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Policy Paper

Georgia-EU Relations and Future Perspectives

(Policy Paper)

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Abstract

This paper discusses the main stages of the development of EU-Georgia relations as well as important achievements and existing challenges.

Alongside the issue of Georgia's EU integration, this policy paper also discusses the process by which Central and Eastern European countries became EU member states. In order to do so, this work provides a detailed analysis of the fifth wave of EU enlargement, as well as the stages towards EU membership of the countries of the Western Balkans.

Georgia's rapprochement with the EU is in a sense similar to the processes that the above-mentioned countries went through as well as to the dynamics of their reforms and transformations. The prospect of Georgia's complete institutional integration and EU membership, however, still remains the main challenge.

This policy paper seeks to set out the main tasks that would realistically increase Georgia's chances of becoming an EU member against the backdrop of the country's ongoing process of integration. In order to do so, this paper makes a number of practical recommendations for the development of the existing format of EU-Georgia relations as well as for the setting and solving of the country's external and internal policy tasks.

Contents

Introduction

Georgia has been striving to join the European Union from the very first day of its independence. Georgia's government at the time officially declared this goal in the early 1990s, and virtually every government and ruling party that has followed has reaffirmed that the country's main priority was its integration into the EU. During early stages, however, this goal was not only seen as much more achievable by Georgia's citizens, but also by the government, members of parliament and analysts alike.

As early as the end of the 1990s, the possibility of Georgia applying for EU membership on the basis of article 49 of the Treaty on European Union was actively discussed within the country's Ministry of Foreign Affairs. However, after consultations with EU representatives, it became clear that applying for membership would have damaged the dynamics of the country's existing relations with the EU – Brussels would have had to turn down Georgia's application and present a negative report on the country, which would have highlighted all the risks and problems it faces.[1]

At the time, the EU had no views specifically on Georgia, and only considered the possibility of forming regional partnerships with post-Soviet countries, whose main aim would be the establishment of democracy and a market economy in the region. This was to be achieved by bringing these newly independent countries (including Georgia) into the international community, and by ensuring their internal stability. The EU's foreign policy used the same tools when dealing with Georgia, Russia, Kazakhstan, Ukraine or Kyrgyzstan, and their aims in terms of transformation objectives were very similar. These approaches were outlined in the unified regulations of the partnership and co-operation agreements, which despite their bilateral nature were the product of an overall regional approach and made no distinction between signatory countries.

In the late 1990s, the EU defined a new regional context that partially separated Georgia as well as Ukraine, Moldova, Belarus, Azerbaijan and Armenia from the rest of the post-Soviet space, and welcomed both them and the EU's southern neighbours to a new level of relations within its new Neighbourhood Policy. This was the very first sign that these six post-Soviet countries had a European perspective. This perspective became even clearer when the Eastern Partnership format was launched in 2009, opening a wide range of possibilities for its members to entertain new regional and multilateral relations and to deepen existing bilateral relations. Despite the fact that no EU treaty considers the Eastern Partnership as a direct tool for the integration of a new member, in reality, bilateral relations implied such strong possibilities for functional integration that their logical result would, sooner or later, be EU membership (particularly as the country would want to join). Yet a country's willingness to join is of course not enough for it to receive an invitation: it is essential that the EU also shares this ambition, which in practice it targets at regions. Obtaining the promise of a European perspective remains Georgia's main goal in the short and medium term. This gives rise to two questions: First, to what extent can Georgia demonstrate sufficient progress in terms of meeting the requirements of its Association Agreement with the EU? And secondly, how can the EU become interested in Georgia joining it if it has no desire for further enlargement towards the region?

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[1] The author of this paper served at Georgia's mission to the EU and witnessed these processes.

Chapter 1. Georgia's Path Towards Rapprochement with the EU[2] - Financial and Political Support

Relations between Georgia and the EU began in 1992. The country was entering a period of deep crisis at that time following the collapse of Soviet-era economic links, the loss of economic markets, internal conflicts, political instability, social destitution and many other negative factors. Barely a few years after she had regained her independence, Georgia's GDP had contracted by 76.4% compared to 1989 data. Against such a background, the EU started to provide Georgia with aid.

Through various programmes and projects, the EU contributed enormously to the process of Georgia becoming a modern state, to the development of the country's market economy and to the establishment of democratic principles. From 1999 to 2004, the EU provided support in three main areas — humanitarian, financial and technical. During this period, the EU spent over a billion Euros supporting Georgia. By 2004, the country's economic situation and therefore its social stability had significantly improved, and the EU's humanitarian assistance – which had been intended to ensure vulnerable groups had access to food, medicine and other necessities – was deemed to have accomplished its mission. During the next stage, which is ongoing, the EU continues to fund bilateral and multilateral projects providing financial and technical support. This support also includes contributions to international organizations (e.g. various UN organizations, the World Bank, the International Monetary Fund and others) as well as credits and grants which Georgia receives from various EU-founded financial institutions.

Currently, the EU provides its partner countries, including Georgia, with international assistance through the following four main instruments:

- Geographic programmes[3] target countries in specific regions. Among these support programmes, Georgia is a beneficiary of the European Neighbourhood Policy tool, which aims to support all the ENP countries. Another effective mechanism for bilateral EU support is the Single Support Framework, which defines three-year cycles of support with specific priority areas for financing: Georgia currently receives around EUR 330-400 million of financial and technical support every three years. Thanks to the Eastern Partnership's stated principle of 'more for more', the amount of financial assistance Georgia receives is most likely to increase over the next few years.
- Thematic programmes[4] aim to finance specific areas of development. Georgia is an active beneficiary of the European Instrument for Democracy and Human Rights (EIDHR) and of the Instrument contributing to Stability and Peace (IcSP).

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[2] See Fischer, S., Sahay, R., and Vegh, C. (1996), *Stabilization and growth in transition economies: The early experience*, IMF Working Paper 96/31, p. 9, available at [http://mpra.ub.uni-muenchen.de/20631/1/JEP-IMF-WP.pdf].

[3] See 'Funding instruments', European Commission Directorate-General for International Co-operation and Development, available at [https://ec.europa.eu/europeaid/funding/funding-instruments-programming/funding-instruments_en].

[4] *Ibid*.

- Investment projects and grants provided by financial institutions such as the European Bank for Reconstruction and Development (EBRD) and the European Investment Bank (EIB).
- Other EU programmes (e.g. Erasmus+,[5] Horizon 2020) and agencies.[6]

For more detailed information about the assistance Georgia receives from the EU, please see Annex 1.

The aid and assistance that Georgia received from the EU during the difficult years of the 1990s played an important role in solving the country's economic and social problems, but the EU's political support was equally vital to protecting Georgia's independence and sovereignty, and to ensuring its continued integration into the international community. The position which the EU adopted vis-à-vis Georgia during the 1994 Budapest summit and the 1996 Lisbon summit could be attributed to this political support, at a time when ethnic cleansing was being documented in Georgia's regions of Abkhazia and South Ossetia. Thanks to the EU's political and technical support, Georgia joined the Council of Europe in 1999 and the World Trade Organization in 2001.

1.1.   The EU-Georgia Partnership and Cooperation Agreement: An Equal Partnership against a Background of Asymmetric Opportunities?

In 1994, Georgia and the EU began to negotiate the terms of a partnership and co-operation agreement (PCA). These negotiations were completed in 1996, with the trade regulations the agreement defined coming into force in 1997. This enabled Georgia and the EU to establish a trade relationship ('most favoured nation' status) in accordance with the requirements of the World Trade Organization. Unfortunately — and despite the fact that such provisions were included in the case of Ukraine and Moldova — this agreement did not include provisions for the holding of consultations over the definition of a free trade area between the EU and Georgia. This indicated that the EU did not consider the possibility of signing an association agreement with Georgia likely (nor indeed with any other country of the South Caucasus) — neither in the short nor in the long term. Yet the PCA, which fully came into force in 1999, offered Georgia great stimuli and possibilities in terms of her Europeanization. Its provisions committed the country to a series of 'soft obligations' such as the establishment and development of democratic institutions, the adoption of principles of good governance and the drafting and adoption of a sectoral policy. In exchange for these goals, the EU promised Georgia its support in almost every sector of her economy.

One of the PCA's most important provisions was article 43, which committed Georgia to ensuring that her legislation would gradually approximate to that of the EU in 13 important sectors including energy

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[5] See 'Participating countries', Erasmus+, available at [https://www.erasmusplus.org.uk/participating-countries].

[6] Georgia is currently co-operating with the following agencies: the European Space Agency (ESA), the European Agency for the Management of Operational Co-operation at the External Borders of the Member States of the European Union (FRONTEX), the European Anti-Fraud Office (OLAF), the European Aviation Safety Agency (EASA), the European Police Office (EUROPOL), the European Police College (CEPOL), and the European Agency for Judicial Co-operation in Criminal Matters (EUROJUST).

security, industry, agriculture, environmental protection, financial monitoring, the labour market and other areas. The PCA was crucially important in defining the status of EU-Georgia relations and raising them to higher levels, but could not play a significant role in terms of quickly reforming and Europeanizing the country — neither with regard to the development of her political institutions, nor improving her sectoral policy or increasing her overall index of development. The reason for this was that the agreement did not set out a detailed plan for reform, and that the quality and dates by which Georgia was to fulfil her 'soft obligations' given in the agreement turned out to be very complex to monitor. The EU frequently drew the Georgian government's attention to various problems (especially during meetings held within the framework of 'partnership institutions') and to the incompatibility in some spheres of legislative and institutional frameworks with the requirements of the PCA. This criticism was not, however, sufficiently comprehensive and results-oriented, which goes some way to explaining why the effect of the PCA's implementation was relatively weak and erratic.

1.2 The European Neighborhood Policy

In the early 2000s, the fifth wave of EU enlargement created a new geopolitical reality. Geographically speaking, both the countries of the former Soviet Union as well as the countries of the southern Mediterranean were brought closer to the EU, and their influence on the stability and safety of its member states increased correspondingly. By launching its European Neighbourhood Policy (ENP), it could be argued that the EU introduced a series of much more precise and effective operational approaches and tools. The main mechanisms by which the neighbourhood policy was to be implemented—such as action plans and progress reports—were directly taken from the set of tools which the EU used during enlargement. The aim of this policy became the Europeanization of neighbouring countries and their transformation in a way that would approximate their legislative and institutional systems to those of the EU. Despite the neighbourhood policy's stated goals and its differences vis-à-vis the enlargement policy, their essential meaning are arguably very similar. Accordingly, the ideal aim of the neighbourhood policy (considering the principle of differentiation) against a background of overall regional transformation is the functional and high-quality integration of some of the countries it targets. This implies free trade agreements, ensuring their access to EU markets, and higher-level co-operation in various spheres such as security, energy, transportation, agriculture, etc.

From the very first moment, Georgia made clear her strong desire and ambition to join this policy. It was precisely Georgia's various initiatives and attempts that played a decisive role in the consolidation and mobilization of all three countries of the South Caucasus. In 2004, as a result of these efforts and the heightened expectations encouraged by the Rose Revolution, that Georgia, Azerbaijan and Armenia were included in the EU's neighbourhood policy.

Between 2003 and 2008, the European Neighbourhood and Partnership Instrument (ENPI) was mostly carried out within the framework of the neighbourhood policy, uniting almost all the EU's support

programmes in the former USSR and the Southern Mediterranean (except multinational and global programmes and projects).

Georgia's five-year ENP action plan, unlike that of Ukraine or Moldova,[7] included eight priority areas. It called for important reforms to be made between 2006 and 2011, and for the establishment of close relations with the EU in the following areas: developing democratic institutions, justice, introducing principles of stability and good governance, eliminating poverty, economic development, refining social policy, migration, fighting cross-border crime, foreign policy and security, conflict resolution, energy, transport and environmental protection, culture, education and science. Despite the fact that unlike the earlier PCA, Georgia's ENP action plan was not considered to be a legally binding contract under international law, it called for a very specific list of reforms to be carried out annually under the supervision of the European Commission. Accordingly, the Georgian government's programme to carry out its ENP action plan was modified every year. Politically speaking, its commitment to implementing the action plan was in reality dictated by the following:

- The country's desire for further rapprochement with the EU, which would not happen unless it carried out the reforms contained in the action plan.
- Georgia's experience and understanding of the fact that these reforms would benefit the country and fully corresponded with its long-term development aims.
- The existence of healthy levels of competitiveness with the ENP's other countries. All the EU's reports were open and accessible, and it is a well-known fact that various governments, including that of Georgia, were worried that these reports (and especially negative ones) would have an impact on their internal state policy or damage their reputation on the world stage.

With the help of the ENP's financial support and Georgia's determination, the country's action plan significantly improved its institutional and legislative systems and brought them closer to meeting EU standards. It should be mentioned here that the EU-Georgia PCA remained in force as a legislative mechanism for interaction: its provisions did not contradict the political commitments the neighbourhood policy required, and carrying out the ENP action plan was considered as a form of implementation of the PCA. One must, however, remember that between 2006 and 2008 (and even slightly later in some cases), Georgia's economic policies were infused with libertarian ideas, and some of these ideas partially differed from the obligations imposed by these two agreements with the EU. But the dilemma that the Georgian government faced—how to combine the aims of rapid development with those of rapprochement with the EU's *laissez-faire*[8] approach and meeting the country's commitments—was never completely solved, which in turn weakened the development of Georgia's path to Europe. Yet it is worth noting that despite the country's economic reforms and significant success at eliminating corruption, Moldova and Ukraine were much more advanced in terms of harmonization with EU legislation. Accordingly, Brussels began the process of negotiating free trade agreements with Moldova and Ukraine several years before it did so with Georgia. The EU even began

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[7] Ukraine and Moldova were given three-year action plans.
[8] This term is derived from economic theory and was first mentioned in 17th-century France before later being actively used by many followers of liberal economic theory. The meaning of the term equates to 'permissiveness' in the sense of restricting state interference in private transactions.

to work on a visa-free regime with Moldova, thanks to which the country's citizens were granted permission to travel to the Schengen area without a visa a full three years earlier than Georgians.

The ENP itself did not aim to prepare beneficiary countries for EU membership, but the adoption of 'differentiation' as a leading principle prevented general tendencies in the EU's neighbourhood from hindering the process of each country's functional EU integration. Despite this, however, the policy set a limit to integration. In terms of economic partnership, this limit was the creation of a free trade area, which should have become part of bilateral agreements between neighbours. At the same time, the European Commission's 2003 communication 'Wider Europe—Neighbourhood'[9] which first launched the ENP stated that its aim was the establishment of relations similar to the European Economic Area (EEA), which brings together the EU and neighbouring states.[10] Of course, considering the principle of differentiation, such a multilateral free trade zone could only be created with those countries that would show sufficient ambition and make enough progress. This approach was later repeated in a 2007 resolution of the European Parliament.[11] The EU's institutions were also working on other, similar ideas, e.g. a 'neighbourhood economic commonwealth',[12] but these options were not pursued.

1.3 The Impact of the August 2008 War on the EU and Georgian Policy

The EU's open and active involvement in halting the war of August 2008 between Georgia and Russia played a significant role in strengthening the EU's common foreign and security policy (CFSP). During this time, the EU carried out intense diplomacy, and its efforts resulted in Russia and Georgia agreeing to a cease-fire on the 12th of August. It is interesting to note that American political pressure on Russia

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[9] 'Wider Europe—Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours', COM(2003) 104 final, Communication from the Commission to the Council and the European Parliament, Brussels, 11 March 2003, available at [http://eeas.europa.eu/archives/docs/enp/pdf/pdf/com03_104_en.pdf].
[10] *Ibid.*, p. 15.
[11] 'Strengthening the European Neighbourhood Policy', European Parliament Resolution 2007/2088(INI), available at [http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A6-2007-0414+0+DOC+XML+V0//EN].
[12] See 'A new response to a changing Neighbourhood', European Commission Joint Communication COM(2011) 303 final, Brussels, 25 May 2011, p. 10, available at [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011DC0303&from=EN].

and the deployment of U.S. forces in the Black Sea and later in Georgian airspace certainly provided French President Nicolas Sarkozy (who was at the time the head of the European Council) with strong support, but the EU's role in managing the conflict resolution dialogue with Russia was very prominent. In addition, the EU suggested the following series of post-conflict steps, which were very important in terms of stabilization:

- According to the cease-fire agreement and notably its 6th paragraph, the EU launched a new format for negotiations under EU, OSCE and UN mediation in October 2008 in Geneva, which continues to this day.
- On 1 September 2008 during a special session of the European Council, the decision was made to begin negotiations on the creation of a free trade area with Georgia as well as consultations on a visa-free regime.[13]
- On 15 September, the EU decided on a series of actions for co-operation regarding sending monitoring mission to Georgia.[14]
- On 25 September, using mechanisms for co-operation with Georgia and in order to solve the crisis with Russia, the EU appointed a special representative for foreign and security issues.[15]
- On 20-21 October, the EU and the World Bank held a high-level international donor conference which was attended by 65 countries and promised a total of USD 4.55 billion in aid.[16]
- The EU did not manage to impose sanctions on Russia for her violation of Georgia's territorial integrity, but did temporarily (four months) halt negotiations on a new partnership and co-operation agreement with Moscow.

Before the August 2008 war, the EU's foreign and security policy in Georgia was relatively passive: Brussels did not have serious ambitions in terms of conflict resolution, and despite its significant financial support for rehabilitation projects in post-conflict zones, its direct involvement was quite low; the EU, for example, totally rejected any possibility of becoming involved in peace-keeping operations in Abkhazia or Tskhinvali region. The August War could be said to have woken the EU up and to have made clear the risks of Europe letting its influence and position wane in Georgia and in the South Caucasus region as a whole. A speech Angela Merkel gave after the August War during a visit to Georgia – which was widely covered by Georgian media – provided further evidence of this: the German chancellor stated that Germany and the EU would not permit their access to Central Asia to be blocked by the occupation of the South Caucasus, exposing Europe's geopolitical interests and ambitions and pointing at Russia's attempts to block them. Until that moment, talk of geopolitics was quite unpopular within the EU (except with reference to the need to diversify energy supplies), and now Georgia's

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[13] Presidency Conclusions 12594/2/08, Extraordinary European Council, Brussels, 6 October 2008, p. 3, available at [https://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/102545.pdf].
[14] Council Joint Action 2008/736/CFSP of 15 September 2008 on the European Union Monitoring Mission in Georgia, available at [http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:248:0026:0031:EN:PDF].
[15] Council Joint Action 2008/760/CFSP of 25 September 2008 appointing the European Union Special Representative for the crisis in Georgia, available at [http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32008E0760&from=EN].
[16] Brunnstrom, D., 'Donors pledge $4.5 billion for Georgia recovery', *Reuters World News*, 22 October 2008, available at [http://www.reuters.com/article/us-georgia-donors-idUSTRE49L2IB20081022].

political significance for Europe and Russian threats were re-evaluated. Tbilisi had become a regional platform for spreading democracy, and it did not want to lose this position in this new ideological war.

From that moment on, Georgia's EU policy was also renewed. The government at the time began to pay more attention to the need to meet its commitments in terms of legislative and institutional reform. Georgia even began to formulate medium-term strategies for carrying out reforms in areas such as food safety, managing competitiveness, technical regulations and agriculture (a precondition for negotiations on a free trade area to begin), despite the fact that for years it had been categorically opposed to introducing any new regulations in these spheres.

After 2008, Georgia's prospects for real rapprochement with the EU became more prominent, most notably in areas such as free trade, a simplified visa regime and EU association—issues which had already been mentioned in the first communication[17] defining the EU's Eastern Partnership as one of its main tools for bilateral co-operation. The August War served as a catalyser for the Eastern Partnership on 1 September 2008 following a special session (mentioned above) of the European Council dedicated to Georgia during which the Council requested that the European Commission speed up communication on the Eastern Partnership initiative.

1.4 The Eastern Partnership: Strengthening Bilateral Relations or Defining a Regional Context?

The Eastern Partnership (EaP) was launched in 2009 following decisions made at the EU's Prague summit, which had been organized as a result of the initiative of Sweden and Poland based upon a 2008 communication the European Commission had presented to the European Parliament and European

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[17] See 'Eastern Partnership', Communication from the Commission to the European Parliament and the Council COM(2008) 823 final, 3 December 2008, p. 4, available at [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52008DC0823&from=EN].

Council. The EaP was to give rise to a multilateral political dialogue (summits every two years, annual meetings of foreign ministers) between the EU and its six Eastern partners. This initiative offered partner countries opportunities for greater involvement of their institutions in bilateral relations with the EU, which took the form of an association agreement and visa dialogue. All this has recently resulted in visa-free travel to the Schengen area for Georgian and Ukrainian citizens.[18] The Eastern Partnership was created to serve as a versatile tool and a thematic platform for co-operation in four main areas:

- Democracy, good governance and stability;
- Economic integration and convergence with EU policies;
- Energy, transport, environmental protection; and
- Mobility and people-to-people contacts.[19]

The versatility of the EaP's dimensions also provides for forms of co-operation such as thematic panels and flagship initiatives. Thematic platforms, as a general rule, bring together high and medium-ranking officials to discuss legislative harmonization, institutional development, deepening links between countries, developing infrastructure or projects for economic co-operation as well as joint initiatives. Panels then study the most important topics raised during the thematic platforms, and make a series of recommendations.

As for the flagship initiatives, their primary function is to unite efforts in order to carry out important and large-scale joint projects. The Eastern Partnership, as well as earlier formats, bear witness to a regional approach. Despite this, this format also bears a strong bilateral dimension which, within limits, enables partner countries to fulfil ambitious aspirations. The EaP, parallel to which the Union for the Mediterranean[20] was created for partner countries from the Mediterranean Basin, has encouraged the development of two important tasks: firstly, it split its own aims into two large and practically incompatible regions, giving it room to manoeuvre and use different tools and policies. The EaP places a comparatively small number of Eastern European countries in one basket, considering their historic and regional factors, their similar levels of development, the possibilities they offer for transformation, and many other factors.

The second important task which the introduction of this policy aimed to achieve was the creation of a space for a differentiated approach towards countries with different ambitions and levels of progress. This space enables countries to work with the EU according to their individual agenda and independently from their neighbours, and to develop bilateral relations of the scale and quality defined in the policy itself. In this sense, however, the Eastern Partnership obviously has its own limitations: its final aims—the economic integration and political association of the countries of Eastern Europe— are quite broad and require some definition. Economic integration as foreseen by the EaP implies the creation of deep and comprehensive free trade areas between the EU and its partner states that remove tariff and non-tariff barriers for all kinds of trade in goods or services. Thanks to these free trade

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[18] Earlier for Moldova.
[19] See 'Eastern Partnership', EEAS, Brussels, 19 October 2016, available at
[https://eeas.europa.eu/headquarters/headquarters-homepage/419/eastern-partnership_en]
[20] *L'Union pour la Méditerranée.*

agreements, partner states will enjoy the benefits of privileged and free access to internal EU markets. Political association, on the other hand, presents partner states with many advantages, but above all signifies the elimination of values which contradict those of the EU, the inclusion of partner states in the EU's common foreign and security policy, and their access to and participation in EU programmes and agencies.

The EaP has also strengthened the role of civil society in terms of its influence and support for reform. More specifically, following a declaration adopted during the EaP founding summit in Prague on 7 May 2009, [21] a Civil Society Forum was created within the EaP framework which brings together the EU and civil society organizations (CSOs) from the Partnership states. This forum is essentially the EaP's civil society dimension. Its members are able to present recommendations, address demands directly during ministerial meetings to the members of Eastern Partnership summits, and to take part in the meetings of thematic platforms and panels. At the next stage, after signing their association agreements with the EU, the three EaP countries were required to establish bilateral civil society platforms (paragraph 142) whose support became an institutional obligation.

Despite the strength of the format it provides for bilateral relations, as a policy, the Eastern Partnership programme reveals a very regional approach whose depth and scale of action are quite limited. The EaP is hindered from satisfying all the potential ambitions and European aspirations of some of its partner countries (currently Georgia, Moldova and Ukraine) due to the relative lack of progress made towards Europeanization by other partners (e.g. Belarus, Armenia, Azerbaijan). In this context, the multilateral nature of relations under the EaP does not present greater opportunities than those currently on offer, while its bilateral format is limited by the aims of economic integration and political association (see above).

Over the past few years, obvious differences between the aspirations, ambitions, values and achievements of the various countries of Eastern Europe have become apparent in their foreign policy orientations and other important areas. For example, in the case of Belarus, the country has made no consideration for the EU's dictated requirements for political reform; therefore, bilateral co-operation has been practically frozen. For Azerbaijan, the agenda has been changed due to the country's shortcomings in terms of guaranteeing human rights and basic freedoms.[22] Bilateral economic rapprochement with Azerbaijan is also problematic due to the country's reluctance to join the World Trade Organization, which precludes the possibility of the country signing an association agreement with the EU and the creation of a deep and comprehensive free trade area.

In 2014, Armenia refused to sign its association agreement with the EU despite having concluded two years of negotiations almost simultaneously with Georgia. Armenia's decision to join the Eurasian Economic Union instead completely excluded the possibility of creating a free trade area with the EU,

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[21] See 'Joint Declaration of the Prague Eastern Partnership Summit' 8435/09 (Presse 78), Brussels, 7 May 2009, p. 10, available at
[http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/er/107589.pdf].
[22] 'Persecution of human rights defenders in Azerbaijan—European Parliament resolution of 18 September 2014 on the persecution of human rights defenders in Azerbaijan' (2014/2832(RSP)—2016/C 234/01), available at [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014IP0022&from=EN].

and therefore that of signing an association agreement centred upon trade and other related issues. Despite the fact that both Armenia and Azerbaijan later entered into negotiations with the EU on new agreements, it is obvious that at this stage the EU's new institutional relations with both countries will always remain within the framework of a close partnership and will not create a space for their full functional integration. In 2013, Ukrainian civil society, on the other hand, enjoying the support of large parts of the population, decided to pursue an extreme form of protest when the government of the time refused to sign the country's association agreement with the EU. At the cost of lives and supporters, the country's civil society has managed to maintain sustainable European aspirations and orientations. In Moldova too, current events raise many questions regarding the choice of the country's citizens, but its geographical proximity to the EU and the very close relations it entertains with Romania create enough preconditions for one to be able to imagine Moldova participating in EU structures. Georgia has also made many sacrifices in order to safeguard its European and Euro-Atlantic aspirations and orientation, and continues to strongly defend this position.

> The multilateral nature of relations under the EaP does not present greater opportunities than those currently on offer, whilst its bilateral format is limited by the aims of economic integration and political association.

Chapter 2. Georgia's Europeanization and Development

The direct correlation between signing and implementing an association agreement with EU and a country's progress in terms of Europeanization is well illustrated in the figures of the Eastern Partnership Index[23]. The Index was last updated in 2015, and is based upon an analysis of results of data from 2014 which show that Georgia and Moldova were leading the six EaP countries in terms of legislative and institutional approximation with the EU, whereas Belarus and Azerbaijan had only made

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[23] See the Eastern Partnership Index, available at [http://www.eap-index.eu/].

very slight progress. Ukraine and Armenia scored similar results, and the levels of progress they had achieved were closer to those of the leaders. As for specific levels of democratic development, the picture is largely the same, but here Moldova followed by Georgia were much further ahead and Ukraine's and Armenia's scores were double those of Belarus and Azerbaijan. It is therefore no coincidence that these four countries are those that have begun and finished negotiations on an association agreement with the EU, and had it not been for Russian pressure, Armenia would have also undoubtedly done so.

Table 1. Democracy figures from the *Eastern Partnership Index 2014*

Scores	Ukraine	Moldova	Belarus	Georgia	Armenia	Azerbaijan
Approximation						
Total (approx.)	0.60	0.69	0.34	0.69	0.60	0.44
Deep and sustainable democracy						
Total	0.61	0.77	0.27	0.73	0.61	0.30

These results can also be interpreted from another angle: countries that were negotiating an association agreement with the EU (a process which took several years) were carrying out reforms more intensively than those that were not negotiating an agreement. It is remarkable that this tendency persisted even after the agreement was signed, and that according to various important parameters[24] of Freedom House's figures for 2017, the gap between the countries of the first and second groups continued to widen. Currently, Georgia is rated as a 'partial democracy' by Freedom House.[25] Methodologically speaking, this index takes two important factors into consideration: political rights, and civic freedoms. Georgia's score for both factors is lower than average. Levels of democratic development remain one of the important arguments for receiving prospects for EU membership. It should also be mentioned, however, that over the years Georgia has overtaken both Moldova and Ukraine and has become the leader amongst the EaP countries. Yet despite this leadership and a growing ambition to join the EU, one must remember that it is very difficult for a single country to receive perspectives for EU membership unless it is part of a region which belongs to the EU's enlargement area.

The Eastern Partnership itself, however, had prepared similar perspectives for these six countries of Eastern Europe, and was planning to link them to the EU with various close and intensive mechanisms, but Belarus and Armenia's decision to join the Eurasian Economic Union instead caused these plans to be modified. By 2014, the Eastern Partnership policy, which had begun in 2009, was almost completely stuck, and the European Commission began to reform it. In sum, one could argue that the reforms

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[24] See *Nations in Transit* 2017, Freedom House, p. 19, available at
[https://freedomhouse.org/sites/default/files/NIT2017_booklet_FINAL_0.pdf].
[25] See Georgia's Freedom House profile at [https://freedomhouse.org/report/freedom-world/2017/georgia].

which the EaP brought about were largely cosmetic changes. These were not intended to improve the policy's effectiveness and real results, but were instead progressively oriented towards adapting its aims and to some extent lowering its ambitious goals in order to cover up the policy's overall failure. In Georgia, Ukraine and Moldova, it had been expected that reforms would lead to greater prospects and opportunities for these three countries, and that their leadership would be proven by new, differentiated and multilateral relations. Unfortunately, the only addition to the EU's policy towards these three countries, which was included in a document on the need to reform the EU's neighbourhood policy,[26] was the possibility of holding more bilateral meetings at a ministerial level.

> Yet despite this leadership and a growing ambition to join the EU, one must remember that it is very difficult for a single country to receive perspectives for EU membership unless it is part of a region which belongs to the EU's enlargement area.

2.1 EU-Georgia Association Agreements and Visa Liberalization

It is difficult to re-evaluate the importance of the Association Agreement (AA) for a country. Of course, the lengthy document which Georgia and the EU signed on 27 July 2014 had a solid historical basis: earlier agreements on partnership and co-operation had prepared fertile soil for the AA's signature since advanced forms of co-operation already existed in practically every sphere the agreement considered. That said, the signing of an association agreement with the EU was a huge step for Georgia, and a very important moment in the history of its European integration. Georgia's AA created a deep and comprehensive free trade area and exempted almost all goods or services (with some EU caveats in

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[26] 'Review of the European Neighbourhood Policy', European Commission Joint Communication JOIN(2015) 50 final, Brussels, 18 November 2015, available at [http://eeas.europa.eu/archives/docs/enp/documents/2015/151118_joint-communication_review-of-the-enp_en.pdf].

the service sector) from most tariff or non-tariff barriers. At the same time, the AA requires Georgia to harmonize its legislative and regulatory framework with the EU's *acquis.*[27] The level of political co-operation between Tbilisi and Brussels is at a very high standard. Many analyses have proven that the regulations governing co-operation between the two in the fields of foreign policy, security and defence which the AA sets out are as strong as those mentioned in association agreements signed with other partner countries (many of which are already members), and many aspects of co-operation are written in great detail and depth.[28]

The deployment of Georgian military forces during EU-led peace operations is a direct result of this co-operation. In accordance with other provisions of the association agreement, Georgia has also joined Europe's energy union – the membership of which is another precondition for candidate countries. The AA as well as a protocol Georgia signed with the EU in 2014 enable Tbilisi to join EU programmes and to have access to its agencies. Although other EaP countries also enjoy this right in theory, large-scale access can only be unlocked by signing an association agreement.

Georgia's AA also deals with close co-operation in 22 spheres and provides strong tools both for the country's functional integration into European structures as well as for improving the quality of its economic integration through EU market access and high levels of sectoral co-operation.

Other EU-Georgia agreements should also be mentioned. The two have signed an agreement on the European Common Aviation Area, another one on the protection of geographical indicators, a framework agreement on the participation of Georgian military forces in EU-led peace operations and others.

Paragraph 16.2 of the Association Agreement requires the signatory country to work actively on the issue of the free movement of its citizens and, more specifically, to work towards the gradual introduction of a visa-free regime. This is an institutional obligation, but regardless of this and based upon the aims of the Eastern Partnership, the EU granted Georgia an action plan for visa liberalization as early as the beginning of 2013 (one very similar to that which Moldova received in 2011). The action plan's four elements are:

- Document security, including biometrics;
- Integrated border management, migration management, asylum;
- Public order and security; and
- External relations and fundamental rights.

The plan's full and effective implementation required a process of legislative and administrative reform in relevant areas, which was monitored by the EU. The Georgian government carried out all these necessary reforms over a period of about three years. In total, over 60 legislative amendments were

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[27] The *acquis communautaire* (or simply *acquis*) is the accumulated body of harmonized legislation adopted by the EU institutions or introduced between member states.

[28] See Gogolashvili, K., *European Union-Georgia Political Association: Scope and Ambition*, Opinion Paper No. 26, Georgian Foundation for Strategic and International Studies (GFSIS), 2014, p.7, available at [http://gfsis.org/library/view-opinion-paper/26].

adopted; around 70 by-laws, instructions and regulations were introduced; 9 national strategies were drawn up; and 7 international conventions were ratified.[29] In late March 2017, once all the necessary procedures had been carried out, Georgian citizens were given the right to pay short-term visits visa-free to the countries of the Schengen area (including EFTA and Switzerland). This could be described as one of the most important steps Georgia has taken towards its rapprochement and future integration with the EU. It increased popular support in Georgia for the country's integration process, which according to 2016 survey data has increased by 8 per cent.[30]

> One could conclude that Georgia has signed a sufficient number of agreements for further close cooperation and rapprochement with the EU

Chapter 3. The Possibilities the Eastern Partnership Format Offers

Despite growing awareness of the fact that the Eastern Partnership has exhausted its possibilities and is slowly being eroded,[31] the EU's institutions still hope that the format can be used to lessen Russia's damaging influence on the region, to spread and strengthen democracy and to support reforms that encourage the introduction of European norms.

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[29] See Fourth progress report on Georgia's implementation of the action plan on visa liberalization, Ministry of Foreign Affairs, 18 December 2015, available (in Georgian) at [https://goo.gl/qz8LiN].
[30] See 'NDI Poll: Georgians Increasingly Support EU and Euro-Atlantic Aspirations; View Russia as a Threat', National Democratic Institute press release, 12 May 2017, available at [https://www.ndi.org/sites/default/files/NDI%20poll%20press%20release_April%202017_Foreign%20 Affairs_ENG.pdf].
[31] Hushcha, M., 'From Prague to Riga: Has the EU's Eastern Partnership Been a Failure?', E-International Relations, 14 April 2017, available at [http://www.e-ir.info/2017/04/14/from-prague-to-riga-has-the-eus-eastern-partnership-been-a-failure/].

It is for these reasons that the EU does not refuse to sign less ambitious agreements with countries that do not aspire to become its members (this paper will henceforth refer to these countries as "second category") as with Armenia and Azerbaijan for example. The EU's strategy calls for such agreements to help maintain the possibility of exercising a normative influence on these countries, but in order to do so, the EU itself needs to maintain the Eastern Partnership in its existing format, i.e. offer all six partner countries an equal approach and equal opportunities. The idea of dividing the Eastern Partnership into two separate formats with different aims and different speeds of rapprochement with the EU is being opposed in Brussels as well as in other western European capitals.

This opposition springs from the fear that if the Eastern Partnership were divided, those countries which do not aspire to become EU members (Belarus, Azerbaijan, Armenia) might distance themselves from Brussels even more, and that this process would further reduce their already low levels of ambition. Another opinion, however, holds that maintaining the Partnership in its original form would in-turn help maintain the motivation of all six partner countries to increase their co-operation with the EU. That said, the chances of satisfying the EU ambitions of Georgia, Ukraine and Moldova are simultaneously shrinking. The disappointment of these three countries stems from the fact that, despite obvious differences, they are still considered within outdated regional conceptions, and their possibilities in terms of European integration are as limited as those of the countries of the second category. European politicians and EU officials have a traditional answer to such complaints —viz. that there is a bilateral dimension, including the association agreement, which enables a differentiated approach, and that various levels of co-operation can be applied to countries which show more progress than others.

Unfortunately, this answer does not consider the political dynamics, new requirements and political risks which can lower the expectations among the citizens of the leading democratic and institutional reformers. It also feeds Russian propaganda, whose main message is that none of the countries of Eastern Europe have a chance of joining the EU. The EU's enlargement fatigue also affects candidate countries and their populations, some of whom feel they have been waiting for too long. EU institutions and member states are more concerned by the risk of Armenia, Azerbaijan and Belarus distancing themselves from Brussels rather than that of countries with European aspirations slowing down their carrying out of reforms on their path to EU integration. Such signs are, however, already prominent in Moldova, many of whose citizens have recently begun to actively discuss the possibility of joining the Eurasian Economic Union.[32]

The Eastern Partnership format needs to be reformed, but in order to maintain existing policies it is presumably not recommended at this stage to simply divide it in two, as doing so would underline the fact that the countries of the second category might become of less interest to the EU. It is therefore important to maintain the 1+6 format, but additional mechanisms should be created within it in order to deepen co-operation between the EU and the EaP's three leading countries.

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[32] Kostanyan, H. (2016), 'Why Moldova's European integration is failing', Centre for European Policy Studies Commentary, Brussels, available at [https://www.ceps.eu/publications/why-moldova%E2%80%99s-european-integration-failing/].

> The idea of dividing the Eastern Partnership into two separate formats with different aims and different speeds of rapprochement with the EU is being opposed in Brussels as well as in other Western European capitals… It is therefore important to maintain the 1+6 format, but additional mechanisms should be created within it in order to deepen co-operation between the EU and the EaP's three leading countries.

Recommendations on Eastern Partnership

In order to realistically carry out its declared principle of differentiating, the Eastern Partnership's format needs to be modified according to the following criteria:[33]

A. **Geography:** The EaP's 6+1 format should remain the core format for multilateral co-operation, and should include regional co-operation in the following areas: human rights and the rule of law, the development of energy and transport infrastructure, environmental protection, culture, education and

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[33] See Gogolashvili, K., 'Position Paper 4: Georgia', in Hett, F., Kikić, S., and Meuser, S. (eds), *Reassessing the European Neighbourhood Policy: The Eastern Dimension,* Friedrich Ebert Stiftung, June 2015, p. 18, available at [http://library.fes.de/pdf-files/id-moe/11483.pdf].

others. These thematic platforms of the Eastern Partnership' multilateral co-operation will be maintained, but their essential weakening is inevitable given the lack of interest of some members for deeper integration with the EU (and, more generally, with the members of the Eastern partnership format) as well as the lack of progress in relevant reforms.

B. **Aspiration and ambition** could be used to enable signatories of AA/DCFTA agreements (such as Moldova, Ukraine and Georgia) to establish a separate "EaP 3+1" group whose members would co-operate in order to achieve common goals such as deepening mutual relations, sharing experiences of reform, synchronizing regulatory policy reforms, the joint registration with the EU of regulations governing the production of goods, co-operation with the EU's Common Security and Defence Policy (CSDP), creating a European Economic Area +, etc. Panel discussions organized by this group could consider questions of deepening trade, the approximation of legislative and regulatory environments, the accumulation of regulations on producing goods, democratic reforms, security and other relevant issues. In the future, it might be possible for the members of this group to hold panel meetings with Mediterranean neighbours who share their goal of increased rapprochement with the EU, who have also made progress, who have also signed free trade agreements with the EU, and who have also tried to raise the standard of human rights and the rule of law. Such panels could also be attended by candidate countries such as Turkey or certain Western Balkans states.

C. **Regulatory approximation and successful democratic reform:** Countries that do not aim for or aspire for more rapprochement with the EU, but nonetheless satisfy this criterion could be invited to join the above-mentioned panels on the recommendation of the European Commission or an EaP country. This opportunity might encourage them to support the Eastern Partnership more actively.

Introducing formats such as these would help maintain the Eastern Partnership by adapting it to new realities, and create more opportunities for reform-minded and ambitious countries, granting them wider possibilities for co-operation with countries that have already achieved a degree of rapprochement with the EU. At the same time, practically nothing would change for the countries of the EaP's second category (Belarus, Armenia, Azerbaijan) except that by increasing their efforts they would be able to take part in events alongside the Partnership's leading countries. It is very important for the second group to see the rewards other countries have received in exchange for their earlier efforts on the path towards European integration.

Reshaping the Eastern Partnership's format in this manner, thereby enabling the three EaP countries with great EU aspirations to be united in one sub-regional group, would be very important for Georgia's European integration.

Chapter 4. Georgia's Euro-Atlantic Integration and its Link to the country's European Perspective

Institutionally speaking, Georgia's integration with the EU and with NATO are quite different processes.

Georgia officially declared its aim to join the Alliance in 2002 at the NATO summit in Prague, although co-operation between the two began 10 years earlier. Since 1992, Georgia has gradually joined various NATO formats, e.g. the North Atlantic Cooperation Council (NACC, which in 1997 became the Euro-Atlantic Partnership Council, EAPC). Since 1994, Tbilisi has also taken part in multilateral co-operation programmes initiated by the Alliance such as the Partnership for Peace (PfP),[34] and the country has been a member of NATO's Planning and Review Process (PARP) since 1999. Participating in these formats did not require Georgia to formally aim to become a member of the Alliance, and Tbilisi only declared this intention in 2002 during NATO's Prague summit. Despite the fact that at that time, no promises were made to Georgia, since that moment, the country's levels of co-operation with NATO intensified. In 2004, Georgia was the first partner country to receive an Individual Partnership Action Plan (IPAP), and her efforts to meet the specific requirements and obligations of this plan accelerated the country's rapprochement with NATO. Tbilisi's ambitions and progress were followed in annual IPAP reports, and in 2006 Georgia began an Intensified Dialogue (ID) on membership issues. After 2008, when a declaration adopted at NATO's Bucharest summit officially stated that 'Georgia would become a member of NATO',[35] the country began taking more steps – practical and political – towards NATO integration. These included the creation of the NATO-Georgia Commission (NGC). That same year, a meeting of NATO ministers approved the Annual National Programme (ANP) which replaced Tbilisi's IPAP. At the NATO summit in Wales[36] in 2014, Georgia received another important instrument for membership—the 'Substantial NATO-Georgia Package' (SNGP)[37]—and the decision was made to establish a Joint Training and Evaluation Centre in the country. That same year, the Alliance invited Georgia to join its 'Enhanced Opportunities Partners' group (EOP)[38] alongside Sweden, Finland, Australia and Jordan. Following this, NATO stated that 'Georgia's relationship with the Alliance contains all the practical tools to prepare for eventual membership.'[39]

Unlike the EU, NATO has not defined any specific criteria for membership. Candidate countries must, however, reach levels of democracy, self-defence, economic security and state management sufficiently high for existing members to need not fear that a new member might one day not be able to fulfil its obligations or become a source of destabilization or risk. The adopted practice for joining the Alliance shows that once a country reaches a minimum level of development, possible membership is considered

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[34] See 'Partnership for Peace programme', available at
[http://www.nato.int/cps/en/natolive/topics_50349.htm].
[35] See Bucharest Summit Declaration, Press Release (2008) 049, available at
[http://www.nato.int/cps/in/natohq/official_texts_8443.htm].
[36] See 'Wales Summit Declaration', NATO Press Release (2014) 120, available at
[http://www.nato.int/cps/ic/natohq/official_texts_112964.htm].
[37] See 'Substantial NATO-Georgia Package (SNGP)', NATO Factsheet, available at
[http://www.nato.int/nato_static_fl2014/assets/pdf/pdf_2015_12/20151209_151209-factsheet-nato-georgia-package.pdf].
[38] See 'NATO's Enhanced Opportunities Partners', German Marshall Fund, 29 June 2016, available at
[http://www.gmfus.org/blog/2016/06/29/natos-enhanced-opportunities-partners].
[39] See NATO's Warsaw Summit Communiqué, 9 July 2016, available at
[http://www.nato.int/cps/en/natohq/official_texts_133169.htm].

based upon the interests and security needs of existing NATO members. Joining the Alliance does not automatically call for the legislative approximation or deep institutional reform that joining the EU would imply, but it requires consensus across the Alliance and the consideration of security factors and geopolitical realities.

It is essential that this analysis attempt to investigate whether the process of Georgia's rapprochement with NATO and its successes and failures affects the country's European perspectives.

It is a fact that, for the countries of Central and Eastern Europe and the Western Balkans, joining NATO and the EU have been and continue to be parallel processes. No country from these regions has become an EU member before it had joined NATO. Officially, no document or policy exists that might prevent a non-NATO country from joining the EU, but in practice the coincidence between the two is very obvious. The example of Austria, Sweden and Finland, all militarily neutral countries, joining the EU in 1995 might seem to contradict this, but these countries posed no threat to the stability of the EU or to its ability to defend itself against third-party aggression—which is not the case of the countries of the former Soviet Union and the Western Balkans.

The reason why the EU's member states prefer to choose partner countries that are members of the Alliance is presumably that the EU has no mechanisms capable of guaranteeing its members' collective security. The safety of the member states and the inviolability of their borders are crucial to the EU's political and economic stability. This is equally important for the rapid development of new members and for attracting investment and trade. NATO membership offers the best opportunity for the creation of such guarantees; particularly considering the fact that most EU members are also members of the Alliance. To them, considering American and Canadian support, managing and co-ordinating these two processes is quite simple, which is why it is most likely that, following Croatia and Montenegro, the countries of the Western Balkans will continue their NATO integration alongside their EU integration.

As far as Georgia is concerned, the country will need to ensure it becomes a member of NATO if it is to achieve its goal of EU membership.

The EU's Common Security and Defence Policy (CSDP) has been developing at quite a high rate of intensity in recent years, especially as the result of the growing threat of hybrid wars. Paragraph 42(7) of the Treaty of Lisbon commits member states to aid and assist each other in cases of armed aggression from a third party.[40] The Treaty also states the aim of establishing an EU 'collective self-defence' system, and it is possible that by the time Georgia's EU candidacy will be on the agenda, the EU will already have a collective self-defence mechanism.

Another alternative (albeit less likely in the short or medium term) would be greater peace in Europe as the result of changes in Russia's policies, as this would lower the topicality of the importance of joining the Alliance in order to become an EU member.

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[40] See 'Mutual defence clause', EUR-Lex Glossary, available at [http://eur-lex.europa.eu/summary/glossary/mutual_defence.html].

Chapter 5. EU Global Policy

In order to understand Georgia's chances of joining the EU in the medium term, it is important to analyse the EU's foreign policy views and ambitions as well as its approach to specific regions and countries, including Georgia. The most obvious and best source for this is the European Union's 'Global Strategy for Foreign and Security Policy',[41] which was approved by the European Council on the 17th of October of 2016,[42] replacing an earlier strategy the EU had adopted in 2003. The new strategy 'defines the EU's Foreign and Security Policy for the next years',[43] and compared to the views the EU espoused

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[41] See 'A Global Strategy for the European Union's Foreign And Security Policy', June 2016, available at [http://europa.eu/globalstrategy/sites/globalstrategy/files/pages/files/eugs_review_web_13.pdf].
[42] See 'Council conclusions on the Global Strategy on the European Union's Foreign and Security Policy', 13202/16 CFSP/PESC 814 CSDP/PSDC 572, Luxembourg, 17 October 2016, available at [http://data.consilium.europa.eu/doc/document/ST-13202-2016-INIT/en/pdf].
[43] *Ibid.*

in their 2003 security policy,[44] it calls for a much more active role on the world stage through greater involvement and actions to ensure stability and security. The strategy focuses upon the following issues:

- The EU's security;
- The possibility of societal resilience to the EU's east and south;
- An integrated approach to conflicts and crises;
- A regional approach; and
- Global governance in the 21st century.

In addition to these questions, the strategy itself is accompanied by a very important document from a practical point of view: a plan for implementing the strategy in fields of security and defence.

This analysis only considers those regulations that are directly relevant to its aims. The EU's global strategy echoes the statement contained in the Treaty on European Union which holds that 'any European country may apply for membership if it respects the democratic values of the EU and is committed to promoting them.' At the same time, it also underlines the vast importance of EU enlargement, which is grounded in conditionality, in the process of strengthening the resilience of countries involved in the enlargement policy: 'A credible enlargement policy represents a strategic investment in Europe's security and prosperity, and has already contributed greatly to peace in formerly war-torn areas'.[45]

Despite the fact that the strategy only mentions the Western Balkans and Turkey in this context, it is obvious that the document recommends that the EU pursue its policy across Europe's borders. It is also interesting to state that the chapter on enlargement is immediately followed by another on the EU's neighbours and their 'resilience'. The strategy clearly states that supporting their stability, security and resilience is a strategic priority. Georgia and Tunisia are mentioned in this context as countries 'whose success as prosperous, peaceful and stable democracies would reverberate across their respective regions.' This indicates that, like Tunisia in the vast Southern Mediterranean region, Georgia is considered to be the most successful country of Eastern Europe in terms of reform and Europeanization.

The EU also rests its hopes upon the fact that Georgia's development in the right direction will positively affect other countries of the region. Brussels will maintain its individual partnerships with neighbouring countries, in practical terms within the framework of bilateral association agreements, and will extend Trans-European Networks and Europe's energy union, build physical and digital connections, and deepen cultural and educational co-operation.

One of the strategy's most important statements is the possibility of 'creating an economic area with countries implementing [Deep and Comprehensive Free trade Areas].' **Only three such countries exist—Moldova, Georgia and Ukraine—and creating a shared economic area with them would significantly increase the possibility of introducing a new sub-regional policy towards them and, based upon their progress on the path to European integration, open up greater European perspectives for**

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[44] See *A Secure Europe in a Better World—European Security Strategy*, Brussels, 12 December 2003, available at [https://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf].
[45] EU Global strategy, p. 18.

them.[46] The EU's security strategy also touches upon the question of deepening strategic dialogue with neighbouring states, more specifically considering their involvement in the EU's defence and security policy. Presumably, this refers above all to Georgia, Moldova and Ukraine, countries that have already been taking part in the EU's military and civilian crisis management operations for some time.

In its neighbourhood, the EU's strategic aims include improving the protection of human rights; judicial, security and defence reform; and supporting weak countries by developing their capabilities, including in the area of cyber security.[47] Brussels' global strategy notably underlines the vital importance of co-operation with the OSCE, which in the text is referred to as 'a Europe-wide organisation stretching into Central Asia with a transatlantic link'.[48] In doing so, the Global strategy confirms the need to maintain the existing architecture of European security, and at the same time underlines the importance of that for European security to forge links with Central Asia—which presumably cannot be achieved without Georgia.

It is very interesting to try to understand the directions in which the Global strategy foresees that EU policies will tend.

In this regard, the strategy states that the EU will revise existing sectoral strategies and draw up and develop new thematic and geographical strategies according to the strategy's priorities.[49] Active discussions concerning the revision of geographical strategies indicate (among other things) that the EU's current enlargement policy might change and that the European perspective of new regions might be recognized. If we follow this logic, Georgia, Moldova and Ukraine in particular will be the direct beneficiaries of this process. These changes of geographical strategy indicate that, after the Western Balkans, EU enlargement should follow the line of the Black Sea and should therefore include Moldova, Ukraine and Georgia. This possibility can also be found in the Global strategy, but with a level of constructive ambiguity which implies that the EU's political and diplomatic elite do indeed discuss the prospect of these three countries becoming members, but are not yet ready to make these plans public. Despite this, however, it is important to understand and make good use of all the possibilities, even if only theoretical, which can be found in the EU's views.

> The EU's current enlargement policy might change and the European perspective of new regions might be recognized.

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[46] In this regard, the joint statement of the parliaments of Moldova, Ukraine and Georgia of June 2017 on the granting of European perspectives to their countries is worth noting.
[47] *Ibid.* p. 29.
[48] *Ibid.* p. 29.
[49] *Ibid.* p. 54.

5.1 The Further Evolution of the EU and its Possible Influence on Georgia's Prospects for Membership

The history of the European Union shows that it developed and grew stronger during and after times of crisis, but the EU is currently in a particularly difficult situation. Not that long ago, some scholars and analysts were talking about the EU facing a 'multilateral crisis', by which they meant the challenges caused by the flow of refugees, the Euro zone's difficulties, the rise of nationalist and Euro sceptic ideas, and the UK's wish to leave the EU ('Brexit'). In addition to these, the growing challenges of terrorism and of different kinds of hybrid attack are also threatening to undermine the EU's stability. Considering all this, it is interesting to note that not very long ago the possibility of the EU disintegrating was actively discussed and forecasted[50] should the far-right have won the recent elections in France. The 'Front national' lost the 2016 parliamentary elections to Holland, 2017 presidential elections to France and 2017 Bundestag elections to Germany. At this stage, one could argue that the possibility and danger of these movements gaining political power has been eliminated, but these challenges continue to threaten both the EU's stability and its unity. The consequences of Brexit[51] and the migration crisis for the EU's unity are particularly hard to predict: will they increase the desire to leave the EU in countries such as Hungary, Slovakia, the Czech Republic or Austria? It is also difficult to forecast whether Brussels will succeed in improving the economic situation in Greece and maintain it within the Euro zone.

Over the next few years, the EU might develop according to these two alternative scenarios:

First, the member states and their institutions might try to solve the multiple problems which they currently face and lighten their effect with the help of more consolidation, policy reforms, ensuring more and better democracy, increasing the involvement of citizens and interest groups, increasing the accountability of the European Commission, and strengthening EU policy on collective self-defence and security. If such measures are taken, EU institutions should become stronger, links should become deeper and more consensus should be achieved.

The second scenario derives from the reasons behind Brexit. It is widely known that the referendum that was held in the UK was preceded by a decision of the European Council granting London derogation from EU regulations and directives. Essentially, the British government received a guarantee that, if it remained a member, it would be given the right to disregard those EU laws it considered not to be in the country's interests. Although, following the results of the UK referendum, this decision was never applied, it did create a serious precedent: in reality, it became possible for other countries to demand the same. What will the future hold for the EU if such an approach spreads? The most realistic solution – one that would enable the EU to avoid total or partial disintegration – would

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[50] 'Will the EU survive the year? Crisis-plagued bloc faces EXISTENTIAL crisis in 2017', *The Express*, 30 October 2016, available at [http://www.express.co.uk/news/world/726622/eu-crisis-brussels-france-germany-brexit-netherlands].

[51] 'What does Brexit mean for the UK and Europe?', FXCM Market Insights, available at [https://www.fxcm.com/insights/what-would-a-brexit-mean-for-the-uk-and-europe/].

be to bring back the idea of a 'multi-speed' Europe.[52] According to this model, individual member states have the right not to take part in all EU policies and to choose their own speeds of integration. The tightest circle of integration would consist of the countries of the Euro zone, followed by those that are not part of the Euro zone but are full members of the Union, in turn followed by countries that are not EU members but nonetheless wish to be fully involved in various common policies.

The widely diffused idea of these 'concentric circles' emerged in the early 1990s. Back then, it was thought of as a way of providing for the progressive EU integration of the countries of Central and Eastern Europe. (In the end, however, their total institutional integration was decided.) The idea is a simple one that can be found in the 2009 Treaty of Lisbon, according to which EU member states may take part in 'enhanced operation'. Countries which co-operate in this manner benefit from deeper relations in the spheres of defence and security. Although the Treaty of Lisbon does allow the possibility of such enhanced co-operation being embarked upon, it sets a minimum of 9 member states willing to do so.[53] Also, paragraph 42(6) talks about structural co-operation in the field of self-defence, according to which member states (8 in total) can make decisions in this sphere by a qualified majority and carry them out without the involvement of other countries. In the future, it is possible that an "inner circle" might consist of such countries, and that they might even create a kind of federation. The countries of the second, somewhat wider circle would be those that wish to preserve greater national sovereignty over matters of defence, security, finance and immigration. Finally, the countries of the peripheral circle or newly joined countries might only remain part of the Common Market. But the existence of these 'circles' would not prevent countries from moving from one to the next: interested states would move to tighter circles after having prepared themselves.

The possible departure of the UK very often discussed in this context. It might join the EFTA countries—Norway, Switzerland, Iceland and Lichtenstein—and revive the organization.[54] But regardless: the best option for the UK would have been to remain within the EU's internal market, and thus maintaining the country's right of all 'four freedoms of movement' within the EU.

Both the above-mentioned approaches, which are theoretically speaking incomplete, are called a 'variable-geometry Europe'[55] or 'differentiated integration', which implies the progressive, step-by-step integration[56] of new countries into the EU.

Considering all these possible developments, Tbilisi might in future follow a completely different path to EU integration. The functional integration of countries such as Georgia through the deepening of sectoral co-operation might progress to become a gradual, total integration with various EU policies.

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[52] 'Differentiate or bust: Europe's future is multi-speed and multi-tier', *The Economist*, 23 March 2017, available at [http://www.economist.com/news/special-report/21719193-eu-must-embrace-greater-differentiation-or-face-potential-disintegration-europes].

[53] See the Treaty of Lisbon, Articles 20 TEU and 326-334 TFEU.

[54] EFTA—the European Free Trade Association. See [http://www.efta.int/].

[55] variable-geometry Europe, http://eur-lex.europa.eu/summary/glossary/variable_geometry_europe.html

[56] Stubb, A. (1996), 'A Categorisation of Differentiated Integration', in *Journal of Common Market Studies* 34(2), p. 283.

This, in turn, might lead to full institutional integration, enabling countries such as Georgia to take part in the work of various EU institutions and to vote on policies in areas in which they are already fully integrated.

Despite such opportunities for development, the gradual or direct path to EU accession would still, presumably, follow established criteria. This is why candidate countries such as Georgia must try to carry out necessary reforms in a timely manner, but a differentiated model of integration might introduce a range of different ways in which countries can meet EU criteria. In this case, the country will first begin to meet the criteria that are necessary for its current stage of integration.

Chapter 6. Analysis of the EU Enlargement

Germany's reunification in 1990 could be described as the starting point of the EU's fifth wave of enlargement. At the time, the European Commission was directly involved in the country's reunification, because the merger of East and West Germany meant that East Germany was joining the European Community (as the EU then was). Because the former German Democratic Republic was not at all ready – considering the exceptional circumstances – to fulfil her obligations as a member, special rules and derogations were introduced for the integration of the former GDR and the work of various European Commission development programmes was intensified. East Germany's merger with West Germany and its European integration strengthened the view that it was possible to integrate all of Central and Eastern Europe.

Political and expert circles actively discussed the idea that EU enlargement would accelerate reform in Central and Eastern Europe, and many argued that 'if the German Democratic Republic managed to join the EU, why wouldn't Czechoslovakia be able to?'[57] During Germany's reunification in the summer and autumn of 1990, the involvement of the European Commission directly resulted in a decision to

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[57] Garton Ash, T., 'Poor but Clubbable', *The Independent*, 19 January 1990.

grant EU membership to the countries of Eastern Europe. That same year, the idea of Eastern Europe's association with the EU featured in several reports of the European Commission, but back then this association did not yet imply eventual membership. At the same time, intense debates were taking place within the EU on the pros and cons of enlargement, most of which tended to focus upon the apparent dilemma of deeper vs. wider, and the EC and EFTA[58] were also at the time actively negotiating the creation of a common economic area. This led some to discuss the idea of Poland and Hungary creating a common economic area with the EC. Reports prepared for COREPER[59] at the time argued that, unlike some EFTA member states, Poland and Hungary would not be able to cope with the pressure of economic competition if they joined the EC (as East Germany had proven), and that they would need a long period of preparation. This is the moment when the need to establish a European economic space was born.

The latter was an attempt by the President of the European Commission, Jacques Delors, to soften the ambition of the EFTA countries to join the EC, and to offer them a model of functional integration instead. Despite the fact that the EFTA member states were very prosperous and advanced, Delors believed that, if they joined the EC, they would slow down work to create a European common market (which he had promised would be complete by 1992). If even EFTA's member states could inspire such concerns, it seemed quite logical that the relatively poor countries of Central and Eastern Europe, who faced numerous challenges, would be offered an association agreement instead of immediate membership. These agreements would, over the long term, help candidate countries to develop and prepare them for much closer integration with the EC. While the European Community's member states were arguing amongst themselves over whether their union should widen by welcoming new members or deepen by adopting more common policies and increasing the union's competences, the governments of Poland, Czechoslovakia and Hungary were campaigning hard to have their prospects of joining the EC be recognized. The leaders of Czechoslovakia and Hungary even expressed the hope that their countries would become members of the EC by the year 2000. In February 1991, these three countries of Central Europe[60] established the Višegrad Group (V3), whose members would support and co-ordinate their efforts to join the EC. In December 1992, the Group (now the 'V4')[61] signed the Central European Free Trade Agreement (CEFTA), creating a regional free trade area.[62] This was without doubt a very shrewd decision, as it strengthened trust in these countries and presumably helped to end internal EC debates in their favour. These debates resulted in the emergence of the idea of 'concentric circles' of involvement, according to which there should be different layers of integration through which individual countries would progress, each at their own pace.

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[58] EFTA—the European Free Trade Association. See [http://www.efta.int/].

[59] COREPER—the Committee of Permanent Representatives.

[60] The declaration refers to them as such.

[61] Following Czechoslovakia's dissolution into two countries, the Czech Republic and Slovakia, on 1 January 1993 (the 'Velvet Divorce'), the group became known as the Višegrad 4 (V4).

[62] CEFTA—the Central European Free Trade Agreement. See [http://cefta.int/].

By the end of 1991, the European Council had signed association agreements with Poland, Czechoslovakia and Hungary which explicitly referred to their goal of joining the union.

> The creation of the Višegrad group and the close levels of co-operation its member states entertained encouraged the EU's decision to expand to Eastern Europe. Efforts to strengthen a sub-regional context also played a role by creating a new geographical area for further large-scale EU enlargement.

Since 1994, very soon after the association agreement came into force, the activities of the V4 format have significantly decreased, and the union has essentially become nominal. The main reason for this is that the V4 countries' co-operation with the EU became increasingly bilateral[63] and they no longer saw such a need for concerted action. However, when they became candidate countries in 1998 and began to negotiate to join the EU, the format was revived. Membership negotiations implied a series of agreements and concessions, and the countries needed to unite and co-ordinate their strategy and actions.

Beyond the Višegrad Group, Bulgaria and Romania also began to gesticulate (not officially) their wish to join the EU in the early 1990s, as did the Baltic States and Slovenia. The scope of this analysis does not include the path to membership of countries such as Malta and Cyprus, but it is their membership that gave this fifth wave of enlargement to the East and South its name. These countries have been associated with the European Community since 1970, and they both applied for membership in 1990. The case of Cyprus and the way in which it became a member state is very interesting and should be made the subject of a separate analysis, particularly as the country was admitted to the EU despite its ongoing division as a result of a frozen conflict.

The decision to begin negotiating association agreements with Bulgaria and Romania was taken towards the end of 1991. Finally signing the AAs might have taken quite a while, however, as the European Commission and a number of member states fretted at the insufficient protection of human rights and the rule of law in these countries, but the 'August Putsch' which took place in Russia (which was then still officially the Soviet Union) accelerated events. Security and geopolitical priorities became the ultimate preoccupation of the EU member states, and Bulgaria and Romania signed their association agreements barely a year after the countries of the Višegrad group had signed theirs. It is worth noting here that granting these countries a European perspective in turn accelerated the European Commission's efforts to set out the membership criteria which were adopted by the European Council in Copenhagen in 1993.

In the European Commission's opinion, these countries met neither the standards required in terms of respect for human rights, not those related to the market economy. Of course, even the question of admitting the Baltic States was not so straightforward in the beginning, and this despite the fact that in 2004 their case was being considered alongside those of five other states of Central and Eastern Europe. The Lithuanian scholar and former diplomat, Ramūnas Vilpišauskas, (who personally took part in Lithuania's membership negotiations), wrote in 2003 that the EU was not very enthusiastic in the

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[63] The European Community became the European Union in 1992.

early 1990s at the idea of Baltic membership, and was in no hurry to grant them accession status.[64] The Baltic States were only granted candidate status in 1995 when they signed their European agreements, which only became officially binding in 1998-1999. It is noteworthy that the Baltic countries, geographically speaking, belong to Northern Europe, but that during the EU's enlargement process they were included in the Central and Eastern Europe group. Just as the three initial members of the Višegrad group established a regional (or, more precisely, sub-regional) format for co-operation, the Baltic States set up the Baltic Assembly, co-ordinated their EU integration processes, and created a special format for co-operation with the countries of Northern Europe—the Nordic-Baltic Council. Taking part in these regional assemblies increased their apparent trustworthiness, and thereby their chances of becoming EU members.

Slovenia was even later to join the process of EU enlargement to Central and Eastern Europe. First of all, it should be mentioned that Slovenia was quite possibly ready for EU integration earlier than any other country, but the official position of the Italian government prevented the start of official negotiations and the signing of an association agreement with Ljubljana. (Italy was at the time demanding that Slovenia commit herself to returning property which had belonged to Italian refugees and had been seized during the Second World War.) Italian opposition meant that Slovenia's accession agreement was only signed in 1996, but Ljubljana moved fast and in 1997 Slovenia already stood alongside six other candidates for membership negotiations. Precisely half of Slovenia's territory is situated in the Balkans. **Additionally, it was part of the former Yugoslavia. Although it would have been more logical to therefore include Slovenia in the Western Balkans region, in the end this would have delayed this country's membership of the EU for a decade. At the time, various EU member states and the European Commission took into consideration Slovenia's high level of development and its respect for European values, and indeed considered it as a country of Central Europe. This country of the Western Balkans was thus given the opportunity to begin the process of becoming an EU member alongside the nine other countries of Central and Eastern Europe.**

The EU signed agreements with 10 countries of Central and Eastern Europe in the order given in table 2 below, which also shows when those countries officially applied to the European Council for membership. As the table indicates, every country (except Slovenia, officially) only applied for membership once they had signed an agreement with the EU—i.e. only after the EU's national governments had approved their European ambitions. In the case of Slovenia, every EU member state unofficially agreed to the country's membership, and signing an agreement was a mere formality.

Table 2. A calendar of the EU integration of Central and Eastern Europe.

Country	Agreement signed	Entry into force	Membership application

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[64] Vilpišauskas, R., *The final stage of the EU-accession game: The Baltic states—the likely victims of their own success?*, draft paper for the EUSA conference (March 27-29, 2003), available at [http://aei.pitt.edu/2967/1/169.pdf].

Poland	1991	1994	1994
Hungary	1991	1994	1994
Czech Republic	1991	1995	1996
Slovakia	1991	1995	1996
Estonia	1995	1998	1995
Lithuania	1995	1998	1995
Latvia	1995	1998	1995
Romania	1992	1995	1994
Bulgaria	1993	1995	1994
Slovenia	1996	1999	1995

Every country (except Slovenia, officially) only applied for membership after they had signed an agreement with the EU—i.e. only after the EU's national governments had approved their European ambitions.

Chapter 7. Anatomy of the EU Accession

On 21-22 of June 1993 in Copenhagen, the European Council, which represents the EU's national governments, approved a series of conditions for the admission of new members. This was one of the most remarkable events in the history of European integration—one which set conditions and, at the same time, made meeting them much more complicated for every future member.[65] These conditions are:

Political	Stable institutions guaranteeing democracy, the rule of law, the protection of human rights and respect for minority groups.

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[65] See Conclusions of the Presidency, Copenhagen, June 21-22 1993, p. 14, available at [http://www.consilium.europa.eu/en/european-council/conclusions/pdf-1993-2003/presidency-conclusions_-copenhagen-european-council_-21-and-22-june-1993/].

Economic	An active market economy and the ability to take part in common spheres of EU policy.
Institutional	The ability to effectively carry out the obligations of EU membership. A commitment to the aims of the European Union, including political, economic and monetary union.

The Council's decision states that 'the Union's capacity to absorb new members while maintaining the momentum of European integration is an important consideration in the general interest of both the Union and the candidate countries,'[66] giving member states the right to abstain from accepting new members, even if candidates meet the three criteria in the table above.

From that moment on, it could be said that all the questions were answered and that the question of EU enlargement gained in importance. Mechanisms of enlargement which were used much later carry out these approaches—from initial annual assessments of a country's progress in terms of reform all the way to final negotiation mechanisms.[67]

7.1 The EU Integration of the Western Balkans

After the fall of the Berlin Wall in 1989 and the end of the Cold War in Europe, the question of associating the states of the former Yugoslavia with the EU also arose. For several years, European Commission reports and political statements made by member states referred to this region as part of Central and Eastern Europe. If the region had not erupted into territorial conflict and ethnic violence, it is possible that the countries of the former Yugoslavia might have joined the EU alongside the other countries of the former Socialist block. Despite a delay of ten years, the Western Balkans are members of the fifth wave of EU enlargement, and one of them, Croatia, even became a full member of the EU in 2013.

The Western Balkans were granted European perspectives by the EU's 'Stability Pact for South-Eastern Europe',[68] signed in 1999, which created guarantees for long-term peace in the region. A year later, the

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[66] *Ibid.*, p. 14.
[67] For detailed information on the important decisions taken during the admission of the countries of Central and Eastern Europe, see Annex 2 below.
[68] Stability Pact for South-Eastern Europe, available at
[https://ec.europa.eu/neighbourhood-enlargement/policy/glossary/terms/stability-pact_en].

EU initiated the twin processes of stabilization and association whose aim was to develop the entire region and ensure its gradual EU integration. During a session of the European Council held in June 2000 in Santa Maria da Feira, the countries of the Western Balkans were officially recognized as candidates for membership for the first time. The declaration of a later summit held in Zagreb in November of that year states that the Council 'reaffirms the European perspective of the countries participating in the stabilisation and association process and their status as potential candidates for membership in accordance with the Feira conclusions.'[69]

In 2003, a summit in Thessaloniki considered the recommendations contained in the European Commission's 2003 communication entitled 'The Western Balkans and European Integration',[70] enriched the process of the Western Balkans' EU integration with the experience of newly completed enlargement towards Central and Eastern Europe. More precisely, it was declared that these countries would embark upon the path to membership, and that they would receive individual 'European Partnership' plans for reforms to be carried out in preparation of membership along with appropriate financial support instruments. Here too, the CARDS[71] financial instrument (analogous to PHARE)[72] would be used throughout the region, alongside new instruments such as 'Twinning'[73] and TAIEX.[74] The need for regional co-operation was made explicit in both the European Commission reports as well as in the summit conclusions. In 2007, the IPA instrument[75]—a common tool for supporting the Western Balkans—was created with a budget of EUR 11.7 billion for the period 2014-2020. This sum is almost equal to the financial resources that were allocated within the framework of ENI for the countries of the EU's Neighbourhood Policy over the same period. In the latter case however, the number of beneficiary countries is 16 - i.e. double the number of IPA beneficiary countries. This difference becomes even greater if one calculates the financial resources per person, as the total population of ENI's beneficiary countries is three times greater than that of the IPA's beneficiaries. It should also be mentioned that, by calculating per capita, Georgia receives approximately the same amount of assistance every year as the Western Balkan candidate states. For example, 7 years of ENI (2014-2020) budget for Georgia is 610-746 million euros. This is almost equal to Albania (within the IPA-II) for the same financial period.

In 2005, the European Commissioner for Enlargement, Olli Rehn, declared that 'regional co-operation is [a] cornerstone of the EU's policy framework for the Western Balkans—the stabilization and association process, which offers to the countries of the region the possibility of eventual EU

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[69] See Zagreb Summit Declaration, paragraph 4, available at
[http://www.consilium.europa.eu/en/uedocs/cms_data/docs/pressdata/en/er/declang4.doc.html].
[70] See 'The Western Balkans and European Integration', European Commission Communication COM (2003) 285 final, Brussels, 21 May 2003, available at
[http://trade.ec.europa.eu/doclib/docs/2003/november/tradoc_114088.pdf].
[71] CARDS—Community Assistance for Reconstruction, Development and Stabilisation. See
[https://ec.europa.eu/neighbourhood-enlargement/policy/glossary/terms/cards_en].
[72] For PHARE, see [https://ec.europa.eu/neighbourhood-enlargement/policy/glossary/terms/phare_en].
[73] For the 'Twinning' instrument, see [https://ec.europa.eu/neighbourhood-enlargement/tenders/twinning_en].
[74] TAIEX—Technical Assistance and Information Exchange. See [https://ec.europa.eu/neighbourhood-enlargement/tenders/taiex_en].
[75] IPA—Instrument for Pre-accession Assistance. See
[http://ec.europa.eu/regional_policy/en/funding/ipa/].

membership.'[76] A speech, which the Commissioner of Foreign Affairs at the time – Chris Patten – gave at the Thessaloniki summit, is also noteworthy. In it, he noted that the summit was sending two important messages to the countries of the Western Balkans: firstly that 'their EU membership was realistic'[77] and that 'enlargement would not be considered to be accomplished until' these countries became members of the EU. The second message stated that they had to deserve this integration and that it was entirely up to them. The summit in Thessaloniki could be said to have held the same meaning for the Western Balkans as the one in Copenhagen had for the countries of Central and Eastern Europe. But unlike Central and Eastern Europe, the integration of the Balkans is less dynamic and more uneven, perhaps for the following reasons:

- They were only offered the possibility of potential candidate status;
- This status is conditional upon their signature of Stabilization and Association Agreements (SAAs);
- Every country would be granted this status separately and at a later date, once they had made progress in their implementation of their SAA; and
- No attempt was made to manage their accession as a group.

If we disregard the promise of membership which was made to all the countries of the Western Balkans, it could be argued that the conditions listed above render their integration processes quite differentiated.

The main stages of their integration are given in table 3 below, which also reveals the obvious differences in progress and status.

Table 3. The main phases of the EU integration of the countries of the Western Balkans

Country	Status	AA signed	Applied for membership	Candidate status	Negotiations start	End of screening	Open chapters
Albania	Candidate	2009	2009	2014	–	–	–
Bos.-Her.	Applicant	2015	2016	–	–	–	–
Kosovo	Pot. Cand.	2016	–	–	–	–	–
Macedonia	Candidate	2004	2004	2005	–	–	–
Montenegro	Negotiating	2010	2010	2010	2012	2013	28
Serbia	Negotiating	2010	2009	2012	2014	2015	10

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[76] See 'Regional co-operation in the Western Balkans', European Commission, 2005, p. 2, available at [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/nf5703249enc_web_en.pdf].
[77] See 'The Thessaloniki Summit: a Milestone in the European Union's relations with the Western Balkans', European Commission press release IP/03/860, 18 June 2003, available at [http://europa.eu/rapid/press-release_IP-03-860_en.htm].

Croatia is not included in this table although it began its process of integration alongside the other states. Negotiations over Croatia's Stabilization and Association Agreement were launched in 2000 (along with Macedonia); the agreement was signed in 2001, and Zagreb applied for EU membership in 2003. Despite the fact that its agreement only officially entered into force in 2005, the European Commission already granted the country its so-called legislative 'screening questionnaire' shortly after it applied for membership, and in 2004 even recommended that the European Council begin membership negotiations with Croatia. These negotiations were finally launched in 2005, immediately after the country's SAA entered into force, and resulted in Zagreb's membership agreement in 2011. Croatia has been a member state of the European Union since 2013.

As for the remaining six countries, currently only two of them are involved in membership negotiations (Montenegro and Serbia), whereas the other four were granted the status of 'candidate country'. Kosovo has made the most progress down this path, and its association agreement entered into force as recently as 2016.

> Despite the fact that the membership process of the countries of the Western Balkans began in a similar way to that of the countries of Central and Eastern Europe, radical internal differences soon emerged. Their levels of progress and ambition grew further apart, and for some of them integration is increasingly delayed.

Table 4. The institutional and administrative stages of accession[78]

Association negotiations begin
An Association Agreement is signed
The AA enters into force
The country formally applies for membership
The Council solicits the opinion of the European Commission
The Commission sends the applicant country a legislative questionnaire
The applicant country answers the questionnaire
The Commission prepares its report
The Commission recommends that the country be granted official candidate status

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[78] According to the European Union practice, the countries willing to join the EU undergo a set of stages presented in the table, but there are separate exceptions. For example, in the case of Slovenia and Serbia, the applications were made earlier than the Association Agreements would have been signed, although the principal decision was already taken in the EU and the application was not made only one-sided will.

The Council formally grants the country this status
The Commission recommends that negotiations begin
The Council sets a date for these negotiations to begin
A membership negotiations begin
A membership negotiations end
A membership agreement is signed
The agreement is ratified
The date of membership is announced

The main subject of these negotiations with the Western Balkans – as was the case with the countries of Central and Eastern Europe – is a series of chapters of EU legislation; the difference being that four more were added after the countries of Central and Eastern Europe had joined the Union. This increase in the number of chapters to be negotiated is not, however, specifically linked to the Western Balkans; instead, the increase reflects a deepening of the EU itself, whose acquis has grown along with the number of policy areas in which it is competent to a total of 35 chapters.

Regional co-operation is considered to be one of the cornerstones of the stabilization and association of the countries of the Western Balkans, and many important steps have been taken towards this goal. A Regional Co-operation Council (RCC)[79] was established in 2008 in order to support European and Euro-Atlantic aspirations. All the countries of South-Eastern Europe, including Turkey, are involved within its scope. The Western Balkans have also joined CEFTA, and co-operate with Europe in various fields such as energy, common airspace, etc.

It is also noteworthy that between 2009 and 2012, every country of the Western Balkans was granted a short-term visa-free regime with the EU (Schengen area), and in 2016 the same privilege was granted to Kosovo.

The following are the EU's priority programmes in which the countries of the Western Balkans have been involved following the decision of the General Affairs Council held in Thessaloniki in 2003: education, training, culture, science, energy, environmental protection, civil society, small and medium-sized businesses, and the fight against corruption. It was also decided to enable these countries, in due course, to take part in the work of various EU agencies, and their participation as observers in 21 of these has been financed by the IPA instrument (with 90% financing from 2007).[80]

One of the most important aspects of preparing for membership is the need to establish connections with EU transport networks. First of all, this calls for the active involvement of the Western Balkans, Bulgaria and Romania in the Trans-European road network and the development of railway links. The European Investment Bank (EIB) was given a full mandate for financing these projects. The need to improve connections between the Danube's left and right banks and to develop navigation on the river

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[79] See [www.rcc.int].
[80] See 'Analytical *Fiche* Nr. 18', p. 2, available at [https://europa.eu/european-union/sites/europaeu/files/docs/body/fiche_18_sent_to_ep_cons_2011-03-16_en.pdf].

itself had already been underlined during the membership processes of the countries of Central and Eastern Europe, and the countries of the Western Balkans are also working actively on these issues.

Establishing a regional energy market was also considered a priority, as well as the development and support of cross-border co-operation. The European Union also called for the creation of regional initiatives in the fields of science and research among the countries involved in enlargement, and this has served as a basis for an EU-Balkans action plan in science and technology.

In conclusion of this sub-chapter, it could be argued that the stabilization and association process that was planned in 1999 has emerged as an aggregation of regional and bilateral efforts to promote the development of the Western Balkans. A regional approach is apparent in the adoption of a common policy towards these countries, in efforts to support the development of regional co-operation, in the financing of joint development projects, in the encouragement of the free movement of people throughout the region, in the establishment of free trade and a system of advantages, and so on. At the same time, a bilateral dimension emerged based on the SAA type of association agreement, and later through the granting of candidate status as well as through using the 'European Partnership' as an instrument for bilateral integration. In this case, and judging by the examples of the Central and Eastern European countries described above, it could be argued that the goals the EU has set for itself in terms of enlargement have a regional scale, but they are mostly realized through bilateral forms of relation and co-operation.

> The goals which the EU has set itself in terms of enlargement have a regional scale but that they are mostly realized through bilateral forms of relation and co-operation.

The Main Findings of the Research

1. The EU's enlargement policy obviously bears a regional and geographical character. According to existing practices, interest in enlargement concerns regions rather than individual countries. A good example of this is Turkey, whose application for candidate country status in 1987 was only granted in 1999 following the emergence of the EU's ambition to integrate the Western Balkans (Turkey being considered as belonging to the wider South-eastern European region). Equally noteworthy are the examples of Malta and Cyprus, who initially applied in 1990 and whose straightforward geography (and history, to a certain extent) greatly facilitated the decision to admit them as EU members. Geographically speaking, both these states were among the EU's closest neighbours and both entertained close and historical relations with various member states.

2. EU enlargement takes place against a background of strengthened regional co-operation, which serves the aims of achieving long-term stability and development.

3. Infrastructure links are one of the main conditions for EU integration, and their intensive development serves as a basis for enlargement. The countries of Central and Eastern Europe as

well as the Western Balkans all have well-developed transport and energy links with the member states of the EU, but this has required enormous efforts and work continues to develop them even further.

4. Association Agreements: Every single example of enlargement demonstrates that AAs are the main instrument used to prepare a country for EU membership. In the case of candidate countries, these agreements name 'European perspectives' as the goal of their implementation. AAs provide a framework for special political and economic relations which gradually lead to the functional integration of the candidate countries.

5. In their work with Georgia, Moldova and Ukraine, the EU institutions apply almost the same logic as they did towards candidate countries for enlargement. First of all, it should be mentioned that the aims of planned reforms as well as the quality of their final result do not differ from the standards which are set for candidate countries. The amount of funding allocated is also similar: for example, IPA financing for the period 2014-2020 is practically identical (almost EUR 12 billion) as ENPI funding. The EIB is also granted the same mandate in newly associated countries as it enjoyed in the Western Balkans. Free trade regimes, forms of political co-operation and participation in programmes and agencies are almost identical to those developed during enlargement.

6. During the process of admission, the most important factor is a country's stability. Enlargement began in the Western Balkans only after real guarantees for peace could be secured. Later as well, the primary aim of the obligation of regional co-operation which was imposed on the countries that took part in stabilization and association processes was a lasting peace.

7. Countries must be capable of functional integration. Membership is preceded by the development of elements of functional integration as well as by a country's rapprochement with the EU, the deepening of trade relations, increased people-to-people contacts, closer economic and industrial co-operation, harmonization of educational systems, scientific co-operation, conciliation of energy networks, the development of transport infrastructure and links, etc. This is implied not only with regard to the EU but also in terms of regional co-operation with neighbouring countries—especially with those countries that are striving to join the EU.

8. Involvement in the work of EU programmes and agencies has played a significant role in terms of improving the functional integration of candidate countries.

Recommendations

A. Georgia must take concrete steps to establish close links and co-operation with Moldova and Ukraine whose primary aim will be the creation of a new region oriented towards EU integration offering a new space for enlargement.

B. Many EU documents, including its Global Strategy, speak about the idea of establishing a 'European Economic Area *plus*' (EEA+) in Eastern Europe, which would resemble a bilateral free trade area integrated within the EU's internal market. The governments of Georgia, Moldova and Ukraine could request that work begin on the creation of such area during the next Eastern Partnership summit. If the EU will not show sufficient interest, however, these three countries will have to begin establishing such an area between each other (as the Višegrad group of countries did). Co-operation with Moldova and Ukraine must serve the region's thorough Europeanization as well as the development of transport, energy and economic links and their connection to Europe. It is also essential that forms of regional economic integration

with these candidate countries be developed for EU membership, and that they be used to develop projects for close industrial, agricultural and sectoral co-operation.

C. The government of Georgia must increase its efforts to develop rail, air and road links with EU member states, and must take effective steps in this direction in order to make effective and optimal use of the opportunities offered by the European Neighbourhood and Partnership Instrument (ENPI).

D. Credits and grants afforded by the European Investment Bank must be used effectively for closer integration with the EU, for the Europeanization of the market and the complete harmonization of relevant regulatory and legislative frameworks in accordance with the EU's energy acquis. The World Bank and Asian Development Bank could be involved in financing such projects.

E. Special attention should be paid to the rapid and effective implementation of the AA. The development of quality infrastructure is particularly important, as well as the timely signature of 'Agreements on Conformity Assessment and Acceptance of industrial products' (ACAAs) in as many sectors as possible. Regulations governing measures for the carrying out of sanitary norms also need to be harmonized with the EU, as well as those governing the registration of producers of animal-based products. It is equally vital to communicate with small and medium-sized business on DCFTA matters and to support them through research and analysis in order to enable them to make full use of the opportunities this agreements presents. All in all, making effective use of Georgia's AA will increase its functional EU integration and will have a very positive influence on its economic and institutional development. In itself, this is an additional positive factor on the road to EU membership.

F. Involvement in EU programmes and agencies should only be done according to a well-thought-out and carefully assessed plan, as this involvement requires important administrative resources and countries have to make a financial contribution in order to take part in many of them. The EU's IPA instrument pays 90% of the expenses incurred by the Western Balkans during their enlargement process, and Georgia too should ask Brussels for appropriate levels of support for its participation in EU programmes and agencies. Such involvement would help Georgia obtain relevant institutional experience and effectively carry out reforms.

G. Active steps should be taken on the international stage, including close co-operation with strategic partners, to create strong guarantees for the stability and sustainability of the security environment in Georgia's occupied regions. In this regard, the irreversibility of the country's process of NATO integration is equally important, and its final outcome (NATO membership) would have a positive influence on Tbilisi's goal of EU membership.

H. Adequate attention must be paid to strengthening the various elements which contribute to 'resilience'. In the EU's Global Strategy, resilience is described as an important task in the process of supporting neighbouring states. Progress made in this area is an important factor of

attraction for the EU, and the question therefore requires adequate efforts from countries aspiring to EU membership.

I. Georgia must work hard to integrate itself with the EU's defence and security policy to the greatest extent possible, particularly considering the fact that this policy is becoming increasingly stronger and that it may in future be adopted as a policy for collective self-defence.

J. It is important that a request be submitted to the EU, asking it to reorganize the Eastern Partnership in a way that would imply the possibility of separate bilateral co-operation with more ambitious and successful countries (in terms of integration). This recommendation would not mean dividing the Eastern Partnership format. Georgia is interested in strengthening co-operation in the South Caucasus and beyond according to EU principles and with the involvement of Brussels, but associated countries who are members of the Eastern Partnership need to completely synchronize their own bilateral and multilateral formats of co-operation, which can only be achieved in a smaller, trilateral format (Georgia, Ukraine, Moldova). Initially, this request might imply the creation of an additional, separate panel for Eastern Partnership countries.

K. Active steps should be taken to further develop Georgia's democratic institutions and to ensure the irreversibility and sustainability of this process.

L. Despite the fact that total EU integration might be a long-term prospect, it is important to adopt a phased, long-term programme specifically focused upon the tasks of membership. This could be a road map or a strategy, but it must include goals; short, medium and long-term tasks; necessary resources and other important elements for their implementation. The existence of such a document would also have great political significance in the sense that it would guarantee the sustainability of this policy regardless of political or economic factors. The widespread diffusion of such a programme would be equally important, ensuring that citizens understand that EU membership is not merely a series of declarations and statements but instead that regular actions are carried out in order to achieve this goal. By defining precise time frames for its implementation, this programme would also increase the government's accountability.

M. Efforts to increase support for Georgia's integration among EU national governments, politicians, civil society organizations, analysts, experts, scientists and other strategic target groups should be intensified through deeper partnerships.

N. The Georgian government must also take effective steps to improve its strategic communication on the topic of EU membership and to ensure the highest possible level of popular support for issues regarding European integration.