2 EU-RUSSIA PAPER
Centre for EU-Russia Studies
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The Level-of-Analysis Problem in the Past, Present and Future of EU-Russia Relations

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NOVEMBER 2011

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Suggested format for citing this paper: Romanova, T. (2011), 'The Level-of-Analysis Problem in the Past, Present and Future of EU-Russia Relations', *CEURUS EU-Russia Papers,* No. 2.

Centre for EU-Russia Studies, University of Tartu
http://ceurus.ut.ee

Editor: Martin Mölder

Cover design: Kalle Paalits
Layout: Tiia Ilus

ISSN 2228-1282

Tartu University Press
www.tyk.ee

THE LEVEL-OF-ANALYSIS PROBLEM IN THE PAST, PRESENT AND FUTURE OF EU-RUSSIA RELATIONS

ABSTRACT

The level-of-analysis problem has always permeated EU-Russia relations. It has been approached in either a structural or an institutional way. This contribution suggests a new, thematic, approach, which differentiates among long-term visionary goals, policy goals and implementation instruments. This new approach is applied to EU-Russia relations to draw attention to the fact that a qualitative improvement in the interaction between Moscow and Brussels can be made through the convergence on policy goals, which has so far been missing.

INTRODUCTION

Russia is probably the most difficult partner for the European Union. On the one hand, a number of factors call for deep cooperation between Moscow and Brussels. Among them are Russia's geographical proximity and its political and security influence; the amount of trade and mutually beneficial co-dependence on oil and gas.

At the same time, multiple factors complicate EU-Russia relations. They boil down to three issues. The first one is the absence of a concept of EU-Russia cooperation. None of the pre-existent patterns of the EU's or Russia's external relations is suitable. Yet, having established their relations promptly after the dissolution of the Soviet Union in 1991, the parties have not come to any clear long-term strategy for their cooperation to date.

The second issue is the ambiguity of the EU's external relations. On the one hand, the EU calls for unity, yet, on the other hand, it provides for a considerable liberty of action for its member states. Thus, the EU constructs its relations with Russia at both the EU and member state levels. While in itself this is not problematic, the stark difference among member-states about how to develop relations with Russia has led to a substantial incoherence in the EU's position.

Lastly, EU-Russia relations suffer from the misfit in their administrative structures and cultures. While the EU and its member states tend to delegate as many responsibilities as possible to lower levels of central administration and to regions, Russian political system is highly centralised and is characterized by minimal

delegation. This discrepancy has frequently provoked politicization of issues, which could have been solved by experts (low-level officials) in a particular field or by regional authorities.

The level-of-analysis problem can be identified in all three issues above. However, only the second and the third ones are sufficiently analysed through these lenses. This paper aims at filling this gap in the studies of EU-Russia relations. More specifically, the argument is that three thematic levels are to be distinguished in the past, present and future of EU-Russia relations. These are the level of strategic, visionary goals; that of policy-related goals; and, lastly, the level of implementation. Application of this thematic approach to the level-of-analysis problem highlights numerous difficulties and deficiencies in EU-Russia relations. These are the absence of a clear strategic goal, the deficit of joint definition of strategic and policy-specific goals, and insufficient flexibility at the implementation level.

This paper suggests that these draw-backs are to be cured by the emphasis on policy-specific goals, and by their joint definition. These are to be pursued at the implementation level with the instruments, which are most appropriate for today's situation in both Russia and the European Union. Moreover, the expectation is that in the end numerous interactions in various policy-fields will lead to the emergence of a shared strategic, visionary goal for EU-Russia relations.

In what follows, this contribution first reviews the level-of-analysis problem and approaches to it to date; it then describes in more detail an alternative, thematic, approach. In the second part, the thematic approach is applied to EU-Russia relations to identify deeply-rooted problems and contradictions, but also to sketch policy recommendations for the future.

LEVEL-OF-ANALYSIS PROBLEM IN EU-RUSSIA RELATIONS: FROM EXISTING MODELS TO A NEW APPROACH

The level-of-analysis problem has been present in international relations (IR) studies since J. David Singer's 1961 seminal article.[1] In a nutshell, it stressed that "there are always several ways in which the phenomena under study may be sorted and arranged for purposes of systemic analysis".[2] The key premise is that by adopting either a systemic or a sub-systemic perspective, we can illuminate various facets of the same phenomenon; the totality of the knowledge will only emerge from the combination of various perspectives.

Speaking of the level-of-analysis problem, Singer meant the difference between the world system as a whole and the perspective on an individual state. It is, therefore, natural, that its most obvious application to EU-Russia relations

1 Singer, J.D. (1961), 'The Level of Analysis Problem in International Relations', *World Politics*, vol. 14, pp. 77–92.

2 Ibid., p. 77.

departs from the specificity of the EU being a multi-level polity (it is referred to here as *structural*). A more recent approach to the level-of-analysis problem in EU's external relations is based on the identification of various government-administrative-society levels, at which interaction takes place (it is referred to here as *institutional*). Having reviewed these two approaches, this part puts more flesh on the suggested splitting of EU-Russia relations on the basis of thematic criteria into strategic, visionary goals, policy goals, and implementation instruments.

The State of the Art: from the Structural to the Institutional Approach

The most obvious application of the level-of-analysis problem to the EU's external relations in general and EU-Russia relations in particular is linked to the specificity of the EU, which has been frequently described as a *sui generis* polity, consisting of three levels: that of the EU as a whole, its institutions and policies; member-states and national policies; and sub-national entities with their specific activities. The existence of these various levels in the EU gave rise to the concept of multi-level governance[3] in EU studies. The EU's and member-states' levels and their interaction are also frequently the subject matter of studies in EU law.[4]

As mentioned above, in EU-Russia relations this level-of-analysis approach is the most-elaborated. It primarily deals with the difference among member-states with regard to the relations, which the EU has to develop with Russia. One group of authors divides all member-states into five categories (Trojan horses, strategic partners, friendly pragmatists, frosty pragmatists, and new cold warriors).[5] Another study of this kind identifies four categories (eastern divorced, vigilant critiques, acquiescent partners and loyal wives).[6] The underlying idea is that this difference makes it next to impossible for the EU to craft a single position on Russia and, hence, exposes its internal, structural deficiencies.

Moreover, some member states attempt to solve their bilateral issues with Russia by exporting them to the EU level. While this is certainly a legitimate practice, it does not strengthen EU-Russia relations, encouraging Moscow to deal bilaterally with more friendly member-states while ignoring the others and at times neglecting the EU as a whole (take for example the issue with Polish meat export, which postponed the launch of negotiations on the new agreement between the EU and Russia until 2008). Furthermore, member states frequently

3 Hooghe, L. and Marks, G. (2001), *Multi-Level Governance and European Integration,* Lanham: Rowman and Littlefields.

4 See, e.g.: Craig, P. and De Búrca, G. (2011), *EU Law: Text, Cases and Materials*, Oxford: Oxford University Press; Mathijsen, P.S.R.F. (2009), *A Guide to European Law,* London: Sweet and Maxell; Weathrill, S. (2010), *Cases and Materials on EU Law,* Oxford: Oxford University Press; Steiner, J., Woods, L. and Twigg-Flesner, C. (2006), *EU Law,* Oxford: Oxford University Press.

5 Leonard, M. and Popescu, N. (2007), *A Power Audit of EU-Russian Relations*, London: ECFR Policy Paper.

6 Braghiroli, S. and Carta, C. (2009), 'An Index of Friendliness toward Russia: An Analysis of the Member States and Member of the European Parliament's Positions', *Electronic Publications of Pan-European Institute*, no. 15.

push problematic and difficult-to-solve issues (like the critique of democracy, human rights and the rule of law in Russia) to the EU level while reserving for national authorities a more pragmatic cooperation. In sum, while Russia is rightly criticized for its preference of bilateral dealings with member-states to the detriment of EU-Russia relations, Moscow is not the reason for the EU's divergences – rather it exploits the opportunities, which the EU itself presents.

The institutional approach to the level-of-analysis problem is firmly linked to the process of globalization, which brought profound changes in international relations (i.e. multiplication of actors, increasing interaction among low- and medium-level national officials, among various agencies, companies and NGOs).[7] As a result, in parallel to the intergovernmental level, transgovernmental and transnational levels emerge. The transgovernmental level describes contacts between various state bodies and officials; the stronger and more frequent this interaction is, the closer the relations between the respective countries.[8] The transnational level, for its part, is formed by the interaction between various companies (or their parts), NGOs and other segments of the civil society. These relations challenge the monopoly of national governments to conduct international relations.

The EU is the best illustration of the dense relations that can be achieved at the transgovernmental and transnational levels. The EU's relations with outsiders are also measured against this yardstick: the tighter the interaction at the trangovernmental and transnational levels, the closer the relations between the EU and its partners. It is very dense in the case of candidate countries or Switzerland or the US.[9] It is more moderate in the case of developing countries or the European Neighbourhood Policy partners. In a way, the process of integration with the EU can be described through the development of transgovernmental and transnational links.

EU-Russia relations are characterized by a very developed network of contacts at the top level. The 1994 Partnership and Cooperation Agreement (PCA) provides for summits twice a year and for a dialogue between the Prime Minister of Russia and the President of the European Commission once a year. In 2003 the parties also set up the Permanent Partnership Council, which substituted the Cooperation Council, established on the basis of the PCA.

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7 Keohane, R. (2002), *Power and Interdependence in a Partially Globalized World,* New York: Routledge; Slaughter, A.-M. (2004), *A New World Order,* Princeton: Princeton University Press; Rosenau, J.N. and Czempiel, E.-O. (eds.) (1992), *Governance Without Government: Order and Change in World Politics,* Cambridge: Cambridge University Press.

8 For a curious typology, see: Gattinger, M. (2004), 'Bringing the Transgovernmental In: Public Administration in the Context of Globalization', *A paper prepared for the Annual Conference of the Canadian Political Science Association University of Manitoba, Winnipeg, MB, June 3–5*, p. 7.

9 See, e.g.: Pollack, M. and Shaffer, G. (eds.) (2001), *Transatlantic Governance in the Global Economy*, Lanham: Rowman and Littlefield.

At the same time transgovernmental links have been limited so far: the Cooperation committee with its 9 sub-committees, created on the basis of the PCA, has barely functioned,[10] various ad-hoc bodies were set up mostly on a temporary basis to boost various aspects of the relations.

The development of transgovernmental cooperation has been hampered by an insufficient delegation of competences to lower levels in Russia as well as by the centralization of its political and legal system. Moreover, instead of encouraging networking between various Russian ministries and Commission directorates and other EU bodies, Moscow relied on its Representation in Brussels (mostly staffed with people from the Ministry of Foreign Affairs) to provide contacts. Therefore, the Representation, in a way, has become a gate-keeper in this interaction.

Recent years witnessed an increase in contacts at the transgovernmental level. Links established during the preparation of the 2005 roadmaps for the four EU-Russia common spaces[11] were preserved and further developed in the framework of sector dialogues. Russia also set up regular lines of communication with the Political and Security Committee as well as with Europol and Eurojust.[12]

Similarly, Russian business has so far mostly relied on public bodies for the protection of its interests instead of developing its own contacts and lobbying activities. It has also been cautious to demonstrate too much independence from official bodies. Contacts were mostly promoted through centralized bodies, of which the EU-Russia Round-Table of Industrialists occupies the most prominent position.

An extensive network of contacts among public authorities, enterprises, think-tanks and NGOs in EU-Russia border regions emerged in the early 1990s and a substantial number of those links were preserved. Some Russian companies also joined business associations in the EU, but their number remains small. Finally, representatives of the academia have actively networked, which serves as an additional impetus for the development of the transnational level.

Thus, the pattern of development of EU-Russia relations reflects a gradual thickening of transgovernmental and transnational levels. However, the interaction on these two levels remains limited, compared to EU's relations with candidates or developed countries like the US or Switzerland.

In sum, the structural approach to the level-of-analysis problem emphasizes the split of EU-Russia relations into the interaction on the EU, member state and subnational levels. The institutional approach looks at the dynamic correlation of intergovernmental, transgovernmental and transnational levels. Traces of both approaches can be found in numerous works on EU-Russia relations. However,

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10 Ministry of Foreign Affairs of the Russian Federation (2006), *Rossiya I Evropeiskii Souz*.

11 See: Common Spaces Roadmaps (2005), http://eeas.europa.eu/russia/common_spaces/index_en.htm

12 See also proposals for further developments in Utkin, S. (2011), 'Decisions in Deficit', *EU-Russia Centre*.

both analyse mostly the form and not the substance of cooperation. It is for the latter that we develop a new, thematic, approach to the level-of-analysis problem.

Level of Analysis: a New Approach

Both IR and integration studies provide us with hints on how substantial aspects can be viewed through the level-of-analysis lenses. Literature on international regimes talks about basic norms, which provide the backbone for cooperation, constitute certainty and facilitate the construction of relations in specific policy-related areas.

The European integration process since the 1950s has been driven by such visionary goals as preventing future conflicts in Europe or providing stable economic development and improvements in the wellbeing of EU citizens.[13] To achieve these goals, the European Communities adopted policy-related goals like constructing a single market, competition policy, environmental protection and so on. These policy-specific goals were inspired by the strategic goals of cooperation and at the same time gave them more flesh. In other words, strategic and policy-specific goals were mutually reinforcing. As visionary goals have become blurred at times (like during the 1970s eurosclerosis or today due to the monetary crisis), policy goals have kept cooperation going, allowing the visionary goals to re-emerge.

Initially the EC/EU idea was to agree not only on policy goals, but also their modes of implementation to harmonize both. This, however, turned out to be too resource- and time-consuming. Therefore, the Commission modified its approach: a choice was made to approximate only essential norms and standards while guaranteeing a mutual recognition of national standards and regulations in other fields. Besides, there was a shift towards directive-based integration, which meant fixing binding goals and providing for flexibility regarding the instruments and means to achieve these goals. This modified approach allowed member states to cut the costs of integration while also to better account for national specificities.

Thus, the EU's experience proves that successful (deep) cooperation is determined by the consensus of the partners on strategic and policy-specific goals, and by their mutual reinforcement. At the implementation level due account should be given to the specificity of the partners. The three EU levels (strategic goals, policy-specific aims and means of their implementation), which are neatly reflected in its politics and law,[14] can also be instrumental in the analysis of the substantial aspects of any of EU's external relations, including those with Russia.

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13 Dinan, D. (2004), *Europe Recast. A History of European Union,* Bouldes, London: Lynne Rienner; Gillingham, J. (2003), *European Integration 1950–2003. Superstate or New Market Economy,* Cambridge: Cambridge University Press; Wallace, H., Wallace, W. and Pollack, M.A. (eds.) (2010), *Policy-Making in the European Union,* Oxford: Oxford University Press.

14 Craig, P. and De Búrca, G. (2011), op. cit.; Curtin, D.M. et al. (2006), *European Integration and Law,* Oxford: Intersentia.

To sum up, in contrast to the structural and institutional approaches to the level-of-analysis dilemma, the thematic one pays attention to the substance of cooperation, but also to how abstract or specific the issues are. (Table 1 provides a summary of the three approaches.)

Table 1. Three Approaches to the Level-of-Analysis Problem in EU-Russia Relations

Levels of Analysis	Structural	Institutional	Thematic
Upper	EU institutions and policies	Intergovernmental	Strategic, long-term, visionary goals
Middle	Member States' institutions and policies	Transgovernmental	Policy-specific, sector-specific goals
Lower	Subnational institutions and policies	Transnational	Implementation instruments and mechanisms

The second part of this contribution reflects on how three thematic levels manifest themselves in the past and present of EU-Russia relations and what the prospects for the future are. The 1994 PCA, the 2005 roadmaps for common spaces, and the 2010 Partnership for Modernization[15] are examined for that purpose.

EU-RUSSIA RELATIONS THROUGH THE PRISM OF THE THEMATIC APPROACH TO THE LEVEL-OF-ANALYSIS PROBLEM

The Past

EU-Russia relations were set up right after the break-up of the Soviet Union and the two sides immediately started contemplating a new legal basis for their relations. As a result of long and protracted discussions, a new type of agreement setting up partnership and cooperation between the European Communities and its member states on the one hand and Russia, on the other hand emerged in 1994. Gauging this agreement against the three thematic levels of analysis provides some useful food for thought.

At the top level, the PCA created an illusion of visionary goals. The parties repeated their respect for human rights and the rule of law as well as free elections as a litmus test for democracy. At the same time, they were quite ambiguous on the nature of the relations that they wished to create. They, inter alia, mentioned the intention to encourage "the process of regional cooperation", to favour "a gradual rapprochement between Russia and a wider area of cooperation

15 Council of the European Union (2010), 'Joint Statement on the Partnership for Modernisation. EU-Russia Summit 31 May–1 June 2010', http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/en/er/114747.pdf; 'Work Plan for Activities within the EU-Russia Partnership for Modernisation' (2010), h ttp://www.hse.ru/data/2011/09/06/1267164445/work_plan_en.doc

in Europe and the neighbouring regions and Russia's positive integration into the open international trade system", to "create a new climate for economic relations between the Parties in particular for the development of trade and investments" and to develop a "regular political dialogue".

Even the title of the agreement reflects a certain conceptual void. Partnership and cooperation are ultimately the means to implement certain goals, not the goals in themselves. The weakness of this type of agreement reveals itself when compared with the treaty establishing the European Economic Community, or with the EU association agreements. In other words, from the very beginning there was a flaw in the legal basis and in the concept of EU-Russia relations.

The definition of sector-specific goals was also far from impeccable. Probably the most precise one is about the future establishment of a free trade area between the EU and Russia. This is very specific, both in terms of economic provisions that are to be fulfilled and in terms of the legal conditions to be implemented. Yet, the agreement talks about it as a possible outcome, not a definite goal. Other fields of cooperation (like environment, macroeconomic cooperation, construction etc.) are characterized by a very vague goal-definition. In fact, most policy goals are substituted with the description of the policy process (like the promise to cooperate, to exchange information etc.).

Finally, moving to the bottom level one can't help mentioning that those provisions are quite detailed, particularly when it comes to trade in goods. Not only are they quite specific, they are also very EU-centred. In other words, instead of recognizing the need to take the specificity of the partner into account (i.e. to consider that Russia starts from a different economic situation and has to solve problems, which are different from the EU's) most PCA provisions talk about Russia just copying the provisions, which have already been shaped in the EC/EU. The most vivid illustration of this phenomenon is article 55 of the PCA, which says that Russia "shall endeavour to ensure that its legislation will be gradually made compatible with that of the Community", i.e. a unilateral movement of Russia is presupposed.

This predominance of technical details (in the absence of clear visionary and policy goals) gave rise to speculations in Russia that the EU is too technical and is deprived of any strategic vision.[16]

While Russia was acquiescent for most of the 1990s, its attitude started to change in the new millennium. Numerous factors facilitated this change. One was the arrival of a new and ambitious leader, Vladimir Putin, and a gradual change of the people in the Kremlin and in the Government. The new team had less romantic ideas about cooperation with the European Union (and with the West at large). Moreover, they wanted to restore Russia's position and status in global

16 See, e.g.: Bordachev, T. (2009), *Novyi strategichesky souz. Rossiya i Evropa pered vyzovami XXI veka: vozmozhnosti 'bolshoi sdelki',* Moscow: Evropa; Karaganov, S. and Yurgens, I. (eds.) (2009), *Rossiya vs. Evropa. Protivostoyanie ili Souz,* Moscow: Astrel.

affairs. Therefore, the EU-inspired policy goals and their implementation mechanisms had to be readjusted. The argument was further nurtured by the gradual renaissance of Russian economy fed by the sky-rocketing oil and gas prices.

As a result, Russia fought back at the two upper levels against what it perceived as EU-imposed strategy. At the top level in parallel with the EU's promoted principles of democracy, human rights and the rule of law as well as integration after its pattern, Moscow advanced the principle of equality among key world players, in particular between the EU and Russia. It goes through most of Russian foreign policy documents in recent years.[17] At the level of policy goals Russian specialists entertained the idea of a new model of EU-Russia relations, which they termed WTO+[18] instead of an EU-driven and EU-defined free trade area. From Russia's point of view, the advantage of the WTO+ model as compared to the EU's project is that in the former, following Russia's accession to the WTO, conditions would be defined jointly in a forum where Russia and the European Union are equal participants. On the implementation level, however, Russia initially remained silent, which was probably due to a lack of experience there.

In a nutshell, the debates took place at the top and middle levels while the third one – the most detailed in the EU's project – was mostly ignored by Russia. The key reason was that initially strategic and policy-related goals were not well defined. Moreover, they were mostly patterned after the EU as opposed to being the result of a consensus (which is the usual EU internal practice). The implementation level, which provided for little flexibility and did not take into account the specificity of Russia (again, in contrast to EU internal practices), was ignored.

The EU countered this Russian 'revolt' in two ways. On the one hand, the Commission stressed the need to abide by the agreed implementation mechanisms (without, however, explaining the reasons for it by providing policy-specific goals). On the other hand, the EU heightened the critique of human rights, democracy and the rule of law in Russia. In the framework of the three-level thematic approach, this critique meant the denial of unity at the level of conceptual, visionary, strategic goals.

The Present

The present of EU-Russia relations is shaped by the four common spaces, which were evoked for the first time in 2003 and specified in the 2005 roadmaps. The European Commission has ever since published annual progress reports for three out of four spaces.[19] The Russian side has been silent on the progress of

17 See, inter alia: 'The Foreign Policy Concept of the Russian Federation' (2000); 'The Foreign Policy Concept of the Russian Federation' (2008).

18 See, e.g.: Ivanov, I. (2003), 'Obschee evropeiskoe ekonomicheskoe prostranstvo', *Sovremennaya Evropa*, no. 1.

19 The Common Space of External Security has always been absent, most likely, due to the fact that it has always been out of the Commission's control and supervision.

the spaces; at least, it never published any open documents. A review of the four roadmaps and of the most recent, 2010, progress report[20] against the yardstick of the thematic approach to the level-of-analysis problem is again revealing.

At the top, conceptual level the common spaces demonstrate a profound lack of agreement between the EU and Russia. At the time of the negotiations the EU insisted that the four roadmaps would be accompanied by a single preamble,[21] outlining common principles and goals of cooperation. Russia, on the other hand, suggested that the four roadmaps would be separate and would develop with their individual pace. At the end of the day, the parties abandoned the idea of a single preamble, yet they agreed to keep the four roadmaps together and to make progress on all four of them simultaneously. The lack of a common preamble reveals the depth of the conceptual disagreement between the partners.

The text of the document gives further hints as to the split at the strategic, visionary level. The preamble to the roadmap for the Common Space of Freedom, Security and Justice is a combination of the EU's and Russia's visionary goals. On the one hand, it mentions "equality between partners and mutual respect for interest", which was inserted on Russia's insistence; on the other hand, it refers to the EU-inspired "adherence to common values, notably to democracy and the rule of law as well as to their transparent and effective application by independent judicial systems". In other words, instead of agreeing on the visionary goal of long-term cooperation, the EU and Russia included both sets of preliminary views on it. The existing ideological divide is proven by the EU's permanent critique of the situation with human rights, democracy and the rule of law in Russia. In other words, the battles at the conceptual level continue.

At the policy-specific and implementation levels a discrepancy between the Roadmap for the Common Economic Space and the three other roadmaps manifests itself. The latter are quite coherent in terms of their goals and implementing instruments; they set policy priorities, yet leaving enough flexibility in terms of implementation and also plan some pilot projects.

The Common Economic Space, on the other hand, is devoid of any goals. The text of the roadmap identifies numerous areas of cooperation (like general issues of trade and economic activities, trade facilitation and customs, networks, energy, space, environment), of which only some (networks, environment and, partly, financial services and energy efficiency) have clear sector-specific goals. However, even when goals and implementing measures are neatly spelt, like in network sectors (transport, telecommunication), the goal is only to cooperate, not to construct an integrated system. The rest of the text is just a list of implementation measures of different degrees, ranging from the improvement of the investment climate to the facilitation of dialogue between associations of car-producers.

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20 'EU-Russia Common Spaces. Progress Report 2010' (2011), http://eeas.europa.eu/russia/docs/commonspaces_prog_report_2010_en.pdf

21 A series of interviews with the EU's and Russian officials conducted in 2005–2006.

This focus on implementation has increased since the launch of the roadmaps as their progress reports signify. Firstly, these reports have become increasingly technical, enumerating diverse policy actions, but not their results. Moreover, similar issues are treated and reported in different fora and under different headings (as the examples of automobile, textile, chemical or space-related industries demonstrate). Secondly, content-related reporting has gradually been substituted with process-related reporting, i.e. with the list of meetings, which have taken place or will take place (as opposed to the list of issues to be treated and decisions to be achieved). In other words, the implementation process clearly prevails over the implementation substance. Lastly, the most recent Commission progress report[22] does not even try to identify the EU policy goals in the Common Economic Space (not to talk about the joint EU-Russia ones). This fact vividly contrasts with the experience of the previous years.[23]

Why is the roadmap for the Common Economic Space the worst in terms of policy goals? The most plausible answer is that this space poses the most serious risks to the Russian concept of equality. The EU is economically more developed compared to Russia, hence, it has more opportunities to impose its solutions on Russia. Therefore, Russia does its best to maintain equality and flexibility in domestic affairs, even at the risk of a lack of any progress in this field of EU-Russia relations.

However, a better definition of policy goals does not render other fields of cooperation unproblematic from the point of view of the thematic levels of analysis. Two examples are noteworthy. One is the case of visa-free travel between the EU (its Schengen zone) and Russia. While both sides agree on the goal, the way they approach the problem is different. Russia's focus is bottom-up: it suggests that implementation measures are agreed; whereas the EU approaches the issue from the strategic level, insisting on the rule of law and fight against corruption as preconditions.[24] A diametrically opposite example is provided by joint peacekeeping operations. Whereas the EU agrees with Russia's participation only at the implementation level, Russia insists on the principle of equality (the top level for Russian foreign policy thinking), which in this particular case requires participation in the drafting of concepts for the operations in question.

Both examples show that currently the partner, which feels more confident in a particular issues arena, approaches it from the strategic, conceptual level and

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22 'EU-Russia Common Spaces. Progress Report 2010' (2011), op.cit.

23 See, e.g.: 'EU-Russia Common Spaces. Progress Report 2007' (2008), http://www.eeas.europa.eu/russia/docs/commonspaces_prog_report2007.pdf; 'EU-Russia Common Spaces. Progress Report 2008' (2009), http://www.eeas.europa.eu/russia/docs/commonspaces_prog_report_2008_en.pdf; 'EU-Russia Common Spaces. Progress Report 2009' (2010), http://www.eeas.europa.eu/russia/docs/commonspaces_prog_report_2009_en.pdf.

24 Russian efforts to invoke the freedom of movement do not transfer the debates to the strategic, visionary level because the EU does not oppose this freedom. Rather, its argument is that it is not unconditional and, hence, should be complimented with the convergence on other strategic and visionary issues.

tries to use it to reaffirm its long-term vision of cooperation. At the same time a weaker partner addresses a particular issue from the implementation level.

The Partnership for Modernisation launched in 2010 touches upon the domains of three out of four common spaces (the one on external security is excluded). The Partnership makes the problem, which was identified in the common spaces, even more acute. It neglects policy-specific goals (middle-level) for the sake of a series of implementation measures. Moreover, it is not clear what unites all these separate initiatives, what makes them qualitatively different from the steps, listed in the four roadmaps.

Curiously, however, the EU and Russia continue their dispute on the concept of cooperation through implementation mechanisms of the Partnership for Modernisation. Russia tries to put on the agenda more freedom for Russian businesses, including eventual visa-free travel, and ultimately, more equality for Moscow in the design of common legislation. The EU, in its turn, insists on the rule of law and tries to promote it through specific implementation measures (like study-visits for lawyers). Thus, conceptual debates perpetuate at the implementation level, which further worsens its efficiency.

To sum up, the EU and Russia continue disputing the substance of their cooperation, its visionary goals. In doing so, they concentrate on the implementation level while using it to reaffirm their divergent visionary goals. This bias towards the implementation level at the expense of clarity and joint definition of policy-specific goals is dangerous for at least three reasons.

Firstly, it contradicts the experience of successful deep cooperation, which is based on either a combination of visionary goals and policy-specific goals; or, at the very least, on policy-specific goals. The implementation level has to provide for flexibility in convergence, not for convergence itself.

Secondly, this emphasis on implementation creates an illusion of activity, but it does not change the quality of existing relations. By themselves, implementation measures can facilitate market access in the case of the harmonization of standards for goods and services; but they cannot create a free trade area, or a common market, especially, if no such goal is set.

Lastly, in the absence of policy goals the EU and Russia risk deepening the divide because what is currently done at the implementation level is driven by different policy logics. At the end of the day the two sides will arrive at the point where they use the same terminology to name completely different phenomena.[25]

25 This trend has already manifested itself in the EU-Russian discussion on reciprocity. See, for more details: Romanova, T. (2010), 'The Theory and Practice of Reciprocity in EU-Russian Relations', in Engelbrekt, K. and Nygren, B. (eds.) (2010), *Russia and Europe. Building Bridges, Digging Trenches,* New York: Routledge.

The future

The EU's internal and external experiences demonstrate that successful cooperation takes place when there is a consensus on the visionary and policy-specific goals (or, at least, on the latter); and when both are set by a common accord while flexibility at the implementation level is provided. The EU-Russia experience, on the other hand, has seen a drift from the EU's imposed and vague goals and implementation mechanisms to perpetuating disputes at the level of visionary goals, to a vacuum at the policy-related level, and to a concentration on implementation mechanisms. Neither the initial situation of EU-imposed solutions, nor a drift towards implementation has helped to construct deep EU-Russia cooperation or partnership. Hence, a change in focus is needed.

Ideally, the EU and Russia have to agree on visionary goals. However, it seems next to impossible in the time to come, because neither of the partners is ready for it. Russia is currently going through the 2011–2012 election period, but also through the debates on the possible change from a state-controlled market economy to a more liberalized one. Significant changes are also taking place at the business- and civil society levels. The problem of Russia's WTO accession remains to be solved. In the meantime Russia will rely on certain self-evident conceptual issues stemming from its past, like the insistence on equality with key global powers.

The EU is not in any way in a better situation. It is going through tremendous changes in its economic and monetary regulations, but also in regulating migration and border-control. In the current circumstances of constant crisis-management (whether it is the stability of Greece, Portugal and Ireland or the inflow of migrants from Africa) the EU does not have a chance to decide for itself what its long-term goal is. Therefore, it has difficulties in crafting shared strategic, visionary goals with any partner, including Russia. Hence, in the dialogue with Moscow the EU will stick to the obvious issues of human rights, democracy and the rule of law, which, although essential, cannot be a single pillar of the long-term project with Russia.

Given the lack of consensus on strategic goals, the objective need to cooperate, and the dead-end of implementation-oriented cooperation, the EU and Russia should concentrate on policy-related goals, i.e. on the second level of the thematic approach to the level-of-analysis problem. These tactics have proved successful in post-war Europe as well as in EU-Russia cooperation in the field of energy efficiency and energy saving, in environmental protection and in research. [26] This experience has to be spread to other spheres of EU-Russia relations.

Firstly, it will give meaning to technical cooperation, to convergence at the implementation level, it will ensure that this cooperation leads to a certain degree

26 See: Romanova, T. (forthcoming), 'Legal Approximation in Energy: A New Approach for the European Union and Russia', in Kuzemko, C et al. (eds.) (forthcoming), *Political Economy in Energy*, Palgrave.

of integration or, at the very least, coherent economic cooperation between the EU and Russia. Secondly, it will also help the EU and Russia 'sell' this project to the civil society, because implementation measures, which are frequently not understood, will acquire their meaning. Lastly, this type of cooperation will better allow partners to get to know each other and to eventually find common grounds on strategic, visionary goals.

This type of cooperation, based on the joint definition of both policy-specific and, eventually, strategic goals and on the flexibility at the implementation level is also advantageous, because it is in line with the Russian demands on equality, while at the same time advancing the type of relations promoted by the European Union. On the one hand, partners jointly design policy goals, which is essential for Russia and is not perceived as a challenge to its sovereignty. On the other hand, as mentioned above, this interaction leads to an increased economic convergence and, possibly, to some form of economic integration in the future.

Given all of the above, the EU and Russia should postpone negotiating a new agreement, which will substitute the currently outdated PCA. Neither the EU nor Russia is ready for it, because of their internal and shared conceptual vacuum. Moreover, there is no consensus on what the future agreement should look like: whether it should be detailed as the EU insists, including all policy-specific goals, or whether it should only outline institutions and visionary goals as Russia stresses.

For the time being, the EU and Russia can continue using institutional provisions and principles fixed in the PCA. At the same time there is a need to improve the legal basis of their cooperation to boost policy-specific interaction and convergence. Is there a model for it? The solution can take the form of a series of sector-specific agreements, outlining goals and numerous implementation mechanisms to choose from. The way to get around the EU's fears of Russia's cherry-picking in such cooperation is to copy the EU-Swiss experience of a series of agreements, linked by the so-called guillotine clause (according to it, the disruption of one agreement means the abrogation of all agreements in a specific set).

The suggested avenue is not without problems. Both international regime theories and the EU's experience of constructing deep (economic) relations demonstrate that sector-specific goals have mostly been developed in the context of wider shared visionary goals. Moreover, they have always been reinforced by a fundamental trust in the political and legal systems of other member states. It remains to be seen how policy-related solutions will function in the absence of not only strategic, visionary goals but also in the context of the deficit of trust between the EU and Russia.

However, given the choice between short-term sector-specific cooperation and long-term search for strategic, visionary goals, choosing the first and expecting the latter to follow seems to be a shorter and more certain road to improve EU-Russia relations.

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