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# The European Union and the “Euromaidan” in Ukraine

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Ukraine is an important European country and a major challenge for EU diplomacy. Like Turkey, it aspires to the membership in the EU, but its politico-cultural specificity, borderland, “in-between” position and size considerably impede its integration with the Union and contribute to the instability of the region. This has become particularly true since the beginning of the politico-military crisis in Ukraine (2013 – 2014), dubbed during its first phase as “Euromaidan”.

The Ukrainian crisis, ignited by the decision of its authorities to refrain from signing the association agreement with the EU, led to massive social protests, which toppled down the pro-Russian president Victor Yanukovich, and in consequence provoked Russian aggression against Ukraine; the Russian Federation annexed the Ukrainian Crimea and launched an undeclared war against the new Ukrainian authorities in the Eastern part of the country through the proxy separatist groups.

The “Euromaidan” has become a major crisis in EU neighbourhood, comparable only to the Balkan wars in the nineties or the “Arab Spring”. The events in Ukraine have proved that despite internal problems the European Union still disposes of considerable soft power, especially in the Eastern neighbourhood. However it has also uncovered considerable weaknesses of the EU policy towards the region, such as limited attractiveness of its politico-economic offer, excessive length and rigidity of decision making procedures, inability to effectively oppose the Russian expansion in the region. These deficiencies were partially compensated by the activities of the most important EU states which directly engaged in the resolution of the Ukrainian crisis.

## **EU – Ukraine relations**

Ukraine is one of the biggest European states (603 thousand km<sup>2</sup>) – and despite the longtime demographic decline – important by its population (44 million people according to

the 2014 estimations)<sup>1</sup>. Four member states – Poland, Slovakia, Hungary and Romania – border directly Ukraine. Because of its instability and economic underdevelopment Ukraine is mainly perceived in the European Union through the prism of challenges and threats emanating from that country. The former include the non respect for the European (EU and Council of Europe) democratic and human rights standards<sup>2</sup>, as well as highly asymmetric, contrary to the principles of contemporary international order, relations with the Russian Federation which aims at longtime subjugation of Ukraine<sup>3</sup>. Among the latter we should mention the potential consequences of destabilization of Ukraine, in particular massive arrival of refugees to the neighbouring member states (in case of a civil war in Ukraine some few dozens, if not hew hundred thousand refuges could cross the Polish border<sup>4</sup>), as well as new Ukrainian – Russian gas crisis, such as these in 2006 and 2009, which led to the limitation and cuts of the Russian gas supply to some EU member states<sup>5</sup>.

At the same time, cooperation with Ukraine may bring certain benefits. “Europeanization” of Ukraine would confirm the effectiveness of the EU foreign policy, its integration with the EU Single Market (which is not to assimilated with the membership in the Union) would strengthen the position of the EU in the Black Sea region. Ukraine is also a promising goods and investment market.

Together with Russia, EU is one of the two biggest Ukraine’s neighbours. For Ukraine cooperation with the Union offers a perspective of rapprochement with the stable, highly developed West, “Europe”, opens the way towards “Europeanization” or adoption of, as the Ukrainians say, “European standards” (higher incomes, lower corruption etc.), confirms the European identity of Ukraine, gives possibility of an easier access to the EU goods – and what is more important – labour market. Cooperation with the European Union is also an

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<sup>1</sup> “Ukraine” in Central Information Agency, *World Factbook* (Central Information Agency: Washington, 2014), <https://www.cia.gov/library/publications/the-world-factbook/geos/up.html>.

<sup>2</sup> Ukrainian Helsinki Human Rights Union, *Human Rights in Ukraine — 2013. Human Rights Organisations Report* (Kharkiv: Prava Ludyny, 2014).

<sup>3</sup> See for example Andrzej Szeptycki, *Ukraina wobec Rosji. Studium zależności* (Warszawa: Wydawnictwa Uniwersytetu Warszawskiego: 2013).

<sup>4</sup> Andrzej Szeptycki, “Cele polityki Polski wobec kryzysu politycznego na Ukrainie (listopad 2013 – luty 2014 r.)”, *Nowy Prometeusz*, 5 (2013): 17.

<sup>5</sup> See Andrzej Szeptycki, “Relations between Russia and Ukraine in the Gas Sector”, in *Geopolitics of Pipelines. Energy Interdependence and Inter-State Relations In the Post-Soviet Area*, ed. Ernest Wyciszkievicz (Warsaw: Polish Institute of International Relations, 2009),. 85 – 116.

alternative to the historically, economically and sentimentally important, but more and more difficult relations with Russia. However the perspective of integration with the EU raises also some doubts concerning the costs of adaption to the EU *acquis communautaire*, takeover of the Ukrainian economy by the EU companies, negative influence of the cooperation with the EU on the national identity and traditional values<sup>6</sup>.

After the collapse of the Soviet Union, the European Communities/the European Union had little interest in relations with the independent Ukraine, adopting a so called “Russia first” policy. What they wanted was the denuclearization of Ukraine and the closure of the Chernobyl nuclear power station, damaged by a massive accident in 1986. In 1994 Ukraine accepted to give away its post-Soviet nuclear arms to Russia; in 2000 the Chernobyl power plant was finally closed. In the same 1994 EC signed a Partnership and Cooperation Agreement with Ukraine<sup>7</sup>. The PCA institutionalized the bilateral relations, but had little practical meaning. The role of Ukraine in the EU policy grew in second half of the '90 which was due both to constructive foreign policy of the president Leonid Kuchma (1994 – 2005). In 1999 the European Council adopted a common strategy towards Ukraine<sup>8</sup>. Since 2000 Kuchma adopted a more authoritarian and pro-Russian policy, which had a negative impact on the bilateral relations. Nevertheless Ukraine was included in the European Neighbourhood Policy (2004). This decision was directly with the Eastern enlargement of 2004, which made it necessary for the EU to develop a new set of instruments towards its new neighbours. In the same year important internal changes took place in Ukraine – in November Ukrainian people walked out to protest against the rigged presidential elections falsified by Kuchma and his designated successor Victor Yanukovych. This so called “Orange Revolution” and the round table negotiations between the main Ukrainian political players co-sponsored by the EU led to the rerun of the voting. In January 2005 the leader of the Ukrainian opposition Victor Yushchenko became the new president of Ukraine. These events were largely perceived as a

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<sup>6</sup> See Joanna Konieczna, “*Wirtualny europejski wybór Ukrainy?*” in *Polska. Ukraina. Osadczuk*, eds. Bogumiła Berdychowska, Ola Hnatiuk (Lublin: Wydawnictwo Uniwersytetu Marii Curie-Skłodowskiej, 2007), 315.

<sup>7</sup> European Communities, Ukraine, “Partnership And Co-Operation Agreement Between The European Communities And Their Member States, And Ukraine”, Luxemburg, 14 June 1994, <http://ec.europa.eu/world/agreements/downloadFile.do?fullText=yes&treatyTransId=659>.

<sup>8</sup> European Council, “European Council Common Strategy of 11 December 1999 on Ukraine”, *Official Journal of the European Communities*, L 331 (1999): 1 – 9.

prelude to the rapprochement between the European Union and Ukraine<sup>9</sup>. This scenario however proved to be unrealistic. On one hand Yushchenko was unable to implement efficient political and economic reforms and the country descended into political chaos<sup>10</sup>. On the other, the EU was reluctant to engage into deeper cooperation with Ukraine. In 2005 both sides adopted the Action Plan within the ENP which had been negotiated under Kuchma<sup>11</sup>. Two years later both partners started the negotiations on the new agreement which was to replace the PCA. In 2008 it was decided that it would have the character of an association agreement. In 2009 Ukraine officially joined the new EU initiative addressed to six Eastern European and South Caucasus countries – the Eastern Partnership. Within this initiative the cooperation with the Eastern neighbours, in particular Ukraine, was to focus on four main elements: association with the EU, creation of a Deep and Comprehensive Free Trade Area (DCFTA), dialogue on the establishment of a visa free regime, energy cooperation. These decisions had little meaning for the Ukrainian voters who were disenchanted by the Yushchenko policies and the economic crisis (2008 – ). In 2010 the outgoing president did not enter the second round of the presidential election and was replaced by his “archenemy” from 2004 – Yanukovich. The latter adopted an equivocal policy – on one hand he seemed to push for rapprochement with the EU, on the other under his rule Ukraine became, as before 2004, a semi-authoritarian state<sup>12</sup>. Moreover in 2012 Ukraine entered into the second phase of the post-2008 economic crisis, which contributed to the fall of popularity of the ruling team<sup>13</sup>. In this context the relations with the European Union became partially

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<sup>9</sup> On the “Orange Revolution” see Andrew Wilson, *Ukraine’s Orange Revolution* (New Haven – London: Yale University Press 2005).

<sup>10</sup> Vsevolod Samokhvalov, “Relations in the Russia - Ukraine - EU triangle: 'zero-sum game' or not?”, *Occasional Paper*, 68 (2007); Vsevolod Samokhvalov, “Ukraine and the Orange Revolution: Democracy or a ‘Velvet Restoration’?”, *Southeast European and Black Sea Studies* 2 (2006): 257–273; Grzegorz Gromadzki et al., *Beyond Colours: Assets and Liabilities of ‘Post-Orange’ Ukraine* (Warsaw – Kyiv: Stefan Batory Fund – International Renaissance Foundation 2010).

<sup>11</sup> “EU/Ukraine Action Plan”, 21 February 2005, [http://ec.europa.eu/world/enp/pdf/action\\_plans/ukraine\\_enp\\_ap\\_final\\_en.pdf](http://ec.europa.eu/world/enp/pdf/action_plans/ukraine_enp_ap_final_en.pdf).

<sup>12</sup> M. Riabchuk, *Gleichschaltung. Authoritarian Consolidation in Ukraine, 2010-2012* (Kyiv: K.I.S. 2012).

<sup>13</sup> Arkadiusz Sarna, “Ukraine's economy plunges into recession”, *Analyses*, 24 April 2013, <http://www.osw.waw.pl/en/publikacje/analyses/2013-04-24/ukraines-economy-plunges-recession>

frozen – both partners initialled the association agreement in 2011, but it was not signed<sup>14</sup>. EU expected this could be done at the Eastern Partnership summit in Vilnius, in November 2013, provided that Ukraine introduced necessary reforms.

## **From the “Euromaidan” to the war in Eastern Ukraine**

In December 2012 the Council of the EU declared that the Association Agreement, will be signed as soon as the Ukrainian authorities demonstrate determined action and tangible progress in the three areas (follow-up actions from the controversial October 2012 parliamentary elections; addressing the cases of selective justice; moving ahead with the jointly agreed reform agenda)<sup>15</sup>. The most important was the second issue in particular the case of former prime minister and main leader of the opposition Yulia Tymoshenko sentenced in 2011 for seven years of prison on political ground.

In 2013, after the summer break, the Ukrainian parliament dominated by the Yanukovich Party of Regions and their communist allies started to quickly adopt the “European laws” demanded by the EU. The penitentiary system as well the anticorruption mechanisms were reformed. Ukraine achieved considerable progress on the road towards the introduction of the visa free regime. It failed however to implement the reforms in the energy sector, as agreed with the EU after the accession of Ukraine to the Energy Community in 2011. Moreover there still no decision on the Tymoshenko case. The Ukrainian regime had two main possibilities – Yanukovich could either pardon her, but this would have been politically costly or the criminal law could be changed so that Tymoshenko could be released from prison this autumn and allowed to travel to Germany for medical treatment. Special representatives of the European Parliament, Aleksander Kwaśniewski and Pat Cox visited Ukraine more than twenty times in 2011 – 2012 to solve this problem, but without success.

On 21 November the Ukrainian government announced suddenly it halted preparation for the signature of the association agreement. This decision was explained by the need to protect the national security of Ukraine and the trade exchange with Russia and other

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<sup>14</sup> “EU-Ukraine Association Agreement – the complete texts”, [http://eeas.europa.eu/ukraine/assoagreement/assoagreement-2013\\_en.htm](http://eeas.europa.eu/ukraine/assoagreement/assoagreement-2013_en.htm).

<sup>15</sup> Council of the European Union, “Council conclusions on Ukraine”, Brussels, 10 December 2012, [http://www.consilium.europa.eu/uedocs/cms\\_Data/docs/pressdata/EN/foraff/134136.pdf](http://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/134136.pdf).

members of the Commonwealth of Independent States<sup>16</sup>. In fact three factors had played a major role. First, the association agreement did not propose any ad hoc measures to help Ukraine cope with the economic crisis. Second, the Russian Federation was strongly against the adoption of the agreement. The Ukrainian authorities hoped their decision would facilitate talks on a quick economic assistance from Moscow. Third, the then Ukrainian leaders did not truly aim at the “Europeanization” of their country, as this would have a negative influence on their political and economic position in the country.

The decision of the Ukrainian authorities led to massive social protests in major Ukrainian cities. The “Euromaidan” was born. Only in Kyiv on 24 November some 80 – 100 thousand protesters gathered in the centre of the city, at the Maidan Nezalezhnosti (Independence Square). The protests had a largely grass root, non-political character; no natural leader emerged.

On 28 – 29 November Yanukovich took part at the summit of the Eastern Partnership in Vilnius. As he came back, the special police unit Berkut attacked the protesting people at the Maidan, which led to the escalation of the conflict. On 1 December 200 – 300 thousand people protested in the centre of Kyiv. Protesters built barricades and occupied some public buildings (the city council, the headquarters of the trade unions). At beginning the protest aimed at forcing the government to change its decision concerning the association agreement, but later the focused on removing from office Yanukovich and punishing those responsible for the pacification of Maidan. The leaders of the opposition parties (Arseniy Yatsenyuk, Vitali Klitschko, Oleh Tyahnybok), as well as Petro Poroshenko, pragmatic pro-European politician and oligarch joined the protesters. The “Euromaidan” remained however divided, because of the lack of trust of the protesters in the opposition leaders and the competition between the latter.

Yanukovich did not search the compromise with the protesting people. On 11 December the Ukrainian police tried again to clean the city centre from the protesters, but

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<sup>16</sup> Кабінет Міністрів України, “Розпорядження “Питання укладання Угоди про асоціацію між Україною, з однієї сторони, та Європейським Союзом, Європейським Співтовариством з атомної енергії і їх державами - членами, з іншої сторони”, Київ, 21 листопада 2013 р., <http://zakon4.rada.gov.ua/laws/show/905-2013-%D1%80>.

failed. Maidan and surrounding streets became a fortified camp protected by the paramilitary units of the Maidan Self-Defence. In the context the first round table between the Ukrainian authorities and the opposition was held, but it did not reach any agreement.

The crisis escalated in January, after the orthodox Christmas. The people at Maidan were more and more frustrated by the lack of effects of the protest. Moreover on 16 January the Ukrainian parliament passed a package of laws which considerably limited the political freedoms (freedom of assembly, freedom of media). In response the opposition proclaimed the creation of the National Council (alternative parliament) and the most radical protesters tended to enter the governmental district, which neighbors the Maidan. At least four people were killed, some 100 were arrested. Some Maidan activists were kidnapped. The Ukrainian security forces fought hand in hand with the hooligans paid by the government, dubbed *titushki*. Protests erupted also in other Ukrainian cities. In the Western and central part of the country several government building were occupied by the protesters, who created local National Councils.

Yanukovich aimed at finding a limited compromise with the “Euromaidan”. Yanukovich proposed the opposition leaders to head the new government, but they rejected this offer. In this context the highly disliked prime minister Mykola Azarov was replaced by a more pro-European Serhiy Arbuzov from the Party of Regions. The parliament cancelled the controversial anti-freedom bills and voted a law on amnesty, which was to enter in force after the evacuation of the occupied buildings. Once again the opposition rejected this offer. The protest continued.

The crisis reached its climax at the end of February. In 18 – 20 February some 80 people were killed in clashes between the protesters and the security forces. Thanks to the mediation of the ministers of foreign affairs of Germany, France and Poland Yanukovich and the opposition leaders agreed to held anticipated presidential elections in December 2014 (normally they were to take place at the beginning of 2015). This arrangement was rejected by the “Euromaidan”. In this context Yanukovich fled to Russia. The parliament elected a new president of the assembly Olexandr Turchynov, close collaborator of Tymoshenko, who became the acting president. Yatseniuk became the new prime minister. Tymoshenko was released from prison. The new Ukrainian authorities had to cope with the catastrophic economic situation, but also with the military aggression of the Eastern neighbour.

The Russian Federation did not accept the political changes in Ukraine considering them as a anti-constitutional putsch<sup>17</sup>. On 26 – 28 February unmarked armed men occupied key buildings in Crimean Peninsula – officially they were members of the Crimea self-defence forces, in fact they were Russian soldiers. On 1 March the Russian parliament allowed president Putin to intervene militarily in Ukraine to protect Russian interests. Within few days the Crimea was under full control of Russia. The Ukrainians did not oppose the Russian aggression. On 16 March a so called “referendum” was organized in Crimea; according to the official results some 95% of the voters supported the incorporation of the peninsula to the Russian Federation. Two days later president Putin signed with puppet leaders of Crimea and the city of Sevastopol an agreement on the incorporation into Russia.

In April 2014 a separatist movement, largely inspired and militarily supported by Russia, emerged in Eastern Ukraine (Donetsk and Lugansk *oblasts*, aka Donbas), the separatists taking control of a large part of the region. The Ukrainian authorities responding by launching an “anti-terrorist” operation, which led to large scale combats in Eastern Ukraine, in which since April some few hundred people perished on both sides. The Russian aggression against Ukraine led to the deterioration of Russian – Western relations. The US and EU imposed limited sanctions against the Russian Federation and pro-Russian groups in Ukraine. At the same time both powers tempted to peacefully solve the crisis. In June – July with the progress of the “anti-terrorist operation”, the crisis escalated. On 17 July the separatists shot down, probably by mistake, a civilian Malaysian airliner, killing almost 300 people.

One of the aims of Russia in the Donbas was to further destabilize Ukraine and make the early presidential election impossible. This plan largely failed. On 25 May the Ukrainians elected in the first round of election Petro Poroshenko as the new head of state. On 27 June, the new Ukrainian authorities signed with the EU the economic part of the association agreement, the political part having been already adopted in March<sup>18</sup>. This way the main aims of the “Euromaidan” were realised.

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<sup>17</sup> “Vladimir Putin answered journalists’ questions on the situation in Ukraine”, 4 March 2014, <http://eng.news.kremlin.ru/news/6763>.

<sup>18</sup> “Final Act Of The Summit Between The European Union And Its Member States, Of The One Part, And Ukraine, Of The Other Part, As Regards The Association Agreement”, 21.03.2014, [http://eeas.europa.eu/delegations/ukraine/documents/association\\_agreement/final\\_act\\_text\\_en.pdf](http://eeas.europa.eu/delegations/ukraine/documents/association_agreement/final_act_text_en.pdf).



## EU soft power

The crisis in Ukraine proved that EU still disposes of considerable soft power, at least in the Eastern neighbourhood. If the eurosceptics political forces are getting in force in the member states, as this proved the elections to the European parliament in 2014<sup>19</sup>, in Ukraine the population was ready to engage in open and as it turned out bloody confrontation with the authoritarian power to defend the European choice.

Since the beginnings of the protests in Kyiv and in other cities, the European Union or Europe became of the main notions uniting the protesting and it is not a coincidence that the protest movement was called the “Euromaidan”. The EU flag together with the national blue and yellow banner was the symbol of the European revolution and different variants of “Euro-Ukrainian” flag were spontaneously created: trident (Ukrainian national symbol) or the map of Ukraine surrounded by 12 EU, two flags – Ukrainian and European – sewn together etc. Both flags use the same colours – blue and yellow – which made different collages easier<sup>20</sup>. As the Lenin statue was toppled in Kyiv in December, it was replaced by the flag of the Ukrainian Insurgent Army – nationalist, anti-Soviet guerrilla from the period of Second World War – and those of the European Union. The social medias abounded in photos, drawings and collages promoting EU. “You want to be listened? Come to the Maidan! You believe in the future of your kids? Come to Maidan! Think about your parents when they get old. Come to the Maidan!”, said one of them<sup>21</sup>. On another a dog sleeps next to the EU flag; besides its owner has written in Ukrainian on a piece of paper “Even the dog, of EU is fond<sup>22</sup>”.

The Ukrainian elites and opposition adopted a similar approach. Few Ukrainian universities still largely independent from the political power, in particular the best private high school the National University “Kyiv-Mohyla Academy”, as well as the Ukrainian Catholic University in Lviv, critically assessed both the government’s decision concerning the

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<sup>19</sup> Paul Taylor, Robin Emmott, “Euroskeptic election surge gives EU a headache”, Brussels, 26 May 2014, <http://www.reuters.com/article/2014/05/26/us-eu-election-idUSBREA4N0DK20140526>.

<sup>20</sup> The images of “Euromaidan” are available on the internet, in particular on the profiles of “Euromaidan” on Facebook and Twitter. See for example [https://www.facebook.com/emaianua/photos\\_stream](https://www.facebook.com/emaianua/photos_stream), <https://twitter.com/euromaidan/media>.

<sup>21</sup> [https://www.facebook.com/photo.php?fbid=755494954464243&set=a.234502503230160.77892.100000112372547&type=1&relevant\\_count=1](https://www.facebook.com/photo.php?fbid=755494954464243&set=a.234502503230160.77892.100000112372547&type=1&relevant_count=1).

<sup>22</sup> [https://www.facebook.com/EuroMaydan/photos/a.523254484437560.1073741828.523004674462541/525853214177687/?type=1&relevant\\_count=1](https://www.facebook.com/EuroMaydan/photos/a.523254484437560.1073741828.523004674462541/525853214177687/?type=1&relevant_count=1).

association agreement and its policy during the crisis and supported the protesters. On 23 November the NaUKMA declared “Cancelling the European integration policy contradicts the will of most Ukrainians associating their future with democracy, rule of law, human rights, economic effectiveness, prosperity, social security, and any other fundamental humanistic values affirmed by the European community of free nations.”<sup>23</sup> The UKU adopted a similar approach. “The national interests of Ukraine are in its entry into the European space, where there is rule of law, respect for human dignity and human rights, civil, religious, and academic freedom, free enterprise, social justice, accountability of government before the people, respect for private property, etc. Instead, Ukraine’s entry into superstate formations, which are united on diametrically opposite values, contradicts its national interests”<sup>24</sup>. “The boundless cynicism and duplicity of the government is shocking. For some time the president of Ukraine and the highest governmental structures tirelessly convinced the citizens of Ukraine that the European choice of our country is natural, essential, and inevitable. The European vector of Ukraine gained the force of the law. By abruptly changing the course to the opposite direction, the government violated the established law and its promises and now conceals its crimes with lies and violence”<sup>25</sup>.

The leaders of the opposition, especially Arseniy Yatsenyuk, Vitali Klitschko, in a lesser way the leader of nationalistic “Svoboda” Oleh Tyahnybok also used the European discourse, but in a simpler form. At the end of November Yatsenyuk declared, that “EU has opened the door and we [Ukraine] should cross it. (...) This is the family which waits for us. This is our family – the European Union. And we will be there”<sup>26</sup>. Klitschko and his party members adopted red blouses with the slogan “Ukraine is Europe”. The former boxer champion promised “We will change this country. This country will become European”;

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<sup>23</sup> S.M. Kvit et al., “Supporting Ukraine’s Eurointegration”, [Kyiv, 23 November 2013], <http://www.ukma.edu.ua/eng/index.php/news/471-supporting-ukraine-s-eurointegration>.

<sup>24</sup> Ukrainian Catholic University, “Statement of the Ukrainian Catholic University in Response to the Government of Ukraine Suspending the European Integration Process”, Lviv, 22 November 2013, <http://ucu.edu.ua/eng/news/1709/>.

<sup>25</sup> Ukrainian Catholic University, “Statement of the Ukrainian Catholic University on the Violent Suppression of the EuroMaidan in Kyiv”, Lviv, 30 November 2013, <http://ucu.edu.ua/eng/news/1712/>.

<sup>26</sup> Арсеній Яценюк на Євромайдані: Наша вимога до президента Януковича – Вільнюс, ручка і підпис під Угодою з ЄС, 26 November 2013, <http://yatsenyuk.org.ua/ua/news/open/217>.

however, he added, if the situation was to improve, the Ukrainians would have to act by themselves<sup>27</sup>.

The EU was aware of the strength of the pro-European sentiment in Ukraine and its importance for the Union. In January 2014 Jose Manuel Barroso said that the pro-European protests in Kyiv have demonstrated the importance of the European Union as “a beacon of hope and values.” “To see young people – and sometimes not so young – in the freezing nights of Kyiv, waving so high the flags of the European Union, I think that confirms how important the European Union and its values are. (...) Not only for us here in our member states but also for the rest of the world”, declared the president of the European Commission<sup>28</sup>.

After the fall of Yanukovych the new Ukrainian authorities clearly confirmed the importance of the European choice for Ukraine. When asking the parliament to approve him as prime minister, Yatseniuk declared that the European integration was the key task of the government. “The future of Ukraine lies in Europe and Ukraine will become a part the European Union”. He also promised that candidates to some key posts would be selected on the base of their “Western, European position, their ability to introduce order”<sup>29</sup>. The president Poroshenko also started his inaugural speech with the reference to Europe “We, Ukrainians, «are a living spark in the family of European nations and active members of European civilizational work»”. Later he made reference to “European democracy”, “European modernization” and “European prosperity”, “European homeland”, and “European future of Ukraine.”<sup>30</sup> After having signed the economic part of the association agreement he declared that ““It is one of the most important days since independence of Ukraine. We must use this opportunity to modernize the country”<sup>31</sup>. ““By signing this Agreement, Ukraine takes

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<sup>27</sup> “Кличко: Ми змінимо Україну і вона буде європейською”, 26 November 2013, <http://klichko.org/news/?id=20420>.

<sup>28</sup> “Euromaidan in Kyiv confirms EU's importance and values, says Barroso”, 14 January 2014, <http://en.interfax.com.ua/news/general/185735.html>.

<sup>29</sup> Арсеній Яценюк, “Виступ кандидата на пост Прем'єр-міністра Арсенія Яценюка у Верховній Раді України”, Київ, 27 лютого 2014 року, [http://www.kmu.gov.ua/control/publish/article?art\\_id=247059694](http://www.kmu.gov.ua/control/publish/article?art_id=247059694).

<sup>30</sup> Petro Poroshenko, “Address of the President of Ukraine during the ceremony of inauguration”, 7 June 2014, <http://president.gov.ua/en/news/30488.html>.

<sup>31</sup> “Ukraine has signed the Association Agreement with the EU”, 27 June 2014, <http://president.gov.ua/en/news/30619.html>.

enormous commitment in terms of reforms. The path of reforms will be difficult and painful but it is a basis of further successful development of Ukraine”<sup>32</sup>.

The revolution in Ukraine brought a clear rise of social support for the European integration. In 2011 – 2013 support for membership in EU was around 41 – 43%. In April 2014 it rose to 52,4% of the polled<sup>33</sup>. The support for the European option was never so high, even after the “Orange Revolution”. The problem is that the Ukrainians have quite a simplistic, idealist approach towards the EU – more than 50% of the polled consider that association with the EU will bring economic development, consolidate democracy, strengthen the education, research and technology sector. Only 25 – 30% understand that it may lead to the increase of prices and social discontent<sup>34</sup>.

### **Limited attractiveness of the EU offer**

The European Union considered the association agreement to be a generous offer to Ukraine. In October 2013 The European Commissioner for Enlargement and Neighbourhood Policy Štefan Füle described it as “the most ambitious agreement the European Union has ever offered to a partner country”. In his opinion the agreement was to bring immediate benefits to Ukraine, in addition to the longer-term transformative impact of the reforms, in particular thanks to the removal of vast majority of customs duties on goods, “generous” and transition periods for sensitive sectors (agriculture). EU, said Füle, was ready to continue its support to Ukraine. In the 2013 Annual Action Programme for Ukraine some 186 million euro were prepared to directly support the implementation of the Association Agreement. Some 610 million were to be offered to Ukraine within the macro-financial assistance, once the conditions were in place. Ukraine needed however to show “determined action” and “tangible progress” on all EU benchmarks<sup>35</sup>.

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<sup>32</sup> “Petro Poroshenko: Signature of the Association Agreement with the EU will facilitate the reformation of Ukraine”, 27 June 2014, <http://president.gov.ua/en/news/30622.html>.

<sup>33</sup> “Яким інтеграційним напрямом має йти Україна? (динаміка, 2011-2014)”, [http://www.razumkov.org.ua/ukr/poll.php?poll\\_id=865](http://www.razumkov.org.ua/ukr/poll.php?poll_id=865).

<sup>34</sup> “Очікування впливу від Угоди про асоціацію з ЄС та приєднання до митного союзу Білорусі, Казахстану та Росії на різні аспекти життя (багатовимірний графік)”, [http://www.razumkov.org.ua/ukr/poll.php?poll\\_id=892](http://www.razumkov.org.ua/ukr/poll.php?poll_id=892).

<sup>35</sup> Štefan Füle, “Speech at the National Round Table on European integration”, 11 October 2013, [http://europa.eu/rapid/press-release\\_SPEECH-13-810\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-13-810_en.htm).

The modernization (or the “Europeanization”) of Ukraine certainly requires considerable efforts on political, legal and social levels and cannot be achieved without the determination of the Ukrainian themselves – whether it is to be realized within the partial integration with the European Union or not. Major reforms however require also major financial means and in this case the situation is more complex, as Ukraine – being a relatively poor country – is simply unable to finance these reforms by itself.

In 2006 the World Bank esteemed that in order to be ready to join the European Union, Ukraine should spend some 100 billion USD within the next decade: 30 billion on the energy sector, 15 on environment, 14 billion on housing and communal services...<sup>36</sup> These estimations however may be inaccurate – for example Poland, which is smaller than Ukraine, spent some 30 billion USD to reform its environment. The general conclusion is clear – Ukrainian GDP in 2012 was some 176 billion USD<sup>37</sup>, which confirms that Ukraine would be unable to finance the reforms by itself<sup>38</sup>.

Neither before the Ukrainian revolution, nor after did the European Union propose a viable package of financial assistance, which would facilitate the implementation of reforms. It is difficult to assess precisely the scope of EU aid, as it is realized through various EU related institutions and programs however it is certain that it is considerably below the Ukrainian needs. In 2006 Ukraine received some 100 million EUR from the EU program TACIS. In 2007 – 2013 it was to receive almost 1 billion EUR from the European Neighbourhood and Partnership Instrument. To this funds from ENPI “Governance Facility”, “Cross-border Cooperation Programme” and “Multi-country Programmes” may be added<sup>39</sup>. The inauguration of the Eastern Partnership did not originally change the situation very much,

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<sup>36</sup> World Bank, “Ukraine. Creating Fiscal Space for Growth: A Public Finance Review”, 14 September 2006, p. ii, <http://siteresources.worldbank.org/INTHSD/Resources/topics/415176-1255443724448/WorldBankUkraineCreatingFiscalSpaceforGrowthAPublicFinanceReview2006.pdf>.

<sup>37</sup> GDP (current US\$), <http://data.worldbank.org/indicator/NY.GDP.MKTP.CD>.

<sup>38</sup> Alan Mayhew, *Ukraine and the European Union: financing accelerating integration. Ukraina a Unia Europejska: Finansowanie przyspieszenia integracji. Україна та Європейський Союз: фінансування прискорення інтеграції* (Warszawa: Urząd Komitetu Integracji Europejskiej 2008): 49.

<sup>39</sup> Alan Mayhew, *Ukraine and the European Union: financing accelerating integration. Ukraina a Unia Europejska: Finansowanie przyspieszenia integracji. Україна та Європейський Союз: фінансування прискорення інтеграції* (Warszawa: Urząd Komitetu Integracji Europejskiej 2008): 54.

as the EU assigned only 600 million EUR to it. In 2011 it was increased by 150 million EUR<sup>40</sup>.

The scope of EU financial help became an argument against the adoption of the association agreement for the Ukrainian authorities in autumn 2013. Already before the adoption of a formal decision on that issue the Ukrainian prime minister Mykola Azarow had warned that “the adaptation of the Ukrainian technical regulations for 10 years would require about 165 billion euros.”<sup>41</sup> After the rejection of the agreement he became even more critical predicting that the association with the EU would quickly lead Ukraine to bankruptcy<sup>42</sup>.

EU rejected these claims as untrue<sup>43</sup>. After the Ukrainian revolution, the EU considerably augmented its economic help for Ukraine. In 2014 – 2020 it will receive in total some 11 billion EUR from the European Commission, the European Investment Bank and the European Bank for Reconstruction and Development<sup>44</sup>. This sum remains below the Ukrainian needs. Moreover it will be spent at least partially to cope with the effects of the current economic crisis.

One can also legitimately ask why the EU would have to finance the economic reforms in a third country, if they are to be profitable mainly for the latter. The main problem however – how to support financially the reforms in Ukraine – remains unsolved.

On the political level, two questions are of importance for Ukraine – the timid support of the EU against Russia (which will be treated elsewhere in this paper) and the lack of perspective of membership for Ukraine. According to the Treaty on the European Union “Any European State which respects the values referred to in Article 2 [respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the

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<sup>40</sup> “Eastern Partnership Funds”, <http://www.easternpartnership.org/content/eastern-partnership-funds>.

<sup>41</sup> Azarow: Adaptation of technical regulations to EU requirements will cost €165 billion, 3 October 2013, <http://en.for-ua.com/news/2013/10/03/144139.html>.

<sup>42</sup> “Azarow: If Ukraine signed association agreement with EU, it would have faced collapse within months”, 18 December 2013, <http://www.kyivpost.com/content/ukraine/azarov-if-ukraine-signed-association-agreement-with-eu-it-would-have-faced-collapse-within-months-333940.html>.

<sup>43</sup> “Fule sees Ukraine's claims of costs of switching to DCFTA as disproportionate”, 28 November 2013, <http://www.interfax.com/newsinf.asp?id=462862>.

<sup>44</sup> European Commission, “European Commission’s support to Ukraine. Memo”, 05.03.2014, [http://europa.eu/rapid/press-release\\_MEMO-14-159\\_en.htm](http://europa.eu/rapid/press-release_MEMO-14-159_en.htm).

rights of persons belonging to minorities] and is committed to promoting them, may apply to become a member of the Union”<sup>45</sup>.

The recognition of the membership perspective of Ukraine by the EU would be a wise move. On one hand, such declaration would not prejudice about the possible future developments – neither the opening of the accession negotiations, nor their results. The European Union recognized as candidates or potential candidates all the Balkan states, including Kosovo, despite the fact that the latter remains unrecognized by some member states; Turkey was recognized as a candidate in 1999, but the perspective of its accession to the EU remains uncertain. On the other the membership perspective may be a stimulus, a modernization factor for Ukraine, like for the Central European countries in the nineties. It is without doubt easier to implement difficult economic, political and legal reforms if they are to bring such a tangible profit as the membership in the EU.

In fact the EU never recognized Ukraine as the (potential) candidate to the Union. Such position is due to three main factors: weakness of Ukraine, internal problems of the EU (enlargement fatigue, difficult institutional reforms, economic crisis), anxiety not to irritate Russia.

Under Kuchma Ukraine was a semi-authoritarian state which led a “multi-vector policy”, balancing between Russia and the EU. The skeptical approach of the European Union towards Ukraine was somehow understandable, although the Ukrainian authorities did use the question of the membership perspective on the internal forum presenting it as litmus test of the EU’s credibility<sup>46</sup>. The situation did change after the “Orange Revolution”. Ukraine became a democratic country<sup>47</sup>, while its new authorities opted, at least declaratively for the integration with the European Union. The latter however did not change its stance of the membership perspective for Ukraine. In the negotiation mandate for the Commission on the negotiations of the future association agreement the Council of the EU declared that “European Union aims (...) at gradual economic integration and deepening of political co-

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<sup>45</sup> “Consolidated version of the Treaty on European Union”, *Official Journal of the European Community*, No. C 83 (2010): 17, 43.

<sup>46</sup> Katarzyna Wolczuk, “Adjectival Europeanisation? The Impact of EU Conditionality on Ukraine under the European Neighbourhood Policy”, *European Research Working Paper Series*, No 18 (2007): 20.

<sup>47</sup> See Freedom House, “Freedom in the World Country Ratings by Region”, <http://www.freedomhouse.org/sites/default/files/Country%20Status%20and%20Ratings%20By%20Region%2C%201973-2014.xls>.

operation; [but] a new enhanced Agreement shall not prejudice any possible future developments in EU – Ukraine relations”<sup>48</sup>. Only the European Parliament asked more than once to recognize the membership perspective of the EU<sup>49</sup>.

The question of the membership perspective was debated for a long time during the negotiations on the association agreement. . Since at this stage the European Union is not ready to provide Ukraine with a membership perspective, it was decided that the parties recognize the “European identity of Ukraine”<sup>50</sup>. For Ukraine, this formula serves as an indirect proof of country’s European perspective, while the EU does not face the obligations that the recognition of membership perspective bears<sup>51</sup>.

With the pro-Russian authoritarian turn of the Yanukovich regime, especially the rejection of the association treaty, the chances of the recognition of the membership perspective faded. However the Ukrainian regime presented the lack of the membership perspective as one of the reasons why the agreement was not signed by Ukraine<sup>52</sup>.

The post-revolutionary Ukrainian authorities clearly count on the recognition of the membership perspective of Ukraine. In his inaugural speech president Poroshenko clearly said that Ukraine considers the Association Agreement “as the first step towards full membership in the EU”<sup>53</sup>. Ukrainian diplomats believe that as Ukraine “paid by blood” to conclude the association agreement, the people of Ukraine deserved a membership perspective. Some EU

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<sup>48</sup> Council of the European Union, “Council Conclusions concerning the negotiation of a new enhanced Agreement between the EU and Ukraine”, 22.01.2007, <http://www.consilium.europa.eu/uedocs/cmsUpload/EU-Ukraine-22.01.07.pdf>.

<sup>49</sup> See for example European Parliament, “European Parliament resolution on the results of the Ukraine elections”, 13.01.2005, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2005-0009+0+DOC+XML+V0//EN>.

<sup>50</sup> “EU-Ukraine Association Agreement – the complete texts”, p. 5, [http://eeas.europa.eu/ukraine/pdf/1\\_ua\\_preamble\\_en.pdf](http://eeas.europa.eu/ukraine/pdf/1_ua_preamble_en.pdf).

<sup>51</sup> *The Association Agreement: A pearl of great value at risk of loss* (Kyiv 2012): 8, [http://www.kas.de/wf/doc/kas\\_30051-1522-1-30.pdf](http://www.kas.de/wf/doc/kas_30051-1522-1-30.pdf).

<sup>52</sup> “No one offers Ukraine to join EU – PM Azarov”, 27 December 2013, [http://voiceofrussia.com/2013\\_12\\_27/No-one-offers-Ukraine-to-join-EU-PM-Azarov-7795/](http://voiceofrussia.com/2013_12_27/No-one-offers-Ukraine-to-join-EU-PM-Azarov-7795/).

<sup>53</sup> Petro Poroshenko, “Address of the President of Ukraine during the ceremony of inauguration”, 7 June 2014, <http://president.gov.ua/en/news/30488.html>.



representatives support these demands, although the official position of the European Union remains unchanged<sup>54</sup>.

## **Length and rigidity of decision making procedures**

The rejection of the association treaty, the escalation of political crisis in Ukraine, the annexation of Crimea and the creeping conflict in Eastern Ukraine were largely unpredicted challenges the EU had to face.

After the decision of the Ukrainian administration not to sign the agreement the EU remained largely passive. High Representative Catherine Ashton expressed its “disappointment”, reminded that the agreement “would have further enhanced the reform course of Ukraine” and declared that “the future for Ukraine lies in a strong relationship with the EU”<sup>55</sup>. The EU did not go beyond the affirmation that the offer of the association agreement “was still on the table”<sup>56</sup>. Such approach stemmed from the positive assessment of the association agreement described above, but not only. The EU-negotiated agreements are hardly renegotiated. The complexity of the negotiated issues (1200 pages including all the annexes and protocols to the associated agreement), the need of compromise between all the engaged parties (28 member states and Ukraine in that case) make that the once finalized document is considered as definitive, as the reopening of negotiations on one issue would easily lead to reopening of negotiations on all the issues. Norway twice rejected the membership in EC/EU in referendums in 1972 and 1994, which took the issue off the agenda for many years. Switzerland rejected the participation in the European Economic Area in 1992, which led to the adoption of a series of bilateral arrangements on mutual relations between Switzerland and EU out of the frame of the EEA<sup>57</sup>. Only in case of the EU amending treaties (Maastricht, Nice and in a different way the Constitutional Treaty) the EU member

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<sup>54</sup> “Diplomats polemicise over Ukraine’s EU membership perspective”, 3 June 2014, <http://www.euractiv.com/sections/europes-east/diplomats-polemicise-over-ukraines-eu-membership-perspective-302549>.

<sup>55</sup> “Statement by EU High Representative Catherine Ashton on Ukraine”, 21 November 2013, [http://www.eeas.europa.eu/statements/docs/2013/131121\\_04\\_en.pdf](http://www.eeas.europa.eu/statements/docs/2013/131121_04_en.pdf).

<sup>56</sup> “EU-Ukraine: Association Agreement is an offer to the country and its people. Memo”, 12 December 2013, [http://europa.eu/rapid/press-release\\_MEMO-13-1146\\_en.htm](http://europa.eu/rapid/press-release_MEMO-13-1146_en.htm).

<sup>57</sup> See for example Sieglinde Gstöhl, “Scandinavia and Switzerland: small, successful and stubborn towards the EU”, *Journal of European Public Policy*, vol. 4 (2002): 529 – 549.

states entered a difficult process of in fact renegotiation after the rejection of the above mentioned treaties in some member states.

After the beginning of the political crisis in Ukraine “strongly condemned the excessive use of force (...) by the police in Kyiv to disperse peaceful protesters”, but did not go much beyond<sup>58</sup>. Only on 10 – 11 December the High Representative Catherine Ashton visited the Ukrainian capital. During her visit the Ukrainian police forces tried for the second time to expel the protesters from the Maidan Nezalezhnosti. Ashton expressed her “deep concern” and “called for utmost restraint”<sup>59</sup>. The attitude of the EU did not fundamentally change during most of the crisis in Ukraine, even in January – February 2014, when some hundred people died in Kyiv. This attitude was strongly criticized by the Ukrainian civil society engaged in the protests. In February 2014 former Ukrainian dissident Myroslav Marynovych published an article entitled “What Can Ukraine Expect from the West Now?”, in which he wrote “stop «expressing deep concern». All protestors on the Maidan have an allergy to this senseless phrase by now in these circumstances, while all gangsters in the Ukrainian governmental gang enjoy mocking the helplessness of the EU. Take sanctions. Don’t waste time in searching for their Achilles’ heel; it has already been identified. It is the money deposited in your banks. (...) Also, cancel Western visas for all governmental gangsters and their families. (...) Do not listen to Yanukovych and Putin’s propagandistic sirens. (...) Instead, listen to the Ukrainian media sacrificing its journalists’ lives to get truthful information”<sup>60</sup>. EU did listen to these appeals – it introduced visa sanctions and freeze of assets against the representatives of the Yanukovych regime (including the Ukrainian president), but only in March – April<sup>61</sup>, that is after the Ukrainian revolution. This decision had a largely symbolic sense, although it could be argued that Yanukovych and his cronies supported the destabilization of Eastern Ukraine, so the restrictive measures against them were politically justified.

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<sup>58</sup> “Joint Statement by EU High Representative Catherine Ashton and Commissioner Štefan Füle on last night's events in Ukraine”, 30 November 2013, [http://www.eeas.europa.eu/statements/docs/2013/131130\\_02\\_en.pdf](http://www.eeas.europa.eu/statements/docs/2013/131130_02_en.pdf).

<sup>59</sup> Statement by EU High Representative Catherine Ashton on recent events in Ukraine on Kiev's Maidan Square, 11 December 2013, [http://www.eeas.europa.eu/statements/docs/2013/131211\\_02\\_en.pdf](http://www.eeas.europa.eu/statements/docs/2013/131211_02_en.pdf).

<sup>60</sup> Myroslav Marynovych, “What Can Ukraine Expect from the West Now?”, 20 February 2014, <http://neweasterneurope.eu/articles-and-commentary/1103-what-can-ukraine-expect-from-the-west-now>.

<sup>61</sup> *Official Journal of the European Union*, No 66 (2014): 1 – 10, 26 – 30; No L 111 (2014): 33 – 35, 91 – 93.

The attitude of the EU during the “Euromaidan” protests can be explained by a very realistic order of priorities during that crisis. First, the EU invested too much in the Yanukovich regime, especially concerning the association agreement, and it did not want neither to lose the Ukrainian partner by breaking ties with the Ukrainian authorities, nor to recognize their miscomprehension of the political situation in Ukraine. Second the EU wanted to prevent the escalation of the conflict, which could lead to civil war in Ukraine and massive migration of refugees to the EU member states, as well as force the European Union to a more considerable engagement in Ukraine. That is why EU was reluctant to unanimously support the protesters against the president of Ukraine.

The annexation of Crimea and the war in Eastern Ukraine only partially changed the situation. The European Union gave the heavily criticized the policy of “expressing deep concern”; together with the US, it quickly undertook unsuccessful efforts to end the conflict in Eastern Ukraine by diplomatic means (Geneva agreement, 17 April 2014<sup>62</sup>) and quickly elaborated a “road map” of sanctions against the Russian Federation. It was however slow to implement it because of its unwillingness to enter into open conflict with Russia.

## **Unwilling competition with Russia**

The Russian Federation considers most of the post-Soviet space as its zone of influence – for both historical, cultural, strategic and economic reasons<sup>63</sup>. For this reason the growing engagement of the external powers, in particular United States and EU, in the region is a considered as a threat for the Russian interests. It does not reject a priori any form of cooperation between the post-Soviet states and the West, but it wants that their contacts rather follow than overtake the Russian – Western relations. The “Strategy of development of relations between the Russian Federation and the European Union in the middle-time perspective (2000 – 2010)”, adopted in 1999 clearly stated that Russia aimed at coordinating

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<sup>62</sup> “Geneva Statement on Ukraine”, 17 April 2014, <http://www.state.gov/r/pa/prs/ps/2014/04/224957.htm>.

<sup>63</sup> See for example “Основные положения концепции внешней политики Российской Федерации”, 23 апреля 1993, in Татьяна А. Шаклеина (ed.), *Внешняя политика и безопасность современной России. 1991 – 2002*, Том IV *Документы* (Москва: Российская Политическая Энциклопедия 2002): 19.

the policies of the CIS countries towards the EU and would oppose EU efforts to impede the integration within the Commonwealth against the Russian interests<sup>64</sup>.

Since 2010 the orientation of Ukrainian foreign policy became the main subject of discord between EU and Russia. As the negotiations on the association progressed, the Russian Federation undertook considerable efforts to derail this project. It tried to influence the Ukrainian authorities through pro-Russian politicians and medias, threatened to limit the bilateral economic cooperation, tried to convince Ukraine of the benefits of the Russia-promoted Customs Union. The latter project was incompatible with the association with the EU: It is impossible to be member of a customs union and of an another free trade area at the same time, as within the customs union members cannot any more shape freely their external trade policy.

By the end of 2013 it seemed that Russia won the game. Ukrainian authorities decided not to sign the association agreement. In exchange they obtained the highly needed economic aid from Russia (December agreements on the reduction of gas price for Ukraine plus commitment Russia would buy the Ukrainian Eurobonds<sup>65</sup>). The Ukrainian revolution in February 2014 reversed the situation and led to the adoption of the association agreement with the EU.

Russia decisively engaged in competition over Ukraine, although its actions were directed rather towards (against) the latter state, that directly against Ukraine (trade embargo in summer 2013, massive information campaign against EU – Ukraine association treaty, already mentioned December agreements, finally the military intervention in Ukraine). In particular in defended the Yanukovych regime's thesis that the association agreement did not correspond to the national interests of Ukraine and accused the West of being co-responsible for the destabilization of Ukraine<sup>66</sup>. Such attitude was understandable, as Ukraine is a key-

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<sup>64</sup> “Стратегия развития отношений Российской Федерации с Европейским Союзом на среднесрочную перспективу (2000—2010 гг.)”, 22 октября 1999, [http://www.mid.ru/bdcomp/dip\\_vest.nsf/99b2ddc4f717c733c32567370042ee43/e94c2359350e2df3c32568860050d965](http://www.mid.ru/bdcomp/dip_vest.nsf/99b2ddc4f717c733c32567370042ee43/e94c2359350e2df3c32568860050d965).

<sup>65</sup> Agata Wierzbowska-Miazga, Arkadiusz Sarna, “The Moscow deals: Russia offers Yanukovych conditional support”, *Analyses*, 18 December 2013, <http://www.osw.waw.pl/en/publikacje/analyses/2013-12-18/moscow-deals-russia-offers-yanukovych-conditional-support>.

<sup>66</sup> “Vladimir Putin answered journalists' questions on the situation in Ukraine”, 4 March 2014, <http://eng.news.kremlin.ru/news/6763>.

element of the Russia-wished zone of influence. Moreover, because of the proximity between the two countries, politico-economic transformation of Ukraine might have a considerable impact on Russia itself, which would go against the interests of the Russian ruling class.

EU was unwilling to engage into competition with Russia. Before the rejection of the association agreement by the Ukrainian authorities it tried to convince both its Ukrainian and Russian partners that “the Association Agreement will not be at the expense of Ukraine's relations with Russia or other neighbours. And (...) it would bring benefit to all”<sup>67</sup>. “This is not a choice between Moscow and Brussels. We want our partners to have good relations and cooperation with Russia. We are striving to have the same good relations with Russia. It is a special and strategic partner for us”<sup>68</sup>. EU noticed “a more assertive Russian policy”<sup>69</sup> towards Ukraine, but hardly took any steps dissuade Russia from such actions or support Ukraine. At the Vilnius summit Yanukovych would say – considerably exaggerating and rejecting his own responsibility for the existing situation – that “for three and half year he was alone” – on very unequal terms, he had to face Russia one-to-one<sup>70</sup>.

EU maintained the same discourse after the Ukrainian revolution. “The Association Agreement and the Deep and Comprehensive Free Trade Agreement (DCFTA) are not directed towards or against Russia. (...) Technically, the DCFTA is not compatible with Ukraine becoming a member of the customs union between Russia, Belarus and Kazakhstan, but Ukraine is not. Apart from that, we even applaud that Ukraine would have closer economic relations with Russia. (...) For us, Russia is not an opponent - I think we better should be partners with respect to Ukraine.”<sup>71</sup>

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<sup>67</sup> “EU-Ukraine: Statement by Commissioner Štefan Füle following the meeting with Andriy Klyuyev about the road to signing the Association Agreement”, 27 August 2013, [http://europa.eu/rapid/press-release\\_MEMO-13-754\\_en.htm](http://europa.eu/rapid/press-release_MEMO-13-754_en.htm).

<sup>68</sup> Štefan Füle, “EU - Ukraine: In Yalta about progress towards signing the Association Agreement”, 20 September 2013, [http://europa.eu/rapid/press-release\\_SPEECH-13-727\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-13-727_en.htm).

<sup>69</sup> “EU-Ukraine: Statement by Commissioner Štefan Füle following the meeting with Andriy Klyuyev about the road to signing the Association Agreement”, 27 August 2013, [http://europa.eu/rapid/press-release\\_MEMO-13-754\\_en.htm](http://europa.eu/rapid/press-release_MEMO-13-754_en.htm).

<sup>70</sup> “ Янукович розповів Меркель та Грібаускайте, як йому складно”, 29 листопада 2013 <http://www.pravda.com.ua/news/2013/11/29/7003498/>.

<sup>71</sup> “The EU is ready when Ukraine is ready”: Statement by EU Trade Commissioner Karel De Gucht on Ukraine”, 28 February 2014, [http://europa.eu/rapid/press-release\\_STATEMENT-14-35\\_en.htm](http://europa.eu/rapid/press-release_STATEMENT-14-35_en.htm).

The Russian aggression against Ukraine, in particular the annexation of Crimea, changed the situation. The EU Council “strongly condemned the clear violation of Ukrainian sovereignty and territorial integrity by acts of aggression by the Russian armed forces” and “called on Russia to immediately withdraw its armed forces to the areas of their permanent stationing”<sup>72</sup>. It also criticized “the holding of an illegal referendum in Crimea on joining the Russian Federation”<sup>73</sup>. However it stressed that “The European Union has important relations with Ukraine and the Russian Federation and stands ready to engage in a frank and open dialogue with them”, hoping it was possible to maintain good relations in the EU – Ukraine – Russia triangle. The crisis was to be solved “through negotiations between the Governments of Ukraine and the Russian Federation, including through potential multilateral mechanisms”<sup>74</sup>. As the president of the European Commission explained “We are not asking, not even suggesting to our partners from the Eastern Neighbourhood, to turn their backs on Russia. On the contrary, we encourage them to have good neighbourly relations, to enhance their traditional trade ties. But at the same time Russia needs to accept fully the right of these countries to decide their own future and the nature of relations they chose to have with Russia.”<sup>75</sup>

The European Union quickly elaborated a three-stage sanctions process. The first step consisted of the suspension of talks on visa matters and the new EU – Russia agreement. The second step was a progressive imposition of travel bans and asset freezes on a number of individuals. In July 2014 this list included 72 people<sup>76</sup>. It should be noted however that the first target of the EU sanctions were the individuals from Ukraine, mainly the members of the pro-Russian administration of Crimea, as well as separatist leaders of Donetsk and Luhansk “People’s Republics”. 34 of targeted people were Russian citizens (Crimea excluded). The sanctions were imposed against 14 members of the Russian parliament (including the

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<sup>72</sup> Council of the European Union, “Council conclusions on Ukraine”, 3 March 2014, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/141291.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/141291.pdf).

<sup>73</sup> Council of the European Union, “Council conclusions on Ukraine”, 17 March 2014, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/141601.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/141601.pdf).

<sup>74</sup> European Council, “Statement of the Heads of State or Government on Ukraine”, 6 March 2014, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/141372.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/141372.pdf).

<sup>75</sup> “Introductory statement by President Barroso on Ukraine. European Parliament Plenary debate”, 12 March 2014, [http://europa.eu/rapid/press-release\\_SPEECH-14-212\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-14-212_en.htm).

<sup>76</sup> “EU strengthens sanctions over situation in Eastern Ukraine”, 11 July 2014, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/143851.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/143851.pdf)

speakers of the two houses), 10 people from the security and defence forces (including Igor Girkin aka Igor Strelkov, one the commanders of the pro-Russian militias in Eastern Ukraine, identified as staff of Main Intelligence Directorate of the General Staff of the Armed Forces of the Russian Federation (GRU) and 10 members of the Russian administration<sup>77</sup>.

The “level 3” sanctions were to include economic sanctions which would target entire sectors of the Russian economy. The EU however was reluctant to introduce them, even if the European Parliament pushed for the introduction of targeted economic sanctions since April 2014<sup>78</sup>. The Council bet that after the introduction of the first sanctions the Russian Federation would act in favour of the de-escalation of the Ukrainian crisis and warned that it would limit the economic cooperation with Russia if it is not the case<sup>79</sup>. It also abstained from sanctioning the Russian businessmen affiliated with Kremlin, as well as the major Russian companies (only two confiscated entities in Crimea had their assets frozen); both groups were largely targeted by the restrictions imposed by the United States and Canada<sup>80</sup>. Such attitude of the EU was probably interpreted as the weakness by Russia<sup>81</sup>. Only in July the European Council decided to introduce restrictive measures targeting Russian entities that were materially or financially supporting actions against Ukraine or the Russian decision-makers responsible for the aggression against that state. It also decided to considerably limit the EU funded programs for Russia<sup>82</sup>. This attitude may change after the shooting of the Malaysian airliner in the mid of July travelling from Amsterdam to Kuala Lumpur and carrying mostly EU citizens.

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<sup>77</sup> See *Official Journal of the European Union*, No L 78 (2014): 6 – 21; No 86 (2014): 16 – 21, 30 – 32; No L 126 (2014): 48 – 50, 55 – 57; No 137 (2014): 1 – 2, 9 – 12; No L 205 (2014): 7 – 9, 22 – 24.

<sup>78</sup> European Parliament, “Resolution of 17 April 2014 on Russian pressure on Eastern Partnership countries and in particular destabilisation of eastern Ukraine”, 17 April 2014, <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2014-0457&language=EN&ring=P7-RC-2014-0436>.

<sup>79</sup> Council of the European Union, “Council conclusions on Ukraine”, 17 March 2014, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/141601.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/141601.pdf).

<sup>80</sup> See “Consolidated list of Ukraine-related sanctions” (last updated: 23 June 2014), [http://www.riskadvisory.net/pdfrepository/Sanctions\\_individuals\\_Russia\\_Ukraine\\_YS.pdf](http://www.riskadvisory.net/pdfrepository/Sanctions_individuals_Russia_Ukraine_YS.pdf).

<sup>81</sup> “The Ukrainian Crisis Reaches a New Level”, *New York Times*, 1 July 2014.

<sup>82</sup> European Council conclusions on external relations (Ukraine and Gaza), 16 July 2014, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/143990.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/143990.pdf).

The attitude of the EU can be explained by two main factors. First, the EU largely relies on its economic and legal instruments, as well as its soft power. It is not used to reason in terms of geopolitics, zones of influence, as it started, in the time of the European Communities, as an economic project. The security issues were at the time handled by the North Atlantic Alliance and the EC could focus on economic growth and prosperity. The creation of the Common Foreign and Security Policy and European (later Common) Security and Defence Policy only partially changed the situation. The Treaty on European Union in its post-Lisbon version defines eight aims of the EU external action: the first one is the “safeguard its values, fundamental interests, security, independence and integrity” and the seven other being largely cooperative, not to say altruistic (support for democracy, preservation of international peace and security, development of developing countries etc.)<sup>83</sup>. This value-oriented, post-modern, civil approach is not compatible with the geopolitics logic adopted by the Russian Federation<sup>84</sup>.

Second, the member states are unable to define a coherent policy towards the Russian Federation, as their interests and positions towards the Eastern neighbour largely differ. In 2007 the European Council of Foreign Relations published a policy paper entitled *A Power Audit of EU-Russia relations* dividing the then EU members into five groups: Russian Trojan horses” (Greece, Cyprus), “strategic partners” (France, Germany, Italy, Spain), “friendly pragmatist” (Austria, Belgium, Bulgaria, Finland, Hungary, Luxembourg, Malta, Portugal, Slovakia, Slovenia), “frosty pragmatists” (Czech Republic, Denmark, Estonia, Ireland, Latvia, Netherlands, Sweden, Romania, United Kingdom), “new Cold-War warriors” (Lithuania, Poland). Russia used several instruments to get the support of some EU states: diplomatic pressure, trade embargos, energy cooperation etc. In consequence EU policy towards Russia drifted between the paradigm of “creeping integration” and “soft containment”, impeding its effectiveness. Russia with no surprise tried to exploit these differences<sup>85</sup>. Despite seven years have passed, the situation did not fundamentally change. The official position of the EU towards the Russian aggression against Ukraine – harsh in words, but mild in action – reflected the divisions between the member states. Some of them, in particular Poland, the

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<sup>83</sup> “Consolidated version of the Treaty on European Union”, *Official Journal of the European Community*, No. C 83 (2010): 28 – 29.

<sup>84</sup> “Rotfeld: Unia nie nadaje się do geopolityki, 12 grudnia 2013”, <http://www.rp.pl/artykul/10,1071913-Rotfeld--Unia-nie-nadaje-sie-do-geopolityki.html>.

<sup>85</sup> Marc Leonard, Nicu Popescu, *A Power Audit of EU-Russia relations* (London: European Council on Foreign Relations 2007).



Scandinavian and the Baltic states condemned the policy of Russia and asked for decisive reaction of the EU. Some other, like Hungary or Austria clearly opted for bilateral cooperation with Russia: in the case of the former difficult relations of the prime minister Victor Orban seem to have played to major role, in the case of the latter economy, in particular the gas cooperation, was the main factor. The “strategic partners”, in particular France and Germany, adopted a declaratively tough position, but were careful about not breaking ties with Russia (sale of the French *Mistral* amphibious assault ships being a good example)<sup>86</sup>.

### EU external action versus member states diplomacies

The Treaty on the European Union stipulates that the member states coordinate their foreign policies on the questions of common interest and support the EU external action in the spirit of loyalty and solidarity<sup>87</sup>. In case of the Ukrainian crisis the reality has been more complex however. Besides the understandable differences of interests mentioned above, the EU diplomacy and the member states act have acted often in parallel, with no clear division of tasks or coordination of mutual efforts.

Since the beginning of the political crisis in Ukraine both EU and some member states undertook political efforts to solve it. On 1 December 2013 ministers of foreign affairs of Poland and Sweden Radek Sikorski and Carl Bildt published a joint statement on the situation in Kyiv remaining that “European Union remains prepared to sign the agreement” and “urging all to keep protests in Kiev peaceful”<sup>88</sup>. Similar statements were issued by other member states. Together with EU High Representative Catherine Ashton and EU Commissioner for Enlargement and European Neighbourhood Policy Štefan Füle several representatives of the EU member states visited Kyiv between December 2013 and February 2014 with hope of finding a political solution to the crisis.

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<sup>86</sup> Same division appeared within NATO. See John Vinocour, “A Tale of Two NATOs”, 7 July 2014, <http://online.wsj.com/articles/natos-divided-alliance-1404762166>.

<sup>87</sup> “Consolidated version of the Treaty on European Union”, *Official Journal of the European Community*, No. C 83 (2010): 30, 34.

<sup>88</sup> “Joint Statement by Foreign Ministers Radek Sikorski and Carl Bildt of Poland and Sweden”, 1 December 2013, [http://www.msz.gov.pl/en/news/joint\\_statement\\_by\\_foreign\\_ministers\\_radek\\_sikorski\\_and\\_carl\\_bildt\\_of\\_poland\\_and\\_sweden](http://www.msz.gov.pl/en/news/joint_statement_by_foreign_ministers_radek_sikorski_and_carl_bildt_of_poland_and_sweden).

The arrangement between the president Yanukovich and the leaders of the opposition reached on 21 February was brokered by the ministers of foreign affairs of Germany, France and Poland “working of the behalf” of the High Representative<sup>89</sup>. Catherine Ashton asked the three diplomats to go to Kyiv, as the situation there deteriorated, and consulted them regularly during their stay in Ukraine<sup>90</sup>. This was therefore an example of well coordinated, although fruitless action, as the arrangement reached by the three envoys of the EU was rejected by the protesters in Ukraine and in consequence was not implemented.

The policy of EU and its member states became less coherent after the beginning of the Russian aggression against Ukraine. In April 2014 the EU and the US together with Ukraine and Russia elaborated the so called “Geneva agreement”. This road map proposed concrete steps to de-escalate tensions and restore security in Eastern Ukraine, including end of violence, disarmament of all illegal armed groups, vacation of illegally occupied buildings and other public places, amnesty to the protesters not guilty of capital crimes and establishment of an OSCE Special Monitoring Mission, which would assist Ukrainian authorities and local communities in the implementation of this plan<sup>91</sup>. The Geneva agreement remained largely unrealized, as it was rejected by the pro-Russian separatists<sup>92</sup>.

Since June France and Germany started to play a leading role in the still unsuccessful resolution of the conflict. On 14 and 19 June the chancellor Angela Merkel and the president François Hollande held telephone conversations with the Russian president Vladimir Putin, urging him in particular to convince the separatists to lay down arms<sup>93</sup>. These were followed

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<sup>89</sup> “Statement by EU High Representative Catherine Ashton on agreement reached between President and 3 opposition leaders in Ukraine”, 21 February 2014, [http://www.eeas.europa.eu/statements/docs/2014/140221\\_05\\_en.pdf](http://www.eeas.europa.eu/statements/docs/2014/140221_05_en.pdf).

<sup>90</sup> “Remarks by EU High Representative Catherine Ashton upon arrival to the extraordinary Foreign Affairs Council on Ukraine”, 20 February 2014, [http://www.eeas.europa.eu/statements/docs/2014/140220\\_02\\_en.pdf](http://www.eeas.europa.eu/statements/docs/2014/140220_02_en.pdf).

<sup>91</sup> “Geneva Statement on Ukraine”, 17 April 2014, <http://www.state.gov/r/pa/prs/ps/2014/04/224957.htm>.

<sup>92</sup> Thomas Grove, Aleksandar Vasovic, “Ukraine separatists reject diplomatic deal to disarm”, 18 April 2014, <http://in.reuters.com/article/2014/04/18/uk-ukraine-crisis-idINKBN0D40C220140418>.

<sup>93</sup> “Entretien avec Angela Merkel et Vladimir Poutine au sujet de l’Ukraine”, 14 juin 2014, <http://www.elysee.fr/communiqués-de-presse/article/entretien-avec-angela-merkel-et-vladimir-poutine-au-sujet-de-l-ukraine/>; Entretien téléphonique entre le Président de la République, la Chancelière allemande et le

by two quadrilateral phone talks involving the leaders of two EU power, Putin and Poroshenko, which focused on the ceasefire announced by the Ukrainian president on 20 June. On 2 July the ministers of foreign affairs of Germany, France, Russia and Ukraine met in Berlin to discuss the situation in Eastern Ukraine<sup>94</sup>. Successive talks of Merkel and Hollande with either Putin or Poroshenko followed. Neither of these initiatives however did bring peace to the region.

The Franco-German engagement into the resolution of the military conflict in Ukraine was largely independent from the EU mechanisms; it does not seem it has been officially consulted with the EU diplomacy either. It seems that the agreement on the format of quadrilateral talks might have been reached during the celebrations of the 70th anniversary of the “D-day” in Normandy, where Putin and Poroshenko met for the first time after the revolution in Ukraine. Some journalists called even the four countries “the Norman quartet”<sup>95</sup>. It should be noted that the format of the informal “EU delegation for Ukraine” changed since the fall of Yanukovich, as in February the Union was represented in Kyiv by Germany, France and Poland. It may be assumed that this change was related to the unanimous pro-Ukrainian and anti-Russian stance of the Polish authorities, which did not suit either the West European or the Russian leaders<sup>96</sup>. One way or the other, the establishment of the “Norman quartet” seems to prove both the influence Russia has on EU member states and the inability of the Union to coordinate their foreign policies and balance their interests.

## Conclusions

In November 2013, largely under the pressure of Russia, the Ukrainian authorities decided not to sign the association agreement with the European Union. Such decision led to massive social protests in Ukraine, and ultimately to a major political crisis, which left some hundred people dead. In February the president Victor Yanukovich was overthrown and

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Président russe, <http://www.elysee.fr/communiqués-de-presse/article/entretien-telephonique-entre-le-president-de-la-republique-la-chanceliere-allemande-et-le-president-russe/>.

<sup>94</sup> “Russian, German, French, Ukrainian FMs meet in Berlin for talks”, 2 July 2014, <http://en.itar-tass.com/world/738729>.

<sup>95</sup> See “Ukraine - Déclarations du porte-parole du Ministère des Affaires étrangères”, 9 July 2014.

<sup>96</sup> Piotr Osiński, “Polska odstawiona na bok ws. Ukrainy? Poseł PiS: Niemcy i Francja traktują nas jak przeszkodę. Poseł PO: To raczej Rosja nas nie chce”, 4 lipca 2014, [http://www.tokfm.pl/Tokfm/1,103086,16271824,Polska\\_odstawiona\\_na\\_bok\\_ws\\_Ukrainy\\_Posel\\_PiS\\_Niemcy.html](http://www.tokfm.pl/Tokfm/1,103086,16271824,Polska_odstawiona_na_bok_ws_Ukrainy_Posel_PiS_Niemcy.html).

replaced by a pro-Western regime. In counter-reaction the Russian Federation invaded the Ukrainian Crimea and launched a proxy war in the Eastern Ukraine in order to destabilize the situation in that state and impede its partial integration with the EU.

If the strength of the pro-European protests was an opportunity for the European Union, the recent developments in Ukraine has also pointed out some weaknesses of the EU policy towards its Eastern neighbourhood. First, EU has been unable to present an association offer which would be truly attractive and reliable for the post-Soviet Ukraine in the period of deep economic crisis. The association agreement is supposed to lead to the development of political cooperation between Ukraine and EU, and a partial integration of the former with the Single Market within the Deep and Comprehensive Free Trade Area. The creation of the DCFTA will hopefully stimulate the modernization of the Ukrainian economy and help Ukraine to cope with its main economic problems, such as corruption, oligarchization etc. However the adaptation to the EU *acquis communautaire* will also require important financial expenses, Ukraine could not afford, and EU was not willing to cover. After the Ukrainian revolution of early 2014 the European Union partially recognized the weakness of its offer, enlarging the scope of its financial aid for Ukraine. Nevertheless it has continued to refuse Ukraine the perspective of membership, which could be a stimulus for Ukrainian reforms.

Second, the Ukrainian crisis has shown that EU is unable to react quickly and decisively to challenges rising in its neighbourhood. Cooperative approach to international environment, civil character of the EU power and the consensual decision making system make it difficult for the Union to take sharp, potentially controversial among the member states and unpopular among the population decisions, often necessary in times of politico-military conflicts in the neighbouring states.

Third, the European Union remains unwilling to engage into open confrontation with the Russian Federation over the common neighbourhood, which is due both to the role of Russia as EU political and economic partner and the specificity of the EU power in international relations. The unwillingness of the EU to confront Russia is especially visible if the EU and the US approach towards the crisis in Ukraine. After the invasion of Crimea, the Union still considered it was possible to maintain dialogue with Russia. It adopted a “road map” of the sanctions against the Russian Federation. The “level 1” sanctions (suspension of talks on the new agreement and visas) were quickly put in place, the “level 2” “(visa bans and

freeze of assets) were implemented within some months, the “level 3” (economic sanctions) will probably not be realized.

Within this context the EU diplomacy was replaced by the most influent member states, which are highly interested in the EU cooperation with Russia and/or Ukraine. During the “Euromaidan” the engagement of the member states in Ukraine was coordinated by the EU (unrealized February agreements between Yanukovych and the Ukrainian opposition). After the beginning of the Ukrainian – Russian conflict the great EU power Germany and France took more liberty and started to deal directly with Russia and Ukraine, probably at the expenses of the cohesion of the EU policy and to the benefit of the Russian Federation.

(finished on 22 July 2014)