

**Ukraine between Europe and Russia.
Potential consequences of a Ukrainian
accession to the EU**

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Academic Year 2013-2014

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The aim of this thesis is to consider the implications of a possible EU membership for Ukraine, both in terms of international relations with Russia and within the EU itself, particularly the bargaining process in the Council. This will be done through a report of the most notable political crises in the history of independent Ukraine, namely the 1991 crisis following its independence and the issues that were still to be sorted out with the Russian Federation; the 2004 Orange Revolution, which marked a shift in the Ukrainian foreign policy, from multi-vectorial to EU-focused; the 2013-14 crisis, with the ouster of Viktor Yanukovich, the annexation of Crimea, and the future challenges of neo-President Petro Poroshenko.

The very name “Ukraine” comes from an Old East Slavic word, meaning “borderland”. As a matter of fact, the country has always been an in-between geopolitical vacuum where whole nations could rise or fall under the pressure of the great powers fighting for its fertile lands. Its particular blend of European and Russian culture, ethnicity, and language raises the problem of whether Ukraine belongs to Europe or Russia. “What is Ukrainian?” and “Where is Ukraine?” are questions that have gone unanswered for centuries. The multiplicity of worlds that the history of Ukraine has created does not allow for a simple answer, nor should this mean that Europe and Russia are exclusive one of the other. The path towards independent Ukraine cannot be characterised as a pursuit of national identity as much as a consequence of the inevitable – yet unforeseen – demise of the Soviet Union. Hence, even after its independence, Ukraine retained its status of “nation without nationality”.

When in 1991 the country finally became independent, its leaders were no different from those of the Soviet Socialist Republic of Ukraine, and thus their aim could be but the preservation of their own power. This was the first sign of the ambiguity that Kiev has been carrying on for 23 years. On the one hand, the Ukrainian *élites* had to assert their authority in order to guarantee the country's integrity; on the other hand, they had no real leverage in international affairs. The two main issues that were on the table with Russia after 1991, the nuclear question and the upheavals in Crimea, were huge losses for Ukraine: not only did Kiev have to give up its nuclear arsenal, but it also failed to put a definitive halt to civil unrest in the Crimean peninsula. Up until 2005, the indecisiveness of the Ukrainian governments acted through President Kuchma's multi-vector policy, according to which the country had to pay heed to both the European and the Russian requests. Such a foreign policy choice had two consequences: it developed distrust towards the Ukrainian administration from the West and the East alike; and it hindered the domestic policies. The two are closely intertwined since the former was both a cause and a consequence of the lack of nation-wide reforms. It was a cause in that the multi-vector policy can only be explained as the unwillingness of the governing body to decide between letting go of its past relations with Russia and move forward, or staying anchored to Moscow; it was a consequence because without a definite domestic strategy, neither the European Union nor Russia knew how to react and could not expose themselves too much. In return, this only served the purpose of building up more distrust. In terms of practical advancements in foreign policy, in 1994 Kiev signed a Partnership and Cooperation Agreement (PCA) with the EU. The PCA entered into force in 1998 and lasted ten years. It was meant to nurture political dialogue, and to help the country with the transition

towards a market economy. It did not, however, mark the awaited shift towards Europe, as much as it was but a part of the multi-vector policy.

With the rise of Viktor Yushchenko in 2005, Ukraine seemed to dissipate any remaining doubts about its direction. The European choice the newly elected President had made was a clear sign to Brussels, yet little did the EU do to approach Kiev. It is no wonder, then, that the enthusiasm that followed the 2004 Orange Revolution and the appointment of Yushchenko, soon turned to disillusionment. Despite numerous talks between the two parties, little to no advancement was made for a European membership. There are several reasons behind this. First, between 2004 and 2007 the EU was busy with the biggest and most challenging enlargement to date. Twelve countries entered the Union, ten of which can be categorised as Central and Eastern European Countries (CEECs). The CEECs were neither economically advanced, as most of them still relied on agriculture, nor politically developed, for all but one (Bulgaria) had been either under direct Soviet rule or within its sphere of influence. The EU concerns were thus directed towards the development of these countries so as to reach the desired European standards – something many of the CEECs have yet to accomplish, a decade later. Hence, unable to continue the integration and enlargement process during those years, the EU carried out its brand new European Neighbourhood Policy (ENP) with about twenty neighbouring countries from Europe, the Caucasus, Northern Africa, and the Middle East. Based on article 8 and Title V of the Treaty of the European Union, the ENP is aimed at providing the basis for political dialogue, and reforms concerning the energy market, democracy, environment, and education. Nonetheless, it does not represent a gateway to European integration, for many of the countries taking part

of the ENP do not fulfil the geographic criteria for membership. Secondly, ever since the disaggregation of the USSR, the EU's external action in its immediate eastern borders was based upon the Russia-first policy. Together with Washington, Brussels' aim was to help its neighbouring country develop democratic institutions. The Russia-first policy had a clear impact: in the eyes of the EU, there was no difference between what Moscow wanted and what Kiev wanted. Although this attitude was mainly present during the early Nineties, it still constituted a hindrance for the advancement of the relations between the parties. A corollary of the Russia-first policy was that upon the demise of the USSR, Brussels distinguished between CEECs and Newly Independent States (NIS). While the former represented those countries that had managed to cut all their ties with the Soviet regime and were open to Europeanization, the NIS, such as Belarus, Moldova, and Ukraine were classified as having a stronger Soviet influence, and as such they were not subject to immediate attention by the EU. Finally, a third reason is that the EU did not want to jeopardise its relations with the Kremlin, since a Ukrainian accession to the EU – and maybe NATO – would have left Moscow dissatisfied. It had happened with Poland and the Baltic States, why not with a country that had ever-closer ties with Russia? Brussels was only willing to offer Kiev better trade terms, financial help when needed, and monitoring of the development of domestic reforms – nothing the PCA did not provide already, and this was clearly not enough for Kiev. When the PCA expired, the EU and Ukraine signed another association agreement, based on the Eastern Partnership and a Deep and Comprehensive Free Trade Area agreement (DCFTA), both part of the larger structure of the ENP. Although it provided an enhanced framework for economic and political co-operation, no talks about membership took place. It is clear, then, that the political

inclination of the governing party and of the President does not matter when these very same bodies are not willing to legislate for the necessary domestic reforms aimed at developing the economic and political institutions of the country. There are two reasons why no such reforms were carried out. The ENP takes an enormous toll on countries where there exists a persistent instability of the democratic structure. The costs of aligning to the required standards are excessive when there is no prospect of membership, and the *acquis communautaire* (the principles, the objectives, and the values of the European Union) cannot be a realistic objective in such countries. The second reason is inherent to the Ukrainian political culture – or better, lack thereof. While passing laws to develop the institutions in a democratic way did help on the formal level (i.e. the institution relied less on authoritarian means), the people of Ukraine still lacked a democratic education. That is to say, it is no different than introducing the latest theory of a particular field to the layman. Therefore, in order to create a truly democratic country, institutional reforms need be accompanied by an educational teaching of the civil society. None of this has taken place in Ukraine, and despite the efforts of the governing bodies, Ukraine has so far sought out European integration without ever undergoing Europeanization.

The bulk of the thesis is represented by the 2013-2014 crisis and its consequences, both immediate and in the long term. At the Vilnius Summit of November 28th and 29th, 2013, Ukraine should have signed a new association agreement with the EU, which, for the first time, was seen as a stepping-stone towards full membership. However, just a week before the summit, President Yanukovich announced that Ukraine would not sign the agreement and that all negotiations were to be suspended until the document met

Kiev's requests. This move was seen as a ploy to up the ante and obtain favourable terms on Russian gas from the Kremlin. At first, some peaceful protests ensued, but when the government police started beating the dissenters, things took a turn for the worse, as small brawls in Kiev evolved into a nation-wide civil war. The two most notable events of this civil and political crisis were the ouster of the President and the whole government body on February 22nd, after which the parliament appointed a new President and an *ad interim* government; and the Crimean referendum of March 16th, followed by the annexation of the peninsula to the Russian Federation. The referendum in Crimea is closely related to the impeachment of President Yanukovich, in that the pro-Russian people in Crimea, as well as Russia itself, did not recognize the newly appointed government and President. Owing to the confusion that the protest rallies created, mixed with the relative weakness of the new administration, Crimean dissenters seized the parliament in Simferopol. Backed by the Kremlin, they followed through with a referendum on the independence of the peninsula. There are many shadows on the legitimacy of the referendum. It appears to have violated a few articles from the Constitution of Ukraine, namely the rules according to which referenda must be held nation-wide (thus not just limited to a particular region, as was the case) and that all decisions taken by the Simferopol parliament have to go through the *Verkhovna Rada* in Kiev. On March 27th, even the General Assembly of the United Nations declared the referendum invalid. The issue of the legitimacy of the March referendum becomes more relevant in the light of Putin's remarks the following month, according to which Russia backed the rebels. A new issue of legitimacy is thus born – that of the Russian intervention. Third States can intervene in a country if asked by the governing body, or under the guise of logistical support to rebels without in-

tervening directly. It is not clear whether Moscow complied with either: was Yanukovych the legitimate President, as President Putin claimed, when the request of assistance was issued? And did Russia act directly with its own armed forces in Crimea and in the eastern regions of the country? Again, none of these questions has a definite answer, although for many commentators Putin seems to be in the wrong. In the end, the annexation of Crimea could be a blessing in disguise for Kiev. The peninsula was mostly a drain of budget resources, and Putin long coveted it, deeming it the first step to restore Greater Russia. This “win-win” scenario, however, does not seem to satisfy neo-President Petro Poroshenko who, in his inauguration speech on June 7th, addressed the need to “preserve and strengthen Ukraine’s unity” and warned Europe that Ukraine was ready to sign any treaty that would further democratisation in the country, although – he added – he would not sign any agreement regarding NATO membership. The last statement was not accidental. Poroshenko is well aware of the implications of joining NATO. Much more than just the EU, a NATO membership would imply that the other member States (therefore including the United States) are obliged to assist any of the Parties of the Treaty subject to external attack. Neither Kiev nor Moscow is going to risk an international crisis until the dream of Greater Russia is put to sleep. Furthermore, Moscow controls the gas flow to Europe, and could easily threaten a shutdown, were Kiev to disregard its warnings.

To all intents and purposes, the aftermath of the Presidential elections seems to have pushed the country almost ten years back in time, at the dawn of the Orange era. Europe is now facing a situation that is nearly the exact opposite of ten years ago. Widespread euro-scepticism and high levels of

distrust in the European institutions is what characterises the EU today. The European parliamentary elections of May 2014 proved that the European sentiment is dwindling and that the technocratic rule of Brussels needs substantial reforms to regain the trust of the European citizens. Countries like the United Kingdom, historically pivotal to the European economy and international recognition, are threatening a withdrawal; the low turnout registered in most of the smaller countries, with a bottom low 13 per cent in Slovakia, underlines disinterest rather than distrust towards the EU; finally, the economic slowdown in the past five years has yet to be sorted out. None of this is good publicity for the EU. One could wonder, then, why Ukraine would ever want to join. But the EU is just the smaller picture, here. The bigger scenario is that of globalisation. No country, no matter how politically or economically strong, can withstand alone the forces of globalisation, today. Where regional groupings are absent or weak, like in Sub-Saharan Africa, countries are more easily subject to foreign influence. China's investments in Zambia, where Chinese entrepreneurs own most of the copper mines, certainly come to mind. Kiev has already rejected the offer to partake in a Euro-Asiatic union with Russia, Belarus, and Kazakhstan, which is supposed to enter into force on January 1st, 2015. It cannot afford the luxury to decline EU membership, whatever its state. In 2009, at the cusp of the financial crisis, Ukraine had it far worse than any of the European member States, with its GDP yearly growth shrinking by 20 per cent. Were Ukraine to join the EU, Kiev and the CEECs, owing to their extremely similar interests, could make a fairly strong case at the Council meetings, especially in the light of the new qualified majority voting system, which requires 65 per cent of the population for the vote to pass – and a country of 45 million people is certainly not to be shunned. A stability and

security mechanism needs to be put in action if Ukraine is to survive possible future crises. But in order to do so, a European membership becomes of utmost importance. However, if the new government proves unable to undertake the necessary reforms, it is not unlikely that in the near future the relations between the EU and Ukraine will continue to be regulated by the ENP. Thus, European institutions, together with Ukrainian *élites*, need to reach a compromise where a Ukrainian membership would not prejudice the EU economic and political relations with Moscow. A backlash is most likely inevitable, but a Russia-less European economy is also inconceivable.