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Wiebke Drescher

**The Eastern Partnership
and Ukraine**
New Label - Old Products?

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Zentrum für Europäische Integrationsforschung
Center for European Integration Studies
Rheinische Friedrich-Wilhelms-Universität Bonn

Walter-Flex-Straße 3
D-53113 Bonn
Germany

Tel.: +49-228-73-4960
Fax: +49-228-73-4984
<http://www.zei.de>

Wiebke Drescher studied Political Science at the Universities of Bonn and Copenhagen. Since 2008 she has been working as Research Fellow at the Center for European Integration Studies (ZEI).

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New Label – Old Products?

I. New label...

On 7 May 2009 the heads of state or government and representatives from Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine, EU member states as well as EU officials met in Prague and jointly declared to intensify their relationships in the future under the umbrella of the Eastern Partnership (EaP). Its main goal is “[...] to create the necessary conditions to accelerate political accession and further economic integration between the European Union and interested partner countries.”¹

Due to the considerable enlargement rounds in 2004 and 2007, which saw twelve countries (most of them being situated in the east or south east of Europe) added to the EU the Union’s borders have shifted. Today, the Union neighbours Belarus, Ukraine and Moldova. Consequently, the South Caucasus and Central Asia have come closer to the Union’s focus. Due to their geographical proximity, stability, good governance and economic development in these region are of strategic importance to the EU. Ukraine in particular has become one of the major partners of the EU in eastern Europe. It is the largest east European country after Russia, a population of around 47 million. It borders seven countries – four of them being members

1 Eastern Partnership Summit: Joint Declaration, Prague, 7 May 2009, <http://www.eu2009.cz/en/news-and-documents/press-releases/eastern-partnership-summit:-natural-dimension-of-eu-foreign-policy-20997/> [12 May 2009].

of the EU (Poland, Romania, Hungary and Slovakia), plus Belarus, Moldova and Russia. Furthermore, the Ukraine is located on the Black Sea with the port city Sevastopol being a (geo-)strategically important place.

The EaP is the EU's latest approach to cooperate with its neighbours in the east on certain fields of policy more closely. It is based on the European Neighbourhood Policy (ENP). Therefore, the EaP differs from the usual enlargement process, which is said to be the EU's "[...] most successful foreign policy instrument [...]"². There have been concerns among Europeans regarding the scope and pace of enlargement for many years.³ Therefore, the EaP is seen as an alternative to the classic enlargement policy.

However, Ukraine disagrees with the new concept and calls for a membership perspective instead. Among EU officials, Ukraine is seen to be the partner country "traditionally [...] ahead of the rest – both in what it has achieved, and in what it has been offered by the EU."⁴ Therefore, progress in the EU-Ukrainian relations has always had impact on other activities in the region. Even though Barroso sees the country being in the 'avant-garde' of the new agreement, Kiev seems not to be amused. At the same time, the country has to face several internal challenges. Moreover, the global financial crisis has hit the country's economy hard. In addition, there is an ongoing gas conflict with Russia that is likely to break out again next winter.

Indeed, the EaP is even contended among European officials. Thus, the policy has to face several challenges.

This paper attempts to give an answer to the question if the EaP can give fresh impetus to the relations between the EU and Ukraine.

2 Commission of the European Communities: *Wider Europe – Neighbourhood: A new Framework for Relations with our Eastern and Southern Neighbours*, COM(2003) 104 final, Brussels, 11 March 2003, p. 5, http://ec.europa.eu/world/enp/pdf/com03_104_en.pdf [15 May 2009].

3 On 1 June 2009 German Chancellor Merkel and French President Sarkozy jointly declared that the Union cannot enlarge limitlessly. See Merkel, Angela/Sarkozy, Nicolas: 10 Thesen für eine starke EU, *Welt am Sonntag*, 1 June 2009.

4 See Speech of Ferrero-Waldner, Benita: *After the Russia / Ukraine gas crisis: what next?*, London, 9 March 2009, <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/09/100&format=HTML&aged=0&language=EN&guiLanguage=en> [7 May 2009].

II. The Union and its neighbours in the east

The reasons for the Union's interest in the regions in the east of Europe and the South Caucasus are various:

- Security concerns

Several domestic policy problems, territorial conflicts and security threats have arisen in these states over the course of many years.⁵ After the fall of the Berlin Wall various regions of the former Soviet Union declared their independence. In addition, these new states between the EU and Russia have had to face various challenges both internally and externally. Ever since, one of their major problems has been to define their relations with Russia.⁶ Some countries such as Belarus have continued to have strong links with Russia up to the present. Others (e.g. Ukraine and Georgia) still have economic and political ties with Moscow, but have tried to strengthen their relations with western partners in recent years. What they all have in common is the challenge to transform successfully from former communist countries and planned economies to democratic systems and market economies. This difficult process is closely related to attempts of some regions within these states to gain independence from the Soviet Union's successors. Furthermore, border conflicts in the region have always risked escalating into violence. E.g. there is an ongoing crisis between Ukraine and Moldova due to a small region called Transnistria that has been seeking its independence for a number of years. A better-known example is related to the August war between Georgia and Russia in 2008. As a result, South Ossetia and Abkhazia, both supported by Russia, declared their independence from Georgia. Further challenging factors for the region are the illegal trade of goods, human trafficking, illegal migration, organized crime, terrorism, and the disregard of environmental standards.⁷

5 See Aliboni, Robert: The Geopolitical Implications of the European Neighbourhood Policy, *European Foreign Affairs*, vol. 10 (2005), pp.1-16, p. 1.

6 See Speech of Semneby, Peter: European Neighbourhood Policy: defining the end game, Bled Strategic Forum, 28 August 2006, <http://www.bledstrategicforum.org/archive/speech-semneby.doc> [15 March 2007].

7 Aliboni, Robert, p. 1.

Due to its size and geographical position, Ukraine can be both a security threat or a pioneer of successful transformation and thereby be of importance to the whole region. Thus, it is in the interests of the EU to have a reliable partner in this neighbourhood.

- Trade

It is in the Union's interest to deepen or to establish good and stable economic relations with its neighbours in order to develop commercial relationships. Both the EU and its bordering countries can benefit from opening their market to one another and from an intensification and simplification of their trade relations through common agreements.

- Energy supply

The security of energy supply for the EU member states is best achieved with reliable partners. Therefore, good and healthy relations with its neighbours are crucial. Moreover, energy supplying countries also benefit from enhanced relations as they can enlarge their market. Ukraine has gained in importance due to its role as a transit country for Russian oil and gas. Therefore, the Ukrainian state has a hand in the EU's energy supply. Due to their dependency on energy security, the buying countries of the EU have increasingly worried that resources might become a new global currency.⁸ Thus, it is of utmost importance to have countries like Ukraine integrated into a common energy strategy which regulates delivery conditions and the supply relationship in general in order to guarantee transparency, reliability and environmental standards.

8 See Interview with Steinmeier, Frank-Walter: Außenpolitik im Zeichen von Energieversorgung, rbb Inforadio 93,1, 14 October 2006, <http://www.auswaertigesamt.de/diplo/de/Infoservice/Presse/Interviews/2006/061014-SteinmeierRBB.html> [15 May 2009].

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- External influence

The EU's dealing with the regions' challenges can successfully increase its influence on the international stage. It can improve its kudos as a reliable international actor and thereby attain the goals laid down in the European Security Strategy (ESS) of 2003.⁹ The ESS outlined challenges and risks for the EU in the century ahead. According to that paper, the key-threats were terrorism, proliferation of weapons of mass destruction, regional conflicts, state failure and organised crime. In order to protect the European ideal, it is "[...] in the European interest that countries on our borders are well-governed." Otherwise, conflicts or crises in the neighbourhood might spill over and also threaten the EU itself. Therefore, the task is "[...] to promote a ring of well governed countries [...] with whom [the EU] can enjoy close and cooperative relations."¹⁰

Ukraine has shown its interest in moving closer to the west, and eventually, in attaining membership of western alliances (e.g. EU and Nato). To turn the argument on its head, this means that the EU has a degree of responsibility to encourage closer relations towards its largest neighbour. Moreover, Ukraine is seen as a "[...] European country [that] shares a common history and common values with the countries of the European Union [...]"¹¹ Thus, stable and deep relations are officially desired on both sides.

III. The Union's offer: the European Neighbourhood Policy

In 2002, the European Council in Copenhagen presented a new policy for an enhanced and reinforced neighbourhood policy. It was on the very same date that accession negotiations with ten eastern and south-eastern Euro-

9 Solana, Javier: A secure Europe in a better world. European Security Strategy, Brussels 2003, <http://www.iss-eu.org/solana/solanae.pdf> [15 May 2009].

10 Solana, Javier: A secure Europe in a better world. European Security Strategy, pp. 7-8.

11 See EU-Ukraine Summit: Joint Declarations, Paris, 9 September 2008, http://www.delukr.ec.europa.eu/press_releases.html?id=48778&template [29 April 2009].

pean countries were ceremoniously concluded.¹² Due to the forthcoming addition of twelve new member states the European Council noted “[...] new dynamics in the European integration.”¹³ With regard to the Union’s new neighbours in the east, the heads of state or government furthermore highlighted the importance of taking forward relations with their neighbours to “[...] avoid new dividing lines in Europe [...]”¹⁴. Therefore, the EU’s relations with Russia, Ukraine, Moldova, Belarus and the southern Mediterranean were to improve in order to work together in different policy fields more successfully.¹⁵

The principles mentioned in Copenhagen were in line with Solana’s ESS. Eventually, the Commission was instructed to develop a new concept that became known as ‘European Neighbourhood Policy’ (ENP). In the words of the European Commissioner for External Relations and European Neighbourhood Policy, Benita Ferrero-Waldner, the policy towards neighbouring countries “[...] is designed to offer a privileged form of partnership now, irrespective of the exact nature of the future relationship with the EU.”¹⁶ By saying that, Ferrero-Waldner did not introduce a brand new idea, but rather redefined the EU’s foreign policy goals towards its immediate neighbours for the future.

The aims of this policy are to promote reform, sustainable development and trade. In the long run, the so-called partner countries are to participate in the internal market of the EU and thus “[...] benefit from the prospect of

12 Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia joined the European Union in 2004. In 2007, Bulgaria and Romania followed.

13 Council of the European Union: Presidency Conclusions, Copenhagen European Council, 12-13 December 2002, Brussels, 29 January 2003, pp. 6-7, http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/73842.pdf [15 May 2009].

14 Council of the European Union: Presidency Conclusions, Copenhagen European Council, pp. 6-7.

15 Council of the European Union: Presidency Conclusions, Copenhagen European Council, pp. 6-7.

16 Ferrero-Waldner, Benita: The European Neighbourhood Policy – The EU’s Newest Foreign Policy Instrument, *European Affairs Review*, vol. 11 (2006), pp. 139-142, p. 139.

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closer economic integration with the EU.”¹⁷ In doing so, the ENP is usually based on former bilateral agreements that are now centralised under the umbrella of one coherent policy.

In order to work together successfully, an action plan is developed and implemented by the EU and the particular partner country. This action plan, together with strategy papers and country reports of the Commission, serves as a framework for enhanced contractual relations in the future.¹⁸ Furthermore, it lists the next steps to be undertaken by the partner country in order to achieve the goals set out in the plan.

Although European politicians have always stated that enlargement and ENP were to be seen independently from each other these two instruments have several characteristics in common. First, the ENP was originally developed in the Commission’s area, usually dealing with the enlargement process and later moved to the external relations Commissioner.¹⁹ Second, the EU has tended to use enlargement vocabulary – rather unintentionally – to describe its new policy.²⁰ Third, relations between the EU and the partner country respectively are based on certain conditions. “As our partners fulfil their commitments on rule of law, democracy, human rights, market-oriented economic and sectoral reforms and cooperation on key foreign policy objectives, we offer deeper political and economic integration with the EU.”²¹ Thus, the goals of the ENP are similar to the classic enlargement goals (stability, prosperity, market access, promoting democracy, civil society, and rule of law), even though the outcome is quite different: “A response to the practical issues posed by proximity and neighbourhood

17 COM(2003) 104 final, p. 4.

18 Information about the ENP and its partner countries: http://ec.europa.eu/world/enp/index_en.htm [15 May 2009].

19 See Kelley, Judith: New Wine in Old Wineskins: Promoting Political Reforms through the New European Neighbourhood Policy, *Journal of Common Market Studies*, vol. 44 (2006) 1, pp. 29-55, p. 32.

20 E.g.: Ferrero-Waldner, Benita: The European Neighbourhood Policy – The EU’s Newest Foreign Policy Instrument, p. 140.

21 Landaburu, Eneko: From Neighbourhood to Integration Policy. Are there concrete alternatives to enlargement?, CEPS Policy Brief 95, Brussels, March 2006, p. 2, http://www.shop.ceps.be/BookDetail.php?item_id=1305 [10 December 2006].

should be seen as separate from the question of EU accession.”²² Consequently, the power of conditionality is limited: the ‘golden carrot’ membership does not belong to the EU’s product range.

IV. The Union’s offer reloaded: Eastern Partnership

In June 2008 a Polish-Swedish proposal²³ called for new impulses towards the EU’s eastern neighbourhood. The text suggested developing an EaP that was based on the ENP but at the same time went beyond it. Thus, it proposed to deepen bilateral cooperation between the EU and each partner country but also among the partner countries themselves. Furthermore, regional differences were to be taken into account more. The bilateral proposal also suggested including Russia into the framework. At the same time, it called for an offer for Belarus, which has not taken part in any EU initiative so far. In general, the proposal summarised again the main goals of the ENP but furthermore called for more focus on the regional dimension.

In the Commission’s proposal of December 2008 it was stated that within the framework of the EaP “[...] the guiding principle should be to offer the maximum possible.”²⁴ In other words: if a partner country calls for deeper relations and is willing to reform in certain policy fields, the EU eventually offers an association agreement that includes the goal of establishing a deep and comprehensive free trade area. Another long-term goal would be the creation of a regional network among the partner countries. Yet, unlike the Union for the Mediterranean (UfM) that has its own secretariat, the EaP is to be controlled solely by the Commission.

Thus, the EaP is meant to provide a platform to discuss the four main areas of (future) cooperation: democracy, good governance and stability; eco-

22 COM(2003) 104 final, p. 5.

23 Polish-Swedish Proposal: Eastern Partnership, June 2008, <http://www.msz.gov.pl/Polish-Swedish,Proposal,19911.html> [6 May 2009].

24 COM: Communication from the Commission to the European Parliament and the Council. *Eastern Partnership*, COM(2008) 823 final, Brussels, 3 December 2008,

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conomic integration and convergence with EU policies; energy security; contacts between people. So-called flagship initiatives that are to give substance to the EaP are also supported by the European Council.

A multilateral approach is nevertheless ensured. The European Parliament, the OSCE and the Council of Europe are to work within the framework of the EaP. Furthermore, the Committee of the Regions as well as the European Economic and Social Committee are invited to join the EaP in particular policy fields.²⁵

In order to work on the policy fields properly, the Commission intends to increase its financial support laid down in the European Neighbourhood Policy Instrument (ENPI) step by step from € 450 million in 2008 to € 785 million in 2013.²⁶

The EaP is addressed to six former Soviet countries (Belarus, Moldova, Ukraine, Georgia, Armenia, and Azerbaijan) that (except for Belarus) are already partner countries within the framework of the ENP.

V. Lack of support among EU member states

One of the biggest problems for the EaP lays in the EU itself. The latest agreement lacks full support from all EU member states. Hence, the policy might be considered as weak and just another concept without a solid framework.

This approach was recently tested on 7 May 2009 when the heads of state or government of the EU together with their colleagues from the six EaP partner countries were invited to celebrate their 'Joint Declaration of the Prague Eastern Partnership Summit' in the capital of the Czech Republic.

p. 3, <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0823:FIN:EN:PDF> [6 May 2009].

25 See COM(2008) 823 final, p. 14.

26 See COM(2008) 823 final, p. 19.

Considering the masses of important statesmen turning out at the Paris Summit for the Mediterranean on 13 July 2008²⁷, the EaP meeting appeared minor. This was primarily thanks to the missing high representatives of the greater EU states such as France, Italy and the UK. French President Nicolas Sarkozy was represented by his Prime Minister. Spain sent its Minister of Foreign Affairs. The United Kingdom's head of state was not able to attend, for an unknown reason, and sent his Secretary of State for Foreign and Commonwealth Affairs. Italy's Silvio Berlusconi also had a prior engagement. Instead of him, the Italian Minister of Welfare appeared and caused confusion. The heads of state or government from Austria, Cyprus, Latvia, Lithuania and Portugal also had other things to do. The Lithuanian Minister of Foreign Affairs, Vygaudas Ušackas, tried to play the absence down. "It's awkward, but it is in no way significant in terms of support for the Eastern Partnership."²⁸ It is awkward indeed. There might have been understandable reasons why some leaders failed to appear. For instance, politicians at the event tried to find reasons for the absence of said leaders in the ongoing financial crisis that had hit some countries harder than others.²⁹ However, the event shows that even the EU's foreign policy is still dominated by national interests that are built in geopolitical terms. It was during the French EU Presidency that the UfM was launched. Historically, France as a former colonial power is more connected to the Mediterranean states such as Algeria or Morocco. This is why Sarkozy has always pushed initiatives that dealt with improving the networking in that region. When it comes to the eastern dimension of the EU's neighbourhood policy, France has usually been quieter and left the issue to other members such as Germany³⁰ or far smaller initiatives from countries in the east or north³¹. This is not to blame countries for their decisions. It is to show that there has

27 See Summit for the Mediterranean: Joint Declaration, Paris, 13 July 2008, http://www.ue2008.fr/webdav/site/PFUE/shared/import/07/0713_declaration_de_paris/Joint_declaration_of_the_Paris_summit_for_the_Mediterranean-EN.pdf [25 May 2009].

28 Quoted in Rettman, Andrew: Absent leaders deflate EU's 'eastern' summit, euobserver.com, 7 May 2009, <http://euobserver.com/9/28088> [8 May 2009].

29 Rettman, Andrew: Absent leaders deflate EU's 'eastern' summit.

30 In 2006 Germany introduced an enhanced approach called 'ENP plus'.

31 Such as the initiative of Poland and Sweden in summer 2008.

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been no consensus supported commonly on how to deal with the EU's neighbourhood. In the case of the EaP, the six partner countries could – again – be the losers, as the initiative lacks support, and more importantly, interest.

The lack of interest by some bigger Western players can also be seen regarding how the new instrument was introduced. When the Polish-Swedish Proposal on a specific eastern dimension was introduced in June 2008, it was considered to be partly a response to the EU initiative for its southern neighbours known as UfM. However, the project was of most interest to ex-Communist states and countries in the north such as Sweden or Finland whereas the Mediterranean project was primarily launched by southern countries that are located on the Mediterranean Sea or have historical bounds with that region (e.g. France). Thus, neither the UfM nor the EaP has been fully supported by all 27 member states. Hence, it is inaccurate for Danuta Hübner, European Commissioner for Regional Politics, to claim that “[t]he EU’s eastern policy is of interest to the whole EU [...] The weakness of [previous] northern, eastern or southern European Union policies was that they existed only in the sphere of interest of member countries in those regions.”³² It was not until the war between Russia and Georgia in August 2008 that the EaP gained momentum. At a moment’s notice, the eastern neighbourhood of the Union was brought into focus. An extraordinary European Council meeting on 1 September 2008 asked the Commission among other things to generate a document, also “[...] responding to the need for a clearer signal of EU commitment following the conflict in Georgia and its broader repercussions.”³³ The Commission’s document of December 2008 then also supposed “[...] to offer the maximum possible [...]”³⁴ to the partner countries – words that went beyond the usual EU vocabulary. Usually, the EU has been rather cautious when it comes to offers to its neighbours. These rather aggressive words have not been repeated since then. Furthermore, Czech officials at the May 2009 summit advo-

32 Hübner, Danuta, quoted in Runner, Philippa: Poland and Sweden to pitch ‘Eastern Partnership’ idea, euobserver.com, 22 May 2008, http://euobserver.com/9/26194?rss_rk=1 [25 May 2009].

33 COM(2008) 823 final, p. 2.

cated calling the partner countries just “European” instead of “eastern partners” or – as they have been called in the end – “Eastern Europeans”. However, other member states were already reluctant to use at all the term “European” as they regard this statement as “[...] stretching a geographical point in the case of Armenia, Azerbaijan and Georgia [...]”³⁵ Moreover, the Dutch Prime Minister Balkenende explains that “[i]f you speak about ‘European countries’ you speak about a European future [accession.]”³⁶ This connection, however, has been avoided by the Union ever since. All in all, far reaching considerations have been weakened due to national concerns. For instance, Germany, together with other western states, has been reluctant to offer visa-free travel for citizens of the partner countries. The Commission text of December 2008 offers a “phased approach” with talks on visa facilitation as a first step followed by visa facilitation agreements and afterwards visa-free travel. The document even records the annual cost for the Union of a visa fee waiver.³⁷ Yet the joint declaration of May 2009 speaks about a “[...] visa liberalization as a long term goal for individual partner countries on a case-by-case basis [...]”³⁸ The possibility and arrangement of future visa facilitation has been already outlined in several ENP core documents in 2004³⁹ and 2006⁴⁰.

The great interest in the eastern dimension and the want to act, activated through the Caucasus conflict, has already disappeared as highlighted at the summit in Prague when the absence of several national leaders illustrated the potential weakness of the EaP. Thus, the agreement looks as if it was done in a rush. The EU felt that it had to give a fast response and a sign of

34 COM(2008) 823 final, p. 3.

35 Barber, Tony: EU sets partnership with ex-Communist states, *The Financial Times* UK, 8 May 2009.

36 Quoted in Rettman, Andrew: Absent leaders deflate EU’s ‘eastern’ summit.

37 COM(2008) 823 final, pp. 6-7.

38 Eastern Partnership Summit: Joint Declaration.

39 See COM: Communication from the Commission. European Neighbourhood Policy. Strategy Paper, COM(2004) 373 final, Brussels, 12 May 2004, p. 17, http://ec.europa.eu/world/enp/pdf/strategy/strategy_paper_en.pdf [29 May 2009].

40 See COM: Communication from the Commission to the Council and the European Parliament on *Strengthening the European Neighbourhood Policy*, COM(2006)

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support towards its eastern neighbours due to the progress in its relations towards its southern partners and to the conflict between Russia and Georgia. After first actions and statements in summer and autumn 2008, the situation has calmed down and has since been pushed into the background again.

VI. The EaP and its implications on the EU-Ukrainian relations

Ukraine's attitude towards the new policy is divided. In principal, it sees some advantages in the EaP. Ukrainian Vice Prime Minister on European and International Integration, Hryhoriy Nemyria, stresses association and free trade agreements as well as programmes of institution building to be important goals of the initiative. He adds that his country fully understands the difficulties of the process of EU enlargement. He fears, however, that the EU might slow down the enlargement process artificially. Moreover, in his opinion, the EaP still needs to be improved, particularly in terms of security and defense policies as well as in terms of proper financial aspects. He also fears that the EaP could again serve as a substitute for enlargement. "In other words, the Eastern Partnership should keep the doors open for the states having an ability to become the members of the European Union."⁴¹

VI.1. EU-Ukrainian relations – a difficult task

It still seems to be the same old game in relations between the EU and Ukraine: the EU tends to integrate Ukraine in some policy fields, always denying the so-called 'golden carrot' membership, while Ukraine takes part in every EU initiative by stressing at the same time the importance of becoming a full member at last.

726 final, Brussels, 4 December 2006, http://ec.europa.eu/world/enp/pdf/com06_726_en.pdf [29 May 2009].

41 Nemyria, Hryhoriy: Under the world financial crisis deepening of European integration is one of the key prerequisites to overcome it, 8 December 2008, http://www.kmu.gov.ua/control/publish/article?art_id=176780114 [25 May 2009].

Ukraine fears being forced once more into a multinational policy instrument together with countries such as Belarus, which has been neither an ENP partner country nor interested in establishing closer ties with the Union at all. The approach outlined in the joint declaration and in the Commission's documents has been already similarly discussed with Ukraine on a bilateral level.⁴² Moreover, the EU stressed Ukraine to be "[...] a European country [sharing] a common history and common values with the countries of the European Union."⁴³ Having stated this, French President Sarkozy highlighted that it was for the first time in EU-Ukrainian relations that the EU used this term to describe the close relationship.⁴⁴ However, some EU member states prohibited use of the term 'European identity' in the official declaration. This may be a case of splitting hair. Nevertheless, Ukrainian officials deplored it.⁴⁵

The relationship between the EU and Ukraine has been tested several times since Ukraine gained independence in 1991. Ukraine has, more or less, been a compliant partner country in the context of the ENP since its introduction. However, this behaviour was not to be expected before the Orange Revolution in 2004.

Ukrainian foreign policy between 1991 and 2004 was characterised by a steady opening towards the west while at the same time keeping close relations with Russia. The second Ukrainian president, Leonid Kuchma, frequently expressed his wish to eventually join the EU. Still, in the majority of cases the measures taken remained rhetorical. Consequently, the country was once the European "no-man's land of the 1990s"⁴⁶. Moreover, after the breakdown of the Soviet Union the EU began to work with the newly independent states in the east and the south east of Europe in order to support their difficult process of transformation. Western Europeans assumed that

42 See EU-Ukraine Summit: Joint Declarations.

43 EU-Ukraine Summit: Joint Declarations.

44 Quoted in Kröncke, G.: Viel Hoffnung, viel Perspektive, *Süddeutsche Zeitung*, 10 September 2008.

45 See Vucheva, Elitsa: Ukraine disappointed with EU 'hypocrisy', *euobserver.com*, 22 October 2008, <http://euobserver.com/24/25978> [24 October 2008].

46 Kuzio, Taras: Is Ukraine Part of Europe's future?, *The Washington Quarterly*, vol. 29 (2006) 3, pp. 89-108, p. 106.

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Ukraine, being a founding member of the Commonwealth of Independent States (CIS), would be a natural part of the Russian sphere of interest. All in all, relations between the EU and Ukraine remained contradictory during the first 13 years of Ukrainian independence. Ukraine, together with Belarus and Moldova, were seen as special neighbours⁴⁷ to the EU and were hence treated differently from the candidate countries of eastern Europe.

It was not until the Orange Revolution in 2004 that Ukraine aroused public interest. It was this peaceful revolution of the masses that brought Viktor Yushchenko into power who thereafter declared to lead his country into western alliances and support the country's internal transformation process. Soon after his victory in December 2004, the newly elected president declared his objectives regarding foreign affairs in front of the European Parliament:

“I hope that in the year 2007 it will be possible for us [...] to begin negotiations for membership and that we could open up the process of negotiations for membership in that way. [...] My final objective and that of my country and my government is for Ukraine to join the European Union.”⁴⁸

The vast majority of Ukrainians expected Brussels to offer accession talks immediately. To them the Orange Revolution was a breakthrough in external relations with the west.⁴⁹

Observers back then agreed that the EU was caught off guard by the intensity and dynamic of the election campaign. The routine suddenly ended when the revolution began and fears that a military conflict might break out escalated. Every single European institution came up with suggestions for Ukraine's future. The peaceful Orange Revolution became popular worldwide and Yushchenko's victory was celebrated enthusiastically.

47 The so-called 'New Neighbours Initiative' of the UK and Denmark in April 2002.

48 Speech of Yushchenko, Viktor: no title, formal sitting at the European Parliament in Strasbourg, 23 February 2005, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+CRE+20050223+ITEM-008+DOC+XML+V0//EN> [10 May 2009].

49 See Kuzio, Taras, p. 89.

In the aftermath, the Ukrainian government signed the ENP action plan and started to realise the aspects written in the paper. In doing so, the government was strongly supported by a vast majority of Ukrainians being in favour of the west-oriented course for their country. Due to its internal reforms the country gained market economy status and became part of the World Trade Organization (WTO) in May 2008.

However, Ukraine's first reaction to the ENP was bitterness. The 2005 action plan had been negotiated between the EU and the former government, Ukrainians said. In their opinion, the EU had to come up with a new agreement that took the current situation into account.⁵⁰ "The neighbourhood policy already seems to have been overtaken by events. The scope and dimension of our relations should be based on the fact that Ukraine is an integral part of a united Europe already."⁵¹

Yushchenko's words were heard, but nothing much has changed so far. Thus, emphasising on the one hand on the important role of Ukraine in the EaP and stressing on the other hand the Europeanness of the country must have been pleasing words for Ukraine. However, even these words, together with enhanced agreements might not convince the Ukrainian citizens to support the President's west-oriented course any longer. Current opinion polls show that people favour integration with Russia (42 percent) over integration with the EU (34 percent).⁵²

VI.2. Politics

It is questionable that the EaP can help to improve relations in the future.

50 See Solonenko, Iryna: European Neighbourhood Policy – The Perception of Ukraine, in: Marco Overhaus/Hanns W. Maull/Sebastian Harnisch (eds.): *The New Neighbourhood Policy of the European Union. Perspectives from the European Commission, France, Germany, Poland, Ukraine and Moldova*, Foreign Policy in Dialogue, 6 (2006) 19, pp. 44-51, p. 47, <http://www.deutsche-aussenpolitik.de/newsletter/issue19.pdf> [12 December 2006].

51 Speech of Yushchenko, Viktor: no title, formal sitting at the European Parliament in Strasbourg.

52 See Rettman, Andrew: EU summit text loaded with eastern tension, euobserver.com, 7 May 2009, <http://euobserver.com/9/28081> [7 May 2009].

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One of the four thematic platforms within the framework of the EaP deals with promoting democracy, good governance and stability. “[D]emocratic institutions and effective state structures [...]”⁵³ are to be supported by the new instrument. This approach has already been stated in the EU-Ukrainian action plan and it is arguable if the newly granted financial assistance is sufficient to pursue this strategy.

Ukraine suffers from an inability of its political leaders to find common and long-term solutions as well as a common foreign policy goal. Due to major (constitutional) changes in the aftermath of the Orange Revolution, the political system of Ukraine is neither presidential nor parliamentary. In fact, it is a hybrid as it mixes both approaches. However, due to personal tensions between the political leaders, neither the president nor the prime minister has been able to rule. On the contrary, President Yushchenko and Prime Minister Tymoshenko have accused one another several times of putting personal interests higher than the country’s progress and therefore suggested the other should step down (Tymoshenko on Yushchenko)⁵⁴ or blamed the other for betraying national interests (Yushchenko on Tymoshenko)⁵⁵. Moreover, there has been an ongoing conflict between the presidential secretariat and the cabinet. Since Yushchenko came into power in 2004 Ukraine has had three different prime ministers. In addition, Yushchenko suspended the parliament in 2007 and again in 2008. Viktor Yanukovich was forced to go into opposition in 2007 even though his party has had the majority of seats in parliament for two years.

The next presidential elections are to be held in January 2010. Opinion polls of April 2009 show a decline in voters’ support for Yushchenko (2 percent only). By contrast, Yanukovich would poll around 22 percent and Tymoshenko 15 percent.⁵⁶

53 COM(2008) 823 final, p. 11.

54 Tymoshenko demands Yushchenko’s resignation, *Kyiv Post*, 20 December 2008, <http://www.kyivpost.com/nation/32219> [28 May 2009].

55 Yushchenko compares talks on Russian loan for Ukraine to Molotov-Ribbentrop pact, *Kyiv Post*, 10 February 2009, <http://www.kyivpost.com/nation/35239> [28 May 2009].

56 Quoted in *ukraine-analysen*, No. 57/09, p. 14, <http://www.laender-analysen.de/ukraine> [28 May 2009].

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Ongoing power struggles, corruption and changing political attitudes among the Ukrainian elite have been paralysing the country and are likely to last.

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VI.3. *Economy*

It is the economy, however, that Ukraine has to struggle with these days. The country has undergone hard times since the beginning of the global financial crisis. After years of growth averaging above 7 percent,⁵⁷ Ukraine was hit badly by the global financial crisis last year. Its key industries (steel, mining, and construction) have been hit worst. Fortunately, Ukraine received financial assistance from the International Monetary Fund (IMF) already in October 2008 and could therefore avoid worse. Still, analysts prognosticate a deep recession in 2009.⁵⁸

In contrast to the IMF, the European Bank for Reconstruction and Development, and the World Bank, the EU has not found proper answers to the economic problems of Ukraine. The European Council in March 2009 sees the challenges of the financial crisis and emphasises to do “[...] its part to support demand [...] The European Union will take a leading role at the global level in promoting a swift return to sustainable economic growth.”⁵⁹ Despite its being up-to-date on the first pages of the Presidency Conclusions, the included declaration on the EaP uses the established terms which by now are rather widespread. Moreover, the EU offers its partner countries in the east “[...] the creation of a network of bilateral agreements among the partners, possibly leading to the creation of a Neighbourhood Economic Community.”⁶⁰ Unfortunately, the EU only briefly touches on this topic and gives no further explanation as to what that is supposed to mean in detail. That is not to say that the EU is obliged to treat Ukraine like it would treat its member states. Still, the EU’s latest initiative towards its eastern neighbourhood would provide more confidence if it gave answers to current economic challenges, too. “The Eastern Partnership is a step forward.

57 See The World Bank: Country Brief 2009, April 2009, <http://web.worldbank.org/> [15 May 2009].

58 See The World Bank: Country Brief 2009.

59 Council of the European Union: Presidency Conclusions, Brussels European Council, 19/20 March 2009, Brussels, 29 April 2009, pp. 7-8, http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/ec/106809.pdf [15 May 2009].

60 COM(2008) 823 final, p. 5. Further vague comments on pp.9-10.

But it is still a typical EU solution – a long-term, technocratic instrument for a region full of short-term crises.”⁶¹

VI.4. Energy

Interestingly, the Union’s vocabulary gets more explicit when it comes to its own energy security. Along with former agreements, the EaP aims to fully integrate Ukraine’s energy market with that of the EU.⁶² Meetings are to be held in 2009 and there is no ‘in the long run’ vocabulary whatsoever.

In the past, Ukraine has struggled to be a reliable partner to the EU as a transit country for oil and gas from Russia. As shown in January 2009 and in winter 2006, Ukraine cannot guarantee to deliver gas and oil to European households as well as to its own national consumers. This situation became evident once again in the beginning of 2009, when the Russian company Gazprom turned off its gas supply due to unbalanced accounts. Following this action, mainly the south eastern European countries such as Bulgaria or Romania were affected deeply and had temporarily to close public buildings because they were not longer able to heat them.⁶³ This might become an annual winter event if Russia and Ukraine do not find a way out of this dispute. Gazprom has already threatened a repeat of the January events if Ukraine is unable to balance its account.⁶⁴ Moreover, the Russian President blamed Ukraine and stressed Russians reliability. “There are no problems on our side. Everything is in order here.”⁶⁵ Meanwhile, the EU has reluctantly offered support to find a solution in the ongoing dispute in order to

61 Wilson, Andrew (ECFR), quoted in Rettman, Andrew: EU summit lext loaded with eastern tension.

62 See COM(2008) 823 final, p. 8.

63 See Schäffer, Sebastian/Tolksdorf, Dominik: Dispute between Russia and Ukraine settled? – Strategies for the European Union to get out of the gas trap, CAPerspectives, No. 1, January 2009, p. 1.

64 See Pop, Valentina: Energy policy is EU’s ‘big failure’ of past 50 years, euobserver.com, 28 May 2009, <http://euobserver.com/9/28200/?rk=1> [28 May 2009].

65 Quoted in Rettman, Andrew: EU-Russia summit ends with prickly exchange over energy, euobserver.com, 23 May 2009, <http://euobserver.com/9/28173/?rk=1> [24 May 2009].

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secure its energy supply in the future.⁶⁶ Ukraine is highly dependent on Russia because almost 80 percent of gas from Russia to Europe crosses Ukraine. Moreover, around 75 percent of Ukraine's national gas imports are from Russia or Central Asia and supplied through Russia.⁶⁷ Although it might initially have been an economic dispute between Russian Gazprom and Ukrainian Naftogaz, it has become politicised on both sides and challenged the political relations not only between Russia and the Ukraine but also between Russia and the EU as well as Ukraine and the EU. Furthermore, Russia has refused to ratify the Energy Charter Treaty⁶⁸ and has thereby avoided subjecting itself to multinational and international conventions or declarations. Russia seems to use its energy supplies as a political tool.

VI.5. Russia

Successful attempts with regard to the EaP are further hampered due to the unclear and difficult relationship between Ukraine and Russia in general. Bordering the EU and Russia at the same time, Ukraine's geographical position is the main challenge the country has to face externally. Existing between different great powers has always been part of Ukraine's history. For centuries, the area of Ukraine today partly belonged to Poland, Lithuania, Russia, Turkey and Austria. Every single potentate has left his mark on the Ukrainian mentality, culture and politics. Yet it is the common history with Russia that has influenced the eastern European country the most regarding language, culture, politics and economy.⁶⁹

Therefore, EU policies towards its neighbour in the east should always keep Russia in mind. Ukraine might be independent and sovereign but it

66 See Rettman, Andrew: EU leaders to debate risk of fresh gas crisis, euobserver.com, 29 May 2009, <http://euobserver.com/9/28213/?rk=1> [30 May 2009].

67 See Schäffer, Sebastian/Tolksdorf, Dominik: Dispute between Russia and Ukraine settled? – Strategies for the European Union to get out of the gas trap, CAPerspectives, No. 1, January 2009, p. 1.

68 See Rettman, Andrew: EU-Russia summit ends with prickly exchange over energy.

69 See Piehl, Ernst: Die Ukraine, in: Ernst Piehl / Peter W. Schulze / Heinz Timmermann (eds.): Die offene Flanke der Europäischen Union. Russische Föderation, Belarus, Ukraine und Moldau, Berlin 2005, pp. 331-458, p. 352.

has had close ties with Russia that should not be tested carelessly. Offering western alliance to countries in the east of Europe or South Caucasus with respect of Russian reservations is truly difficult. That is not to say that the EU should naturally treat Ukraine as it did in the 1990s. Times have changed, and Ukraine has expressed its will to move on towards the west. Still, as Javier Solana puts it: “[T]here is no alternative to a strong relationship [between the EU and Russia]. We need Russia as much as Russia needs the EU and that is why contacts are ongoing.”⁷⁰ And that is why – even though the relations have been affected deeply by the August war between Russia and Georgia – the EaP explicitly invites Russia to join the agreement in particular policy fields. Furthermore, the EaP is to be pursued “[...] in parallel with the strategic partnership with Russia [...]”⁷¹ and the joint declaration also emphasises the parallel development of relations with both partner countries and “third states”⁷². Moreover, Barroso points out that “[t]he Cold War is over, [...] and where there is no Cold War, there should be no spheres of interest.”⁷³ These last words however are not likely to calm Moscow. Russia has been suspicious towards closer ties between the EU and what Russia calls the region in which it has had “privileged interests”⁷⁴ ever since. These interests towards Ukraine were outlined clearly by Putin at the Nato summit in Bucharest in 2008: “Well, seventeen millions Russians currently live in Ukraine. Who may state that we do not

70 Solana, Javier: Summary of remarks to the European Parliament Foreign Affairs Committee and the Chairs of the Foreign Affairs and Defence Committees of the National Parliaments, Brussels, 5 November 2008, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/discours/103802.pdf [16 May 2009].

71 COM(2008) 823 final, p. 3.

72 Eastern Partnership Summit: Joint Declaration.

73 Quoted in Castle, Stephen: EU proposes deeper ties to 6 ex-Soviet nations, *The New York Times*, 3 December 2008, <http://www.iht.com/articles/2008/12/03/europe/union.php> [5 December 2008].

74 Interview with Medvedev, Dmitry, Television Channel One, *Rossia*, NTV, 31 August 2008, http://www.kremlin.ru/eng/text/speeches/2008/08/31/1850_type82912type82916_206003.shtml [15 May 2009].

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have any interests there?”⁷⁵ Russia has treated the EaP as a new threat – first to its own security and second to its relations with Europe.

It was in the very same document in September 2008 that the EU condemned Russia sharply for the August war and launched the EaP. Therefore, one could get the impression that the new foreign policy instrument was to be a direct and critical response to the conflict. Moreover, on 23 March 2009, the EU and Ukraine signed a document on the modernisation of Ukraine’s gas transit system. Russia, however, was not even invited. Introducing the Russian National Security Strategy, President Medvedev pointed out that “[w]e understand security [...] also in terms of economic security.”⁷⁶ As the gas crossing Ukraine comes from Russian territory, Russia was not amused being ignored.⁷⁷ Consequently, the EU-Russia summit on 22 May 2009 ended with the result that Russia showed no intention of ratifying the Energy Charter Treaty.

“We tried to convince ourselves [that the EU project is harmless] but in the end we couldn’t. [...] What worries us is that in some countries attempts are being made to exploit this structure as a partnership against Russia.”⁷⁸

Therefore, the EaP might not be “[...] a way for peacefully solving tensions in the region [...]”⁷⁹, as Polish Prime Minister Donald Tusk optimistically put it in 2008.

75 Speech of Putin, Vladimir: no title, Nato summit, Bucharest, 2 April 2008, <http://www.unian.net/eng/news/news-247251.html> [19 May 2009].

76 Beginning of Meeting with Security Council on National Security Strategy of the Russian Federation Through to 2020 and Measures Necessary to Implement It, Moscow, 24 March 2009, http://www.kremlin.ru/eng/text/speeches/2009/03/24/2056_type82913_214288.shtml [20 May 2009].

77 See Beginning of Meeting with Security Council on National Security Strategy of the Russian Federation Through to 2020 and Measures Necessary to Implement It.

78 Medvedev, Dmitry, quoted in Rettman, Andrew: EU-Russia summit ends with prickly exchange over energy.

79 Prime Minister paid a visit to Sweden, 18 September 2008, <http://www.premier.gov.pl> [6 May 2009].

VII. ...old products?

All in all, the EaP is unlikely to give fresh impetus to the EU-Ukrainian relations. First, the EaP seems to be weak as it lacks support among all 27 EU member states. In addition, the increased budget is not sufficient to fulfil the needs written in the joint declaration. Second, the EaP tends to focus on a rather regional perspective and asks for better cooperation among the partner countries as a long-term goal. However, these partner countries have totally different goals. For instance, Belarus has not even taken part in the more general ENP approach yet. On the contrary, Ukraine has called for a membership perspective for many years. Moreover, there have been ongoing tensions and conflicts among EaP partner countries (e.g. between Armenia and Azerbaijan on Nagorno-Karabakh). Therefore, one might get the impression that the EU tries to connect different countries in the east just because they are in the eastern proximity.

Third, current opinions polls in Ukraine see a decline in EU sympathisers. Reasons for this are manifold: there has been neither progress in visa facilitation nor have there been visible EU projects within the country. Moreover, it was thanks to the IWF, and hardly to the EU, that Ukraine got financial assistance in order to cope with the financial crisis.

Additionally, Ukraine has revived its CIS membership that has been in the background for many years. While the EU and Russia have to fear ongoing tensions on their common neighbourhood, Tymoshenko attended a sitting of the Council of heads of CIS member states in Kazakhstan in May 2009 and talked about common measures to cope with the financial crisis. At the same event, she stressed Russia's role in the CIS and thanked Putin for deepening their bilateral cooperation. Furthermore, she initiated the next meeting being held in Ukraine – not just anywhere in Ukraine, but in Crimea which has been an arena for warlike operations between Ukraine and Russia for many years. Russia has rediscovered the post-Soviet alliance as well, stating its relations with the CIS countries to be “[...] Russia's most important foreign policy priority [...]”.⁸⁰ The CIS might lack an effective

80 Speech of Medvedev, Dmitry, Beginning of Working Meeting with Director of the Federal Agency for CIS Affairs, Compatriots Abroad and International Humanitar-

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structure and clear goals. Yet, it offers visa-free travel for its members and recognition of university diplomas – visible measures for the states' citizens.⁸¹

Thereby Tymoshenko acts partly against Yushchenko's wishes. The next presidential elections in Ukraine may be crucial as two candidates – namely Tymoshenko and Yanukovich – are likely to get the majority of votes. Both of them have tried to deepen the relations between Ukraine and Russia and have also gained support of the majority of Ukrainians. In addition, newspapers report on secret talks about a possible future cooperation between the former rivals.⁸² Yanukovich has usually placed a higher value on relations with Russia than relations with the EU. If he wins the presidential elections in January 2010 he and Tymoshenko are likely to form a coalition.

Regardless of the ongoing internal changes in Ukraine the EU should concentrate on organising effective and viewable projects within the framework of the EaP in order to communicate to Kiev that closer ties will lead to enhanced cooperation with the EU in the foreseeable future. Furthermore, the EU should communicate to Moscow that 19th century Realpolitik is over. “The new Eastern Europeans and nations of the South Caucasus are not a prize to be won or lost in a global geopolitical game.”⁸³ As long as the EU and Russia quarrel over their foreign policy instruments and see them automatically as threats, countries like Ukraine will probably remain torn internally, being dependent on both.

ian Cooperation Farit Mukhametshin, Moscow, 25 May 2009, http://www.kremlin.ru/eng/speeches/2009/05/25/2048_type82913_216819.shtml [27 May 2009].

81 See Markedonov, Sergei: A voucher to the European Union, RIA Novosti, 5 May 2009, <http://en.rian.ru/analysis/20090505/155003771.html> [8 May 2009].

82 See Prystayko, Olena: Ukraine dinosaurs seek power at any cost, euobserver.com, 5 June 2009, <http://euobserver.com/9/28252/?rk=1> [6 June 2009].

83 Trenin, Dmitry: Competing for Privilege, The Moscow Times, 28 May 2009, <http://www.moscowtimes.ru/article/1016/42/377392.htm> [1 June 2009].

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