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**COMMON FOREIGN AND SECURITY POLICY  
OF THE EUROPEAN UNION AND ITS INFLUENCE  
ON THE COURSE AND NATURE OF THE CONFLICT  
IN UKRAINE**

**Keywords:** Foreign policy, European Union, Crisis in Ukraine, International Relations

**ABSTRACT:** The author shows the basic elements and tools for implementing security and defense policy of the European Union. She poses questions about the dependence of the Union's policy and its impact on the conflict in Ukraine. The analysis of subsequent events enables to make conclusions and show irregularities. Two years after the bloody protests the analysis goes from hybrid war to creeping conflict.

The European Union is an organization with a unique character on the international forum. This consists of its unique structuring and nature of the cooperation between Member States. That situation has its drawbacks associated with the difficulties of establishing a common position in the event of threats or conflicts. Therefore, the question arises whether the position of the European Union regarding common defense policy directly

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affects the escalation or mitigation of the conflict in Ukraine? Without much thought this question may be answered positively. And in this case, the truth would have been on both sides, since the escalation and mitigation of the conflict was related to EU action. It is important, however, what instruments are on the side of the Union, and thus determine the geopolitical changes in Europe and worldwide.

As noted by Ryszard Zięba (Zięba, 2008, pp. 147–150), already since the early sixties countries forming the European Communities have signaled the need to establish a common security and defense policy. Anna Wojciuk goes back even further (Wojciuk, 2012, pp. 191–192) showing that it has happened already at the beginning of the fifties of the twentieth century. This is an important observation as it shows a long perspective of building a cooperation platform for the actors of contemporary events. If it is assumed that first close concept was Fouchet Plan going towards the “Europe of Homelands” collectively responsible for the security of associated countries, then in broad terms, the concept of security would be probably a vast field of implementation. On the other hand, in the narrow understanding of military or military-political security, there was a concern of antagonism towards the North Atlantic Treaty.

The initiatives that were not implemented in full were also the European Defense Community (EDC) and the European Political Community (EPC). No consensus in both cases resulted in an ambivalent approach to the idea of federalization and moving on to the concept of functional integration. In accordance with the above, security and foreign policy were the result of intergovernmental arrangements on the basis of consultation and laconic common positions. Hard decisions were left to individual foreign policy of individual states. It was not until the Single European Act that unified EPC to some extent.

The collapse of the bipolar world, a number of new threats from the evolution of international relations, local conflicts, wars and aspirations of separatists or ethnic proclamation posed a new challenge against unified twelve. As the result the so-called ‘security vacuum’ regions appeared. Although the type of hazards existing at that time was homogeneous, they had a direct impact on the subject of economic, financial or social security of the Community. Since the late 70s, the change in the quality of policy-

making in the so-called soft power (Nye, 2007, pp. 30–188) has raised doubts as to its inadequacy.

In 1992 the Treaty of Maastricht (TEU) replaced the EPC Common Foreign and Security Policy (CFSP). Subsequent treaties have strengthened the concept (Amsterdam, Nice and Lisbon) by building a new quality in the area of the second pillar.

Transformations also concerned subsidiary bodies, including the Western European Union (WEU). In accordance with collective military responsibility for the community members, the so-called armed wing of the Union was established and entrusted military tasks. “De facto, the WEU did not have the proper instruments to carry out these tasks” (Wojciuk, 2012, p. 192). This resulted in a long-term transfer of WEU tasks to NATO. The breakthrough was to be the Berlin Plus that aimed at tightening cooperation with NATO, while highlighting that the need to conduct peacekeeping operations by European partners without the participation of the United States should not limit access to operational data of the Alliance. In 1999 in Helsinki a European security and defense policy was established, including the military part of the CFSP.

The consequence of this was the adoption of the Helsinki Headline Goal 2003, which provided obtaining of military capabilities in accordance with the assumptions of Petersburg tasks (Zięba, 2008, p. 154). Due to the slowness in achieving agreed goals already in 2004 a new Headline Goal was adopted with implementation perspective by 2010. Creation of small combat groups and moving away from long-range plans to create a European army was the result of socio-cultural specificity of Europeans deciding on policy-making character.

Organizational structure itself also significantly affects the possibilities for taking action – based on the historical formation of the structure of EU bodies. Competence, which is interesting from the point of view of this paper, should result from the findings of the High Representative of the Union for Foreign Affairs and Security Policy. And a President of the Council on Foreign Relations and Vice-President of the European Commission under the Lisbon Treaty have full political legitimacy to take action.

## 1. NEGOTIATIONS

The main player in the case of Ukraine is the Russian Federation. The first significant reports on the position of the Russian Federation toward Ukraine signing an association agreement with the European Union were noted in August 2013. The head of diplomacy Catherine Ashton responded immediately. On Monday, 27 August 2013 she expressed a strong hope at a press conference that the signing will take place already at the November summit in Vilnius. Diplomatic clash began. It went on from a free trade area between Ukraine and the European Union and its consequences for Moscow to the promises made by Russia to support Ukrainian economy with astronomical funds.

One of the sources of a dialogue between the EU and Ukraine was the Partnership and Cooperation Agreement of 1998. And it was not until 10 years later when political transformation and strained relations between Brussels and Moscow led to the next step of arrangements, which is to sign an association agreement. The meeting of EU leaders and Ukraine took place at the 13<sup>th</sup> summit held in Paris in 2008. According to the legitimate concerns of Russia, association leads to deepening political and economic cooperation, including access to the Union's internal market for Ukraine. Just as it was with the other new members of the European Union, Ukraine is committed to adapt its market and legislation to EU standards and guidelines.

This was confirmed on 23 August 2013, when the chairman of the Verkhovna Rada in Kyiv Volodymyr Rybak announced voting on the adoption of laws regulating the legislation of Ukraine with the EU regulations. The prosecution and the judiciary were made a point of attention as an aftermath of sentencing Yulia Tymoshenko. Europe believed that this judgment was made for political reasons, not the actual legal grounds – part of the allegations was not confirmed during the trial.

At the beginning of September 2013 a meeting in Kiev was organized between the authorities, Aleksander Kwaśniewski and EP President Pat Cox (Kowalczyk, 2014). The leading topic was the preparation of Ukraine to sign an association agreement. The case of Yulia Tymoshenko was also discussed. This resulted in a significant reaction from Russia. The State

Duma (the lower house of Russian parliament) accused the EU of “wringing Ukraine’s hands”. Incriminations were included in the resolution of Duma in response to the document passed by the European Parliament. The latter stated that there is a strong pressure from Moscow on Eastern Partnership countries. The resolution of the State Duma counterattacked Union for allegedly trying to take part of Ukraine’s sovereignty for the benefits of Brussels.

There was a momentary impasse in building new relations between Ukraine and the European Union. Eastern Partnership Summit was coming, when President Yanukovych decided to visit Moscow. According to the statement for the PAP, Dymitro Wydrin (Ukrainian political scientist, the then advisor to the President Yanukovich) stated that this sudden visit was an attempt to address the fears of President Putin on the issue of further trade cooperation. And it opened new opportunities also for the Russian Federation. This was also confirmed by Prime Minister of Ukraine Mykola Azaro. However, the announcements suggested a retreat from the chosen path. European Parliament was waiting for a special statement by Cox and Kwasniewski. On 13 October 2013 the conclusions have been published. The statement stated that it is an interim statement and not the final report. A significant progress was visible, although key assumptions were not realized, which was necessary to take action established at the summit in Vilnius. The core was the adoption of the law on the health treatment of prisoners abroad and stagnation in the Tymoshenko case.

Official retreat took place on 21 October, when Ukraine’s parliament rejected the release of Yulia Tymoshenko and annulled the decisions on signing the association agreement. Calls for bringing Ukraine closer to Europe were left unheard. The government upheld its decision. Supporters of an association agreement with the European Union loudly protested against this decision. Union and Ukraine policy has entered a new phase.

## 2. PROTESTS

The end of fragile democracy was announced. However, the case of Tymoshenko was not forgotten. The result was predictable: the prisoner began to call people to protest. It was not long when the groups of supporters of accession to the European Union manifested their discontent on the streets of Kiev. The whole country started protesting. “Novosti Donbassa” reported on buses leaving from Donbass with the students prepared for protests on the Maidan. This led to the first scuffles between protesters and special police.

The authorities explained their decision with unfavorable offer made by the European Union. It was officially commented that it humiliated Ukraine. Meanwhile, the new authorities have started to emerge, gaining the popularity by calling the crowd to further protests.

The protests were used also by Polish politicians. They built their image as fighters for freedom and democracy. They visited Maidan almost every day agitating and taking photos from the place of protests. People protested in the whole Ukraine. Thousands of people arrived on the Maidan – citizens of all ages and different education. This led to the first significant clashes with police (Berkut). Berkut was ruthlessly trying to disperse the demonstrators. The opposition was fighting for a majority in Parliament. The president was impressed by dynamic protests. Eastern Partnership Summit in Vilnius did not bring the expected results, although the leaders of the participating countries talked about open door policy. A proposal for signing the agreement was made again. At the beginning of December 2013, the president agreed with European Commission President Jose Manuel Barroso quick return to further negotiations on an association agreement. Barroso confirmed that the EU is able to begin to realize the provisions of the agreement, but only through the initialing of the agreements (Bielecki, 2014). Time of chaos has begun. Media reported on e.g. “mirror agreement” prepared for Ukraine by the Russian Federation. It officially denied it, but the open talks continued. EU lost its patience – European Commissioner for Enlargement Stanislav Kulev confirmed the suspension of talks. This changed the approach to local conflicts arousing concerns over possible geopolitical changes on the eastern flank of the

Union. On 20 December at the summit in Brussels, the European Council adopted a document that presented the conclusions on the Common Security and Defence Policy from the perspective of uncertain stability of its eastern neighbors. The introduction said that defense is important. Consultations with the Secretary General of NATO gave a new direction for CSDP. Point 48 on the question of the Eastern Partnership said: “The European Union remains ready to sign the Association Agreement, including Deep and Comprehensive Free Trade Area, with Ukraine, as soon as Ukraine is ready. The European Council calls for restraint, respect for human and fundamental rights and a democratic solution to the political crisis in Ukraine that would meet the aspirations of the Ukrainian people. The European Council emphasizes the right of all sovereign States to make their own foreign policy decisions without undue external pressure.” (EUCO 217/13).

External pressures were nothing more than actions taken by President Putin. These included talks with Gazprom on lowering the cost of gas supplies, or tranches of money transferred by Russia as the so-called fraternal assistance. This could not be accepted by demonstrating citizens. Maidan was still fighting, and Yanukovich was tightening law, including media censorship.

Europe doubted about the respect of human rights. The foreign ministers sitting at the end of January in Brussels called for dialogue and respecting freedom of expression. It was also a response to the tightening of the law by the Ukrainian parliament by prohibiting demonstrations in the light of the still ongoing riots in Kiev. Ukrainians stood between two walls. Additional major problem was also quick repayment term of gas supplies to Gazprom. 2.7 billion dollars became a noose around Yanukovich neck. Support for the ruling completely disappeared.

East of the country, considered loyal to the president, turned towards the European Union. Bloody demonstrations, taking over administration buildings, the fights against Berkut and local security forces – this was Ukraine in January, when after two months the situation – rather than improved – exacerbated under the influence of the pro-Russian strategy of Yanukovich.

Increasingly, voices could be heard in the Union to build a “new Marshall Plan” for Ukraine. Opponents drew attention to Putin’s mirror tactic

and warned that success did not have to be repeated in this case. Meanwhile, the ferocity of fights was growing. Groups of government supporters appearing in the centers of protests were counterattacking. There have become attempts to build an image of a Ukrainian, who supports the „Big Brother” and does not accept “intrusive” European Union policy. Initially, this image found no support. The first region, which renounced allegiance to the regime of Yanukovich, was Zakarpattia Oblast. The crisis has changed its face. Russia suspended its financial support, and the EU was waiting patiently. On 21 February 2014, the Ukrainian parliament restored the constitution of 2004. It was one of the points of agreement between the government and the demonstrators. West was expecting further implementation of the provisions, including the holding of early democratic presidential elections. Everything was on the right track. A compromise was reached in the case of Yulia Tymoshenko, which resulted in quick reaction of the European Commission, which proposed the signing of a trade agreement with Ukraine. At that time, Viktor Yanukovich escaped from the territory of Ukraine. Investigation revealed possible giant misappropriation of the former president, who still considered himself a legitimate representative of Ukraine.

### 3. CONFLICT

A black scenario was being painted for the Crimea. The armed invasion and occupation of the airports in Sevastopol in the Crimea violated international norms and agreements. EU and NATO considered different scenarios, while Yanukovich was appointing his man to the Crimean administration. The situation seriously exacerbated. Protests were organized in Donetsk and Kharkov, where the Ukrainians wanted President Yanukovich to return. Moscow’s propaganda became more insistent causing consternation and stagnation in international diplomacy. The cries of indignation were not particularly effective. Boycott of the G-8 in Sochi has not change the political plans of Putin.

After a wave of protests Ukraine entered into a dangerous conflict on its eastern borders. It revealed a poor preparation of the Ukrainian army



for the smooth operation of acquisition of territories occupied by the Russian army. Probability of annexation of the Crimea by Russia increased in light of reports about finalizing the laws in the State Duma. EU implemented its key mechanism – sanctions. At the request of the new government in Kiev and a list of 18 Ukrainians, who were accused of misappropriation of billions of public money, EU officials were preparing an agreement to freeze their bank accounts. Also, individual countries brought their own economic or visa sanctions. Was that the beginning of the Second Cold War?

Union suspended talks with Russia on visa liberalization and the agreement on partnership and cooperation. Head of the European Council Herman Van Rompuy presented a tough stance and proposals for further sanctions for the Russian Federation, while announcing the signing of an association agreement with Ukraine before 25 May. The world did not agree with the annexation of the Crimea, the European Parliament strongly condemned the Russian assault. On 21 March 2014, Vladimir Putin signed a document incorporating the Crimea to the Russian Federation. A bleak scenario for Ukraine has come true and a difficult period in international diplomacy has begun. Bilateral sanctions have become a weapon in the conflict. Putin's ranking in the West diminished proportionally to its increase in Russia.

The second round of the conflict involved shifting actions of Russians to the West. Donetsk Oblast Council was the first to adopt a new version of the Ukrainian constitution, which established the Russian language as the second official language in the country, as well as legalized the conduct of local referendum based on the situation in Crimea. Further actions followed the same scenario. New People's Republics emerged. Russian mercenaries called themselves separatists. Media falsely adopted this terminology giving them the status of local defense soldiers with no social conditions as in the case of ETA or the IRA. There was political wrangling, using of symbols without a clear winner.

The next referendums in the eastern oblasts and the lack of acceptance by the EU and Ukraine led to more bloody battles. Russia sent its troops and equipment to the Ukrainian territory. It supported the actions ideo-

logically as a defense of native Russians living in those areas threatened by the Ukrainian authorities. Hybrid war predicted by the experts continued.

The culmination happens on 17 July 2014, when Malaysia Boeing 777 was shot down using Bug system on the territory of Ukraine. Despite a sharp denial Russians have not cleared their name of willful shooting down of the plane. Again, the same scenarios happened. No explanations and disinformation; occupying the scene by rogue “separatists” and difficulties in the investigation became a standard for the Russians. European Union showed a significant opposition and further implementation of sanctions against Russia, which responded in the same way.

A strong instrument was signing of various parts of the Association Agreement. In March 2014 politicians gave a new course to relations between Ukraine – EU with a strong symbolic dimension. The second part of the agreement concluded on 27 June 2014 strengthened Ukraine in the democratic structures of European countries giving it hope in a difficult period of endless fighting in the East. The chance of development of cooperation and assistance in stabilizing the situation in the conflicting oblasts a year after the first protests was uncertain, but it gave hope for the future.

The influence of economic determinants of Europe’s security and diplomacy towards strengthening the position of energy suppliers from Russia gave another dimension to the above events. Criticism has remained the domain of the United States. However, some EU countries toned down their position due to economic dependence and taken individual diplomatic negotiations with the Russian Federation. In this regard, there are two key turning points – the Nord Stream 2 and the fight against an Islamic state in Syria.

At this point the face of the conflict changed from the East of Ukraine. It took on the character of the so-called creeping conflict. Russia withdrew some of its forces. The frequency of attacks was decreasing significantly. Soldiers were redeployed. Battle stations remained under observation, but the withdrawal of part of heavy equipment weakened the dynamics of war and silenced interest of other international political actors in that region. Poland and countries of the former Eastern Bloc, which are European

Union members today, remained without a clear diplomatic support from Western Europe. Exodus of people from Muslim countries, mainly Syria, Afghanistan, Iraq and African countries such as Eritrea now occupies all the formal and informal meetings of EU members. The involvement of the Russian Federation in Syria with a clear objection of the United States does not resolve conflict. Nowadays, lack of unanimous decisions and the collapse of the multiculturalism policy of the Union is the main problem of diplomacy and security in Europe.

The course of these events clearly shows the fossilization of EU structures and the resulting problems in decision-making and the creation of a strong security and defense policy. Therefore, the question posed in the introduction shall be answered – yes, EU policies directly affect the events in Ukraine, though not always as strongly as wished by European Union. The end of the conflict cannot be seen today and the accession process still has a long way to go. Time will show, where substantial changes shall be made and how and what security policies, mechanisms and tools of the European Union shall be adjusted to contemporary threats.

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