

EU-Russia: Divergent logics of communication

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No. 244, 17 June 2011

Introduction

This policy brief analyses the state of EU–Russian relations as seen from the vantage point of the summit held on June 9-10 in Nizhny Novgorod. We describe the political context in which the summit was embedded, the anticipations it evoked from the both sides, its outcomes and some perspectives for the nearest future.

The EU–Russia summits have for quite a number of years become the object of mockery by Russian experts and journalists, most of whom had reason to deem that the regular meetings of Russian and EU leaders had turned into largely futile diplomatic ceremonies deprived of any meaningful content. It was predictable that the most recent EU–Russia summit convened in Nizhny Novgorod a few days ago would not be able to reverse this unfortunate state of affairs. It did not brought a breakthrough in Brussels–Moscow bilateral relations. The summit has been mainly reduced to a general discussion on the future of the EU–Russia relations and world affairs (with some mostly rhetorical emphasis on the implications of the global crisis and most acute local conflicts). No significant progress was reported on the most important issues for both sides such as introduction of a visa-free regime, partnership for modernisation, Russia’s accession to the WTO, the new EU–Russia strategic partnership agreement, energy dialogue, new agreement on climate change, etc.

On the eve of the summit: Political context

On the very opening day of the summit, the European Parliament passed the resolution that, on the one hand, explained the EU position on the current state of affairs in EU–Russian relations and, on the other hand, listed areas of contention between Brussels and Moscow.¹ In a certain sense, the Parliament and Commission played a famous ‘good cop’ – ‘bad cop’ game. In case of necessity the Commission could refer to the parliamentary resolution (that, in fact, set limitations on the powers of the EU delegation), to explain to Russians why Brussels was not ready for the further progress in the bilateral relations.

Five examples are most illustrative of the depth of pre-existing disconnections between Moscow and Brussels. One issue is *trans-border cooperation*, which is a pivotal issue in view of the visa facilitation arrangements that Russia has desperately tried to achieve for years. Yet on the eve of the Nizhny Novgorod summit Prime Minister Vladimir Putin had quite unexpectedly declared that Russia is not interested in allowing a special visa regime for one single region – the Kaliningrad oblast. He tried unconvincingly to justify his remark by speculating that should

¹ European Parliament resolution of 9 June 2011 on the EU–Russia summit: (<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0268+0+DOC+XML+V0//EN&language=EN>).

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Russia give its consent to a visa-free regime for residents of this Russian enclave, the EU would block further negotiations with Russia on abolishing visas.² This enunciation, almost literally reproducing the Russian old – and not particularly fruitful – position taken in the 1990s, was, in fact, later disavowed by both President Medvedev³ and Russian Ambassador to the EU Vladimir Chizhov. Both officials confirmed that Russia is ready not only to implement the almost finalised agreements with Poland on visa-free regime within the 30-kilometer area from both sides of the border, but also wishes to extend this practice to the entire Kaliningrad region.⁴

The practical implementation of Russia's experiment with 72-hour visa-free travel to the Kaliningrad oblast for EU citizens gave another indication of inconsistency of the Russian stand. Right on the eve of the EU–Russia summit the first group of German tourists took advantage of this Russian proposal and visited Kaliningrad, yet Russian border-guard authorities banned them from meeting with journalists and thus from giving the much-needed publicity to this small step in the right direction.⁵ This intentional lack of due openness looks illogical and reveals deep imbalances and disconnections within Russian foreign policy machinery.

A second issue where conceptual disagreements between Moscow and Brussels are meaningful is *the rule of law*. The EU has repeatedly expressed its strong and persistent interest in the cases of Mikhail Khodorkovsky and Sergey Magnitsky (the lawyer who worked for European companies and was found dead in jail), and called for full-fledged and politically unbiased investigations of each of them. But right on the eve of the summit Russian Ambassador to the EU Vladimir Chizhov speculated that “punishing Russian officials implicated in these affairs is not a good method. It can only irritate the relations with EU”.⁶ This logic does not seem to have any prospect of acceptance in Europe and only reveals the still-unbridgeable gaps between Russian and

European understandings of the rule of law mechanisms.

A third set of issues where the search for common language has not so far yielded any fruit is *democracy and civil society*. Russia has agreed to an EU-Russia Civil Society Forum to include a number of prominent Russian human rights activists. Yet on the eve of the Nizhny Novgorod summit, several of them were informally pressured by law enforcement organs and received verbal warnings to abstain from any public activity during the summit.⁷ Again, this unfortunate way of controlling the civil society groups by Russian authorities unveils the conceptual distance and asymmetry between Russia and the European Union in terms of their approaches to civil society development.

A fourth controversial issue is *energy*. The main obstacle to Russia's ratification of the European Energy Charter is Moscow's unwillingness to separate production, reprocessing and transportation of gas from each other. In practice, the Charter's requirements mean reorganisation of monopolist companies such as Gazprom and better access by foreign companies to the Russian energy sector. Besides, Russia, as presidential foreign policy adviser Sergey Prikhodko made it clear right on the eve of the Nizhny Novgorod summit, is eager to further develop atomic energy technologies and has expressed its sharp interest in participating in developing the atomic projects in Europe.⁸ This intention, however, runs against the dominant anti-nuclear attitudes that are especially vibrant in countries like Germany and Italy, which are among the key Russian partners in Europe.

A fifth issue that fuelled mutual irritation was different approaches to *food security*. Russia's ban on the export of vegetables from the EU as a reaction to E-coli epidemics was met with dissatisfaction by Brussels. Despite the fact that Russia pledged to lift its embargo, it is still in place at the moment of writing this memo.

² <http://www.og.ru/news/2011/06/09/54747.shtml>

³ <http://www.kremlin.ru/news/11531>

⁴ <http://www.interfax.ru/politics/txt.asp?id=192785>

⁵ <http://www.newspb.ru/allnews/1414016/>

⁶ <http://www.rian.ru/society/20110221/336963004.html>

⁷ <http://www.hrw.org/en/news/2011/06/10/russia-activists-targeted-eve-eu-summit>

⁸ <http://www.itar-tass.com/c137/161195.html>

Results: The pessimists were right

The results of the Nizhny Novgorod summit were a sort of a 'cold shower' for optimists who were strongly encouraged by the progress that was made at the Brussels summit of 7 December 2010. The optimists believed that the two sides could be able to quickly reach a series of agreements on the above-mentioned issues, but the Nizhny Novgorod summit did not prove their expectations.

The summit confirmed the lack of progress in the following problematic areas of EU-Russia relations:

- *Visa-free regime.* Despite the fact that the EU and Russian experts prepared the list of common steps (roadmap) for visa-free travel between Russia and the EU in May 2011, no such agreement was concluded at the Nizhny Novgorod summit. The same story unfolded with the draft of an agreement on a facilitated visa regime for the residents of border regions of the Kaliningrad Oblast, Poland and Lithuania. To explain delays, the European side refers to residual technical problems related to the implementation process. For example, the EU notes that it is difficult for Russia to quickly provide its citizens with new-generation biometrical passports. Brussels also underlines that its dialogue with Russia should be in tune with the visa facilitation process concerning Eastern Partnership countries (this is both incomprehensible and irritating for Moscow). The EU also insists that Russia must cease issuing passports to residents of South Ossetia and Abkhazia, which are seen by the EU as occupied provinces of Georgia. It also emphasises the necessity to intensify cooperation on illegal immigration, improved controls at cross-border checkpoints and information exchange on terrorism and organised crime. Contrary to the Russian expectations, Brussels considers the introduction of the visa-free regime with Russia as a long-term rather than a short-term prospect.

- *Russia's accession to the WTO.* Despite the EU's general support for Russia's WTO accession, Brussels continues pressing Moscow on a number of specific issues. For example, the EU urges Russia to adopt a stable and fair legal framework to properly regulate business activity. It also insists on renunciation of any protectionist measures, such as the Russia-Kazakhstan-Belarus

customs union, which has led to higher consolidated tariffs. The EU is particularly worried about the alleged Russian pressure on Ukraine to join this customs union. Brussels is discontent with Russian state support for Russian and foreign automobile companies which assemble cars from imported spare parts as well with the misuse of sanitary sanctions (including the current ban on all imports of EU vegetables). The EU is of a little help to Russia in dealing with the Cairnes group (19 agricultural exporting countries) and Georgia, which – for various reasons – oppose Russia's WTO accession.

- *Partnership for modernisation (PfM).* The PfM programme that was initiated by the EU-Russia Rostov-on-Don summit (1 June 2010) has also evoked some tensions between Brussels and Moscow. While Russia mostly insisted on European investment and high-tech transfers under this programme, the EU side tried to develop a more general vision of modernisation (including its legal and socio-political aspects). The EU insisted on the importance of ensuring an effective, independent functioning of the judiciary and stepping up the fight against corruption (including the signing by Russia of the OECD Convention on Combating Bribery of Foreign Public Officials). Brussels also believes that an active involvement of civil society institutions in the reformist process should be a part of the modernisation 'package'.⁹

- *Human rights, democracy.* The EU repeatedly emphasised the urgent need for Russia to implement fundamental principles of democracy, the rule of law, human rights and media freedom as a basis for cooperation. In this context, Brussels calls on Russia to take concrete action to protect journalists, human rights activists, minorities and opposition representatives from violence and intimidation. The cases of Mikhail Khodorkovsky and his business associate Platon Lebedev, Sergey Magnitsky, the ban on a gay pride march in Moscow for the sixth consecutive year, etc., are regularly mentioned in the EU-Russian discussions on civil society issues. The European

⁹ Progress Report agreed by the Coordinators of the EU-Russia Partnership for Modernisation. Formore information on the EU-Russia Summit of 9-10 June 2011, see:

http://eeas.europa.eu/delegations/russia/documents/news/20110610_01_en.pdf>

Parliament calls on both Brussels and Moscow to set up an EU-Russia civil society dialogue in connection with the biennial EU-Russia summits and suggests the inclusion of the EU-Russia Civil Society Forum in the framework of the PfM programme.

The EU is also concerned with the forthcoming State Duma elections and considers it important that these elections should be free and fair and based on the implementation of election standards set by the Council of Europe and OSCE. Brussels urges the Russian authorities to allow OSCE/Council of Europe long-term election observation at the earliest stage. Moscow sees these EU demands as an interference in its domestic affairs.

- *Local conflict resolution* is an important priority of the EU-Russian cooperation in the framework of the Common Space on External Security. However, there is an obvious lack of progress in this area. For example, Brussels insists that Russia must fulfil all of the conditions under the Six-point Ceasefire Agreement (2008) and to immediately withdraw its troops from the occupied (according to the EU terminology) Georgian territories of South Ossetia and Abkhazia to the pre-conflict positions. Moscow also must guarantee the EU Monitoring Mission access to those territories. The EU also is discontent with the Russian position on Transnistria, particularly with the lack of progress on the negotiations about the conflict there and calls for a resumption of the official 5+2 negotiations with the aim of finding a solution in the very near future.

Yet the most discouraging outcome of the summit is not only the much discussed lack of signed agreements, but something even more fundamentally frustrating: the lack of progress in overcoming the deep perceptual and normative dissonances between the two parties. A long tradition of infusing different meanings in the words that they use for speaking to each other proved to remain the key factor shaping bilateral relations.

Trends to come

The perspectives of the EU-Russian relations have to be discussed within the context of two highly consequential processes developing within the European Union. The first is the rise of a more

unilateralist Germany that not only increasingly expresses its growing criticism of the way in which EU integration is proceeding, but also appears more eager to cooperate more closely with countries like Russia and China. Russia obviously did not fail to notice the German abstention from supporting the NATO-led military operation in Libya, which can be interpreted as one more indication of similarity of interests of Berlin and Moscow in world affairs. Therefore, one may anticipate the growing importance of Russian-German relations, as opposed to a wider Russian-EU policy framework.

The second trend within Europe, which can hypothetically be quite beneficial to Russia, is Europe's continuing regionalisation. A number of instances can be cited, including the still existing Visegrad Group, the French Union for Mediterranean project (whose prospects were unquestionably challenged by the most recent developments in North Africa and the Middle East), the January 2011 Nordic Baltic Summit meeting in the UK, etc. It is likely that the forthcoming Polish EU Presidency will add a new momentum to the Eastern dimension of the EU. A 'Europe of regions' which can be seen as a conceptual counter-balance – if not an alternative – to the centralised 'fortress Europe' model does certainly contain some advantages that Russia may try to explore in strategically thinking about its future relations with Europe. In the meantime this is not more than an opportunity, since there is of course no guarantee that Russia may better fit into ever-emerging new political spaces in Europe, to include a 'Baltic-Nordic Europe', a 'Black Sea Europe', and so forth.

It is within this context that the forthcoming Polish Presidency in the EU has to be placed. It is almost certain that Warsaw will try to make a stronger accent on the Eastern Partnership project, which hypothetically can be used for making at least some steps towards a long-awaited progress in the conflicts in Transdniestria and Nagorno-Karabakh. The measure of the Kremlin's willingness to take the Polish half-year Presidency as a opportunity rather than as a potential threat will become a crucial test for the efforts to turn the Russian-Polish relations onto a more constructive course.