

**KAMILA REZMER-PŁOTKA** ▶▶

Nicolaus Copernicus University

ORCID ID: <https://orcid.org/0000-0002-1458-5076>

## Ukraine's Aspirations to the EU – Selected Socio-Political Conditions

### Ukraine's Aspirations to the EU – Selected Socio-Political Conditions

#### **Abstract**

This article presents the selected key socio-political determinants of the pro-Union aspirations of Ukraine that were important for the condition of EU – Ukraine relations. The presented events and historical outline may be the basis for further reflection and evaluation of how Ukraine was undergoing the process of accession and was located at its different stages.

**Keywords:** Ukraine, pro-Union aspirations, European Union, international relations

### Стремление Украины к ЕС – избранные общественно-политические условия

#### **Аннотация**

В данной статье представлены некоторые ключевые социально-политические детерминанты проевропейских устремлений Украины, которые были существенны для состояния отношений между ЕС и Украиной. Представленные события и исторический очерк могут стать основой для дальнейшего осмысления и оценки того, как Украина проходила процесс ассоциации и его отдельные этапы.

**Ключевые слова:** Украина, про-Евросоюзные устремления, Европейский Союз, международные отношения

## Introduction

The purpose of the article is to present the selected key socio-political determinants of the pro-Union aspirations of Ukraine that were important for the shape of EU-Ukraine relations. The article is more descriptive than analytical, because it's an attempt to present events and historical outline may be the basis for further reflection and evaluation of how Ukraine was undergoing the process of accession and was located at its different stages. The method used in the article is content analysis. First of all, EU documents have been analyzed, among others resolutions of the EP, as well as information from the official website of the European Council and the Council of the European Union. In addition, a lot of publications and scientific articles were used to describe the matter of EU-Ukraine relations, and to refer to specific events that had an influence on these relations.

Typically, EU-Ukraine relations in the body of literature are considered in the direct context of Russia (Samokhalov, 2007; Haukkala, 2015; Dragneva, Wolczuk, 2015) or indirect one – the Ukraine's crisis (Smith, 2016; Pridham, 2014, Rieker, 2016), and also around specific focusing events, for example orange revolution (Roth, 2008) and in the context of the enlargement of the EU to the east (Gawrich, Melnykovska, Schweickert, 2010; Wolczuk, 2009; Lavenex, 2011). In the case of this article, the assumption was a comprehensive approach to the EU-Ukraine relationship over the period 1998–2017.

Assuming similarly as the majority of authors that the official beginning of Ukrainian aspirations was given by the speech of Kuchma in 1998, when the president proclaimed that Ukraine will strive for the membership. According to Olszański “during the presidency of Kuchma, Ukraine declared its will to join the European Union and NATO, but was aware of the limited feasibility of achieving these goals in the foreseeable future” (Olszański, 2017, p. 2). Nevertheless, from that moment on we can talk about initiating the aspirations of this country to join the European community. Therefore, on December 11, 1999, at the summit of the European Council in Helsinki, the Common EU Strategy towards Ukraine was adopted (European Council Common Strategy, 1999), which few years later (in 2003) was replaced by another one (CFSP of the European Council, 2003). This partnership was established to contribute to peace, stability and prosperity in Europe (CFSP

of the European Council, 2003). However, it is a fact and should not be forgotten that Ukraine has already taken steps towards membership and in improving its contacts with the European Community in earlier years (Legucka, 2008, pp. 113–123).

### **Ukraine's Aspirations for EU Membership**

On September 14, 2000, by the decree of the President of Ukraine No. 1072, the Program for the Integration of Ukraine with the EU was adopted. In the document there were specified the key branches of cooperation for bringing together the fields such as political, social, financial, economic, commercial, scientific, educational, cultural etc. (Zinkevych, 2009, p. 173). However, since 2000, we have been dealing mainly with the deteriorating political crisis in Ukraine, with the foremost example of the famous case of the murder of Georgi Gongadze, a journalist whose body was found in the forest of Podkijów. The explanation from the president in this matter was demanded by Yulia Tymoshenko herself, and demonstrators appeared on the streets with slogans such as “Ukraine without Kuchma”. The authorities were suspected of complicity in this murder (Przełomiec, 2005, p. 40). A year later, Yushchenko was overthrown and in April the parliament submitted a motion of censure to his government (Kuzio, 2005, p. 29).

All this could not be left unnoticed at the EU level, which assumed that going beyond the Partnership and Cooperation Agreement would be possible only if Ukraine accelerated democratization and economic reforms, with particular emphasis on those in the energy sector. Objections have also arisen regarding the question of the functioning and independence of the judiciary (Pawlicki, 2018).

It would seem that since 2002 the EU has once again turned toward Ukraine and improved relations with it through the INS and the Wider Europe Initiative. The former addressed to three countries should bring the most benefits to Ukraine (Sydoruk, 2017, p. 7). The latter, which replaced the former, covered more countries and did not treat any of them better or worse (Piskorska, 2007, pp. 51–55).

A significant stage, if not the most important one, on the way of Ukraine to the EU, was the presidential election of 2004 and the so-called “Orange

Revolution”. That is why it is worth to pay a special attention to these events. It is recognized that at that time the state changed its direction “from the post-Soviet variant of its development towards the pursuit of consistent implementation of the classical model of national state” (Kapuśniak, Tymkiv, 2009, p. 10). Ukraine was to certify that it belongs to Europe not only in geographical terms, but also in the promotion of the European values (Kapuśniak, Tymkiv, 2009, p. 10).

A very important period of Ukraine’s aspirations has started since 2004 elections. The electoral campaign was between Yanukovych’s group, which guaranteed the further relationship with Russia, and Yushchenko’s group, which wanted to open the country to the West and indicated the need for cooperation with Western European and transatlantic organizations. Following Anita Olejnik, it can be said that the fight was taking place “between the vision of the Russian Ukraine and the European Ukraine” (Olejnik, 2006, p. 65). Not without significance these events have remained for the EU, which recognized the necessity of supporting democratic changes in Ukraine since then (Olejnik, 2006, p. 65). Already during the election campaign, and thus before the elections, the EP had adopted a resolution on the upcoming elections in Ukraine. It was emphasized that the EU considers Ukraine’s European aspirations and at the same time the upcoming election will be a test for the state authorities to respect the values and standards shared by the Member States. Simultaneously, there was expressed a disappointment connected with violating democratic procedures and a call for assuring the voters the freedom of choice, the freedom of action for the candidates, the opposition and independent media, without the fear of intimidation and persecution from the side of public officials (European Parliament, 2004).

The election campaign began on July 3, 2004. It was led by Yushchenko and included appeals to the nation to remove the corrupted politicians from power and to exchange the oligarchic regime. Yushchenko’s main electoral slogan was to be understood “in terms of the possibility of building a democratic state of prosperity (Europeanisation)” (Baluk, 2006, p. 341). The “Great Power” coalition aiming at supporting the campaign run by Yushchenko also pointed to the need for changing the rulers. In order to express their hard position in defense of the citizens’ right to exchange this group, civil disobedience was used. This tactic was to resemble peaceful revolutions.

Therefore, the names of “chestnut revolution” or “Orange Revolution” were used to describe the processes taking place during the presidential election (Baluk, 2006, pp. 339–342).

The rulers in all possible ways tried to make meetings with voters difficult for Yushchenko, so when in the beginning of September he was poisoned, the opposition was accusing the rulers for doing that and using biological weapons. According to Walenty Baluk, Yanukovych had an easier task as a candidate of the ruling camp. Firstly, because of being a prime minister. Secondly, the oligarchic groups came to agreement on a common candidate being a representative of the Donetsk clan. Thirdly, the ruling camp has made a choice of the Russian variant in which power is passed through succession, and the elections themselves would only prove their legitimacy (Baluk, 2006, pp. 344–346). As it later turned out, despite these advantages the rulers unsatisfied with the polls made electoral frauds, which caused an avalanche of protests. It became a prelude of the “Orange Revolution” (Baluk, 2006, pp. 354–355).

The first round of elections took place on October 31, 2004 and already at that time numerous irregularities were noticed and numerous complaints were made by citizens (Stępień, 2006, p. 62). Regarding this situation, the EP adopted a resolution on the outcome of the European Council meeting in Brussels on November 4–5, 2004. Once again, there was expressed a concern about breaking democratic standards and the Ukrainian rulers were called for making up the identified deficiencies and creating conditions for organizing free and fair elections (European Parliament, 2004).

The second round of the elections took place on November 21, 2004 and even more irregularities were found than in the previous one, including the falsification of the results (Stępień, 2006, p. 74). From that moment the so-called “Orange Revolution” began. The very name of the revolution comes from the color used during Yushchenko’s electoral campaign. After the polling stations were closed and the votes were counted, it turned out that the ruling camp had lost but did not intend to give up power and give the public the real results of the vote. In response, Yushchenko declared that the Central Election Commission stopped counting the votes and wanted to falsify them, so he called on his supporters to gather at the Independence Square in Kiev. Since then (until December 8), a massive social protest was

taking place and spreading to other regions of the country (Baluk, 2006, pp. 368–369).

In connection with the situation from December 2, 2004, the EP adopted a resolution on Ukraine. First of all, there was a charge of falsifying the results during counting the votes and a condemnation of the conditions in which the second round of voting took place. The suspension of the Partnership and the Cooperation Agreement and the imposition of sanctions were also announced if violence against peaceful and democratic protests continued in Ukraine. A support for the integrity of Ukraine was expressed and Russia's allegations were rejected that the EU and the international community contributed to the violent acts by expressing support for the civil rights of the people of Ukraine and accused Russia of bearing a responsibility for this situation (European Parliament, 2004).

The repeat of the second round of the election took place on December 26, 2004. No mass violation of the law was recorded, despite the tense political situation (Stępień, 2006, p. 126). In response, the EP adopted another resolution of 13 January 2005 on the results of the elections in Ukraine expressing satisfaction with honestly conducted elections. In addition, the EP congratulated the Ukrainian people for a peaceful resolution of the political crisis, which directed them toward democracy, and Viktor Yushchenko for the victory in the repeated round of elections (European Parliament, 2005).

Finally, on January 20, 2005, the Supreme Court of Ukraine refused the application of the representative of Yanukovych regarding the repetition of the elections and confirmed the victory of Yushchenko, and Leonid Kuchma, who left the office and passed him official congratulations. Already on January 23, the presidential oath took place (Stępień, 2006, pp. 133–134). Following Sołodkyj, Marek Figura noted that during the inaugural speech, Yushchenko was to say that Ukraine's goal is membership in the EU. He also repeated the same when he made his first trips abroad (Figura, 2006, p. 75). This clearly indicates that Viktor Yushchenko was the president of pro-EU aspirations and intended to continue the works toward joining the EU. Just like Kuchma in 1998, he also proclaimed Ukraine's membership.

All the events described above at the EU level resulted in the supplementation of the EU-Ukraine Action Plan with an annex containing 10 points. It contained a draft proposal to strengthen EU-Ukrainian cooperation, which

was approved by the EU Council on February 21, 2005. The points refer, inter alia, to the confirmation of the will to increase the European involvement in cooperation in specific areas covered by the Action Plan, the announcement of the acceleration of works on the agreement to replace the Partnership and Cooperation Agreement, and increasing Ukraine's access to EIB funds (Kamiński, 2006, p. 4).

Another important event that had an impact on the shape of Ukraine-EU relations and its aspirations was certainly the elections that took place on March 26, 2006. The Party of Regions won them. Thus, the position of the prime minister was once again taken over by Viktor Yanukovich (Olszański, 2017, p. 139). In the matter of these elections, the EP issued a resolution which considered that it remembers Ukraine's desire to join the EU, and stressed that it sees the pursuit of even stronger relationship based on respect for the fundamental European values. The last elections were the best to show that Ukraine moves towards democracy and called on the Commission and the Council to respond to the growing aspirations of Ukraine, and to consider the strengthening of measures under the Neighborhood Policy. He also called the member states to support reforms and democratization in Ukraine. In the direction of the newly elected government, he sent a call to remain a reliable partner of the EU, by increasing stability in the region and solving the problem of Transnistria. In addition, he expressed support for visa facilitation between the EU and Ukraine and called for further measures to bring Ukraine closer to membership of the World Trade Organization (WTO). What seems the most important, the EP called the Commission to start negotiations on the association agreement (European Parliament, 2006).

Negotiations on the association agreement, which was supposed to replace the Partnership and Cooperation Agreement from 1998, started at the beginning of March 2007. The agreement was to concern mainly the free trade area (DCFTA), the opening of the internal market and the adaptation of Ukrainian legislation and standards to the EU in the field of trade and related fields. The last negotiations took place on November 11, 2011. They were informed that a consensus was reached regarding the provisions of the contract. However, the question of Ukraine's membership has still not been clearly agreed (Lyubashenko, 2011).

In 2008, the EU-Ukraine summit took place in Paris. Despite the efforts of, among others, Poland, the Czech Republic, Great Britain, Sweden and the Baltic states, the final declaration from the summit failed to force the statement on recognizing the prospect of Ukraine's membership in the EU, and even more about its European identity. Once again, there was expressed only a satisfaction from the Ukrainian aspirations (Miklas, 2008).

However, the year 2009 brought a document entitled "EU-Ukraine Association Program to prepare and facilitate the implementation of the Association Agreement". It refers to the above-mentioned summit, during which the leaders called for the development of an instrument that would replace the Action Plan. This instrument was to be the same association program that would prepare and facilitate the entry into force of the Association Agreement. Both the contract and the program were to promote political development and economic integration (Co-secretary of the EU-Ukraine Cooperation Council, 2009).

In the meantime, in 2010, the presidential election took place, which brought victory to Viktor Yanukovich. In the second round, he competed with Yulia Tymoshenko and one of the topics that he touched was the EU. Tymoshenko optimistically assumed that if she won, Ukraine would join the European community within 5 years. Yanukovich, however, declared that instead of talking about integration, he would act on that direction, but with a simultaneous strategic partnership with Moscow. As if to confirm these words, he went to Brussels with his first foreign visit (Gorgol, 2010). In the 2010 EP resolution on Ukraine, a provision appeared that both Yanukovich and the Verkhovna Rada confirmed the pro-EU aspirations of Ukraine. He also welcomed progress in the negotiations on the Ukraine-EU Association Agreement and again referred to the issue of a free trade area and the adaptation of Ukrainian law to the EU (European Parliament, 2010).

A matter that was of great importance in the EU-Ukraine relations was the conviction on October 11, 2011 of Yulia Tymoshenko for 7 years imprisonment. The trial was launched because of the signing a contract for gas supplies from Russia that was unfavorable for Ukraine. It is supposed that the event was aimed to eliminate Yulia Tymoshenko from political life, because even after the lost elections she was still a serious threat as the leader of the opposition to the Party of Regions. The verdict triggered a wave of



criticism, European politicians said that the court's decision was politically motivated and contradicts the democratic standards (Matuszak, Olszański, 2011). In connection with that, the head of the EU diplomacy Catherine Ashton issued a statement in which she stated that the EU is disappointed by the court's decision demanding a fair trial, and in the remainder that it will affect EU-Ukraine relations, the issue of the association agreement, or political dialogue and cooperation (Ashton, 2011). Even before the court's decision, the EP also adopted a resolution on the case of Tymoshenko and other members of the previous government, emphasizing values such as reliability, impartiality and independence of legal processes, especially in the case of Ukraine, which "seeks to deepen contractual relations on the basis of a political association" (European Parliament, 2011).

On December 1, 2011, the EP resolution contained recommendations to the Council, the Commission and the European External Action Service regarding the EU-Ukraine Association Agreement. They referred, among others, to institutional aspects and political dialogue, economic and sectoral cooperation, trade issues, and justice, freedom and security. The case of Yulia Tymoshenko and other ministers was also not mentioned (European Parliament, 2011).

In 2012, the so-called EP observation mission was delegated to Ukraine, in which Aleksander Kwaśniewski and Pat Cox participated. One of their tasks, apart from observing the trials of Yulia Tymoshenko, was also to avert the crisis in the EU-Ukraine relations. Brussels emphasized that the association agreement is not implemented as long as Ukraine does not adapt to the values shared in the EU. In addition, Ukraine remained interested in Russia (*Ukraina: Raport misji PE w sprawie Tymoszenko*, 2013). In October 2013, Cox and Kwaśniewski asked for reprieving Tymoshenko. The EU also insisted on it, threatening to sign an association agreement with Ukraine in November, if it did not stop applying the selective application of work to the political opposition. It was planned that the association agreement together with the agreement on a deepened free trade zone will be signed at the WS summit in Vilnius, which was to take place at the end of November (mtom, 2013).

In connection with the summit, which took place on November 28–29, 2013, the EP issued a resolution referring to its result and future of the

Warsaw University of Technology. Among other things, it considered the fact that the Ukrainian authorities did not sign the Association Agreement, which became an impulse for mass demonstrations of citizens supporting the pro-EU aspirations of Ukraine, in particular in Maidan Independence, but also in other cities. The EP explicitly expressed that it

considers this decision as a missed opportunity in EU-Ukraine relations and in the context of Ukraine's aspirations; recognizes Ukraine's European aspirations expressed in Maidan Nezalezhnosti in Kiev and in other cities throughout the country in demonstrations of Ukrainian civil society that did not hesitate to go out in the street to oppose President Yanukovich's decision, and reiterates that closer relations between the EU and Ukraine and offering Ukraine a European perspective is of great importance and is in the interest of both sides (European Parliament, 2013).

In addition, he condemned political and economic pressure on Ukraine from Russia and called the Member States to unanimity and to develop a strategy to respond to this type of Russian influence (European Parliament, 2013).

These pressures were reflected in Yanukovich's decision to postpone the signing of the Association Agreement with the EU, and mass protests turned into street fights, with casualties. In this situation, Yanukovich signed a compromise agreement and fled to Russia, and the power was taken over by the opposition, which removed him from office. The whole situation led Russia to make the decision to take control over Crimea (Nadolski, p. 11). In the Crimea began demonstrations against the change of power, the call to order an independence referendum, or the annexation of Crimea to Russia (Urbisz, 2016, pp. 12–13). Since then, the so-called hybrid has started war in Ukraine. However, as stated by Sergiusz Wasiuta and Olga Wasiuta “[...] in fact this process is much more complicated: the actions also apply to economic, energy, social, psychological, political, cultural, religious and informational warfare using all available means” (Wasiuta, 2017, p. 108).

Despite the ongoing conflict in Ukraine, on March 21, 2014, the political part of the Association Agreement was signed in Brussels. Signatures were made by the leaders of the 28 EU countries, the head of the European Council

Herman Van Rompuy, the head of the European Commission Jose Barroso and the Ukrainian Prime Minister of the temporary government Arseniy Yatsenyuk. The political chapters concerned democratic values, free market principles, foreign policy and security, as well as new institutional forms of cooperation. The signing of the trade and economic part was planned after the presidential election to be held on May 25, 2014 and the election of a new government. This agreement was not divided into two parts, the final act contained a stipulation that the signatures refer only to political chapters (rf/tr, mtom, 2014).

In the early elections that took place on May 25, 2014, Petro Poroshenko won. Although the elections did not take place all over the country, the turnout in them was 60.2%. In the light of Ukrainian law, the elections were valid and international observers had no serious objections to them (Olszański, Wierzbowska-Miazga, 2014).

Petro Poroshenko, on June 27, 2014, signed the second part of the association agreement regarding the DCFTA agreement and the adoption of EU economic standards. Russia was against it because it was in conflict with the customs union. For this reason, the Kremlin even threatened Ukraine with sanctions (Bielecki, Grochal, 2014).

As early as September 16, 2014, the Parliament of Ukraine ratified the association agreement with the EU. It took place simultaneously with an analogous procedure in the EP. The political part was to enter into force on 1st November, while free trade was postponed until December 31, 2015 due to Russia and its threats to impose sanctions. The Verkhovna Rada also adopted the resolution “On the choice of European Ukraine”, which was a specific declaration of the Ukraine’s aspirations for membership (mc, 2014).

The first EU-Ukraine summit was organized as part of the Association Agreement which took place on April 27, 2015 in Kiev. Issues related to, inter alia, the implementation of the agreement, political and economic reforms and EU support, the crisis in eastern Ukraine, the Minsk agreements, as well as preparations for the Eastern Partnership summit were discussed. After the summit, there was also a conference on reforms in Ukraine and the necessary support for them (European Council, Council of the European Union, 2015).

The trade association agreement, which entry into force was delayed due to the Russian side, eventually became effective from January 1, 2016. In response, Dmitry Medvedev, at a government conference in Moscow, confirmed the introduction of customs duties on Ukrainian goods and an embargo on food products. The agreement on the participation of Ukraine in the free trade zone with Russia was also to lose its power (M. Kośka, 2015).

The 18th EU-Ukraine Summit, which took place in Brussels on November 24, 2016, concerned the reforms conducted by Ukraine, which were supported to a large extent from the EU budget and the issue of visa liberalization as well as the implementation of the Minsk Agreements (European Council, Council of the European Union, 2016).

Exactly one day before the EU-Ukraine summit on July 11, 2017, the Council had decided to conclude an association agreement with Ukraine on behalf of the EU. This was the last stage of the ratification process and allowed the full implementation of the arrangement from September 1, 2017, although most of the provisions had already been in force for a long time (European Council, Council of the European Union, 2017).

The summit, which took place on July 12–13, 2017, expressed satisfaction with the full ratification of the Association Agreement and visa liberalization. In addition, the EU reiterated its support for Ukraine's independence, sovereignty and territorial integrity, and called for the implementation of the Minsk agreements and the further implementation of reforms by Ukraine (European Council, Council of the European Union, 2017).

In the same year, on 8th December, the first EU-Ukraine Association Council meeting took place after the entry into force of the Association Agreement. It was evaluated on the implementation of this contract and the state of bilateral relations. The Ukrainian reforms were also analyzed, with particular emphasis on those relating to the judiciary and activities to eliminate corruption. The economic situation in Ukraine and EU-Ukraine cooperation were referred to. In addition, bilateral trade and the implementation of the FTA were discussed. The situation of the east of Ukraine, precisely in the Crimea and in Sevastopol was also the matter of interest. In addition, a financial agreement was signed on the EU support for eastern Ukraine and a financial agreement aimed at facilitating Ukraine's participation in

the EU strategy for the entire Danube region (European Council, Council of the European Union, 2017).

### Summary

The history of EU-Ukraine relations seems to be quite complex. Before Ukraine expressed its declaration of its pro-EU aspirations and the willingness to become a member state in the future, it had already engaged in a dialogue with the EU. I agree, however, with most of the authors that the official beginning of Ukrainian aspirations was the speech of Kuchma in 1998. Since then, we have dealt with sudden reversals as well as weakening and sometimes reviving relations between the EU and Ukraine. There were no scandals along the way, such as the murder of journalist Gongadze, the conviction of Yulia Tymoshenko, or the armed conflict caused by the annexation of Crimea by Russia. Both on the part of the EU and Ukraine, efforts have been repeatedly made to improve the relations. There were also situations that clearly indicated a change in the Ukrainian approach, such as the failure to sign the association agreement by Yanukovich in 2013. The situation is difficult because in the background of all these events, a Russian pressure is discernible, which clearly indicates that the course chosen by Ukraine is not and will not be accepted by it. For its part, the EU often treated Ukraine's aspirations in a conservative manner. Only in a general way it emphasized that it is aware of these aspirations, but for a long time did not promise and did not make declarations regarding the potential membership of Ukraine, but only limited its cooperation with that country. Big emotions in the period between 1998 and 2017 were also triggered by subsequent elections held in Ukraine, especially those from 2004, which bring to mind the attempt to poison Yushchenko and the so-called "Orange Revolution". All the presented events did not ultimately make it impossible for Ukraine to sign, first according to the theoretically accepted division, the first political part of the association agreement, and then the second commercial part. Thus, the full ratification of the association agreement took place in 2017, despite the ongoing armed conflict in Ukraine and the violation of the Minsk agreements by Russia. In the same year, the first meeting of the EU-Ukraine Association Council took place after the entry into force of the Association Agreement.

KAMILA REZMER, MA

Faculty of Political Science and Security Studies  
Nicolaus Copernicus University  
Batorego 39L, 87-100 Toruń  
krezmer@doktorant.umk.pl

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