



საქართველოს სტრატეგიისა და საერთაშორისო ურთიერთობათა კვლევის ფონდი
GEORGIAN FOUNDATION FOR STRATEGIC AND INTERNATIONAL STUDIES

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**EUROPEAN UNION-GEORGIA POLITICAL
ASSOCIATION: SCOPE AND AMBITION**

KAKHA GOGOLASHVILI

EXPERT OPINION



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The Association Agreement with the European Union recently signed by Georgia promotes the political association as the principal advantage. But what does this really mean for Georgia?

This question can be observed from four different aspects:

- a. Analysing the Provisions of the Association Agreement (AA)
- b. Areas for Effective Application
- c. Internal Implications and Externalities
- d. External Context

A. Analysing the Provisions of the Association Agreement (AA)

The political association model offered to Georgia covers two directions of cooperation between the parties which are different from the formal point of view; namely, the process of the establishment of democratic political institutions and cooperation in the fields of foreign policy, security and defence. In reality, the European Union (EU) has never made a strong distinction between supporting democratic development (internally and region-wide), stability and security. Any framework agreement signed with third countries reflects this attitude which is not an accident but an expression of the EU's fundamental mission. The Treaty on the European Union (TEU) establishes the EU's external action on its guiding principles "which have inspired its own creation, development and enlargement and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law."^{*} According to the Treaty, the Union will seek to develop relations and build partnerships with third countries and international, regional or global organisations which "share the principles" referred to above. The TEU promotes a high degree of cooperation in international relations with third states aimed at safeguarding values, fundamental interests, security, independence and integrity. The EU's foreign policy pursues *per se* to consolidate and support democracy, the rule of law, human rights and the principles of international law and, at the same time, preserve peace, prevent conflicts and strengthen international security. In all of these, the EU,

^{*} The Treaty on the European Union (TEU), Article 21. Available from: www.gov.uk/government/uploads/system/uploads/attachment_data/file/228848/7310.pdf

acts in accordance with existing international conventions, charters and duly acknowledged obligations. At this point, we will not refer to other objectives of international cooperation laid down in the founding treaties but resume with the affirmation that two distinct directions of international action, from which we started our reasoning, are strongly interrelated in the logic and spirit of European integration.

From the EU's founding treaties, it becomes obvious why external cooperation agreements with third countries (or international organisations) always contain certain provisions as if the agreements were an *erga omnes* obligation. These common provisions in any EU-signed framework international agreement are the establishment of a political dialogue aimed at respect and the promotion of democratic values, peace and security. In this it makes no difference what kind of cooperation agreement you verify such as, for the example, the Partnership and Cooperation Agreement (PCA, signed with former Soviet republics), Euro-Mediterranean Association Agreement, Stabilisation and Association Agreement (SAA, for the Western Balkans) or the Europe Agreement. Even the agreements signed with Chile and Mexico; respectively, in 2002 and 2006, contain same provisions laying down the foundations for political dialogue based upon the same principles.

Let us find if there is still any difference among the abovementioned forms of agreements in terms of the depth of political cooperation and the obligations taken by the parties. The title of the agreement can sometimes be misleading. The term "association agreement," used for different international accords concluded by the EU, may not equally mark the level of *rapprochement* in all areas. The Euro-Mediterranean Association Agreements signed in 1995 and beyond with Maghreb and Mashreq Arab states sets free trade areas among partners that match them in this with Stabilisation and Association Agreements or Europe Agreements. Indeed, the political dialogue according to this agreement seems less ambitious than even under the Partnership and Cooperation Agreements concluded nearly at the same time with countries that emerged after the dissolution of the Soviet Union. In order to judge the rate of the cooperation ambition for the different agreements, we have compared the wording concerning the obligation of *converging the positions on international issues*. We can start from the TEU that defines the task of coordination in external policies among member states as follows: "Within the framework of the principles and objectives of its external action, the

Union shall conduct, define and implement a common foreign and security policy, based on the development of *mutual political solidarity* among Member States, the identification of questions of general interest and the *achievement of an over-increasing degree of convergence* of Member States' action." An *over-increasing degree of convergence* is one of the main characteristics of the purpose of political cooperation between Member States. To reach a *mutual political solidarity* is also a much stronger benchmark but the maximum level of the ambition for cooperation in foreign and security policy in general terms does not match the level of the ambition which the European Union demonstrates in other areas; trade and economic cooperation, first of all, where the TEU establishes an exclusive competence and is ruled from supranational heights. Therefore, no one should expect an extension of similar provisions to an international agreement at a higher or even a similar degree.

Three different types of association agreements signed with Morocco, Chile and Serbia can serve as good examples for observing the differentiation among the aforementioned formats. The agreement with Morocco calls to: "...facilitate *rapprochement* between the Parties through the development of *better mutual understanding and regular coordination on international issues of common interest*; enable each Party to *consider the position* and interests of the other; contribute to consolidating security and stability in the Mediterranean region and in the Maghreb in particular." With Chile, the agreement states that: "...Parties shall, as far as possible, *coordinate their positions* and undertake joint initiatives in the appropriate international fora, and cooperate in the field of foreign and security policy... to cooperate in the fight against terrorism in accordance with international conventions and with their respective laws and regulations." From these two agreements, we observe a more or less equal level of commitments covering cooperation in security issues. The cooperation, however, pursues relatively narrow objectives; namely, a) cooperation in regional matters (Morocco) and b) the fight against terrorism (Chile). There is no mentioning of the *convergence of positions* but parties "enabling to consider" (Morocco) or, "as far as possible, coordination of the positions". Obviously, a deeper cooperation approach is offered to Serbia calling for: "...*common views* on security and stability in Europe, including cooperation in the areas covered by the Common Foreign and Security Policy (CFSP) of the European Union." First of all, the aforementioned "common views" resembles a notion of the "common position" referred to in Article 25 of the Treaty of

the Functioning of the European Union (TFEU).** Without doubt, this agreement provides for a much wider space in security cooperation matters than the previous two. The same provisions from the Partnership and Cooperation Agreement between the EU and Georgia (in force since 1999) provide for: “...increasing convergence of positions on international issues of mutual concern thus increasing security and stability in the region... strengthening of stability and security in Europe.” It is obvious that even the PCA, far from the abovementioned AAs in terms of trade liberalisation (simply providing MFN) show an equal and, in some cases, less (Serbia) but also, sometimes, higher degree of political *rapprochement* as concerns cooperation in security matters. It is logical that Georgia was offered to join the EU’s “common position” statements in 2007 which practically put Georgia’s political cooperation format with the EU in the same range with the one established with the Western Balkans upon the basis of the SAA.

Exploring the Association Agreement between the European Union and Georgia further (similar for Ukraine and Moldova), we can detect a strong attempt to bring the political cooperation between the EU and Georgia to the highest possible level in both depth and scope. The Agreement intends to: “...increase the effectiveness of political cooperation and promote convergence on foreign and security matters, strengthening relations in an ambitious and innovative way.” The deepening of political cooperation is viewed in the light of increased political and security policy convergence.

The application of the Association Agreement extends to areas such as the promotion of international stability and security based upon effective multilateralism, the fight against the proliferation of weapons of mass destruction, international security and crisis management, addressing global and regional challenges and key threats, the promotion of the principles of territorial integrity, inviolability of internationally recognised borders, sovereignty and independence, peace, security and stability on the European continent, the field of security and defence, and regional cooperation.

Seemingly, as a tacit reference to Article 21 of Chapter 1 (General Provisions of the Union’s External Action) of the Union’s founding treaty (TFEU), the Association Agreement with Georgia in the part of cooperation in CFSP matters as one of the objectives sets to: “...strengthen respect for democratic principles, the rule of law and good gover-

** Treaty on the Functioning of the European Union. Available from: www.ecb.europa.eu/ecb/legal/pdf/c_32620121026en.pdf

nance, human rights and fundamental freedoms, including media freedom and the rights of persons belonging to minorities, and to contribute to consolidating domestic political reforms.”

A special provision concerns cooperation in issues of conflict prevention, peaceful conflict resolution and crisis management, regional stability, disarmament, non-proliferation, arms control and export control. Cooperation in conflict prevention and crisis management embodies a truly pro-active objective of Georgia’s possible participation in EU-led civilian and military crisis management operations.

No other agreement signed by the EU with third countries (excluding NATO allies) is as **precise and ambitious** in committing initiatives in the field of political cooperation and security. It is well demonstrated that even with the SAA, the EU did not go into such details and left much space for the political format to decide upon the scope of interaction between the partners.

B. Areas for Effective Application

A number of facts can be identified to prove that the implementation of the Association Agreement had practically already started prior to its signature and ratification:

- The EU’s efforts to support Ukraine in its struggle to defend its territorial integrity and consolidate the state and avoid economic difficulties are already showing the results of the initiation of a political association. If needed, Georgia obviously can expect the same treatment from the side of the EU. After all, in the case of the continued occupation of Georgian territories by Russia, we can observe no downsize in the political support that the EU provides, especially with the “non-recognition” policy.
- On 29 November 2013, Georgia already signed the Framework Agreement on participation in EU-led crisis management operations which opens up the possibility for the realisation of one of the respective provisions included in the Association Agreement.
- The EU and Georgia already carry on close consultations on the issues of regional security. Frequent head of government, foreign minister and other high-level official visits to Georgia have especially intensified in the last few months with the range of issues discussed between them and their Georgian counterparts showing the growing levels of cooperation in political and security affairs between the forthcoming associated partners.

This may also be interpreted in a general conclusion that the main driver of the actual relations are the interests which frequently precede the treaties and agreements. The same trend was observed with the PCA, which entered into force in 1999, but an intensive political dialogue, including the functioning of the cooperation institutions, was initiated in 1997. Supposedly, most of the provisions depicted in the Association Agreement have already been or will soon start to be implemented as a result of the good political will and interest of the parties. Indeed, this should not downgrade the importance of the Agreement as such which cements the institutional and legally binding basis for cooperation.

C. Internal Implications and Externalities

It is an important question whether or not the Association Agreement provokes changes in Georgia's internal agenda and if it helps to overcome any unpredicted and undesirable developments. It is well apparent that too much emphasis was put upon the issue of the signature of the Agreement on 27 June 2014. This is somehow a show of over-optimism as the Agreement will only enter into force after its ratification by 30 European Union parliaments. The Deep & Comprehensive Free Trade Agreement, being part of the AA (DCFTA) will become operational soon after the signature by the parties but the political dialogue and other "non-trade" provisions will have to wait for their turn for two-to-five years. But in Georgia, the Association Agreement signature is seen as a kind of watershed after which there will be no stepping back from the European integration path. This will obviously end all speculations about the possibility of joining the Eurasian Union as an optional choice for the country. This will also make more demanding the application of reforms in political, economic, social and security areas; increase public support for such reforms, strengthen both the internal and external confidence of the country and, possibly, raise the sense of citizen safety and stability while stimulating investments, consumption and economic revival in general. What still may affect the process? The consolidation of governmental institutions around the task to provide stability and economic growth, poverty reduction and support businesses and youth as much as possible are all considerations. The problems related to these aforementioned spheres should be treated intensively. Otherwise, a negative connotation with the Association Agreement signature followed by a decline in real policy performance can damage the idea and lower public support for Georgia's participation in the European integration process as a whole.

D. External Context

Georgia starts its association with the European Union at a very difficult time. The Russian empire continues its annexation of the territories of neighbouring states, thereby undermining the foundations of international public law, destroying the European security architecture and stimulating the development of power politics in the wider region. All three partner countries – signatories of the Association Agreements with the EU – are in conflict with Russia and have territories occupied by the country. It is difficult to formulate Russia's ultimate goal, while acting so far, but the attempt to detach the three countries from the path towards European integration and grasp them into its sphere of influence is evident. Conflict in Ukraine's south-eastern regions may spill over into other parts of the country but may also involve neighbouring states, like Georgia. Instabilities in Syria and Iraq, Palestine just recently, cause additional problems for peace and security and drive away part of the attention of the big players from this region (Black and Caspian Seas) to the Middle East. At the same time, Georgia's main partners, the EU and the US, have not fully recovered from the consequences of the economic crisis and their potential to defend the interests of their partners is not as high. The energy dependence and the economic ties of EU Member States with Russia, not easy to cut, should also be taken into account.

The mitigation of these problems and their risks are one of the strongest priorities for Europe and also for its partners at this time. The importance of the momentum should increase in the newly "associated" countries in the sense of a regional responsibility which they must share together with the European Union. The security of Georgia or other Eastern Partnership countries will depend not only upon the will of the EU and their other friends, but will also come from their determination to stand for their own positions and be loyal to the chosen principles and values. From this point of view, this is the proper time and opportunity for all of us – partner countries and the EU – to build up cement a strong and purposeful political cooperation. And this is a chance for Georgia to grow out of its infancy and step onto the international stage as a mature player.