

AMERICAN UNIVERSITY OF ARMENIA

**EASTERN PARTNERSHIP:
A NEW DIMENSION OF THE EU-ARMENIA CO-OPERATION**

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List of Abbreviations

EaP	Eastern Partnership
ENP	European Neighborhood Policy
ENPI	European Neighborhood and Partnership Instrument
EU	European Union
EUAG	EU Advisory Group
MoE	Ministry of Economy of the Republic of Armenia
MoF	Ministry of Finance of the Republic of Armenia
PCA	Partnership and Cooperation Agreement

Abstract

The current policy internship project conducted at the EU Advisory Group (EU AG) to the Republic of Armenia presents a research on the new policy initiative of the European Union – Eastern Partnership (EaP). This policy was officially launched in May, 2009 Prague summit and covers six former USSR countries – Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine. The current research discusses the details of the EaP, and reveals which new instruments the EU offers within this new policy as a new step of the EU-Armenia cooperation.

The first introductory section of this paper presents the evolution of the contractual relationship between the EU and Armenia, as well as discusses the reasons, which had driven the EU to formulate new foreign policy agenda towards the countries of Eastern Europe and the Southern Caucasus.

Then, the paper discusses in details the bilateral and multilateral components of the EaP and briefly presents the key working directions of the EU AG, in particular its activities directed towards facilitation of reform process in Armenia. Finally, the paper analyses the implications of the EaP for Armenia and gives policy recommendations to the Armenian side on how it can benefit most from this initiative, and to the EU side on how to provide the overall success of the EaP.

Introduction

The purpose of this policy internship project at the EU Advisory Group (EU AG) to the Republic of Armenia is to study and highlight the Eastern Partnership (EaP), a newly launched policy of the European Union in regard to six Eastern European countries - Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine.

All these states already have contractual relations with the EU – namely, all of them have signed Partnership and Cooperation Agreements (PCAs) and are included in the European Neighborhood Policy (ENP). Therefore, it is timely problem of today to study and understand what will be the value-added of this new policy initiative of the EU.

This paper analyzes the details of the proposal and reveals which new instruments the EaP offers as a new stage of the EU-Armenia cooperation, as well as discusses broader political implications of this initiative for the region of the Southern Caucasus. In the end, the paper gives policy recommendations.

From European Neighborhood Policy to Eastern Partnership

After the collapse of the Soviet Union former countries of the Communist bloc had to re-coordinate their position and foreign policies in the renewed political reality. In this sense the European Union became one of the major actors in Eastern Europe, namely in promotion and fostering democratic institutions in its post-communist neighborhood.

For this purpose the European Union has applied such range of instruments as political conditionality, economic development and transnational exchange (Schimmelfennig, Scholtz, 2008).

The relationship of Armenia with the European Union has passed through several stages. The first significant step in this regard was the signing of Partnership and Cooperation Agreement (PCA), which was signed on April 22 of 1996 in Luxemburg and entered into force on 1 July of 1999. The signing of this agreement marked a new era for EU-Armenia relations, since it reflected the desire of both sides to establish closer relations and legal basis for a strong and comprehensive political and economic partnership. Moreover, PCA had marked also a new stage in the country's efforts towards democratic consolidation and transition to market economy, since the treaty aims inter alia to encourage and assist implementation of reforms necessary for recovery and sustainable development.

In essence, the PCA laid down a suitable legal framework for political dialogue, to support the efforts made by the country to strengthen its democratic institutions, to accompany transition to a market economy and to encourage trade and investment. The PCA also aims to provide a basis for cooperation in the legislative, economic, social, financial, scientific, civil, technological and cultural fields. The general principles of PCA concern respect for democracy, the principles of international law and human rights.

On the institutional level the PCA operates through Cooperation Council, which meets at ministerial level once a year and is responsible for supervising the implementation of the Agreement. The Council is assisted by a Parliamentary Cooperation Committee.

Therefore, the PCA was the first step towards establishment of bilateral political dialogue with the EU and Armenia. The treaty allows for strengthening links between the parties and facilitates the convergence of their positions on international issues of mutual concern. The PCA is concluded for the initial period of ten years and is automatically renewed on a yearly basis unless one of the parties objects (Partnership and Cooperation Agreement, 1996).

The next step was the launch of the European Neighborhood Policy (ENP), which was developed in 2003, after fifth enlargement of the European Union to the countries of Central and Eastern Europe. Before the conclusion of the enlargement process, the European Union started considering the impact of this enlargement on the neighboring countries of Eastern Europe (Patten and Solana 2002, Communication from the Commission 2003). Some of the EU-member states governments, particularly the UK and Sweden, as well as candidate countries, made proposals to develop a policy specifically related to those neighboring countries most affected by the enlargement. The result was the development of European Neighborhood Policy (ENP), aimed at reinforcing the Union's relations with all neighboring countries. The objective of this initiative was to avoid "the emergence of new dividing lines between the enlarged EU and its neighbors and instead strengthening the prosperity, stability and security of all concerned" (Communication from the Commission, 2004).

ENP offers closer co-operation in many policy areas, improved political dialogue, and a limited rise in financial assistance from the Union. At the operational level, ENP introduced 'action plans' for all cooperating countries as reform programs based on the adoption of certain EU regulations and EU basic values. It should be noticed that the ENP remains distinct from the process of enlargement although it does not prejudge, for European neighbors, how their relationship with the EU may develop in future (Communication from the Commission, 2004).

In 2007 new regional initiatives were outlined within the European Union. The French President Nicolas Sarkozy, proposed the establishment of "Mediterranean Union" called to strengthen the relationships between the EU's southern Member States and the neighbors to the south. The proposal faced considerable opposition from within the Union where it was argued that co-operation in the Mediterranean region, institutionally separate from EU but based on its

funds, could harm the main institutional core of the EU (Mahony 2007). Therefore, the French president changed the nature of his proposal in 2008. Finally the “Union for the Mediterranean”, with a membership of all EU Member States and most of the southern neighboring states was launched under the French Presidency of the Union in July 2008. Instead of network of organizations (Union of Mediterranean States, Mediterranean Bank) planned beforehand, institutionally the “Union for the Mediterranean” is based on small secretariat and two authorized officials – from EU and from the group of southern neighbor-states (Aghajanyan, 2009).

Following the “southern initiative”, other Member States on their turn put forward a similar policy towards Eastern Europe. The proposal for an Eastern Partnership (EaP) came originally from the Polish and Swedish Governments, which submitted a paper to the June 2008 European Council (Communication from the Commission, 2008). It is important to consider this new initiative within the framework of developments unfolding by that time in Eastern Europe. These new trends ascertained the growing interdependence of the EU and its Eastern neighborhood.

The first signal was 2008 gas crisis, when EU member-states were cut out of gas supplies because of the Russia-Ukraine dispute. As it was noted by the European Commissioner for External Relations and European Neighborhood Policy Benita Ferrero-Waldner (2009), “when Russia cut gas supplies to Ukraine in January...the EU found its quality of life directly affected not just as a result of its own energy supplies, but by the political and commercial landscape in its eastern neighborhood”. Thus, this case demonstrated how the EU's interests can be affected by developments in the countries on its eastern borders (Ferrero-Waldner 2009). Indeed, the last enlargement of the EU has brought its borders closer to the former communist states of Eastern

Europe and the Southern Caucasus. In turn, these states have become more clear in their European aspirations and due to the reforms undertaken within the framework of ENP became “politically and economically closer to the EU” (Communication from the Commission, 2008). Therefore, the idea of having stable democracies in the EU’s neighborhood became an urgent necessity, underlining once again the increased interrelation of states and societies in today’s globalized world.

The understanding of new challenges brought by globalization was highlighted as early as in the European Security Strategy, adopted in 2003 (far before the completion of the EU’s fifth enlargement wave). The strategy emphasizes the importance of multilateral system “in a world of global threats, global markets and global media” (European Security Strategy, 2003, 10). Moreover, while the Strategy designated “the development of a stronger international society, well functioning international institutions and a rule-based international order” simply as an “objective”, the Commission’s Communication paper for EaP emphasizes now that “stability, better governance and economic development at ...Eastern borders” is considered to be of “vital interest” for the European Union.

Another event, which accelerated design of new eastern initiative, was the conflict between Georgia and Russia in August 2008 with its broad political ramifications. While the EaP initiative received the backing of the European Council, the presentation of the proposal by the Commission was scheduled for spring 2009 meeting. However, the conflict in Georgia pushed the Union into asking the Commission to report much earlier. This led to the presentation of the Commission's proposals for the Eastern Partnership at the beginning of December 2008.

It should be recalled though, that the Southern Caucasus was in the focus of the EU’s attention even far before the developments stated above. The already referred Security Strategy

in its chapter titled “Building Security in our Neighborhood” mentioned that “we need to extend the benefits of economic and political cooperation to our neighbors in the East while tackling political problems there. We should now take a stronger and more active interest in the problems of the Southern Caucasus, which will in due course also be a neighboring region” (European Security Strategy, 2003, 9). In this context, the EaP can be considered to have more concrete security implications, of creating stable, secure and predictable neighborhood on the EU’s Eastern flank.

However, the EU’s involvement in the Southern Caucasus has been not yet sufficient enough for consolidating statehood or successfully carrying out wide range of reforms necessary. Moreover, Russia and the US – with their opposing geopolitical agendas – have been so far perceived as relatively strong players in the region. The European Union, on the contrary, has been perceived as a weak one. As mentions Coppieters (2004, 6), the EU did not elaborate a clear strategy towards this region and one can trace a discrepancy in the EU’s policies “that are responding to the challenge of states unable to reform themselves, on the one hand, and the EU policies that are responding to the challenge of weak and failing states threatening European stability on the other.” The author continues that if the former approach induces to partially withdraw from the “socializing strategy”, the latter one prompts to deeper involvement. Therefore, the “eastern vector” of EU’s foreign policy is marked now by more active political and economic engagement in its Eastern Neighborhood.

The Eastern Partnership aimed to deepen integration between the EU and the six countries of Eastern Europe (Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine). This new “ambitious partnership” (as it is defined in the Communication paper) brings relationship between the EU and these states on qualitatively new and higher level, emphasizing

a new step beyond cooperation offered within the frameworks of PCA and ENP. The main goal of the Eastern Partnership is to create the necessary conditions to accelerate political association and to deepen economic integration between the European Union and interested partner countries (Communication from the Commission, 2008).

The 'Eastern Partnership' will operate on both bilateral and multilateral dimensions. The European Commission puts forward concrete ideas for enhancing the EU's relationship with the EaP member countries. On bilateral level, this will lead to the signing of new Association Agreements which suggest deeper and more comprehensive political and economic integration with the EU. It is envisaged that negotiations of Association Agreement for Armenia will start in 2010. On multilateral level, the initiative will attempt to create a common arena for the EaP member states to coordinate their policies towards each other and to foster a political dialog and economic cooperation.

However, there is no doubt that for the Commission, the Eastern Partnership represents "a specific Eastern dimension within the European Neighborhood Policy" (Communication from the Commission, 2008, 1). Indeed, the European Council in June 2008 asked the Commission for a proposal which respects "the character of the ENP as a single and coherent policy framework". In the same vein, the December European Council conclusions emphasize that the "Eastern Partnership will bring about a significant strengthening of EU policy with regard to the Eastern partners of the European Neighborhood Policy".

Research questions

Considering the developments discussed above, the research questions posed in the course of this policy internship project are as follows:

- What opportunities does the EaP bring to Armenia?
- How the EaP initiative can affect regional cooperation in the Southern Caucasus?
- What role the EaP can play in conflict resolution issues in the Southern Caucasus?
- What are the interests of the EU in the region of the Southern Caucasus?

Methodology

For the purpose of this research, explanatory content analysis of primary and secondary data was applied. Primary data encompasses official and legal texts of the EU, as well as 5 in-depth interviews with open-ended questions were conducted with government officials and diplomats, and officials from international missions and delegations in Armenia. Among these are Mr. Carel Hofstra - deputy head, OSCE; Mr. Uffe Holst Jensen - head of ENP/ Operations Section, EU Delegation to Armenia; Mr. Alexei Sekarev- team leader, AEPLAC; Mr. Vahe Danielyan - deputy minister of economy of the RA; Mr. Mher Margaryan - deputy-head of the EU division of the Ministry of Foreign Affairs of the RA. Secondary data encompasses publications in acknowledged periodicals, and press releases.

Deeper Bilateral Relations: Association Agreements

The principally new offer of the EaP, compared with PCA and ENP, is considerably enhanced bilateral relations of the EU with the six former USSR countries in Eastern Europe. While the ENP envisages for the “next step in the development of bilateral relations, including the possibility of new contractual links”, it does not define, however, which type of bilateral agreements can be expected by the ENP states (Communication from the Commission: ENP

Strategy Paper 2004, p. 3). In contrast, within the framework of the EaP the Commission makes a concrete proposal of advanced bilateral relations - Association Agreements. This type of agreements mean significantly expanded political and economic co-operation with the EU, including establishment of Free Trade Areas (FTAs).

As noted by Hillion and Mayhew (2009,8), “bilateral relations with the EU are of central interest for the Eastern European states, since it is through this type of relations that these countries can gain the most in political and economic terms”. However, some authors explain this strong commitment towards bilateral relations with the EU in less pragmatic terms. In particular, while speaking about interregionalist policies of the EU, Smith claims that:

Even though the EU had an open approach and to some extent encouraged the formation of regional bodies prior to enlargement, the Eastern European countries celebrated their newly-won national independence and thus shied away from regional clusters in favor of bilateral engagements with the EU. (Soederbaum et al., 2005, 368)

Moreover, the author adds that these countries associate any regional formation in their region with the era of the Soviet rule.

Therefore, a new deeper format of bilateral relations envisaged under the framework of the EaP understandably is of high importance for the member states of this new initiative. Moreover, for these countries the tangible prospect of Association Agreements is also an indicator of their progress made on the way to democratization and transition to open market economy, since the Association Agreements are offered only if countries have made certain steps forward in their reforms and are ready to negotiate entrance into deeper bilateral relations with the EU.

It should be noted though that despite the EaP member states have previous inclusion in the Soviet Union, and, for certain of them, cultural elements and religious affinity in common, they are all in fact very different. The Commission takes into account these disparities and while

designing Association Agreement for each country will attempt to address these distinctions according to the objectives and capacity of each of the partners (Communication from the Commission, 2008).

Legal base of the Association Agreements

The Association Agreements are mixed agreements, based on articles 238 (3) and 228 of the Treaty establishing the European Community. The fact that they are mixed agreements means that the agreements must be ratified by the all EU Member States Parliaments, by the European Parliament and by the European Council. However, those parts of agreements, which are in the Community competence, notably the trade area, do not need to await ratification before being implemented. These parts, therefore, have always been concentrated in an interim agreement and implemented by both sides soon after the negotiations have finished. In general, the structure of Association Agreements is similar for all countries which negotiated and signed these agreements (Mayhew 1998). The general principles of the agreement establish that respect for democratic principles, human rights and the principles of the market economy constitute the essential elements of the agreement.

The principal elements of the Association Agreement are:

- political association
- deep and comprehensive free trade
- personal mobility (visa policy)
- cooperation in social and economic areas (energy)
- institutions

Political association

The Commission's proposal for the EaP includes the notion of "a higher level of political association" and "progressive intensification of links in key areas" which could suggest that the new agreement entails stronger links than a dialogue under previous formats of cooperation (Communication from the Commission, 2008, 3).

Political dialogue is important to third countries, since it allows them to get a privileged access to leaders from the member states and the European institutions. This not only allows governments in associated countries to gain information concerning future developments of EU policies, but also to attempt to influence the approach of EU governments on issues that affect third countries. As emphasized by Mayhew (1998, 48), this process is of high importance for the associated countries since it allows their "ministers to sit at the table with EU-ministers to discuss not just foreign affairs but also first-pillar Community issues."

With regard to the scope of the word "association" Smith and Herzog (Benyon, 1996, 52) state that "...association signifies close and continuous cooperation with the Community... and interest only in financial or trade agreements, is not enough". The concept of "association" in the European Community context entails "special, privileged links with a non-member country which must, at least partially, participate in the Community system".¹ In view of this definition, "political association" could involve, beyond dialogue, a degree of participation of the Eastern European states in the EU system, for instance in the field of Common Foreign and Security Policy (CFSP), especially that the latter is recalled in the Communication paper for the EaP.

¹ This definition of the notion of 'association', envisaged in Article 310 of the EC Treaty was given by the European Court of Justice, in a judgment concerning the 1963 EC association agreement with Turkey: Case 12/86 Demirel [1987] ECR 3719.

While it may seem initially that the major part of the upgraded cooperation offered by Association Agreements is embodied in its economic proposal, namely the establishment of FTAs, the importance of political dimension should not be neglected. In fact, it is the political association, if fully implemented that could become a forum where the real changes can be coined by re-enforced discussion of mutually accepted approaches and strategies. This will create expanded opportunities to exercise proper incentive mechanisms and affect agendas and political will on both sides of the agreement.

**Gradual integration in the EU economy:
Deep and Comprehensive Free Trade Agreement (DCFTA)**

The role of economic development of states in strengthening democratic institutions was discussed deeply by Seymour Martin Lipset (1960), who studied the social conditions or ‘requisites’ that support democracy and identified “economic development” – broadly understood as a syndrome of wealth, industrialization, urbanization and education – as the most important one. He argues that “the more well-to-do a nation, the greater the chances that it will sustain democracy” (Lipset, 1960, 31).²

In this context, it can be considered that this approach is reflected somehow in the EU’s external policies towards its post-communist neighborhood. The Communication paper for the EaP stresses the importance of deeper economic cooperation considering it as “essential to the development of the partners.” It is mentioned further that “open markets and economic integration ...will underpin political stabilization” (Communication from the Commission, 2008).

² Lipset argues that economic development goes together with better education, less poverty, the creation of a large middle class and a competent civil service. It thereby mitigates the class struggle and promotes cross-cutting cleavages. In addition, it nurtures a belief in tolerance and gradualism and reduces commitment to extremist ideologies.

As noted Mayhew (1998) the main economic impact of Association Agreements lies in chapters on the four freedoms (movement of goods, services, capital and labor), since they regulate both the degree of liberalization in trade and certain characteristics of market reform in the associated countries (i.e. competition policy, anti-corruption measures).

The Communication paper for the EaP proposes establishment of a deep and comprehensive free trade area (DCFTA) with each of the partner countries. This presupposes legally binding commitments on regulatory approximation in trade-related areas which will contribute to the modernization of the economies of the partner countries and foster necessary economic reforms.

In this regard, it should be noted that for comprehensive economic integration with positive long-term impact, conclusion of trade agreements merely based on mutual reductions in tariff levels are of limited importance today. As for Armenia, it has been a WTO member since 2003 and present EU-Armenian bilateral trade relations provide for Most-Favored Nation (MFN) status giving Armenian products better access to EU markets. Currently Armenia's trade regime benefits from low levels of EU tariffs under the EU's Generalized System of Preferences (GSP) Agreement, as well as non-tariff protection measures (CASE Network Report, 2008). Under the current GSP Regulation covering the period from 1 January 2009 to 31 December 2011, all three South Caucasus countries qualify for the special incentive arrangement for sustainable development and good governance – GSP+, offering them a particularly advantageous access to the EU market.

Hence, the interest is in negotiating “deep and comprehensive free trade area” agreements. Such agreements aim to eliminate the majority of non-tariff barriers to trade through persuading third parties to adopt and implement EU regulation necessary for the creation and

management of the Union's internal market. As this regulation is progressively adopted and implemented, the EU can take steps to facilitate access by third-party enterprises to the internal market of the Union (Communication from the Commission, 2008).

A report commissioned by the EU to determine whether an FTA between the EU and Armenia would be economically viable and feasible has examined four scenarios of FTA (CASE Network Report, 2008). The first two scenarios, Simple FTA and Simple FTA BIS, are variants of a simple free trade agreement (FTA), which assume the elimination of tariffs and quantitative restrictions in bilateral trade. The next two are Deep FTA scenarios (Deep FTA and Deep FTA+), which combine the principles of a Simple FTA with varying degrees of change in the domestic policy and business environment. The report finds that the biggest economic gains can be expected from a Deep FTA+.

The Deep FTA+ includes a comprehensive set of reforms along with supporting measures directed on fostering competition and fighting corruption, which could lead to re-branding Armenia as a favorable environment for investment. The report finds that “initiating a Deep FTA+ could materialize in real trade and investment gains in the medium to long-term for Armenia”.

Among reasons of why only Deep FTA+ can bring considerable changes to the economic performance of Armenia is the fact that the country has an import-oriented economy. This factor influences both the political and economic landscapes. In particular, this is reflected in highly monopolized market, where organized cartels keep prices of imported essential commodities such as wheat and fuel high. The foreign investments are not diversified enough. The largest investor in the Armenian economy is Russia (32.6%), which is engaged in such important sectors as energy and telecommunications. Therefore, a Simple FTA or Simple FTA BIS would not

come with the “flanking measures” surrounding a Deep FTA+ which are necessary to move the country away from cartels, towards a more open and diverse economy. According to the analysis, the gains from Deep FTA+ could reach 7.95% of GDP (CASE Network Report, 2008).

Nevertheless, to be successful the agreement is to be backed by a strong political commitment to tackle import monopolies, truly liberalize markets, implement EU regulations, strengthen the rule of law and open markets to foreign companies in all sectors.

A longer-term goal of DCFTA would be the creation of a network of bilateral agreements among the partners, possibly leading to the creation of a Neighborhood Economic Community (Communication from the Commission, 2008).

Therefore, the implementation of DFTA will most importantly address those non-tariff barriers to trade which constitute in fact the core of the factors impeding the overall development of the Armenian economy. These, primarily, concern policy issues, and engagement in the EaP will help to address these issues more intensively, all the more so the Commission envisages both financial and technical support for the fulfillment of these goals.

Personal mobility (Visa policy)

In this regard, the Communication paper for Eastern Partnership proposes "Mobility and Security pacts". These pacts would essentially be agreements where the European Union improves access to its territory in return for the East European countries improving the security of their borders and the capacity of their police forces and law courts to deal with corruption, illegal migration and organized crime.

The core in increasing personal mobility is visa policy, which envisages for a step by step approach. The main tool of this policy is Visa Facilitation Agreements. These agreements

facilitate access to visas for certain groups in society which need to travel. As for Armenia, the signing of the Visa Facilitation Agreement is planned for 2010. Additionally, there are proposed technical measures directed to addressing security concerns, namely the introduction of electronic passports with biometric indicators in the Republic of Armenia.

The Visa Facilitation Agreements are accompanied by readmission agreements, which oblige third countries to accept returned illegal immigrants to the Union, who entered through these countries. However, readmission agreements are potentially extremely difficult for the third countries and can involve considerable expense (Communication from the Commission, 2008).

The Communication proposes provision of technical assistance under overall assistance budgets to help partners meet the obligations pledged under these agreements. The Commission suggests also expanding consular coverage of EU member states and establishment of Common Visa Application Centers.

As a next step after successful implementation of visa facilitation and readmission agreements, the Communication proposes further waiving of visa regimes for all citizens.

However, for the EU side the “secure mobility” is still of utmost concern, and this is apparent from the Joint Declaration adopted after Prague Summit in May, 2009, where terms “visa-free travel” and “visa waiving” have been replaced by more cautious “visa liberalization” (Joint Declaration of the Prague Eastern Partnership Summit, 2009, 7).

The Commission's Eastern Partnership paper also mentions the possibility for the EU to pursue a “targeted opening of the EU labour market”. Nevertheless, while this would also be appreciated in the Eastern European states, the current situation on European Union labour

markets suggests that little progress will be made before the current economic downturn will be overcome.

Therefore, even though “Personal mobility” part of the EaP proposal is highly desirable for partner countries, visa facilitation will not become soon a fully implemented reality, rather it is to be a long-lasting process requiring serious efforts from both sides – the EU and the partner countries.

Social and economic cooperation

The Commission proposes cooperation in certain sectors, covered mainly within the multilateral framework by Flagship initiatives. Nevertheless, the interests of the EU focused around energy issues are covered additionally in bilateral frameworks. By these measures, the EU tries to convene the EaP countries in such institutional arrangements which will allow creating an interface for better interactions, co-ordination and even implementation of monitoring on energy issues.

In particular, the Commission proposes to include in Association Agreements provisions on “Energy interdependence”, in coherence with EU trade, competition and energy policies. Then, the Communication paper proposes inclusion of some of the EaP countries, notably Ukraine and Moldova, in the Energy Community. Moreover, it suggests “extension of observership to other partners... when appropriate”. Additionally, the Commission proposes establishment of Memoranda of Understanding with Moldova, Georgia and Armenia. This instrument will allow for expanded engagement of the EU in key energy infrastructures of mentioned countries through exercising support and monitoring when needed. In regard to Armenia, the Memorandum of Understanding will try to address the issues of closure of the

Nuclear Power Plant in Medzamor. Finally, the Communication calls the partners to participate in the Intelligent Energy Europe Program (Communication from the Commission, 2008).

Thus, the measures proposed in the Communication paper are directed to providing an observable and predictable environment for the EU's energy security.

Additionally, the EaP proposal contains suggestion to support economic and social developments, through cooperation in designing “national development plans and regional development programs addressing local needs for infrastructure, human capital, and small and medium sized enterprises (SMEs), modeled on EU cohesion policy” (Communication from the Commission, 2008).

Institutions

In order to support partners to meet the conditions envisaged for the fulfillment of the EaP, as well as to assist them in meeting their commitments within the framework of the Association Agreements, the Commission proposes a Comprehensive Institution-Building program. This program is directed to advance the administrative capacity of partner states in all relevant sectors of cooperation, and will be co-financed with each partner by means of the European Neighborhood and Partnership Instrument (ENPI) (Communication from the Commission, 2008).

The common institutional framework is highly important for the implementation of such type of bilateral relationship as reflected and anchored by Association Agreements. As stressed by Smit and Herzog, this relationship is not a mere “exchange of reciprocal advantages”, rather the notion of “... association implies a common goal and institutional framework” (Benyon 1996, 52).

The institutional design envisaged by Association Agreements proposed under the EaP will, probably, follow the pattern laid down by previous experience of signing such agreements with other countries. This institutional framework includes Association Council, Association Committee, joint Parliamentary Committee, and an option to create working groups. The decisions of the Association Council will be legally binding for both parties (Benyon 1996). Nevertheless, the realization of monitoring proposed by the Commission (i.e. in such sectors as energy, border management) will require probably the creation of new institutional arrangements.

Thus, the common institutions envisaged by Association Agreements are not considered to be merely mixed committees coordinating bilateral negotiations but rather bodies formulating the common and single concept of the “association”, and in particular the elaboration and further development of the relationship (Benyon 1996).

The Multilateral Cooperation

The multilateral dimension of the EaP will attempt to create a common arena incorporating the EU and six Eastern European states to coordinate their policies towards each other and to foster political dialog and economic cooperation. In particular, it is expected to encourage the sharing of experience of transition and reforms, and to stimulate mutual solidarity (Communication from the Commission, 2008). As it is mentioned in the Joint Declaration adopted after Prague Summit, May 2009, “the multilateral framework is aimed at fostering links among partner countries themselves and will be a forum for discussion on further developments of the Eastern Partnership” (Joint Declaration, 2009).

The multilateral part of the EaP encompasses following elements:

- the creation of a “structured approximation process”
- the establishment of four thematic platforms
- the implementation of “flagship initiatives”

Structured approximation process

The creation of a “structured approximation process” aims at supporting the adoption and implementation of the EU regulations in Eastern Europe. The Commission considers legislative and regulatory convergence as a key precondition for “the partners’ progress in coming closer to the EU” (Communication from the Commission, 2008). Therefore, the launch of a “structured approximation process” supported by a new facility called a “comprehensive institution-building program” can be an indicator that the Commission aims to accelerate and to advance the quality of transposition and implementation of the *acquis communautaire*³ in Eastern Europe. The Communication paper for the EaP proposes to conduct meetings within multilateral framework with participation of experts from the EU which will present European legislation and standards and compare them with national policies and legislation of the EaP states.

Thematic platforms

Four thematic platforms determine the main areas of cooperation - democracy, good governance and stability; economic integration and convergence with the EU’s sectoral policies; energy security; and people-to-people contacts.

Within the framework of the first platform, Democracy, good governance and stability,

³ The term *acquis communautaire*, or (EU) *acquis*, is used in European Union law to refer to the total body of EU law accumulated thus far. The term is French: *acquis* means “that which has been acquired”, and *communautaire* means “of the community”.

the Commission puts forward certain conflict resolution measures, in particular by introduction of early warning mechanisms and close cooperation on issues mentioned in CFSP and participation of partners in EDSP.

The second platform, Economic integration and convergence with EU sectoral policies, will support the elaboration of common principles and approaches for the creation of DCFTA among EaP member countries. As noted by experts from the Ministry of Economy of RA one of the important elements of this agreement will be a system of “diagonal cumulation of origin” which will foster and encourage further cooperation among EaP countries.

The third platform, Energy security, reflects the concern of the EU on expanded energy co-operation and security, and contains quite extensive provisions on energy, involving closer EU’s participation and inclusion in common treaties, and other institutional frameworks.

The fourth platform, Contacts between people, is dedicated to promotion of co-operation and mutual understanding through cognitive methods of shared experience in extensive cultural and education programs.

The thematic platforms will enable to set frameworks, encompassing main directions within which it will be possible to “adopt a set of realistic, periodically updated, core objectives” (Communication from the Commission, 2008). In order to attain the effective implementation of projected tasks corresponding work programs with follow-up progress reviews will be designed. The work within thematic platforms will be supported by ad hoc panels when appropriate. The EU will play a substantial role in coordination of work within framework of these thematic platforms. The Commission, in collaboration with the EU Presidency and partners, will design meeting agendas and chair these meetings.

The experts from the Ministry of Economy of RA, interviewed in course of this policy internship project, assessed this type of operational structure as having a high potential to be an effective method of policy making, since policy solutions generated in panels on each thematic platform will be designed by group of experts which would be concerned predominantly with technical efficiency rather than being affected exclusively by political considerations.

Flagship initiatives

The last element of multilateral cooperation is Flagship initiatives which are as follows:

- border management program
- integration of electricity markets, energy efficiency and renewables
- an SME facility
- Southern energy corridor
- response to disasters

The Flagship initiatives will aim both to improve infrastructure and other elements contributing to integration with the Union. The Commission envisages possibility of “multi-donor” funding and attracting investments from “different IFIs and ... the private sector”.

Operational structure for multilateral co-operation

The Commission proposes several operational levels for the implementation of multilateral cooperation. First, biannual meetings of the heads of states or governments of Eastern partners; second, annual meetings on ministerial level: the Foreign Ministers from the EU and EaP members which will review the progress done and provide overall policy guidance, and ministerial cooperation on sectoral level when appropriate. The third level is cooperation within the framework of four thematic platforms. It is also envisaged to support the work of the thematic platforms through panels in specific fields. This can be considered to be the forth operational level (Communication from the Commission, 2008).

Interaction with other regional multilateral initiatives

The Communication paper admits that “there is substantial complementarity between the EaP and the Black Sea Synergy and other regional and international initiatives”. However, while the Black Sea Synergy concentrates on the issues having regional specifics and demanding regional approach, the core of the EaP is European integration and explicit desire of partners to “pursue alignment with the European Union” (Communication from the Commission, 2008).

Interaction with other regional actors

In case of the Eastern Partnership the implementation of the EU’s interests (mainly concentrated around energy co-operation) can have a positive impact for regional developments not least because the EaP per se is more of inclusive rather than of exclusive nature. Namely, the EaP proposal on the level of multilateral cooperation includes extensive suggestions on collaboration in energy field, and both the Thematic platforms and Flagship initiatives admit participation of “third countries” as “suppliers and investors” (Commission Staff Working Document, 2008). This opportunity is particularly important in view of the fact that in the region of the Southern Caucasus are concentrated interests of several powerful actors, namely Russia, USA, Turkey, Iran. Thus, this provision in fact allows for effective interaction of the EU-conceived Eastern Partnership with other regional players. This co-operation may be particularly effective in fields of energy and transport communications. Though, it should be mentioned that the Communication paper does not provide for more detailed description of how this participation will be regulated.

The EU Advisory Group

At the beginning of 2009, Armenia became the first country of the Eastern Neighborhood where the EU deployed a mission of advisers across a whole set of state institutions. The EU Advisory Group (EU AG) aimed to facilitate implementation of reforms undertaken by Armenia under the co-operation within PCA, ENP and consequently EaP. The EU AG carries out its activities under the direction of the EU Delegation in Armenia. The Advisory Group provides advice to the office of the President of RA and the Government.

The EU advisors are experts working in the prime-minister's office on anticorruption issues and public administration reform, the ombudsman's office, ministry of economy (on trade issues and PR campaign for the pension reform), ministry of finance (one working on customs, and another on debt management), the foreign ministry (to set up a diplomatic academy), as well as two advisers to the National Assembly. The recently announced extension of the team should include a deputy team leader, a communications officer and more advisors to the ministry of justice, and ministry of economy (one on intellectual property rights; another on sanitary and phyto-sanitary standards; and a third one on barriers to trade). The Advisory Group concentrates its efforts on reforms in several directions simultaneously. This approach makes "reforms mutually supportive" and facilitates their further implementation.

The EU AG has devoted significant efforts to the promotion of good governance. In this field one of the main outputs has become the finalized Anti-Corruption Strategy Action Plan, designed in collaboration with UNDP and CoE, and submitted to the Government of the RA. The document emphasizes following main areas - police, public procurement, tax, customs and civil service. The EU AG has proposed also introduction of "anti-corruption training programme" in the mentioned fields. Another important step in this context was support of EU AG in drafting a

“concept for the new Law on Transparency of Political Activity”. This document was elaborated in cooperation with the Prime Minister’s office and Civil Service Council. This law will “regulate the process of submission of declarations on incomes and property of 500 high-rank officials. The law will also regulate the conflict of interest issues and will establish an electronic register accessible to the public.”

The EU AG facilitates the implementation of reform in public administration by providing recommendations on elaboration of the draft Public Service Law, as well as by providing support on conduction of trainings for the staff of the Prime Minister’s Office on strategic planning, impact assessment and management.

The Advisory Group cooperates also with the RA Human Rights Defender on elaboration of the National Human Rights Action Plan (NHRAP).

The EU AG provides active assistance to the Ministry of Economy (MoE) of Armenia, as well as other respective bodies, for preparation to negotiations on DCFTA and approximation process of the legal framework of Armenia on technical standards with that of the EU. Besides, the Advisory Group facilitates development and introduction of e-monitoring system on implementation of ENP AP. The important direction of the EU AG activities is addressing the focal issue of movement of goods, in particular presentations on “technical and administrative requirements associated with exporting to the EU”.

The EU AG advises the Ministry of Finance (MoF) on the revenue policy, including tax code improvement. Another aspect of work with the MoF is support to the fostering the capacity of the ministry to manage the public debt.

The Advisory Group provides assistance to the Government of the RA in facilitation of Pension Reform, which will start on 1 January 2011. In particular the EUAG supports implementation of a campaign on raising public awareness about pension reform. In this the EUAG cooperates with the USAID Pension and Labor Market reform program (PALM) which supports the overall pension reform.

The EU AG cooperates closely with the State Revenue Committee (SRC) on customs issues. The priority directions are – the establishment and implementation of a comprehensive system and procedures for customs post-clearance controls; development of the risk management system; and enhancement of the clearance process through the simplification of procedures.

The EU AG maintains constantly contact with other donors operating in Armenia to avoid overlapping in their activities.

Eastern Partnership: Regional Projections

Considering previously discussed findings, this section of the paper attempts firstly, to identify the overall impact of the Eastern Partnership on Armenia, and secondly, to make projections in the context of broader regional implications.

At the moment being, Armenia actively co-operates within the EaP framework, showing clear intention to benefit mostly from the expanded opportunities offered by this policy. In these efforts a central part can be assigned to the activity of the EU Advisory Group (EUAG) that covers a whole scope of key governmental institutions. EUAG facilitates reforms in strategic

directions essential not merely for the EU-Armenia cooperation but, most importantly, for the further sustainable development of Armenia into a more democratic state with efficiently operating open market economy. These directions embrace good governance, including anti-corruption measures, public administration reforms, fiscal, tax, customs policies, and human rights.

Hence, provided concentration of the Armenian government on the factual implementation of adopted reforms, both the enhanced financial and technical support of the EU may seriously support country's sustainable development and, consequently, strengthen its regional positions and make the country a reliable and predictable partner of the EU in the region of the Southern Caucasus.

Yet, a decade ago this region occupied rather marginal position in the EU's foreign policy agenda (Lynch, 2005). Today it attracts more attention due to certain reasons. These include political and economic elements, both having implications of ensuring the EU's security. As a result of the successive enlargement process, the EU's borders have become closer to its Eastern neighborhood. Therefore, having stability, prosperity and good governance on this flank is being considered today among urgent priorities of the EU's foreign policy making. Furthermore, deeper cooperation would have clear implications for the economic constituent of the EU's interest in the region, namely ensuring energy security of the EU as well as, in the long-term, creating inexpensive import area, which would contribute to the EU's own competitiveness in the global market.

For Armenia, the signing of DCFTA would contribute to the tackling of inner challenges of its economy. In the light of recently initiated Armenian-Turkish rapprochement, both experts

and politicians recall frequently to what extent the closed borders impede overall development of the Armenian economy. However, the inner challenges such as corruption, weak competition, and poor governance undoubtedly hinder the economic growth no less than the closed borders. Hence, the exporting capacities of the country are hampered not only due to the border blockade and ensuing prolonged transportation routes and increased transit costs, but also by the relatively low competitiveness of Armenian products and imperfect legal, regulatory framework. Therefore, the introduction of the EU's standards and regulations as a direct output of DCFTA can, in the mid- to long- term perspective, contribute to the improvement of exporting potential of Armenia.

The new, enhanced level of political dialogue, envisaged by Association Agreements can create opportunities for Armenia to attract more attention of the EU decision makers to the urgent issues facing the country. The EaP proposes increased involvement of civil society in multilateral political dialog. This is definitely another great opportunity for Armenia, since its civil society actors, through deeper co-operation with major European think tanks, can bring key issues of both, Armenia's and the EU's sides, to key decision-making structures on both sides of the cooperation.

The above-mentioned considerations relate mostly to the bilateral format of cooperation. Even though the multilateral component of the EaP is called to promote deeper regional cooperation among the EaP states, the current research has revealed that this part of the EaP will fall behind the bilateral relations of each EaP state with the EU.

Majority of experts, interviewed in the course of this policy internship project, expressed a common opinion that currently there are several factors that will slow down regional

cooperation, namely weak trade relations in the region, and, most importantly, acute political disagreements among regional actors. In case of Armenia it is the frozen conflict in Nagorno Karabakh, over which the negotiations have been already lasting for fifteen years. Currently, there is no explicit intention from the EU side to be involved directly in the mediation process as a separate legal entity (in present, the EU is represented by France in the OSCE Minsk group). The EU's contribution to the conflict resolution issues in the Southern Caucasus will be rather indirect, through providing a common platform, where the sides of the conflicts can find common edges and, through dialog, pursuing common economic interests, can become more tolerant and ready to find solutions for common problems.

This reflects an approach to the regional integration as a preventive method to warfare, which is in fact the model of the EU itself, when the post-war Europe of the 1950-s decided to use integration, through promoting common economic interests as a solution to possible future wars (Eilstrup-Sangiovanni; Verdier, 2005).

The structure of multilateral part of the EaP clearly shows the intention of the EU to foster deeper regional cooperation by this attaching to the EaP dimension of interregional cooperation, namely between the EU and its Eastern neighborhood. This dimension of the EU's foreign policy-making represents the EU's image on the global stage as a "normative power", as defined by Manners (2002). While discussing different approaches to the impact of the EU as a global actor, Warleigh-Lack (2009) considers whether the EU can exercise real influence by its foreign policy-making without having military capacity, and therefore without having a possibility to enforce favorable for the EU decisions by threat of force. For this purpose the EU exercises what Warleigh-Lack called "ethical foreign policy", which gained to the EU:

enormous influence in world affairs by employing such tools as a generous development policy, conditionality in its aid agreements and policy over access to its internal market to promote reform

of other's policies and structures, and playing a key role in the development of more multi-lateral, rule-bound world (Warleigh-Lack , 2009, 81).

In general, it can be suggested that though the embedding of the EU in the Southern Caucasus will increase the number of actors in the region, overall it might have a stabilizing effect. Unlike other actors (namely Russia and USA), whose interactions with regional states include somehow a military element (expressed either as a direct military presence or cooperation within multilateral military structures), the EU in its foreign policy making acts predominantly as a civilian power which pursues its interests through political and economic conditionalities. It does not mean to say that the EU in this case acts solely as a “normative” power, since it admits co-operation with the states some of which are explicitly of a non-democratic nature (Warleich-Lack, 2009). Rather, in this concrete case the EU acts more pragmatically, and incidentally this approach very well fits the realist theory of international relations, namely one of the principles of diplomacy, formulated by Morgenthau which states that “The objectives of foreign policy must be defined in terms of the national interest and must be supported with adequate power” (Morgenthau, 1948, 440). Although the EU is not a state in a classical Westphalian understanding, it has nevertheless proved to be a consolidated political and economic power in the global political arena, capable to affect positively transformations in third countries.

Conclusion and policy recommendations

To sum up, the new policy initiative of the European Union indicates outlining change in the balance of power in the region of the Southern Caucasus. The recent political developments in Eastern Europe have revealed clearly the growing interconnectedness of “big powers and small states” in continuously globalizing world. The growing interests of the EU in the region have been marked more explicitly, presuming reassessment of its policies towards the former soviet states of Eastern Europe, and application of more coherent strategy to the region. This presupposes more active involvement of the EU, both in terms of increased funds and technical support. For Armenia, this means creation of a favorable environment for the pursuance of its own sustainable development and subsequent strengthening of its regional position. The current paper proposes a number of policy recommendations on what points should focus their attention both sides – Armenia, to benefit most from this initiative, and the EU, to provide overall success of the Eastern Partnership.

To the Armenian side

- Formulate a clear vision of country's development track – in order to create enough incentive for authorities to implement all adopted regulations and reforms without having yet the EU membership on the agenda.
- Continue to foster the functioning of democratic institutions in Armenia to attain more transparency and accountability in the state structures of power, which in its turn a necessary precondition for successful implementation of adopted reforms.
- Increase participatory role of civil society in policy formation. It is recommended that authorities engage in a closer dialog with civil society, to consider policy

recommendations of independent experts and think tanks, which itself will be more democratic way of decision-making. It is recommended that civil society, on its turn, concentrate its activities on four thematic platforms that would allow for more targeted approach to main areas of Armenia-EU co-operation. Then, it is recommended that civil society actors participate more actively in Confidence Building Measures to support conflict resolutions.

- Expand institutional cooperation with the EU by establishing special bodies within government.
- Strong political commitment to tackle corruption, to enforce competition (i.e. by increasing independence and executive powers of the corresponding agency).
- Enlarge perspectives on energy cooperation - diversify and develop Armenia's energy infrastructure relationships with Iran and construction of large energy carrier reservoirs. Since the EU has explicit interest in energy collaboration connected with the Southern Caucasus, it would be reasonable for Armenia to consider opportunities of becoming a partner that can offer a co-operation in this field.
- To take advantage from approximation process to update significantly and introduce carefully the technical standards in a wide range of production that would make various sectors of the Armenian economy more competitive. This has not only far-reaching implications of integration into the EU market within DCFTA, but more immediate demand of raising competitive capacity of Armenian goods in the regional market directed by the possible opening of the Armenian-Turkish border.

To the EU side

- To set clear benchmarks in order to assess progress in terms of democracy, the rule of law and good governance
- To apply stricter conditional mechanisms of reward or sanctions
- Increase the size, capacity and expertise of its delegations and other personnel working with the EaP countries
- Country reports should concentrate on implementation, rather than only on adoption of laws or institutional arrangements
- Follow-up support for implementation, including the public and civil society watchdog agencies.

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