

On Key Principles for the EU's Policy on Russia

An Analysis of EU-Russia Relations Ahead of the European Council on 24-25 June

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The EU joint communication on EU-Russia relations published on 16 June 2021 does a good job in describing the state of relations. Its promotion of “push back, constrain and engage” is unfortunate, however, as this creates confusion and deflects focus from the EU's five agreed principles, including the key conditionality concerning full Russian implementation of the Minsk agreements. Some key issues are also missing in its conclusions and action points.

The joint communication serves as a good basis for discussion at the European Council on 24–25 June, but should be amended in some crucial respects:

- Russia needs to be held accountable for its violations of international norms and rules. This is necessary to avoid a slippery slope towards a de facto new security order that would accept countries such as Ukraine as less than fully sovereign states.
- The criteria for judging Russia's behaviour, guiding the appropriate EU response, must therefore be restored respect for international law and the principles and commitments of the OSCE and the Council of Europe, that is the European security order. The illegal annexation of Crimea and Sevastopol must not be forgotten.
- The EU's Russia policy must be based on Russia's behaviour: as long as Russia acts antagonistically, the EU needs to apply strategic patience and hold the line. Russia will play for time and try to achieve a creeping normalisation and return to business as usual. Such a normalisation would undermine European security and the European security order.
- The connection between the internal repression in Russia and its external aggressive and antagonistic behaviour, be it military or hybrid threats, needs to be made. The link between respect for democracy, human rights, and the rule of law in a country, on the one hand, and security between states, on the other, constitutes a fundamental pillar of the OSCE-based European security order and its comprehensive concept of security.
- (Societal) resilience is a necessary but not sufficient requirement for addressing hybrid threats. The EU needs to improve its situational awareness of these threats and develop a comprehensive toolbox to counter and deter hybrid threats.
- Any engagement with Russia needs to be based on the EU's values and interests, as well as respect for international law and the European security order. People-to-people contacts and support to Russian civil society should not be conflated with selective engagement with the Russian government.

The EU discussion on Russia continues

Russia remains subject to continuing deliberations within the EU, next at the European Council on 24–25 June. To prepare the discussion, the High Representative and the European Commission have been invited to prepare a report with policy options on EU-Russia relations, arguably the most difficult challenge for EU foreign and security policy.

The report, a so-called joint communication which was presented this week, does an overall good job of taking stock of developments related to the five principles for the EU's policy vis-à-vis Russia and describing how the Russian government “challenges and undermines international law, as well as the OSCE and Council of Europe key principles, to which it has committed and which structure security and cooperation on the European continent, including each country's right to freely determine its own foreign, security and domestic policy choices”.

The overview of developments since 2014 serves as a bleak and sobering read. The long list of problematic Russian behaviour both at home and abroad contrasts starkly with the “limited concrete results” that have been achieved through selective engagement on issues such as trade, economic and digital matters, home affairs and public health. More could have been said about some issues, such as Russia's active support for the repressive Lukashenko regime in Belarus. Nevertheless, the stock-taking should remove any potential misconceptions about the current state of relations, and thus serves as a good basis for discussion at the European Council.

The EU should stick to its five agreed principles

An unfortunate aspect of the document, however, is that its title and conclusions give prominence to HR/VP Borrell's slogan to “push back, constrain and engage” Russia. The European Council should not accept this attempt to reframe the previously agreed principles and the continuing discussion on the EU's Russia policy. That the European Council recommitted to the five principles in May and even referred to them as “governing” EU policy vis-à-vis Russia rather than merely “guiding” it, as originally phrased in 2016, is positive in this regard.

Why is “push back, constrain and engage” unfortunate? The phrase may seem catchy, but creates confusion regarding the hierarchy of principles, deflects focus from the five principles, and seemingly suggests that the continuing EU discussion on Russia should be structured along the lines of the three verbs. Engagement is thus upgraded from having been one of five points to being one of three. Together with the mention of “an approach of principled pragmatism”, such a reframing could over time erode the five principles and the crucial EU unity around them.

Respect for international law and the European security order must be restored

The introduction of “push back, constrain and engage” means that some key aspects of the five principles risk getting lost. The report's conclusions state that the EU will continue to raise Russia's consistent breaches of international law in Ukraine, Georgia and elsewhere, including calling on Russia to fully implement the Minsk agreements. They do not, however, explicitly mention the first principle's key conditionality concerning full Russian

implementation of the Minsk agreements as a prerequisite for any substantial change in the EU's stance towards Russia. This implies, inter alia, the withdrawal of illegal armed groups and military equipment as well as fighters and mercenaries from the territory of Ukraine. Holding on to and stressing this conditionality should be a key message to Moscow, Kyiv, and other capitals.

Moreover, the conditionality needs to be put more clearly in a wider context regarding the EU's values and interests. A key concept missing from the joint communication in this regard is accountability. Russia must be held accountable for its violations of international law and the principles and commitments of the OSCE, the Council of Europe and also the OPCW, not to be forgotten. These are the criteria to judge Russia's behaviour by. Failure to do so constitutes implicit condoning of Russia's violations and tacit acceptance of a de facto new security order where the principles of sovereignty, territorial integrity, and the right of each country to choose its own security arrangements are not equally applicable to all European states.

The joint communication mentions the importance of EU cohesion and unity, which is perhaps the single most important EU asset, but fails to underline the need for strategic patience. As long as Russia does not alter its antagonistic behaviour, the EU needs to apply strategic patience, holding the line. Russia will play for time and try to achieve a creeping normalisation and return to "business as usual". Any talk about cohabitation or peaceful coexistence (terms promoted by some actors in the wider EU discussion) would imply a return to a cold war situation, which would be based on a Yalta-style division of Europe that leaves countries in Eastern Europe in a Russian sphere of influence. Such a normalisation, without Russia restoring respect for international norms and rules, would imply an implicit acceptance of the concept of less than fully sovereign states,

buffer states, or "countries in-between". This would seriously undermine European security and the European security order as defined in the Helsinki Final Act and the Charter of Paris and be the equivalent to "moral hazard" of European security policy.

In other words, not only what happens in eastern Ukraine matters. The EU needs to be clear that there can be no normalised relations or business as usual with Russia as long as respect for international law and the European security order has not been restored also elsewhere. In this context, it is worth recalling Russia's illegal annexation of Crimea and Sevastopol, which should have been mentioned not just in the background parts of the joint communication, but also in its conclusions and action points. Not to be forgotten is also the fact that Russian soldiers remain present in Georgia and Moldova against the wishes of the governments of the two countries.

The joint communication does of course not advocate any imminent normalisation of the EU's relationship with Russia, but it does not exclude substantial steps in this direction even before full Russian implementation of the Minsk agreements. According to the first principle, this is the key condition for any substantial change in the EU's stance on Russia. Even so, the report opens up for an upgrade of the EU's relationship with the Russia-dominated and mainly political Eurasian Economic Union (EEU) beyond today's technical contacts after "constructive steps from Russia towards more openness in our trade relations" and "a better political context".

Developments inside Russia matter

Moreover, the EU-Russia relationship must take the situation inside Russia into account.

Throughout the report, the link between domestic developments in Russia and the country's foreign and security policy is unfortunately missing. As is made clear in the OSCE comprehensive concept of security, to which both the EU and Russia are committed, internal repression and external repression are two sides of the same coin. Respect for democracy, the rule of law and human rights in Russia is thus directly related to our own security and of legitimate concern to us, not just a Russian "internal matter".

More should be done to address hybrid threats

Hybrid threats, including cyberattacks and disinformation, are rightly mentioned in the joint communication as an important challenge that needs to be managed and countered. Hybrid threats constitute a serious threat to our political, democratic decision-making processes and to open and free societies. However, the only means of addressing hybrid threats mentioned in the report is (societal) resilience. This forgets the importance of establishing holistic situational awareness and of threat assessments and tools to counter and deter hybrid threats in a holistic whole of government and whole of society approach. The EU should develop a comprehensive toolbox to counter and deter hybrid threats, including but not limited to sanctions. When it comes to sanctions, the EU needs to coordinate the sanctions tool better with the US, the UK, and other like-minded countries. The EU should also develop better tools for countering illicit financing, money laundering and other forms of financial and economic interference.

Caution is needed in any engagement

A problem with the "push back, constrain and engage" approach is that the fifth principle, about people-to-people contacts and support to Russian civil society, becomes conflated with the fourth principle, regarding selective engagement with the Russian government. These are two very different types of engagement and not necessarily supportive of each other, as evidenced by the Russian government's ever-increasing repression of civil society, independent media, and oppositional actors. That any engagement with Russia needs to be based on the EU's values and interests, and respect for international law and the European security order, should be clearly stated. Given this, climate change and other environmental issues should probably be the starting point for any new engagement initiatives.

A confusing point about engagement in the joint communication is the mention of "bilateral de-confliction and confidence-building mechanisms" as potential engagement activities. No further explanation is given and there is thus no reasoning about how such mechanisms would relate to existing or possibly new mechanisms elsewhere, for example within the OSCE or in the NATO-Russia context. In any case, any initiatives and compromises that might possibly further undermine international law and the European security order must be avoided. The EU should not engage in a dialogue with Russia on the future of other states. The principle "nothing about Ukraine without Ukraine" must apply. The dialogue with Russia should focus on Russia's respect for international norms and rules.

Moreover, that counterterrorism is listed as an area for cooperation with only a general reference to full respect for international law is somewhat worrying given the Russian lack of respect for international humanitarian law in

Syria and for human rights at home, particularly but not only in the northern Caucasus. Any discussion about cooperation

with Russia in this field needs to take these aspects into consideration.

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