MORE EXPECTATIONS TOWARDS THE EUROPEAN NEIGHBOURHOOD POLICY: THE CASE OF UKRAINE

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Abstract
Through the European Neighbourhood Policy (ENP), the European Union aimed at offering a stable framework for the development of its neighbouring countries. The Eastern dimension of this policy, the Eastern Partnership, proved to be the catalyst for an unprecedented internal wave of protests. Ukraine, probably the most demanding country in the ENP, has posed a great challenge to this framework. In this article I offer an analysis of those events from the perspective of the EU to show that the factors for these surprising events are rooted in Ukraine’s internal structure. As the conflict in Ukraine is still ongoing at the moment of writing, I complete my analysis with the Minsk 2 agreements. My argument is that the aim to get close to the EU has been motivated by Ukraine’s desire to obtain a political system based on good governance, which was at the same time another goal. I explain the desire to sign the Association Agreement and the deepening of relations with the EU as attempts to ensure that the country would not transform its internal political regime in order to look more like the Russian Federation.

Keywords
Conflict; European Neighbourhood Policy; European Union; Ukraine
1. INTRODUCTION

As it is often the case with the events in the international arena, the recent developments in Ukraine represented an unpleasant and shocking reality-check for the European Union officials in the first place and for their US partners in the second. The Western world response to Crimea’s illegal annexation and invasion in Eastern Ukraine was mainly similar, showing a common position towards the importance of such concepts as sovereignty, free and fair elections (as the referendum in Crimea claimed to be) and the role of international norms in maintaining the order in the international system. At the same time, the response of other important actors, such as China or India, seemed to support Russia’s claims that it took these measures in order to protect its citizens in the neighbouring country. They both encouraged a political solution to the conflict and did not condemn the act as a violation of Ukraine’s territorial integrity.

The events showed once again, after the 2008 war in Georgia, that Russia is very serious in its aim of maintaining the influence upon the ex-Soviet Republics in the Caucasus (the Armenian case was easier to solve) and in Ukraine, with which it had been having a special relationship over the last centuries even if that meant using violence as an instrument to obtain its goal. In this situation, Russia seems to be trying to maintain a status-quo that was established during the Cold War by the so-called Brezhnev Doctrine of “limited sovereignty”, therefore the many comparisons made by the Western media that this is a “new Cold War”. But this misuse of terms is not justified, first of all because of the actors involved. Today’s Russia is very far from what the Soviet Union was in 1945 and using this term would put Russia in a different and more prestigious light than it is the case. Although undoubtedly a major actor, Russia is not a superpower anymore, its economic and political models have failed, its territory diminished and its current political elite seems unable to propose a credible political project, using natural resources in order to maintain its power position. The second major reason for not naming what is happening in Eastern Ukraine a second Cold War is both the way in which Central and Eastern Europe have transformed over the last 25 years, and the treaties signed in order to better manage the nuclear and conventional weapons in the world (New Start Treaty).

Ukraine’s internal problems were the source of another major street protest after the 2004 elections, a movement that came to be known as the Orange Revolution. Ten years later, the society showed once again that the
tensions within could not be resolved or contained by the political actors and then violence became a legitimate tool for the citizens who wanted to have an alternative to the existing political elite. Therefore, the causes that triggered the huge protest movements in November 2013 had mostly internal causes, while the European requests of those who were on the Maidan were more stressed after the overreaction from the authorities.

In the following section I will briefly present two dimensions of inquiry that I consider relevant for the aim of this article. In order to do this, I want to identify the case in which a common problem for the West (understood here as EU and US) was resolved: the nuclear weapons in Ukraine. The second dimension explores the dialogue between Ukraine and the EU. The latest events in Ukraine sparked a new wave of interest towards this dimension within two major discourses: on the one hand, there are those who accused the EU for not doing more (Kubicek 2005) and on the other hand, there are those who said that the EU and NATO had done too much in the ex-Soviet space and provoked the aggressive response of the Russian Federation (Mearsheimer 2014).

2. AN EXAMPLE OF GOOD PRACTICES: MANAGING UKRAINE’S NUCLEAR ARSENAL

Ukraine, as an independent country managed to respond in the early ’90s to the West’s worries regarding its nuclear arsenal and, under President Leonid Kuchma, joined the Non-Proliferation Treaty (NPT). Ukraine accepted to become part of the NPT after three major powers offered their guarantees that its borders would not be changed. However, for some of the elites, the nuclear weapons were the only guarantor of Ukraine’s independence and territorial integrity and they were reluctant to renounce them (Griffiths and Karp 2008, 205). The United Kingdom, the Russian Federation and the US, under what came to be known since 1994 as the Budapest Memorandum became the guarantors of Ukraine’s territorial integrity and political independence. These actors’ failure to respect the agreement has given rise to important questions regarding the way in which the international order would be supported and other agreements respected (Yost 2015). But with the signing of this agreement, in the early ’90s, Ukraine was seen as a potential issue for the evolution of Eastern Europe and also in the light of the effects a close
relation between the EU and Ukraine could have on the EU-Russia relations. Also, the independence forces had a visible role since then; and the special relation with the Russian Federation and the impact of the ethnic tensions on the future of Ukraine was discussed immediately after gaining independence at the beginning of the '90s, including the possibility of Russian intervention in the country (Larrabee 1994, 14). The geographic location of the tension did not change too much since the independence; the Eastern industrialized part of Ukraine had been closer to Russia; dual-citizenship, as well as a more important role for the Russian language, had been on those citizens' agenda since the early '90s and Crimea had been looking for an opportunity to break free from Ukraine (Larrabee 1994, 16). This gloomy analysis, written more than two decades ago, has proved to be an accurate instrument for explaining the current crisis. Even more, we can say that Ukraine has been more or less in a constant crisis over the last twenty years with some moments (like the Orange Revolution and Euromaidan) more visible than others. To complicate the situation even more, Ukraine inherited from the Soviet Union the highest number of arms – not only nuclear - and ammunition, while some of them had been deposited in Ukraine by the ex-Warsaw Pact states. This led to the biggest project aimed at destroying arms supply which was conducted mainly in collaboration with NATO (Griffiths and Karp 2008, 202-207). But one of the critical moments in post independent Ukraine, the Orange Revolution, also had an important impact on the reform of the defence sector, through the Defence White Paper, a document that aimed at reducing considerably the ammunition found on Ukraine’s territory and the increased role of the President, Prime-minister and other civilian institutions (Griffiths and Karp 2008: 208-10). Thus, we can conclude that the country has managed to move, though through small steps, towards a more egalitarian relation between the military forces and the civilians, therefore improving Ukraine’s democratic record.

3. AIMING TO DEMOCRATIZE THE EASTERN NEIGHBOURHOOD. OBTAINING A PROXY WAR WITH RUSSIA

Apart from the successful manner in which the Western states and institutions have managed to resolve the arms problem in Ukraine and to involve this state in their own mechanisms of checking and controlling the
arms’ use, there have hardly been other problems solved as well as this one. The most analysed dimension of the interaction between Ukraine (treated as a post-Soviet state) and the EU has been the democratization one. For example, the role of the EU in Ukraine’s democratization was analysed earlier by P. Kubicek, who links the 2004 protests with the need to resolve first and foremost the political (including democratization, the role of the citizens) and economic problems of the country. He views the EU as an actor which has the sticks and carrots to push for greater openness and democratization in Ukraine (Kubicek 2005). A more specific view on the topic of democratization was the one focusing on the role of the ENP in the Europeanization of Ukraine (Gawrich, Melnykovska and Schweickert 2010, 1210). The main instruments used by the EU for directing democratization are top-down or/ and bottom-up: the top-down process in the ENP involves political dialogue (summits, committee meetings and negotiations) and official statements, while the bottom-up approach aims to support non-state actors and institutions, the authors demonstrate that democracy promotion is only slightly effective, due to the lack of incentives and rewards (Gawrich, Melnykovska and Schweickert 2010, 1212-1224). One specific dimension of the democratization and the Europeanization processes was the importance given to the rule of law. O. Burlyuk shows that there is a significant gap between what is intended to be understood by this term and the meanings the actors give in practice to the term, which is mainly a concept used in relation with the countries that do not participate in the accession process (Burlyuk 2014, 28; see also Micu 2007, 28). But I do not agree with the author’s assumption that the lack of a clear definition for the rule of law is a deliberate choice from the part of the EU (Burlyuk 2014, 27) because this draws on a rationalist approach in conceptualizing the EU’s interests as fixed and exogenous, supposing that the actors do know what they want (to obtain). However, I am more inclined to consider the EU’s interests from a reflectivist perspective and perceive them as the result of interactions with other actors and the environment (Haas 2001, 33). In this context, the rule of law is a norm that has an important impact on the interests, identity and behaviour of the states from the ENP. Ukraine’s identity has been a complex and complicated issue in its history because of the relations it had inside and outside of the current territory, which is the most extended in its whole history (Rywkin 2014, 119). The EU has applied its own rules in trying to support a democratic regime in Ukraine, but its own partner’s internal problems were too complex for what the EU had to offer. This was a case that proved once again that a one-size-fits all- approach is
inconsistent and unrealistic if it aims to support a country on the road to the Western model of democracy. The EU’s dialogue with Ukraine lacked the most desired goal for Ukrainians, the possibility to join the Union and therefore it was far less attractive than it could have been.

After November 2013, the analysis focusing on the Ukraine–EU relation have also been highly critical towards what it has been perceived as a too weak position on the part of the EU. This critique has two main dimensions: a political and an economic one. From the economic point of view, a major critique regards the commercial relations between the EU and the Russian Federation, as a factor that puts pressure on the EU officials in order to soften their position towards the sanctions that have as a subject the Russian Federation (Tran 2014). On the other hand, the EU did not want to engage with a country that was very different from the countries in Central and Eastern Europe, with elites not entirely convinced that their goal was to deepen the relation with the EU (Pridham 2014, 55).

The EU’s policy towards the ex-Soviet space has been vehemently contested and in particular, as I have already mentioned, it has been strongly criticized for not offering a clear perspective for Ukraine’s EU accession. Even more, it seemed that the EU mostly focused on Russia and left behind the other ex-Soviet Republics by failing to propose a clear strategy to them (Wolczuk 2009, 187; Negrescu 2011). The first important step in stabilizing the framework for the EU-Ukraine cooperation was the Partnership and Cooperation Agreement (PCA) signed in 1994, which came into force in 1998 that stressed the importance of political relations between the two actors (EEAS, PAC Ukraine). In March 2014, the political chapters of the Association Agreement, which would have replaced the PCA were to be signed and would have entered into force after the member states' ratification.

The European Neighbourhood Policy launched in 2004 has proved inefficient in its relation with Ukraine, even before the Vilnius Summit, by failing to offer the incentives needed for deep transformations in the country, transformations that have been linked with the possibility to accede to the EU. The effects the ENP had on Ukraine’s internal dynamics were rather mild and related to the internal institutions that allowed domestic actors to have a strong motivation for the reforms they required and proposed (Wolczuk 2009, 188). The Eastern Partnership (EaP), the EU’s initiative for the Eastern neighbourhood has not done enough for mobilizing the resources considered necessary to trigger deep and important reforms in Ukraine. Even more, the EaP has been seen as an attempt to extend what Ukraine had already obtained
to other countries in the East, a reason which makes the bilateral dimension of the EaP the framework preferred by this country (Solonenko 2011, 125). But at the same time, Ukraine has showed a very restrictive position on implementing reforms following instead more virtual policies that reminded of the Soviet era-style, which in turn attracts even less support from the Western world (Kuzio 2012, 395). T. Kuzio demonstrates that after 2010, when V. Yanukovych won the presidential elections, the domestic politics started to look more and more like Russia’s own internal situation. The main dimensions of that change were visible in the following areas: the increased role of individuals with a military background; the importance attached to the term stability, which became an aim of the government and the internal institutions; and the decreased role of educated elites (Kuzio, 2012, 560). The connections between the political elites and the economic ones, also known as the Family, who were close to Yanukovych, increased after the 2010 elections and transformed their qualitative dimension, from an oligarchic system, towards a more important role for the siloviki (Kuzio 2012, 564-565). This process has been noticed by the Ukrainian citizens and it was a major cause of the current events. At the same time, on foreign policy issues, V. Yanukovych showed his support for the Russian version of the events. In 2008, after the war in Georgia, the Party of Regions, argued for a „neutral” response on the part of Ukraine (Arel 2008, 18). All these problems had a complex effect on the supporters of the Orange Revolution who were now disappointed by their political elites. In this context, Ukraine’s path towards the EU seemed to be the country’s only alternative to a more authoritarian regime.

The EU’s reaction to the events in Ukraine has been described as a failure of the European institutions to have a coherent policy for the Eastern neighbourhood, which was caused by the different interests the member states have towards Ukraine, interests that went from very high (Poland, Sweden) to very low (Italy) (MacFarlane and Menon 2014, 99). Also, these events showed the need to think critically with regard to the Enlargement Policy, the only one the EU had over the years and that was strong enough to motivate the changes required and foreseen by the Deep and Comprehensive Free Trade Agreement (DCFTA) (MacFarlane, Menon 2014, 98). Although the EU’s sanctions against the Russian Federation have had important effects on the economic cooperation between the two parties, the long term benefits and disadvantages of this situation were debated. In the long run, EU energy dependence on Russian resources will be diminished, while Ukraine’s importance as a transit country will also decrease, due mainly to alternative energy source like those
in Iran or Iraq and the US's capacity to export liquefied natural gas (Schubert, Pollak and Brutschin 2014, 51).

4. THE CRISIS IN UKRAINE: AN OVERVIEW

The crisis in Ukraine started on November 21st 2013, after President Viktor Yanukovych made public the fact that Ukraine would not sign the Association Agreement (AA) with the EU, which was supposed to happen at the Vilnius Summit. The citizens of Kiev began to protest against the announcement that Ukraine had been under pressure from the Russian Federation to decline the EU’s offer and on November 24th they started the so-called “EuroMaidan revolution”. February 2014 was the bloodiest month in the contemporary history of Ukraine, especially between February 18th and 21st, when more than 100 people lost their lives. February seems to be a key moment for understanding the events in Ukraine and there are two main reasons for this.

First, while the protesters in the square were being targeted by unknown snipers, President Yanukovych met EU officials – the foreign ministers of Poland, Germany and France - and announced that he had agreed with the opposition to organize early elections. Then, on the night of February 21st something happened, Yanukovych left Kiev and the parliament decided to remove him from power. The following reports were contradictory: Yanukovych’s representatives said that he had intended to resign, while the President declared that he was the victim of a coup and that he was “the legitimately elected President” (Walker, 2014) while drawing a comparison between Ukraine and Nazi Germany. Thus every party tried to prove that it had told the truth and that it was the legitimate representative of the citizens. The subject of the coup and the illustration of the events from February 21st and 22nd as an illegitimate move made by the members of the opposition was then widely circulated by the Russian officials and the media as the main moral dimension justifying the Russian involvement in Ukraine. Ex-President Yanukovych had a large base of Russian-speaking supporters in Eastern Ukraine and his removal was being presented as a tool aimed at weakening the political representation of this part of the country.

The second reason is that on February 20th, Vladimir Konstantinov, the speaker of the Crimean Parliament announced that Crimea could hold a referendum in order to separate itself from Ukraine. This was a clue regarding
Russian intentions. At the end of February, the Russian army invaded Crimea and on March 16th a referendum was held, in which 97% voted to become a part of the Russian Federation. After Crimea’s annexation, the Ukrainian government lost control over Donetsk and Luhansk oblasts, but despite these events, the presidential elections were held on May 25th. The Ukrainian army and the rebel forces continued to fight during the following months despite attempts to sign a durable peace treaty. The first major step had been made with the signing of the document named the Minsk Protocol, on September 5th - overlapping with the NATO Summit in Wales - but the deal was broken many times during the following weeks. Meanwhile, the situation of civilians in Eastern Ukraine continued to deteriorate and 6.417 people had been counted dead between April 2014 and May 2015 (UN Report, 2015).

The events of the last year and a half have had an enormous impact on Ukrainians. The image of Russia in Ukraine, although affected by the famine from 1932-1933, the Holodomor, was still positive. According to Pew Center Surveys in 2002, 87% of Ukrainians had a favourable view of Russia; in 2011 84% had a favourable view of Russia, while in 2014 that percentage decreased to only 35% (Pew Research Center, Ukraine - Opinion of Russia). But surprisingly, 15% declared they were satisfied with the national conditions, the greatest percentage in all years (Pew Research Center, Ukraine - Satisfaction with Country’s Direction). As for the Russians, they see the US as their biggest enemy, while Ukraine was considered together with Belarus, Kazakhstan, China, and Germany one of Russia’s allies (Wisniewski 2013). As for the relation with the EU, according to a Deutsche Welle survey in October 2013, only 50% of the Ukrainians supported the association agreement, while 48% wanted Ukraine to become a member of the Customs Union together with Belarus and Kazakhstan. At the same time, the effects of a closer cooperation with both organizations were perceived in economic terms while the political results of an Association Agreement with the EU (the improvement of democracy and rule of law) came forth in this survey. Regarding the views of Russians towards Ukrainians and those of Ukrainians towards Russians, there have been important changes in both directions. The number of Ukrainians who have a positive view of Russia decreased from 48% in September 2014 to 37% in December 2014 and, at the same time, the number of those who view Russia negatively increased from 41% in September 2014 to 48% in December 2014 (Ienin 2015). Also, in the same survey by Kyiv International Institute of Sociology (KIIS), the number of Russians who view Ukraine negatively increased from 55% in September 2014 to 63% in December 2014. Other
important trends we can see from this survey are related to the border issue between the two countries: in Ukraine, 50% of those interviewed in December 2014 said that they wanted closed borders with Russia, compared to 45% in September 2014; in Russia, 32% said in January 2015 that they wanted a closed border with Ukraine, compared with September 2014, when 26% stated the same thing (Ienin 2015). What those results say is that even if the numbers of citizens who support a clearer distinction between the two states are still high, only half of Ukraine’s population thinks that there is no need to have a closed door with Russia. This fact has a direct effect on the way in which the rebels in Eastern Ukraine are receiving their weapons, due to the fact that Ukraine does not control its border. Also, the number of those who support the open borders policy, with no visas and customs between the two states, has decreased in Ukraine from 44% to 42% and in Russia from 62% to 52% (Ienin 2015). Therefore, there is a consolidating trend in the two societies which shows a separation between the way in which the future relation between Russia and Ukraine will be a colder one. The relations between the two countries seem to be set on a very difficult path: now, the Ukrainians know that they do not have a friend or a good neighbour in Russia and the options they have as a sovereign country are strictly restricted by it.

The crisis’ effect on the Ukraine – NATO relation

I also consider relevant for this article to talk about the effects the war in Ukraine had on NATO, due to the fact that at some point Ukraine wanted to become a member of the Alliance. The conflict in Ukraine offered a reason for a renewed approach on the part of NATO while the effect that the conflict had on the Western world is not difficult to measure: NATO found a new mission and the Alliance has been strengthened (Pifer 2015; Garamone 2015). As for the Ukrainians, there was no second thought on the part of the citizens or the main political parties. Even after the Orange Revolution, the three parties – the Socialist Party of Ukraine, the Communist Party of Ukraine, and the Party of Regions - from five that were in the Parliament were against Ukraine’s NATO membership due to Russian propaganda and the intervention in Kosovo (Kuzio 2006, 90). In 2010, the newly elected president, Viktor Yanukovych announced that Ukraine would not seek to develop its relations with NATO and passed a law that declared the country’s neutrality - a move that reflected the view of at least 51% of the population who said in a 2009 survey that they oppose Ukraine’s NATO membership, while 28% said that they supported
such a move (Holzwart 2010). In December 2014, the Ukrainian Parliament has voted to renounce neutrality and seek NATO membership; also, the number of those who said that they associate NATO with protection has increased to 36% (Ray and Esipova 2015). These surveys confirm what one could only suspect when looking at the events in Ukraine: the support for EU integration was increased, while the Customs Union has lost some of its supporters. The highest number of those that stated they wanted Ukraine to join the EU varied between 67% (in a pool by Rating Sociological Group1) and 47.2% according to a survey by Kyiv International Institute of Sociology (Sakhno 2015).

These numbers allow us to say that Ukraine’s foreign policy will probably have to distance itself even more from the Russian proposed unions in the former Soviet space. Losing a part of its territory and being in danger to lose even more of it, Ukraine will have to consider a reformed course for its foreign policy and to commit itself to bringing the country to higher standards of economic development and political stability in order to deepen the dialogue with its Western allies. The social unrest that manifested in the last two decades has shown that Ukraine’s problems are far more complicated to be resolved only with more promising from the European partners; it cannot be resolved without functioning political parties and leaders that are willing to commit themselves to the democracy path.

5. CONCLUSIONS

The Russian leader, Vladimir Putin, learned after the second war in Chechnya that an efficient strategy to negotiate with the EU, after it had criticized Russia for not respecting the European values, was to hold talks with individual powerful states which would automatically attract the support of the EU’s institutional structure as well (Haukkala 2015, 30). V. Putin also had an important role in constructing the first coherent alternative to EU’s model of development by organizing the Eurasian Customs Union, which became this year the Eurasian Custom Union (Haukkala 2015, 32). In this institutional framework, Ukraine’s role was a very important one for the initiative’s success

1 "Ukraine still prefers joining EU to CU membership, half of nation wants to join NATO – poll" (20.11.2014), Kyiv Post http://www.kyivpost.com/content/ukraine/ukraine-still-prefer-joining-eu-to-cu-membership-half-of-nation-wants-to-join-nato-poll-372517.html (22.05.2015).
- pointing to the special relation that they had over the years. But the military invasion in Eastern Ukraine has shown that the EU’s soft power is simply not enough (Barata 2014, 42) to change the environment in which the negotiations are taking place.

The choice between the political Russian model with its political and economic dimensions and the EU model has been made, at least for some of the Ukrainian citizens, mainly those in the Northern and Western part of the country. And even if some of Ukraine's political elites would like a more independent role for the country, which does not mean a status as an associate member of the EU or a member of the Customs Union, their incapacity to deliver prosperity and to respond to the democratic demands of their citizens is the cause for the instability in the country and the reason that will continue to fuel the turmoil. As for the EU, the events in Ukraine have only increased the need for a more coherent and comprehensive policy, as some of the state actors in the ex-Soviet space expect more from the European institutions.

The EU’s actions towards Ukraine did not represent a strong incentive to mobilize the needed resources in order to engage the political elites in the democratization process. The Orange Revolution’s results proved to be another disappointment for the young urban participants and for all those that supported the movement. The Ukrainians had, in the first place, been disillusioned by their own political representatives before the Euromaidan, while drifting away from the EU, by not signing the AA, would have been as if they were choosing to live another decade in a grey area. At the same time, the EU found itself in a situation in which the international scene was expecting a clear reaction from its institutions and a coherent strategy that it seems it was unable to provide. The EU is unequipped or simply does not want to play according to the logic and rules that Russia has and endorses in this country and it will have to learn how to be more flexible in order to be able to respond to this kind of scenarios. The neighbours have great expectations from the EU and if the Union wants to be an actor on the international stage in the XXIst century, it will have to reflect on its position and try to identify and correct its mistakes - it cannot stop other actors' image about itself, but it can try to shape it. All in all, it would also seem that the political elites in Ukraine are not very far from the Russian actions, proving to be very resistant to the democratic demands of the citizens; and if they fail once again to change and govern in the citizens’ interest instead in their own, the social unrest will most likely continue.
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