of Russia's capacity to undermine the Union's energy policy through bilateral agreements.⁷⁵ The pipeline will deepen the relationship between Russia as the most important supplier of gas and Germany as its most important single customer causing tensions within the EU. This strategy consists of "building on the vast foundation of bilateral business ties" with individual heads of state and government in an attempt to challenge the EU's unity in the energy sector.⁷⁶

A second example of deviation from the norms and values that should govern the PCA is the development of the Shtokman natural gas field.⁷⁷ In announcing the objective of retaining complete ownership of one of the biggest gas fields in Russia, *Gazprom* unexpectedly dropped plans to let Western firms participate in its exploitation.⁷⁸

Thirdly, Russia has not hesitated to use its gas monopoly to exert political pressure on neighbouring governments such as Moldova, Georgia, Armenia and Ukraine. The energy crisis between the Kremlin

⁷⁴ Bogdan Lissolovik and Yaroslav Lissolovik, *Russia and the WTO, The gravity of outsider status*, IMF Working Paper, WP04/159, 2004, p. 19.

⁷⁵ Centre for Eastern Studies, *The Russian Gas for Europe*, Warsaw: 2006, www.osw.waw.pl/files/Rosyjski_gaz_e.pdf, 3 November 2006.

⁷⁶ Pavel K. Baev, *Is Putin becoming desperate about being 'best friends' with Germany?* 19 October 2006, www.jamestown.org/edm/article.php?article_id=2371552, 3 November 2006.

⁷⁷ See also *Washington Post*, "Russia's Gazprom sends its western partners packing", 10 October 2006, www.washingtonpost.com/wp-dyn/content/article/2006/10/09/AR2006100901184_pf.html, 3 November 2006.

⁷⁸ *Ibid.*

and Ukraine was first and foremost the expression of a political crisis triggered by Russian opposition to the ‘Orange Revolution’ and the electoral victory of presidential candidate Yushchenko. *Gasprom* announced a five-fold increase in the price of gas in the aftermath of the elections in November 2004. The crisis was finally solved by the conclusion of an agreement (forcing the Ukraine to pay twice the amount for Russian gas), but it had a long-term effect on the EU’s awareness of Russia’s new assertiveness.

C. A New European Assertiveness and Coherence?

Russia’s refusal to ratify the Energy Charter, together with the events in Ukraine, had a direct impact on some EU member states and changed the EU’s approach to Russia in the field of energy policy. The directly affected Baltic states and Poland expressed their concerns in their national security concepts.⁷⁹ At the level of the European Council, it was acknowledged that Russia may be rather a political and geostrategical risk than a reliable partner in questions of energy.

In the light of these events, during the European Council of March 2006, the Heads of State or Government of the EU-25 emphasised the “need to safeguard energy security” in Europe and announced the establishment of an Energy Policy for Europe (EPE).⁸⁰ In all relevant EU documents, reference is made to the diplomatic component of the dialogue with Russia. A recent Commission communication summarises the interests and tools the EU considers adequate to pursue a more coherent and self-confident energy policy towards Russia.⁸¹ With Chancellor Merkel in Germany and former Commission President Romano Prodi as Prime Minister in Italy, it will become more difficult for Russian President Putin to rely on personal relationships in the pursuit of Russia’s energy policy.

The EU is more aware than ever of the necessity to ‘speak with one voice’ in the field of energy policy, especially when dealing with Russia.

⁷⁹ See e.g. the National Security Concept of the Republic of Estonia www.libertysecurity.org/article963.html, 3 November 2006.

⁸⁰ An external policy to serve Europe’s Energy interests, www.consilium.europa.eu/uedocs/cmsUpload/st09971.en06.pdf, 3 November 2006.

⁸¹ Commission of the European Communities, Communication from Commission to the European Council, *External energy relations –from principles to action*, 12 October 2006, ec.europa.eu/comm/external_relations/energy/docs/com06_590_en.pdf, 3 November 2006.

The fear of energy being used as a ‘political weapon’ has triggered a stronger sense of common interest in European capitals. Nonetheless, institutionalised dialogue and ad hoc diplomatic approaches remain the main tools in this strategy so far.

V. Conclusion: A Difficult Choice for the Future

In contrast to the ENP countries, the EU faces in Russia a country that has regained foreign policy influence. Yet, it is not Russia’s strength in itself that impedes the development of a strategic partnership. In fact, it could easily be argued that Russia offers the EU the unique possibility of building long-term cooperation between equal partners. What really complicates the EU’s task are its own internal divisions and its own undecidedness and Russia’s new self-confidence.

Thus far, the EU has failed in its attempts to construct a genuine ‘strategic partnership’ with Russia.⁸² It has not managed to build the basis of common values generally regarded as necessary for successful long-term cooperation. Russia’s assets and its self-perception as a Eurasian rather than European country and as a great power have made the use of conditionality and socialisation more difficult. Moreover, the EU emphasises the importance of democracy, respect for human rights and the rule of law, but has failed to go beyond rhetoric in its reaction to human rights violations in Chechnya or the de-democratising trends in Russia. It has thereby eroded the credibility of conditionality. In addition, the policies of Germany, France and Italy have undermined the European rhetoric on values. Russia has understood that it can push the limits of tolerance very far in negotiations with the EU.⁸³

The situation in the energy sector is one example for the EU’s failure to use its economic power for the attainment of foreign policy goals. Of

⁸² European Commission, *Communication from the Commission to the Council and the European Parliament on relations with Russia*, 9 February 2004, COM 2004(106): “The EU and Russia have agreed ambitious political declarations [...] But, despite common interests, growing economic interdependence and certain steps forward, there has been insufficient overall progress on substance”; Barysch in Johnson and Robinson, *op.cit.*, p. 21; Averre, *op.cit.*, p. 183: “Evidence suggests that Russia’s integration into Europe is becoming increasingly selective and that negotiations between the Brussels and Moscow bureaucracies lack both strategic direction and common perceptions of a normative framework.”.

⁸³ Hanna Smith, “The Russian Federation and the European Union: the shadow of Chechnya”, in Johnson and Robinson, *op.cit.*, pp. 120, 124-125.

course, Russia has the advantage of energy resources on which the EU crucially depends. Yet at the same time, Russia has failed to diversify its economy, so that the country is highly dependent on its energy exports and thus on its main client Europe. Only if the EU is able to present itself as a single actor, it can be more than Russia's equal in negotiations. But thus far, European attempts at opening up Russia's energy market have not succeeded. Again, some member states have sacrificed a strong European position on the altar of their own 'special relationships'. But there are signs that the EU-25 move closer in reaction to the Russian use of energy as a political tool. The establishment of an Energy Policy for Europe demonstrates the new awareness of European governments and a new willingness to deal with Russia on the basis of commonly defined interests and goals.

Nevertheless, this new approach has yet to be put into practice. The EU now has a unique chance to do so. EU-Russian negotiations for a new Partnership and Cooperation Agreement were due to start in November 2006. However, Russia's ambassador to the EU, Vladimir Chizhov stated in autumn 2006 that he believes that "any cooperation including foreign policy cooperation between different countries and organisations is primarily based on interests."⁸⁴ He emphasised that insistence on values from the European side may be unhelpful.⁸⁵ Also, official negotiations have been considerably delayed by a row over a Russian ban on Polish meat imports. The tensions between Estonia and Russia over the relocation of a Russian war memorial, the intensity of the Russian response to NATO plans for anti-missile defence and the lack of a common vision for Moldova and the Kosovo further underline the fragile nature of EU-Russia relations.⁸⁶ Thus, the EU now faces a choice: it can either cooperate with Russia when their interests happen to converge or insist stronger on its own priorities and objectives. The former would lead to pragmatic, interest-based cooperation. This conciliatory stance may well lead to cooperation, but on Russia's terms. Alternatively, the EU might draw up a list of clear priorities – whether these are energy or values – bargain hard for these objectives and accept tensions. As one Commission official emphasised, pragmatic

⁸⁴ *EUobserver.com*, "No place for democracy in new EU-Russia pact", 16 October 2006.

⁸⁵ *Ibid.*

⁸⁶ See also Hans-Joachim Spanger, "EU-Russland: Was bleibt von der strategischen Partnerschaft?", *IPG*, No.2, 2007, p. 91-113.

cooperation on Russian terms will not suffice to generate change.⁸⁷ Barysch argues that Russia might actually feel more at ease with an EU bargaining for the recognition of its well-defined interests, as this would be more in line with the Russian approach.⁸⁸

If the EU managed to focus on priorities, its chances of success might well improve. It could push for some changes, offering concessions on other points in return. As Vinatier points out, the EU does not need to accept that Russia dictates the terms, as it can provide incentives, especially in the economic sphere. Russia needs European investment to diversify and modernise its economy because Russian resources either flow back into the energy sector or are invested abroad. Russia experiences important problems in parts of the agricultural sector and relies on a relatively high amount of European meat imports.⁸⁹ Hence, the EU could exchange economic support for progress on the value-side.⁹⁰ It could then base its future relationship with Russia on stronger conditionality resembling that of the ENP action plans.

At any rate, whether the EU wishes to focus on values or interests, it has to rethink its strategy. If, during the forthcoming negotiations with Russia, it is not determined to define and pursue its main priorities and room for manoeuvre and if the member states continue to undermine the common position for the sake of their own objectives, then the EU risks another decade of unsatisfying piece-meal cooperation without much progress and with occasional regress.

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⁸⁷ Interview with an official of the European Commission, *op.cit.*

⁸⁸ Barysch, "The EU and Russia", *op.cit.*, p. 65.

⁸⁹ Vinatier, *op.cit.*, Singhofen, *op.cit.*, p. 25; Janusz Bugajski, *Cold Peace – Russia's New Imperialism*, Centre for Strategic and International Studies, Westport, Praeger Publishers, 2004, p. 222.

⁹⁰ Vinatier, *op.cit.*, p. 9; Singhofen, *op.cit.*, p. 26.

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