

LITHUANIAN POSITION REGARDING THE EU MANDATE ON NEGOTIATIONS WITH RUSSIA: SEEKING A NEW QUALITY OF EU-RUSSIAN RELATIONS

*Žygimantas Pavilionis**

Mandate approval process

At present, the legal basis for EU-Russia relations and cooperation is the Partnership and Cooperation Agreement (PCA) that was signed in 1994 and entered into force in 1997. Taking into consideration the fact that EU-Russia relations underwent considerable evolution during the last decade (an increase in the number of cooperation areas, EU enlargement, adoption of the Road Maps package for the creation of four Common Spaces, etc.), the EU and Russia agreed on drawing up a new, legally binding long-term and all-round agreement ensuring further development of EU-Russia relations (post-PCA).

In July 2006, EU member states were presented a draft document granting the Commission the mandate to negotiate on the new agreement. The aforementioned draft document listed the principles for negotiations, the objectives of the new agreement, and the content of the new agreement. However, in November 2006 the approval of the mandate was blocked by Poland, which related this issue to the demand to Russia to abolish the prohibition to import Polish meat products. Russia's decision to prohibit meat imports from one EU member state was considered as a violation of the existing PCA.

Lithuania also supported the Polish position, and related the approval of the mandate on negotiations with Russia with the renewal of oil supply via the Druzhba pipeline.

In the process of preparation for negotiations with Russia regarding the new agreement, the term of the EU and Russia Partnership and Cooperation Agree-

* *Žygimantas Pavilionis* - Undersecretary of the Ministry of Foreign Affairs of the Republic of Lithuania

ment ended on November 30, 2007; however, taking into consideration the fact that due to the Polish veto and Lithuanian support for the veto negotiations regarding the new agreement have not been started, the agreement valid at that moment was automatically extended for another one-year term.

Upon change of the Polish government and Poland's reaching of an agreement with Russia regarding abolition of the embargo, in January 2008 Polish representatives emphasised that they were withdrawing their veto concerning the mandate on negotiations with Russia.

Slovenia that held the presidency in the EU at that time attempted to approve the entire mandate; however, Lithuania, which wanted the mandate to fully reflect the problematic issues in EU-Russia relations, at the April 24, 2008 COREPER meeting officially presented its proposals / supplements to the mandate on negotiations with Russia. However, no agreement on this issue was reached among EU member states during this meeting. Another attempt to approve the mandate was made on April 29, 2008 during the BRIST meeting, yet as Lithuania's proposals had not been taken into account, Lithuania didn't approve the text of the mandate.

Finally, thanks to diplomatic efforts, during the May 21, 2008 COREPER meeting in Brussels permanent representatives of the EU member states reached a compromise regarding approval of the mandate for the European Commission to start negotiations with Russia regarding the new partnership and cooperation agreement, in which issues important for Lithuania were taken into account. The mandate was approved on May 26, 2008 during the meeting of EU foreign ministers, which opened the door for starting negotiations.

Lithuania's proposals included in the mandate

A proper form was found of how to reflect in the mandate all demands expressed by Lithuania with regard to the draft mandate on negotiations:

- *regarding the energy sector* – an agreement was reached regarding a joint Council and Commission declaration, in which clear reference was made that the obligations assumed by the Russian Federation in connection with

the Energy Charter are fully valid and that the EU will seek to include them in the future agreement, and the issue of renewal of oil supply via the Druzhba pipeline is clearly defined noting that the EU will pay special attention to this issue during its negotiations with Russia;

- *regarding legal cooperation* – an agreement was reached regarding the text of the joint Council and Commission declaration, by expanding it with the Commission's unilateral declaration, in which through reference to Lithuania's unilateral declaration the Commission undertakes the obligation, within the scope of its competence, to voice the following issues important for Lithuania: regarding the Medininkai Massacre and January 13 cases, as well as compensation for damage to persons deported from the Baltic States;
- *regarding conflicts in Moldova and Georgia* – an agreement was reached regarding a joint Council and Commission declaration, emphasising that the EU will seek to resolve the conflicts by ensuring territorial integrity of the state, and will on a regular basis evaluate the progress made on solving the conflicts.

Lithuanian position and substantiation thereof

During negotiations concerning the mandate, Lithuania aimed at achieving a new quality of relations with Russia, based on the rule of law, fulfilment of assumed obligations, justice, and security. Declarations regarding the energy sector and regarding Moldova and Georgia will help to ensure security. Declarations regarding criminal cases and compensation for damage will contribute to the adherence of the principles of rule of law and fulfilment of assumed obligations.

Most EU member states confirmed that the problematic issues in relations with Russia that were tackled by Lithuania are lawful and just. Furthermore, most states emphasised that it's better to start negotiations with Russia rather than not to conduct them whatsoever. Therefore, with a view to achieving an agreement within the EU Lithuania supported the position that the mandate must reflect the lawful and just issues in relations with Russia that were named by individual EU member states, and that the EU must have one voice when considering the problematic issues named by individual EU member states.

It's also important to emphasise that the EU-Russia relations agenda reflects not only Lithuania's problematic issues in relations with Russia but also those of other EU member states. Some examples of such problematic issues include a treaty on the Estonian and Russian border, and the Litvinenko case important for the Brits. The problem concerning Polish meat products should be considered as well.

Lithuania's position was that the relations of the EU and eastern countries should not be based on double standards. The position of the EU in relation to Russia should be based on the same values as in its relations with the European Neighbourhood Policy countries.

It should be emphasised that Lithuania did not block negotiations when presenting its proposals. We expressed our support of negotiations with Russia; however, such negotiations must take place on conditions favourable for the EU and its member states. Lithuania adhered to the position that prior to starting negotiations the objectives and problematic areas/issues must be identified. That's why we aimed at reflecting issues of importance to us in the EU's negotiations-related position, i.e. we needed a guarantee that such issues will be negotiated. Lithuania's negotiations-related stance didn't mean that Lithuania wanted to block the beginning of negotiations with Russia, but rather demonstrated that EU member states didn't have an agreement regarding the form of reflection in the mandate of the issues named by Lithuania.

Lithuania's position was also based on the opinion that the issues tackled by Lithuania are very serious and important not only for Lithuania itself, but also have a wider impact in the process of development of the EU-Russia partnership. The proposals made by Lithuania reflect common problematic areas in EU-Russia relations, while the specific instances emphasised by Lithuania constitute just examples of such problems.

Although it has often been emphasised that Lithuania by the issues it named is seeking to resolve problems in its bilateral relations with Russia, it can't be stated that Europe's energy security and assurance of reliable guarantees of supply of energy resources constitute only Lithuania's interest with regard to Russia.

Resolution of the situation in Georgia and Moldova is also part to the EU's security (especially as regards energy security), because the possible alternatives of supply of Caspian oil and gas lies in the territory of Georgia. The more stable

and secure neighbours surround the EU, the safer and richer the EU itself will be. Failure of the EU to participate in the regulation of the situation in Georgia and Moldova would equal acknowledgment that the other country in its closest neighbourhood may do whatever it wants. Not very long ago some people in the West were saying that they shouldn't care about the accession of the Baltic States to the EU and NATO, and that the old Europe would not gain much in terms of security with their accession, yet we forgot this very quickly. Today, we say that our security is the security of Georgia and Moldova, and while saying this we shouldn't forget that some time before the same thing was said about the Baltic States by just a couple of EU states.

Investigation of the January 13 and Medininkai cases also reflects the EU's common problems in its desire for effective legal cooperation with Russia. Issues regarding legal cooperation and deportees are directly related to the principle of rule of law, and to the fulfilment of international obligations. This should help to ensure that EU-Russia relations will be based on the principle of rule of law rather than on the principle of "rule of the strongest".

Russia has undertaken a number of international commitments, notably under the United Nations, the Council of Europe and the Organization for Security and Co-operation in Europe. Lithuania wants to emphasize the fact that not all of them were implemented. Therefore, the EU should be consistent in holding Russia to international commitments and encouraging Russian respect for rule of law in her international relations. One particular commitment of Russia to the Council of Europe concerns Russia's commitment to compensate for the USSR committed crimes in the occupied Baltic States, such as Soviet deportations from Lithuania, Latvia and Estonia. Lithuania underlines the importance of constructive co-operation by Russia in full respect of international commitments and believes that is very important that all crimes that were committed by various totalitarian regimes should be treaded and recognized equally. Lithuania considers that only Russia's full acknowledgement of all crimes committed by Soviet regime will lead Russia to the new quality of her role in the EU-Russia relations. Ironically, the biggest victim of crimes committed by totalitarian Soviet regime was Russia herself.

The compromise reached by EU member states constitutes a decisive step for beginning negotiations with Russia, which demonstrates solidarity within the EU.

Lithuania will seek a new quality of EU-Russia relations

Lithuania's diplomatic steps and position in the process of approval of the EU mandate on negotiations with Russia demonstrates that Lithuania is seeking a new quality of EU-Russia relations. Our goal is the achievement of a mutually beneficial EU-Russia strategic partnership based on the rule of law, common long-term objectives and obligations, mutual respect, and common values. All this fully complies with Lithuania's national interests.

Russia is the largest and most important neighbour of the EU, and one of the regional centres of power; therefore, the future of Russia is of importance not only for Russia itself but also for the entire continent. It's of importance because Russia today is undergoing a period of transformation, solving the civilisation dependency dilemma, and looking for answers to value-related and geopolitical questions. However, without underestimating the significance of Russia, the EU must first of all take care of its own future and model its relations with Russia considering its own position.

For Lithuania, cooperation with the Russian Federation is especially important; whereas strategic partnership with Russia is important for the EU, it's even more important for the EU members who have Russia for a neighbour. We are the first to win or suffer when the nature of EU-Russia relations changes. That's why Lithuania was very active in the process of approval of the EU mandate on negotiations regarding the new EU-Russia agreement.

Lithuania is ready for close and mutually beneficial cooperation, as it's one of our interests and part of our neighbourhood policy. This is demonstrated by Lithuania-Russia relations up to the present day, the foundation for the development of which was laid over 80 years ago and which has been undergoing restoration for the past 17 years, with the 1991 signing of the Lithuania-Russia agreement regarding the foundations of interstate relations. Signing of the agreement was accompanied by significant practical examples of bilateral coop-

eration such as the withdrawal of the Russian army from Lithuania in 1993 and signing of the borders agreement in 1997.

It should be acknowledged that at present EU-Russia relations are not going through their best period. They are complicated by various issues, including the unresolved issue of renewal of oil supply to Lithuania via pipelines and mysterious disappearances of EU citizens in the Russian territory. In order to start solving these issues some goodwill and openness is needed. We hope that Russia will present its answers to all questions in the near future, because transparency and mutual trust are the key principles of a neighbourhood-based partnership. We hope that this cooperation will also be encouraged by negotiations concerning the new EU-Russia agreement, during which among other things issues important for Lithuania will be discussed.

When talking about EU-Russia relations of a new quality, it's important to emphasise that practical cooperation should not be based only on pragmatic principles. Values are important as well. Some concern is raised by certain political trends within Russia, which more often than not start having a negative impact on Russia's relations with its neighbours. Respect for human rights and democratic principles inside the country is closely related to respect for neighbours and transparent, long-term Russia-EU relations.

Lithuania hopes that cooperation of the EU with the new Russian authorities will enable us to create neighbourhood relations of a new quality, although may not strive for that at the expense of the EU's and Lithuania's interests. Both sides should demonstrate goodwill and interest in the development of close amicable relations.

In relations with Russia, it's especially important to maintain solidarity within the EU. A significant achievement of the previous EU-Russia summits is the clear signal to Russia that problems of individual EU member states are issues of the entire EU. This policy line must be strengthened in the future, as it constitutes the foundation of EU solidarity and prevents the application of the "divide and rule" tactics. The compromise reached within the EU regarding the mandate on negotiations with Russia also shows solidarity within the EU and emphasises that regardless of the size of a member state or the date of accession, problematic issues of all member states are equally important.

In conclusion, we may say that the attempts to create a true EU-Russia strategic partnership that have been made so far have not given any feasible results. We must look for other ways, and one of these might be making more active the work on lower levels and in the area of practical cooperation. We should be calmer towards loud statements and high formats, and undertake silent and persistent work based on the rule of law, goodwill, and unconditional and real adherence to common democratic values. Perhaps this will help the European Union and Russia to speed up creation of a real strategic partnership, especially in the context where all other political, economic and cultural predispositions exist. The new EU-Russia agreement should aim at the abovementioned, because if the new agreement doesn't create a higher quality of EU-Russia relations, the value of this agreement will be doubtful.