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Squaring the Circle: The EU's Operational Impact in the Black Sea Region

Sinem Akgul Acikmese and Cihan Dizdaroglu

The aim of this paper is to explain the flux in the European Union (EU) policies towards the Black Sea region with a particular comparative focus on the impact of the EU's operations in the South Caucasus and the EU Border Assistance Mission (EUBAM) in Moldova. This paper adopts the prospect and process of EU enlargement towards Central and Eastern Europe as a breakthrough in the EU's deeper rapprochement with the Black Sea region. By assuming that the EU has a variety of instruments at its disposal for crisis management, this paper suggests that the EU is relatively more powerful with its framework initiatives in dealing with the problems of the region at the grass-roots level, more so than as a security actor assuming direct roles including the operative side of the Common Security and Defence Policy in the resolution of the regional conflicts in Abkhazia, South Ossetia, Nagorno-Karabakh and Transnistria. More specifically, this paper argues to what extent the three-and-a-half operations in the Black Sea are successful in presenting effective solutions to the region's conflictual situations.

Introduction

Since the end of the Cold War, unprecedented events have brought the attention of the West to the wider Black Sea region—including the littoral states of the Black Sea, Moldova and the Southern Caucasus countries of Armenia, Azerbaijan and Georgia.¹ The region, which is typically encircled with weak state systems, authoritarian regimes, contested borders, non-recognized entities, economic instabilities and high unemployment rates, is not only a threat to its own constituencies, but also to the European Union (EU) which has long prioritized forming a ring of good neighbours around its immediate periphery after its big-bang enlargement towards Central and Eastern European countries (CEECs). Moreover, even though the region since Antiquity has always been the 'backyard' of one power or another and witnessed their competition to dominate it, the geopolitical changes in the aftermath of the Cold War have led to an entirely new setting in the Black Sea area, with a possibility of establishing a pluralist international existence for the first time.²

The early 1990s also altered the security understanding of the EU which handled the meta-threat of the Cold War period, that is, the East–West rivalry, through the process of deepening the integrative trends by aligning the Union into a pluralistic security community in itself.³ The EU has generated various measures in response to the diversified agenda of the post-Cold War era, including incorporating a military dimension to its newly emerging Common Foreign and Security Policy (CFSP) and exerting its actorness in the wider Europe in order to enhance peace, stability and prosperity in and around its borders. The Euro-Mediterranean Partnership or the Barcelona Process for the Mediterranean countries, the Northern Dimension for the Baltic States, the Stability Pact for South Eastern Europe in the Balkans and even the pre-enlargement strategy towards the CEECs were the fallouts of such a new strategy. By offering ‘more than partnership and less than membership without precluding the latter’,⁴ the EU aimed at transforming neighbouring countries to the EU’s normative model.⁵ The Union has targeted different regions like the Mediterranean, Baltics and South-eastern Europe with a variety of instruments, however, the Black Sea was ‘far away and messy for the EU in the 1990s’.⁶ Instead, the EU began to approach the Black Sea area through bilateral relations, rather than devising a holistic and comprehensive vision for the region. Accordingly, throughout the 1990s, the EU established relationships with some of the Black Sea countries (consisting of Russia, Moldova, Ukraine, Armenia, Azerbaijan and Armenia) through signing Partnership and Cooperation Agreements (PCAs) in line with the above-mentioned purposes.

The EU’s perception towards the region has drastically changed with the 2004 and 2007 enlargements, which literally brought the EU to the shores of the Black Sea. Since then, the EU has invented a complex set of tools for countering the challenges of the Black Sea region and for exploiting the opportunities for a deeper cooperation with the regional actors, including the most comprehensive strategic instruments of the European Neighbourhood Policy (ENP) and its offshoot the Eastern Partnership (EaP) as well as the Black Sea Synergy (BSS). Rather than providing an integrated and coherent vision towards the region, all these paper-tiger initiatives have culminated in resentment and dilemma mostly for the partner countries since they are stuck between Russia and the EU. One telling example of the lack of consistency and credibility of the EU initiatives is the EU’s approach towards the situation in Nagorno-Karabakh, reflected in the incorporation of a self-determination clause in the Armenian Action Plan drafted as an implementation document of the ENP, whereas the respect for territorial integrity is stipulated as a criterion for the Azerbaijani authorities.⁷

Nevertheless, all the above-mentioned structural projects which signpost the increased interest and at least an on-paper commitment of the EU to the Black Sea region constitute only one dimension of the EU’s Black Sea strategy.⁸ In fact, more EU involvement in the region through deeper cooperation mechanisms such as providing market access by concluding free-trade arrangements and mobility in the shape of visa-free regimes as well as deeper integration through political dialogue which might eventually lead to EU accession is the desire of almost all regional actors. The second pillar of the EU’s strategy, on the other hand, is embedded in the diplomatic and political tools of the CFSP, including the civilian missions conducted

under the Common Security and Defence Policy (CSDP), yet to be implemented directly for resolving the everlasting conflicts in Abkhazia, South Ossetia, Nagorno-Karabakh and Transnistria. The management of these protracted conflicts in the Black Sea area has increasingly gained visibility in the EU's agenda, being matched by new policy and operational resources. This engagement raises expectations among the EU's neighbours in the region for palpable results in ensuring security and promoting peace, whereas it puts further pressure on the EU's institutions to devise appropriate strategies, which could also reinforce the EU's role as regional security provider. This paper addresses these emerging expectations of a more visible EU role in conflict management by looking at the impact of completed/ongoing EU–CSDP operations in the region, namely, the European Union Rule of Law Mission in Georgia (EUJUST Themis, 2004–2005), Border Support Team (BST) under the guidance of the EU's Special Representative to Georgia (2005–2008), the European Union Monitoring Mission (EUMM) in Georgia since 2008 as well as the EU Border Assistance Mission to the Republic of Moldova and Ukraine (EUBAM) since 2005.

The aim of this paper is to explain the flux in EU policies towards the Black Sea region with a particular comparative focus on the impact of the EU's operations in the South Caucasus and the EUBAM in Moldova. More specifically, it questions the extent to which the EU has addressed decisive solutions to the everlasting conflicts of the Black Sea region through its 'three-and-a-half' operations in the Eastern neighbourhood. Accordingly, this paper looks at the discourse sustaining the EU's increased engagement and matches it against the nature, scope and goals of these different operations, in order to understand to what extent the EU is likely to respond positively to the expectations being raised by its discourse on regional peace and stability in the Black Sea area. By acknowledging the fact that the EU has a variety of instruments for dealing with the regional problems, this paper argues that the EU is relatively more powerful as a long-term stabilizer dealing with the problems of the region through its framework policies by offering the regional actors some tangible incentives such as money, mobility and market access, more so than as a security actor assuming direct roles including the operative side of the CSDP in the resolution of the regional conflicts in Abkhazia, South Ossetia, Nagorno-Karabakh and Transnistria.⁹

The EU's Three-and-a-Half Operations in the Black Sea Region

The unresolved conflicts within Moldova (Transnistria), Georgia (South Ossetia and Abkhazia) and between Armenia and Azerbaijan (Nagorno-Karabakh) have escalated or have the potential to escalate into full-fledged war in Europe's immediate periphery. The very recent crisis in Ukraine sets another example of the volatility of the regional dynamics that could eventually lead to domestic insecurities as well as create inter-regional tension.¹⁰ Socor highlighted the repercussions of such regional tensions by suggesting that 'the frozen conflicts drain economic resources and political energies from these weak countries and impoverished societies; generate rampant corruption and organized crime; prevent the consolidation of nation-states; and foster instability and insecurity region wide'.¹¹

Although the EU declared its willingness to play an active role in the region, its early conflict-resolution strategy was mostly limited to supporting the settlement efforts of international institutions (such as the Joint Control Commission in the case of South Ossetia, United Nations (UN) mediation in Abkhazia and the Organization for Security and Co-operation in Europe (OSCE) missions in Nagorno-Karabakh, Georgia and Moldova), appointing Special Representatives to the crisis in Georgia and to the South Caucasus as well as initiating confidence-building and rehabilitation projects.¹² For instance, in the case of Georgia, ‘the EU Special Representative to the crisis in Georgia acted as Co-Chair of the Geneva Discussions on security and stability in Georgia.’¹³ By 2004, just one year after the EU began conducting civilian and military crisis management operations around the world under its CSDP, by having the liberty of assured access to NATO’s assets and capabilities,¹⁴ the Black Sea region has also become a target for advancing the operational role of the EU. The EU’s low-profile operational attention towards the Black Sea region has been relatively upgraded with the launch of the EUMM in Georgia right after the war between Russia and Georgia in August 2008.

The EU’s rule of law mission (EUJUST Themis), Border Management Team as well as the monitoring operation (EUMM) in Georgia and the EUBAM in Moldova and Ukraine are all structured in the civilian aspect of crisis management mechanisms. The Union has identified *policing*—ranging from advisory, assistance, training and substituting local police forces; strengthening *rule of law*—for the proper functioning of the judicial and penitentiary systems;¹⁵ *civilian administration*; and civil *protection* as the four priority areas of civilian crisis management.¹⁶ In 2004, monitoring missions aimed at observing, monitoring and reporting on the general as well as the security situation in the host country or in relation to specific agreements were also included in the list of the civilian side of the CSDP. Monitoring operations, all of which are deprived of coercive capacities, can be more specifically tasked with the ‘contribution in confidence-building, low-level conflict resolution and de-escalation assistance, border monitoring, monitoring of refugee returns, human rights monitoring and monitoring of disarmament and demobilization or rule-of-law issues.’¹⁷ In this general context, out of the 29 operations that the EU has conducted so far—finished and ongoing—, 19 are civilian in nature, thereby making the case for a stronger role for the EU in the civilian aspect of the CSDP.¹⁸

EU Operations in Georgia: A Capabilities–Expectations Gap?

The EU launched the EUJUST Themis mission in Georgia on 16 July 2004. This was the first rule of law mission of the EU under the crisis management instruments of the CSDP with the aim of supporting and advising the Georgian authorities in overcoming urgent challenges in the criminal justice system.¹⁹ As Javier Solana stressed, it constituted a new element in the EU crisis management toolbox.²⁰ The EU’s experts assisted by the Georgian legal assistants worked in close liaison with the Ministry of Justice, Ministry of Interior and all other relevant authorities to draw up a strategy in the criminal justice system that aimed at harmonizing the ex-Soviet type understanding compounded with ‘widespread corruption, police abuse and

overcrowded and unhealthy prisons'.²¹ The mission completed its task in one year with the strategy and its implementation becoming a part of Georgia's Action Plan under the ENP upon the request of Georgian authorities. Thus, the first defect of this operation can be confined to its guiding role, rather than an operative one. Second, in contrast to what the Georgians expected, it remained a very low-profile mission having also its own internal problems of budget and lack of support from locals. Moreover, the EU's intention in keeping this mission in such a low profile stemmed from its cautious stance of not antagonizing its relations with Russia with an ambitious operation. Thus, this modest mission left a question mark regarding its efficacy in forging an active role for the EU in conflict zones. However, this is not to say that the mission was a failure. As argued by Kurowska, 'its shortfalls notwithstanding, the strategy for the reform on the Georgian criminal justice system is a blueprint to nudge the country closer to European standards'.²² Furthermore, it had a spillover effect on the discussions for launching a border management mission in Georgia.

In addition to the EUJUST Themis mission, the Georgian government requested the EU take over the OSCE Border Monitoring Operation on the Georgian–Russian border due to Russian opposition regarding the extension of the OSCE operation. Despite the support of the Baltic states, the EU's member states opposed the launch of another mission in the Russian periphery. Instead, the mandate of the Special Representative was expanded and a BST was deployed in September 2005 under the EU Special Representative's (EUSR) guidance in order to report on the border situation (excluding Abkhazia and South Ossetia),²³ to assist the Georgian authorities in preparing a comprehensive reform strategy, and finally to facilitate confidence building between Georgia and Russia.²⁴ Even though the EUSR's BST was comparable in size to some other EU missions,²⁵ it was not elevated to the status of a CSDP operation, thereby limiting its function in a cosmetic manner, which deserves to be quoted as a 'half operation'. With the expiration of the EUSR's mandate in February 2011, the BST was dissolved.²⁶

Both the EUJUST Themis and the EUSR's BST operations were not directly targeted at the frozen conflicts in South Ossetia and Abkhazia; even the BST did not cover those regions. However, the EU's low-profile presence in Georgia was strengthened after the war erupted between Georgia and Russia in August 2008. In response to the increased tension in Georgia, the EU, with the initiative of France's President Nicolas Sarkozy, who at the time was serving on behalf of the rotating EU Presidency, played a mediator role in culminating the peace agreements of 12 August and 8 September. The peace agreements included withdrawal of troops, provide access for humanitarian aid, return of internally displaced people, opening of international talks regarding South Ossetia and Abkhazia, and finally deployment of an EU observation mission to the region as the guarantor of the principle of non-aggression.²⁷ Accordingly, the EU launched the EUMM in Georgia in October 2008, under the CSDP's operative umbrella, with the ambitious tasks of *stabilization* through monitoring the implementation of peace agreements, *normalization* through monitoring the situation as regards the rule of law, governance and the return of internally displaced people, *confidence building* through liaison and facilitation of

contacts between parties and finally *information* for European policymaking.²⁸ Through this fast deployment of more than 300 personnel from the member states, the EU 'quickly delivered its first and foremost prominent task, the stabilization of the situation after the war'.²⁹ Initially, the EUMM was supposed to implement its mandate in close coordination with the UN and the OSCE, however, after Russia vetoed the extension of both the UN monitor's mandate for Abkhazia and the OSCE monitor's mandate for South Ossetia, the EU remained alone in this region.³⁰ Even though the EU was the only international mandated mission in Georgia, its impact was limited in the sense that the mission's on-the-ground activities were confined to the Georgian side since the South Ossetian and Abkhazian sides were inaccessible for the EU's operative capacity. As argued by Fischer, the EU is at the crossroads of not invoking Georgian territorial integrity so as to access those territories, whereas 'non-recognition is crucial in the EUMM's relations with the Georgian government and helps to convince Tbilisi to make unilateral security commitments'.³¹

The EUMM is composed of a headquarters in Tbilisi and three regional field offices in Mtskheta, Gori and Zugdidi. Until now, the mandate of the EUMM has been renewed four times (2009, 2010, 2012 and 2013) and the current mandate is valid until 14 December 2014. Despite the Council reiterating its call on all conflicting sides to fully implement the 2008 Six-Point Agreement together with the subsequent implementing measures, Russia has not withdrawn its troops from South Ossetia and Abkhazia, violating the fifth point of the agreement.³² Furthermore, both South Ossetia and Abkhazia declared their independence and Russia recognized them. This also hampers the ability of the EUMM to fulfil its mandate.

In addition to the EU's operations in this region, the Commission also took the lead in organizing a donor conference during which the EU pledged to Georgia funding of up to €500 million between 2008 and 2010 to overcome the results of the August 2008 war.³³ Moreover, immediately after the war, the EU provided humanitarian aid to the amount of €12 million for food, shelter and psychological support, and it also directed its rehabilitation funding mostly to internally displaced people, especially for addressing housing needs. Today, South Ossetia cannot benefit from rehabilitation funding due to the dynamics of the war, but the EU remains the largest donor organization in Abkhazia.³⁴ Thus, the EU is also working on the conflict divide through social responsibility activities, which affect the people in the breakaway regions, thereby increasing the visibility of the EU as a symbol for stability.

To sum up, the EU's crisis management capacity in Georgia was not limited to its two-and-a-half operations, since the EU has supported the ongoing missions of the other international institutions as well as allocated financial support for the rehabilitation projects in order to enhance mutual trust between communities of the regions in conflict. However, the EU's operative role in Georgia is still questioned, since the authorities in Abkhazia and South Ossetia deny the EU access to their territories and the involvement of other regional and global actors leaves little room to the EU for manoeuvring. Furthermore, without supplementing the EU's civilian initiatives with political and military security-related engagements, its role would be far away from being a security actor.³⁵ In other words, the EU cannot live up to the

expectations of resolving the regional conflicts with its modest operations, which also suffer from their own limitations.

The EUBAM in Moldova–Ukraine: A Success Story?

While EU member states opposed the launch of a border support mission in Georgia due to the sensitivities about Russia, they agreed to conduct a civilian Border Assistance Mission on the Moldovan–Ukrainian border almost simultaneously. The EU's almost negligible role in the Transnistrian conflict has relatively changed with the formulation of the ENP and the implementation of the Action Plan which was adopted on 22 February 2005. According to the Action Plan, which 'includes the most prominent reference to conflict-prevention',³⁶ the EU's main objective was to promote a viable solution to the Transnistrian conflict through supporting political dialogue and cooperation within the frameworks of the Council of Europe and the OSCE, as well as through assisting the efforts of the Joint Constitutional Commission.³⁷ Meanwhile, the EU appointed Adriaan Jacobovits de Szeged as the Special Representative for Moldova in March 2005 and he became an observer in the five-party talks (involving Moldova, Transnistria, Russia, Ukraine and the OSCE) in September 2005. Despite its importance, the post of Special Representative for Moldova was abolished in 2011 and

from that date onwards, the main EU interlocutor for the Moldova–Transnistria issue is the High Representative of the EU for Foreign Affairs and Security Policy Catherine Ashton, who in her first visit to Chisinau reinforced the message for deeper EU–Moldova cooperation and the need to find a sustainable solution for the conflict.³⁸

The EU took more responsibility after a joint letter from two presidents, Vladimir Voronin of Moldova and Viktor Yushchenko of Ukraine, calling for the EU to support border management and customs of the common border between the two countries. After an assessment mission, the EU launched the EUBAM in November 2005 for two years with the mandate of enhancing border management capacities of both Ukraine and Moldova. Its aim was to assist the Moldovan and Ukrainian border guard and custom services in the form of training, technical assistance and advising on carrying out effective border and custom controls. Accordingly, the EUBAM covers the entire 1222 km long Moldovan–Ukrainian state border that consists of 955 km of land and 267 km of river borders, through six field offices and a headquarters in Odessa. The only limitation of the EUBAM is its operational capability within the Transnistrian territory despite the fact that the Transnistria segment, which lies adjacent to 454 km of the Moldovan–Ukrainian border, was viewed as a major place for all sorts of trafficking and weapon smuggling by organized criminals.³⁹ Therefore, the EUBAM focused on reinforcing the capacity of Moldovan and Ukrainian authorities in tackling trafficking and fraud as its mission.

The European Commission financed the operation through the Rapid Reaction Mechanism and TACIS programme for two years with a total budget of 20 million

euros.⁴⁰ The mission's positive and promising records helped the extension of the mandate three times (in 2007, 2009 and 2011) and the current mandate will expire in November 2015. The mission consisted of 69 EU experts and around 40 local staff at the beginning, while the current number of staff is more than 200 (including 100 seconded and contracted staff from EU member states, and more than 120 national staff).⁴¹ The Council sustained its political control and oversight through appointing a Senior Political Advisor in charge of the political control of the EUBAM and this advisor assisted the EUSR for Moldova.

Despite all the challenges, the mission has been helping to prevent the most important sources of income for the Transnistrian regime. As Sasse argued, the mission was a success story because it increased cooperation between Ukraine and Moldova to fight illegal cross-border activities.⁴² The figures are self-explanatory: 3581 people were detained for illegal border crossings and attempts in 2007, while this number decreased to 1599 at the end of 2012. On the other hand, the total weight of drug seizure decreased by 85 per cent in 2012 (10.80 kg) compared with 2007 (72.16 kg).⁴³ Even though the figures can be evaluated as a success of the EUBAM, the mission's impact on the Transnistrian conflict is very limited since the EU cannot control the Transnistrian border as well as the fact that the conflict has deep political and social backgrounds. As Huff argued, the mission's mandate is 'too ambitious and too vague to allow for an assessment of its true effectiveness on the ground'.⁴⁴

Even though the EU played a direct role, whether it was successful or not in the conflicts of South Ossetia, Abkhazia and Transnistria through its operations is debatable; it stayed out of the Nagorno-Karabakh conflict. In the Nagorno-Karabakh conflict between Azerbaijan and Armenia, the EU's policy is still shaped by its hesitancy to be actively engaged in conflict-resolution efforts. Instead, the EU prefers to support the activities of the OSCE Minsk Group for the political settlement of the Nagorno-Karabakh conflict and plays a very limited role with is differentiated and contradictory approach, which is apparent in its Action Plans.⁴⁵

Conclusion

The EU's perception towards the Black Sea has considerably changed with the 2004 and 2007 enlargements, which literally brought the EU closer to the Black Sea, a region encircled with not only opportunities, but also serious challenges. The EU's transformative role through the allocation of intensified aid to and the implementation of the ENP/BSS/EaP mechanisms coincided with the launch of the EU's operations in the Black Sea. All these efforts confirmed the 'EU's desire to become a security provider in its vicinity and to produce to conflict resolution, while reaffirming its capacity to assist its neighbors in their political and economic transformation'.⁴⁶ However, as is apparent in the challenges of the three-and-a-half operations in the region as well as the EU's non-existence in Nagorno-Karabakh, it is highly questionable whether the EU has an operative role in conflict resolution in its immediate periphery. In other words, it is highly unlikely that the EU has the operative capacity to prevent tensions from escalating into war in the region or the sufficient level of preparedness if faced with escalations. Even though the EU has the

necessary instruments to engage in settlement processes under the CSDP, except the 'military teeth',⁴⁷ the internal dynamics of the EU, bilateral relations between the member states and Russia as well as ongoing international initiatives leave little room for the EU to assert itself as a security actor in the region. Therefore, the EU's role as a structural stabilizer comes to the forefront in dealing with the problems of the region through its framework initiatives by offering socio-economic benefits and requiring policy transformations in return; and these attempts might only have a long-term and indirect impact in resolving such conflicts.

More specifically, the EUJUST Themis and BST operations, even though the latter was not elevated to the status of a full-fledged operation, were focused on capacity building in Georgia and they had little impact on the 'so-called' frozen conflicts. The EUJUST Themis was only viewed as an enhancement of the EU's engagement to a transit country next to its borders. Moreover, a year mandate for ambitious objectives was not adequate especially for a country in turmoil. Despite all the challenges such as a lack of mutual trust between local authorities and the EU officials, the mission 'contributed to the Georgian justice reform strategy without the Georgian input'.⁴⁸ Similarly, the impact of the BST was also very limited since it had a cosmetic character with its size and mandate. Nevertheless, the EU presence in Georgia has considerably increased with the EUMM after the war in August 2008. As Whitman and Wolff argued, 'the EUMM's significance was further enhanced by its soon becoming the only internationally mandated presence in Georgia after Russia forced the closure of the UN and OSCE mission in Abkhazia and South Ossetia'.⁴⁹ In comparison with the EU's previous operations in Georgia, the EUMM had a higher profile since it was deployed as a response to an immediate crisis. However, its impact is limited too, since the EU cannot access the South Ossetian and Abkhazian sides, due to their internal resistance. Moreover, the Russian policy towards these conflicted areas also constitutes a serious obstacle.

The EUBAM in Moldova and Ukraine could be evaluated as the most successful operation targeted at the frozen conflicts of the Black Sea, since it contributed to creating a secure environment at the borders of Moldova and Ukraine that would culminate in long-term progress. The good records of the operation also brought extension of its mandate several times. As Dias evaluated the EUBAM positively:

not only has its civilian and technical nature prove to be acceptable for the international actors involved in the conflict, particularly to Russia, but it has also been capable of promoting a number of progresses in the relations between the population...⁵⁰

However, the impossibility of controlling the Transnistrian border adds further evidence of inefficacy of the EU in the region.

Notwithstanding the fact that the operations have their own technical, financial and political limitations, there are some other challenges in front of the EU to being a full-fledged security actor in the region: first, the number of actors with their varying interests is complicating the resolution of the conflicts. Especially, the Russian dominance in the region leaves little room for the EU. Second, the bilateral relations

between the EU member states and regional countries sometimes weigh against the common policies. Third, the EU's priorities and capacity prevent it from playing ambitious roles in the region. The EU does not want to risk its progress by dealing with unresolved conflicts where it has only limited and long-term impact. Thus, when compared to its role as long-term structural power, labelling the EU as a security actor in dealing with the conflicts of the region through its operative role under the CSDP would be relatively misguided, almost akin to squaring the circle.

Notes

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- [9] For a detailed account of the EU's conflict-resolution role, see the contribution by L. Simão in this issue.
- [10] For a detailed evaluation regarding the crisis in Ukraine and the passive policy of the EU, see K. McNamara, 'The EU after Ukraine: European foreign policy in the new Europe', *Foreign Affairs*, March 2004, <<http://www.foreignaffairs.com/articles/140991/kathleen-r-mcnamara/the-eu-after-ukraine>> (accessed 25 April 2014).
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