

EU Foreign Policy in Ukraine: Policy Shortcomings and Russia's Countervailing Force

By

Anna Diakun

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Abstract

With the 2004 enlargement, the EU gained not just new members, but new neighbors as well. A new strategy for its bordering countries was required, and frameworks like the European Neighbourhood Policy and the Eastern Partnership have been developed over the years in order to promote security, stability, and democracy in its neighboring states. Despite these policies and the democratic opening of the Orange Revolution, analysis shows that Ukraine and Ukrainians have not made significant strides toward integration with the EU. Expert analysis, NGO reports, and public opinion surveys show that the country has not become more democratic, the government has failed to implement EU rules and regulations that it has adopted, and the people are no more EU-friendly today than before the Orange Revolution. The EU's attempts at external governance and neighborhood Europeanization have been flawed, and its tactics in the social, political, and economic realms have failed to change the underlying social landscape of the country or counterbalance the extremely salient social ties between Ukraine and Russia. In both the political and economic realms, Russia is a countervailing force undermining EU power and influence. In the social realm, Russia has the ultimate advantage, using its soft power to capitalize on starkly polarized identity divisions within Ukraine. These divides and the ability of Russia to use them have made it impossible for the EU to make consistent and sustainable progress within Ukraine.

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Introduction

Following the disintegration of the USSR, the newly independent Ukraine immediately began to press for closer ties with Europe. Claiming to be the “geographical center of Europe,”¹ Ukrainian elites were eager to embrace the west in its foreign policy and to accept guidance during its transition. However, it was soon clear that the country ranked relatively low in the hierarchy of the EU’s priorities, as the EC embraced a two-track foreign policy in its post-communist neighborhood that gave priority to Central European countries like Poland, Hungary, and Czechoslovakia. While these nations negotiated and signed Europe Agreements with the EC, Ukraine was bestowed the lesser honor of a Partnership and Cooperation Agreement (PCA), which not only included less preferential trade provisions than the Europe Agreements, but most notably did not include a membership perspective for the country.²

To this day, the coveted membership perspective has continued to elude the country. Hopes swelled along with the massive crowds during the Orange Revolution, as protesters gathered to demand free and fair elections, a hallmark of democracy. When the westward leaning Orange candidate Viktor Yushchenko was finally handed the victory, many believed that this signified the end of the large-scale political corruption that had plagued the country. Many at the time seemed to agree with the view that the Orange Revolution represented a “...major new landmark in the postcommunist history of Eastern Europe, a seismic shift Westward in the geopolitics of the region.”³ Many thought this was the dawn of a “European” future for Ukraine, one to be marked by greater integration and cooperation with the EU.

¹ Stephen R. Burant, "Foreign Policy and National Identity: A Comparison of Ukraine and Belarus," *Europe-Asia Studies* 47, no. 7 (November 1995): 1128, <http://www.jstor.org/stable/152590>.

² Steve Peers, "From Cold War to Lukewarm Embrace: The European Union's Agreements with the CIS States," *International and Comparative Law Quarterly* 44, no. 4 (October 1995): 829, doi:10.1093/iclqaj/44.4.829.

³ Adrian Karatnycky, "Ukraine's Orange Revolution," *Foreign Affairs* 84, no. 2 (March-April 2005): 3, <http://www.jstor.org/stable/20034274>.

Indeed, during his inaugural address on January 23, 2005, President Viktor Yushchenko addressed the nation, proclaiming:

Our way to the future - is the way followed by the United Europe. We are the people of the same civilization sharing the same values. History, economic prospects and the interests of people give a clear answer - where we should look for our fate. Our place is in the European Union. My goal is - Ukraine in the United Europe.⁴

However, despite their enthusiastic rhetoric and support while the Orange Revolution was unfolding, the EU Member States were divided about how to respond. While some Member States were vocal about their desire to extend a membership perspective to Ukraine, others, suffering from enlargement fatigue, were much more reluctant.⁵ This indecision resulted in the EU taking a reserved approach in its relations with Ukraine, with policies often as muddled and unclear as the EU's actual position on Ukraine's future.

In the years following the Orange Revolution, the lack of a clear stance by the EU on whether or not Ukraine was ultimately envisioned as a Member State or merely a neighbor squeezed between Russia and the EU began to wear on the optimism and momentum for democratic reform that had built up during the elections. Coupled with the bitter infighting between Orange Revolution hero and heroine, President Yushchenko and Prime Minister Yulia Tymoshenko, these factors caused the Ukrainian populace to begin to become more pessimistic about the feasibility or benefits of a European future, or at least the ability of their leadership to bring about this future.

The extent to which moods changed within the country is best demonstrated by the outcome of the 2010 Presidential elections, where one-time Orange Revolution villain Viktor Yanukovich claimed the victory over his Orange opponent, Tymoshenko. Yanukovich has followed a more pragmatic style of governance, and has sought to balance relations between

⁴Viktor Yushchenko (inaugural address, Independence Square, Kyiv, January 23, 2005), <http://www.skrobach.com/inaugur2005adr.htm>.

⁵ Michael Emerson, "Ukraine and the European Union," in *The New Eastern Europe: Ukraine, Belarus, Moldova*, ed. Daniel Hamilton and Gerhard Mangott (Washington, DC: Center for Transatlantic Relations, 2007), 226, http://transatlantic.sais-jhu.edu/sebin/o/y/new_eastern_europe_text.pdf.

the EU to the West and Russia to the East. His policy has been described as “neo-Titoist,” as he balances the Western powers against Russia, going back and forth between the two poles the moment his cost-benefit analysis shifts in the opposite direction.⁶

The widespread disappointment of the Yushchenko regime and the deterioration of democratic governance during the two years of Yanukovych’s presidency have taken place despite EU efforts to democratize the country through various policy platforms and funding mechanisms. Meetings, agreements, and millions of euros have failed to bring about any kind of meaningful or lasting change in Ukraine, as the “Euro-romanticism” seems to have more to do with the whims of the leader than any kind of entrenched set of values. The EU has proved unable to craft policies that are simultaneously flexible enough to meet the changing domestic political circumstances while also focused and streamlined enough to yield sustainable results.

Ultimately, the EU has been unable to counteract the power and prominence of Russia, leaving Ukraine as a nation divided, rather than the purely Western-allied neighbor that the EU would prefer. Ukraine soon came to be defined as an “immobile state,” a term first used by Wilson then adopted by Kuzio. According to Kuzio, “...immobility is a product of the many domestic constraints arising from Ukraine’s path dependency following centuries of Russian and decades of Soviet rule that produced the post-Soviet political culture that exists in independent Ukraine.”⁷ Thus far, the efforts of the EU have proven unable to supersede these constraints.

Given the EU’s multitude of policies and programs designed to democratize and make a friend out of Ukraine, an analysis of the barriers to EU impact is pertinent. This thesis investigates the hypothesis that when it comes to Ukrainian relations with the EU, its

⁶ Nicu Popescu and Andrew Wilson, “Turning Presence into Power: Lessons from the Eastern Neighbourhood,” European Council on Foreign Relations, last modified May 2011; 5, http://www.ecfr.eu/page/-/ECFR31_ENP_AW.pdf.

⁷ Taras Kuzio, “Political Culture and Democracy: Ukraine as an Immobile State,” *East European Politics and Societies* 25, no. 1 (February 2011): 89, doi:10.1177/0888325410388410.

economic, political, and social policies have not proven influential enough to override the more salient, abundant, and entrenched social ties between Ukraine and Russia, especially those that exist in the eastern half of the country. Because of these social ties, Russian soft power finds fertile ground in much of Ukraine. This reality gives Russia the ultimate (although slight) edge in the tug-of-war between east and west, and explains why the EU has been unable to make serious and consistent headway over the last twenty years of democracy promotion in the country. Barring the ability to make progress in the eastern half of Ukraine, the government will continue, by democratic necessity, to pursue a multi-vectored foreign policy.

Methodology

In line with the rationale of Gawrich, Melnykovska, and Schweickert, Ukraine was chosen as the case study because it represents a “most likely” case for neighborhood Europeanization and European external governance.⁸ According to Gerring, a most-likely case “...is one that, on all dimensions except the dimension of theoretical interest, is predicted to achieve a certain outcome and yet does not.”⁹ Not only has it fully participated within the frameworks of the European Neighbourhood Policy (ENP) and the Eastern Partnership (EaP), it has also long expressed its desire for membership of the EU, even adopting a “Strategy for European Integration” in 1998 during the Kuchma years.¹⁰ Especially considering the democratic opening that occurred in Ukraine with the Orange Revolution in late 2004, one would expect that if the EU’s policies of neighborhood Europeanization and external governance were to work, it would work in Ukraine. However,

⁸ Andrea Gawrich, Inna Melnykovska, and Rainer Schweickert, “Neighbourhood Europeanization through ENP: The Case of Ukraine,” *Journal of Common Market Studies* 48, no. 5 (November 2010): 1211, doi:10.1111/j.1468-5965.2010.02110.x.

⁹ John Gerring, “Is There a (Viable) Crucial-Case Method?” *Comparative Political Studies* 40, no. 3 (March 2007): 232, <http://sws.bu.edu/jgerring/documents/CrucialCaseCPS.pdf>.

¹⁰ European Commission, *European Neighbourhood Policy Country Report: Ukraine 12.5.2004*, 5, accessed May 8, 2012, http://ec.europa.eu/world/enp/pdf/country/ukraine_enp_country_report_2004_en.pdf.

the democratic victory of arguably anti-democratic Viktor Yanukovych in early 2010 and subsequent analysis has shown that these policies have not worked as intended in Ukraine.

This hypothesis will be investigated by comparing political, economic, and social ties between the EU and Ukraine and between Russia and Ukraine. By analyzing the flaws and shortcomings of the two main policy frameworks of the past decade, the ENP and more recently the EaP, we can gain insight on why the EU's political policies toward Ukraine have been insufficient to counteract Russian tools of soft power and the long-entrenched social ties between Russia and Ukraine. Expert opinions, NGO assessments, and public opinion surveys will be consulted to assess the impact and effectiveness of EU policies, as well as to pinpoint some of their key failings. In evaluating economic ties between Ukraine and its neighbors to the east and west, yearly trade and long term trends will serve as the primary indicators, although recent negotiations on trade agreements will be considered as well. To assess social ties between Ukraine and the EU and Russia, indicators such as public preference on foreign policy orientation, the number of migrant laborers, family connections across borders, and ethnic background will be assessed. To do this, public opinion surveys, census data, migrant labor statistics, and expert opinions will be consulted.

Chapter 1—A Theoretical Framework for Understanding EU Involvement in Ukraine

Since the fall of communism, the EU has been active in its neighborhood, attempting to increase security and stability at the Union's borders and beyond. It has done so by embarking on a multi-faceted policy of Europeanization, with the rationale that the EU is inclined to want a neighborhood that resembles itself, one that has similar policies, administrative structures, and political norms. Called the "thesis of domestic analogy" by Schimmelfennig, the EU has thus employed a variety of measures to increase regulatory harmonization, encourage socialization, and engender political change within its own member states, its candidate countries, and even non-candidate neighboring countries.¹¹

While Europeanization has proven to be successful among domestic and candidate countries, of more pressing interest as enlargement fatigue sets in is how viable this strategy is when employed in the EU's neighborhood. After two decades of democracy promotion abroad, scholars are presented with a two-fold challenge: first, to identify the mechanisms through which the EU has tried and is trying to mold its neighboring governments into EU-friendly partners, and second, to assess how successful these mechanisms have been. As the EU's policies have been multidimensional and their application often inconsistent, accomplishing these tasks has proven to be no easy task.

Assessing the EU's policies in a country-specific context is even more challenging, as additional intervening variables are introduced into the equation that may work to undermine the EU's efforts. In the case of Ukraine, the presence and power of Russia on its eastern border has a serious impact on EU policies and their efficacy. This power is derived not just from geopolitical power asymmetries or economic interdependencies, but just as importantly,

¹¹ Frank Schimmelfennig, "Europeanization beyond Europe," *Living Reviews in European Governance* 4, no. 3 (2009): 10, <http://www.livingreviews.org/lreg-2009-3>.

it is derived from the interconnectedness of the populations and the abundance of social ties that link the population of Ukraine to that of Russia. Although these social factors may serve to influence the Ukrainian population's perception of and support for the EU, the impact of Russia on EU foreign policy in its Eastern neighborhood is often underemphasized in scholars' quests to explain the weaknesses of EU external governance and conditionality. When the role of Russia *is* emphasized or is even given a prominent place in the analysis, the importance of social factors is overshadowed by the greater-emphasized political and economic factors. This thesis hopes to fill this gap in the literature, connecting ideas on EU democracy promotion to that of identity, showing the connection between social factors and foreign policy choice.

1.1 Neighborhood Europeanization

While defining Europeanization in the context of accession countries or Member States may be fairly straight forward, the concept of *neighborhood* Europeanization needs deconstructing. Defined by Lavenex as the "external projection of internal solutions,"¹² Schimmelfennig further elucidates this concept by honing in on exactly what being "European" means. As he concludes "...the EU as a regionally integrated system of liberal democracies, regionalism, regulated transnational markets, and democratic constitutionalism define the essence of being 'European,'"¹³ through neighborhood Europeanization the EU's mission is thus to spread these characteristics to neighboring states like Ukraine.

After thoroughly examining the ways in which the EU could do this, Schimmelfennig identified eight mechanisms of EU impact outside of its borders: conditionality, externalization, transnational incentives, transnational externalization, socialization, imitation, transnational socialization, and societal imitation. These eight mechanisms vary in

¹² Sandra Lavenex, "EU External Governance in 'Wider Europe,'" *Journal of European Public Policy* 11, no. 4 (2004): 10, doi:10.1080/1350176042000248098.

¹³ Schimmelfennig, 2009; 10.

their logic: while those mechanisms that employ the logic of consequences typically employ tactics focusing on conditionality and cost-benefit analyses, those mechanisms operating on the logic of appropriateness focus instead on socialization and lesson-drawing. Interestingly, Schimmelfennig found that some of these mechanisms, namely conditionality and socialization tactics, may actually work against each other in practice.¹⁴ The closer examination of EU conditionality and external governance that follows will help to make clear exactly *how* the EU employs these mechanisms and when, if at all, they have shown to be successful.

1.2 EU Conditionality

Political conditionality as exercised by the European Union has been defined as, “...the adoption of democratic rules and practices as conditions that the target countries have to fulfill in order to receive rewards such as financial assistance, some kind of institutional association, or...membership.”¹⁵ Typically this comes in the form of positive conditionality, meaning that the EU most commonly rewards target governments for compliance or for promising to comply, rather than applying negative measures (such as sanctions) to influence governments. The logic of conditionality rests on a cost-benefit analysis by the target government; as adopting the changes that the EU requires necessarily involves a loss of autonomy for the government of the recipient country, the promised rewards must both be credible enough and substantial enough to result in compliance.¹⁶ While the alternate model and rewards by another external actor, namely Russia, would fit nicely into the discussion of the cost-benefit analysis conducted by the target country, the conditionality literature tends to focus more on domestic political calculations, such as the loss of autonomy mentioned above.

¹⁴Ibid., 18.

¹⁵ Frank Schimmelfennig and Hanno Scholtz, "EU Democracy Promotion in the European Neighbourhood: Political Conditionality, Economic Development and Transnational Exchange," *European Union Politics* 9, no. 2 (2008): 190, doi: 10.1177/1465116508089a085.

¹⁶ Ibid, 190.

To assess how effective EU conditionality is in its neighborhood, Schimmelfennig and Scholtz conducted statistical analysis on 36 countries in the EU's neighborhood. Their analysis finds a robust relationship between EU membership conditionality and levels of democracy in target countries. However, if the EU only offered partnership or association conditionality, the two authors found that statistically this fared no better than if the EU offered no form of political conditionality at all. While this study only examined the period of time between 1988 and 2004, thus making the ENP outside of its purview, by extrapolating from their collected data on the Euro-Mediterranean Partnership, the authors conclude that this program was likely to have "uncertain and inconsistent effects."¹⁷ Thus, while these authors hold that a membership perspective may be enough to shift the cost-benefit calculation in favor of the EU, in the case of Ukraine this is not yet an option. Barring the extension of a membership perspective, it is necessary for this case study to move beyond the question of what types of conditionality work, and to ask *why* they work or do not work.

Kataryna Wolczuk picks up where Schimmelfennig and Scholtz leave off, examining in her study the effects of the ENP in Ukraine during the period from 2005 to 2007. She paints a slightly more optimistic picture, finding that through the negotiation and implementation of the EU-Ukraine Action Plan under the ENP, the EU was able to influence Ukraine through its use of conditionality for the first time.¹⁸ Thus, differing from the bleak conclusions of the above authors, Wolczuk's research shows that even without a membership perspective, the EU is able to influence domestic actors,¹⁹ even creating "pro-European enclaves" within the government which are able (to some extent) to insulate policy reform from the instability created by power-struggles of the ruling elites.²⁰ However, despite the

¹⁷ Schimmelfennig and Scholtz, 2008; 212.

¹⁸ Kataryna Wolczuk, "Implementation without Coordination: The Impact of EU Conditionality on Ukraine under the European Neighbourhood Policy," *Europe-Asia Studies* 61, no. 2 (February 2009): 209, <http://dx.doi.org/10.1080/09668130802630839>.

¹⁹ Ibid, 188.

²⁰ Ibid, 202; 207.

advances made in the implementation of the Action Plan since its adoption in February 2005 and the potential this has shown for the future, Wolczuk notes that progress has been far from sufficient to yield the transformation which the EU seeks. She attributes the shortcomings not solely to the lack of a membership perspective (although this would certainly quicken the pace of progress), but also to the failure of the EU to adequately define what precisely Ukraine stood to gain from implementing the Action Plan and what exactly the EU expected from it.²¹ Ukraine's progress was further hindered by an inefficient and unsuitable institutional framework for European integration, a lack of political accountability, subpar monitoring, political instability, and domestic opposition.²² Wolczuk goes on to emphasize the importance of working with and responding to domestic actors and influences, noting that when domestic opposition is high, EU efforts are likely to be unsuccessful. Thus, modifying Schimmelfennig and Scholtz's results, she concludes that, "...the impact of EU conditionality depends not only on the type of conditionality alone, but, more importantly, on how it resonates in the domestic context."²³

While Kelley's study focuses on the effectiveness of membership conditionality like Schimmelfennig, Scholtz, and Wolczuk, she also analyzes the socialization-based efforts used by European organizations. While her study is focused on four Baltic and CEE candidate countries, her conclusions are relevant for non-candidate countries like Ukraine as well. In regard to conditionality, she found that change in these countries was primarily brought about by the EU's use of membership conditionality, although this did not always prove to be adequate to bring about desired policy modifications. Socialization-based methods, on the other hand, which Kelley defines as norm-based persuasion, praise, or public shaming, were much less successful. Just as Wolczuk, Kelley found that without the carrot of membership, socialization-based efforts were extremely sensitive to the level of domestic

²¹ Ibid, 208-209.

²² Ibid, 202-205.

²³ Ibid, 208.

opposition. In rare instances when the opposition was low, these measures alone were enough to prompt change; more commonly, though, domestic opposition was strong, and socialization-based endeavors had little or no impact.²⁴

Kelley and Wolczuk's idea that domestic opposition plays a key role in the efficacy of EU policy merits deconstructing. This domestic opposition can of course to a large degree be explained by differing interests of key political players within Ukraine, all influenced by a slew of economic and political factors. However, there is also an underlying social divide within the Ukrainian population that illuminates the nature of the domestic opposition. To fully understand the barriers that the EU faces within Ukraine, a deeper look at the nuances of this social divide, as well as its effect on the reception of EU foreign policy among the Ukrainian population, is necessary.

1.3 EU External Governance

Moving past political conditionality, many of Schimmelfennig's identified "mechanisms of EU impact" fall under the broader idea that scholars have termed external governance. Although many have characterized the ENP as an unsuccessful extension of conditionality to the EU's neighborhood, Lavenex eschewed this vision, rather seeing this policy as more of a "...roof over an expanding system of functional regional integration that moves at different speeds and with different dynamics in different policy fields."²⁵ As she saw it, key differences between traditional accession political conditionality and the EU's

²⁴ Judith Kelley, "International Actors on the Domestic Scene: Membership Conditionality and Socialization by International Institutions," *International Organization* 58, no. 3 (Summer 2004): 434-435, <http://www.jstor.org/stable/3877839>.

²⁵ Sandra Lavenex, "A Governance Perspective on the European Neighbourhood Policy: Integration beyond Conditionality?" *Journal of European Public Policy* 15, no. 6 (September 2008): 939, <http://dx.doi.org/10.1080/13501760802196879>.

mechanisms of external governance via the ENP were both flexibility and the participatory nature of the network relations established between the EU and its neighbors.²⁶

Lavenex and Schimmelfennig have investigated the functioning and effectiveness of models of EU external governance, particularly as applied to countries that do not have a membership perspective.²⁷ The two authors identify three types of external governance, namely hierarchical governance, networking, and market based governance.²⁸ Hierarchical governance, the mode most commonly associated with political conditionality, relies on an asymmetrical relationship between the EU and the target country. While third countries do not formally relinquish any sovereignty to the European Union, this institutionalized relationship does involve the sacrifice of some autonomy as sections of the *acquis* are transferred over to the legislation of the third country.²⁹

The second type of governance, network governance, is based on an equal relationship between the EU and the target country. The emphasis of this mode of governance is on mutual agreement and voluntary consent by both sides. Thus, rather than the vertical relationship between the EU and the target country under the hierarchical mode of governance, network governance constructs horizontal relationships. Harkening back to Kelley's distinction between membership conditionality and socialization-based methods, network governance operates through the latter with its emphasis on communication, co-ownership, and mutual compromise in negotiations.³⁰ The third and final mode of external governance that the authors discuss is market-based. This mode underscores the importance of market competition and regulatory approximation in securing EU influence in its

²⁶ Ibid, 951.

²⁷ Sandra Lavenex and Frank Schimmelfennig, "EU Rules Beyond EU Borders: Theorizing External Governance in European Politics," *Journal of European Public Policy* 16, no. 6 (September 2009): 791, <http://dx.doi.org/10.1080/13501760903087696>.

²⁸ Ibid, 796.

²⁹ Ibid, 797.

³⁰ Ibid, 797-798.

neighborhood, resulting in a more or less passive adoption of EU norms and regulations by virtue of trade interdependence.³¹

Underlying these modes of governance are three potential explanations for functioning and feasibility of external governance: the power-based approach, the institutionalist approach and the domestic structure approach. The power-based approach is the best explanation for the reality of the situation that faces the EU in Ukraine, and its logic can be used to understand how the social ties between Russia and Ukraine affect the ability of the EU to project its model via external governance. According to this approach, the ultimate form that external governance takes and its effectiveness hinges on not only the power relations and interdependence between the EU and the third country, but also the role of other external actors as well. According to this view, the relative level of symmetry or asymmetry of power, taking into account competing interests, will ultimately determine the mode of governance used and how successful the EU's efforts are.³²

Lavenex and Schimmelfennig have found that while generally the hierarchical mode of governance is found to be the most effective, its feasibility is limited with respect to third countries because the level of dependency and degree of bargaining power needed to be effective is not present.³³ In the case of Ukraine, this finding holds true because the large presence of Russia decreases the level of dependency that Ukraine has on the EU, and also gives the Ukrainian government an alternate model to turn to if it is not able to extract what it wants from the EU. However, the market-based approach may bear little fruit as Russia and the Commonwealth of Independent States (CIS) comprise an even larger portion of Ukraine's economy than the EU. Similarly, the network mode of external governance faces considerable obstacles as well, as the socialization-based methods that may contribute to the

³¹ Ibid, 799.

³² Ibid, 803.

³³ Ibid, 802-803.

construction of horizontal relationships are largely unsuccessful, as Kelley has previously found.³⁴

Writing with these concerns in mind, Dimitrova and Dragneva emphasize the importance of Russia in understanding the limits and constraints on EU external governance in its eastern neighborhood. Russian action not only interferes with EU policy transfer, but can result in policy transfer of its own through multilateral or bilateral frameworks. Their understanding of EU external governance relies on the power model as outlined by Schimmelfennig and Lavenex, focusing on the level of *interdependence* between the target country and the external actor, as manifested by structural factors, geopolitical realities, economic concerns, or even shared history.³⁵ Without the EU's formalized tools once used for the CEE countries, Ukraine finds itself to be susceptible to Russian power plays that capitalize off of both geographic and political divisions within Ukraine. Indeed, these domestic divisions are often the defining factor in determining how far integration with either external actor proceeds.³⁶ A close analysis reveals that the ultimate level of integration and interdependence between Russia and Ukraine, or conversely, the EU and Ukraine, varies across sectors. Where Ukraine-Russia interdependence is low, the EU is likely to be more successful in its strategies of external governance; in cases like gas and oil, however, where Ukraine- Russia interdependence is high, the EU finds itself changing its own policies in response, rather than those of its target country.³⁷ While Dimitrova and Dragneva focus on economic and macro-level political factors that affect the power balance between the EU, Ukraine, and Russia, the social dimension merits additional investigation.

³⁴ Kelley, 2004.

³⁵ Antoaneta Dimitrova and Rilka Dragneva, "Constraining External Governance: Interdependence with Russia and the CIS as Limits to the EU's Rule Transfer in the Ukraine," *Journal of European Public Policy* 16, no. 6 (September 2009): 854, <http://dx.doi.org/10.1080/13501760903087894>.

³⁶ Ibid., 856-857.

³⁷ Ibid., 858.

1.4 Identity Formation and Social Ties

To explore the social dimension in the puzzle of EU foreign policy in Ukraine, one might first look at how identity formation in Ukraine has impacted the political landscape of the country. According to Prizel, following the second World War Ukraine underwent the three-stage transformation of national identity as predicted by van Gennep in his 1961 work—separation, liminality, and aggregation.³⁸ However, given the differing collective memories and cultural specificities that had arisen across regions, this three-stage process was not uniform across Ukraine. Noting this, Prizel finds that, “...this has resulted in an incoherent and at times contradictory evolution of national identity and with it a murky development of a foreign policy agenda to defend an as yet poorly defined ‘national interest.’”³⁹ This lack of clear direction was further compounded by the renewed impulse of “othering” brought about by the dissolution of the USSR and the end of the Cold War. New national identities began to form across Eastern Europe, and for many in Ukraine, due to the initial marginalization of the country, the legacy of WWII’s end, and a number of other factors, animosity was turned toward the West as it became the primary “Other” in the identity formation of Eastern states.⁴⁰ However, while this was common in the east of the country, many in the west built their new notion of national identity around the idea of Russia as the “Other.”⁴¹

The polarization of “othering,” as well as the dissolution of the political center, has resulted in an additional realm of consideration for the crafting, execution, and assessment of European policies. Complicating issues further, the many voices that now comprise “the West”—much less united in voice now than during the Cold War—have put the development

³⁸ See Arnold Van Gennep, *The Rites of Passage* (Chicago: University of Chicago Press, 1960) for more on this.

³⁹ Ilya Prizel, *National Identity and Foreign Policy: Nationalism and Leadership in Poland, Russia, and Ukraine* (Cambridge: Cambridge University Press, 1998), 340.

⁴⁰ Ibid, 28.

⁴¹ Ibid, 9.

of relations on shaky ground.⁴² Thus, leaving political and economic considerations separate, these social factors and perceptions of the West continue to have an effect on EU-Ukrainian relations, and form a key obstacle in the way of successful policies of European external governance and conditionality.

1.5 Building Off of the Literature

The case of Ukraine, a nation torn between the EU and Russia and simultaneously wracked by internal divides and controversies, provides a good test case for integrating these theories of neighborhood Europeanization, conditionality, external governance, and identity formation. The first step will be to analyze the specific actions and policies that have been initiated by the EU in Ukraine, with an emphasis on assessing how successful the EU's efforts have been. After this analysis, the specific problems with the policies will be examined, in an attempt to show why the EU's policies have not been effective enough to make consistent progress. Following this evaluation, this thesis will attempt to dive deeper into the social links between Ukraine and Russia to explain the ultimate barrier to EU action in the country. Doing so is necessary to explain how these links impact the domestic considerations in Ukrainian politics, the same considerations that many of these authors have found greatly contribute to the success or failure of EU policies of neighborhood Europeanization or external governance.

⁴² Prizel, 1998; 29.

Chapter 2 – EU Efforts in Ukraine

Although these theoretical frameworks tell us roughly the underlying logic of EU action in its neighborhood, what exactly this action entails needs to be identified. After reviewing the main policy frameworks that the EU uses in its Eastern neighborhood, an assessment of how successful these policies have been will be conducted. Because this assessment shows that the EU has not achieved the level of progress it would have hoped for, problems and shortcomings within these policy frameworks will be identified and analyzed, in the hope of illuminating why the EU has been unable to overcome the entrenched social ties and historical legacy that exist between much of Ukraine and Russia.

2.1 EU Policy Frameworks

Since its humble beginnings as an international organization of only six nations, what is now known as the European Union has experienced several enlargements over the years. In the process of growing to the now 27-strong EU, the states that made up the EU's neighborhood also frequently changed, in terms of status, proximity, and relative importance. Of this series of enlargements, the “big bang” of enlargement in 2004 most drastically changed the status quo, adding ten states to the cohort. With the accession of many of the EU's eastern neighbors, the EU was overnight confronted with a new neighborhood of states on its eastern borders. This shift in geopolitical reality required a new foreign policy, one commensurate with the increased importance of stability and security in countries like Ukraine.

In the run-up to this wave of enlargement, the EU developed its “Wider Europe” policy. Laid out in a 2003 Communication from the Commission to the Council and the European Parliament, the document described the reasoning for such a policy, noting that,

“...the EU should aim to develop a zone of prosperity and a friendly neighbourhood—a ‘ring of friends’ – with whom the EU enjoys close, peaceful and co-operative relations.”⁴³ While this policy framework did not rule out the possibility for future accession of the Eastern European neighbors,⁴⁴ it makes it very clear that this policy should not be associated with the issue of accession. Instead, this policy was seen as an *alternative* to accession, an important tool in preventing a stark division between the neighboring states and the EU itself.⁴⁵

The Wider Europe strategy was quickly reconfigured into what we know today as the European Neighbourhood Policy. With the foundational principles of joint ownership, differentiation, enhanced political dialogue, and the commitment to shared values,⁴⁶ sixteen of the EU’s neighboring countries were invited to deepen their relations with the EU through this framework.⁴⁷ However, the framework, which encompassed states in Eastern Europe, the South Caucuses, and several from the Middle East and North Africa, soon proved to be too broad to allow for the formulation of a clear or coherent strategy. Allegations also arose that the Mediterranean states were unjustly prioritized, and that the policies were insufficiently tailored to the specific needs of the varying regional and domestic contexts.⁴⁸ Given the failure of the ENP to “Europeanize” the neighborhood, its inability to provide the EU with enough influence to push for change, and its overall low level of legitimacy,⁴⁹ the Commission launched a review of the policy in mid-2010. In its report released on May 25,

⁴³ European Commission, “Wider Europe-- Neighbourhood: A New Framework for Relations with our Eastern and Southern Neighbours,” Europa, last modified March 11, 2003, http://ec.europa.eu/world/enp/pdf/com03_104_en.pdf; 4.

⁴⁴ In fact, it even explicitly references Article 49 of the Treaty on European Union, which states that any European state is eligible for membership. Ibid, 5.

⁴⁵ Ibid.

⁴⁶ Ibid, 5-13.

⁴⁷ These countries include Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Occupied Palestinian Territory, Syria, Tunisia, and Ukraine. See: European Commission, “The Policy: What is the European Neighbourhood Policy?” Europa, last modified October 30, 2010, http://ec.europa.eu/world/enp/policy_en.htm.

⁴⁸ Agnieszka K. Cianciara, “‘Eastern Partnership’-- Opening a New Chapter of Polish Eastern Policy and the European Neighbourhood Policy?” *The Institute of Public Affairs* 4 (June 2008): 6.

⁴⁹ Elena Korosteleva, “The Eastern Partnership Initiative: A New Opportunity for Neighbours?” *Journal of Communist Studies and Transition Politics* 27, no. 1 (2011): 8, <http://dx.doi.org/10.1080/13523279.2011.544381>.

2011, the Commission acknowledged several of the shortcomings of the ENP in previous years and announced its new “more for more” approach, declaring its intention to foster “deep democracy,” make sure economic development was inclusive, and enhance the ENP’s regional dimensions.⁵⁰

The regional dimension relevant for Ukraine is the Eastern Partnership, which was initiated in 2009. This new framework, which included Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine, was marked by high hopes at the outset.⁵¹ The structure of the EaP is made up of three main components, namely the Comprehensive Institution Building program, the pilot regional development programs, and the multilateral dimension. The multilateral dimension is subdivided into four thematic platforms targeting different sectors with the partner countries, which are “democracy, good governance, and stability,” “economic integration and convergence with EU policies,” “energy security,” and “contacts between people.”⁵² However, just like the ENP, the EaP fails to offer a membership perspective, meaning that according to Schimmelfennig, Scholtz, and Kelley’s analysis of political conditionality, this policy is unlikely to be effective.⁵³

2.2 Assessing EU Progress in Ukraine

According to experts like Shumylo-Tapiola, instead of these frameworks leading to progress, the EU has only seen Ukraine slip backward.⁵⁴ To make these assertions, however, one must take a closer look at specific activity areas of the EU in Ukraine over the past few years. Issues selected for analysis include the level of implementation of EU standards, overall levels of democracy and rule of law in Ukraine, and the response of the Ukrainian

⁵⁰ European Commission, *A New Response to a Changing Neighbourhood: A Review of European Neighbourhood Policy*, 2, modified May 25, 2011, http://ec.europa.eu/world/enp/pdf/com_11_303_en.pdf.

⁵¹ Cianciara, 2008; 1-2.

⁵² European Commission, 2010; 4.

⁵³ Schimmelfennig and Scholtz, 2008; Kelley, 2004.

⁵⁴ Olga Shumylo-Tapiola, "What Not to Expect from the Eastern Partnership Summit," Carnegie Moscow Center, last modified September 29, 2011, <http://carnegie.ru/publications/?fa=45639>.

population to EU efforts. These indicators have been chosen because they each represent distinct aspects of EU action in Ukraine. While rule implementation focuses on distinguishing political rhetoric from practical advances made on the governmental level, evaluating levels of democracy and rule of law gives a clearer image of whether or not macro-level changes have occurred while EU policies were being implemented. Finally, assessing the impact that the EU has made on the population of Ukraine and whether or not it has achieved its goal of building linkages with civil society looks past the governmental level and gives insight into how much, if any, progress the EU has made in Europeanizing the Ukrainian population. In each of these areas, analysis reveals discouraging trends that show that EU policies in Ukraine have not made consistent and lasting progress in these sectors.

2.2.1 Adoption versus Implementation of EU Standards

Theories of EU external governance put an emphasis on regulatory approximation and legislative convergence, and facets of both the ENP and EaP discussed above prioritize EU rule transfer to Ukraine. However, when examining how much progress has been made in this dimension, especially when evaluating how many of the priorities of the EU/Ukraine Action Plan have been dealt with, it is important to differentiate between a mere “checked-box” of adoption and real on-the-ground implementation. Lavenex and Schimmelfennig make a point to differentiate between three separate stages determining effectiveness of EU external governance: rule selection, rule adoption, and rule application.⁵⁵ Building off of this groundwork, Freyburg *et al.* examine the merits and shortcomings of external governance by looking at democratization on the sectoral level, specifically at the integration of democratic principles into the legal code of third country neighbors. They find that while the EU has successfully managed to pressure ENP countries into *adopting* rules mirroring the EU *acquis*

⁵⁵ Lavenex and Schimmelfennig, 2009; 801.

communaute, it has been less successful in ensuring that the target countries actually then implement these provisions.⁵⁶

The Razumkov Centre's 2008 report on the implementation of the Action Plan between 2005 and 2007 corroborates these findings. During the course of three years of implementation of the Action Plan, just 15% (11 of 73) of these priorities were fulfilled. An additional 61 of the priorities were noted as "partially implemented."⁵⁷ When the priorities are broken down by sector, clear differences in progress can be noted. For example, while more than a fifth of "trade, market and regulatory reform" priorities have been fully implemented (4/19), none of the 12 priorities under the "democracy, rule of law, human rights and fundamental freedoms" heading have been fully implemented.⁵⁸

In an updated 2011 article, Freyburg *et al.* find that although countries may adopt and implement reforms advocated by the EU, the ultimate impact that these reforms have is low.⁵⁹ Findings from the Razumkov Centre tend to support this assessment, as they find that few of the measures from the Plan of Measures of the EU/Ukraine Action Plan had had maximum impact in achieving the goals of the Plan. Out of 227 measures, just 38 of them had had the maximum expected impact, while "...29% practically did not influence in any way Ukraine's attempts to meet the priorities outlined in the Action Plan."⁶⁰ Even worse, 14% of these 227 measures were ultimately found to have "negative" or "mostly negative" results of activity implementation.⁶¹ These results show that even if Ukraine has supposedly taken steps to implement the Action Plan and align itself with EU standards and further integration, these actions might not be helping the process at all.

⁵⁶ Tina Freyburg et al., "EU Promotion of Democratic Governance in the Neighbourhood," *Journal of European Public Policy* 16, no. 6 (September 2009): 916-934, <http://dx.doi.org/10.1080/13501760903088405>.

⁵⁷ Razumkov Centre, "Ukraine-EU Action Plan: Results and Prospects," *National Security & Defence*, 2008, 2, http://www.razumkov.org.ua/eng/files/category_journal/NSD100_eng.pdf.

⁵⁸ *Ibid*, 5.

⁵⁹ Tina Freyburg et al., "Democracy Promotion through Functional Cooperation? The Case of the European Neighbourhood Policy," *Democratization* 18, no. 4 (August 2011): 1028, <http://dx.doi.org/10.1080/13510347.2011.584738>.

⁶⁰ Razumkov Centre, 2008; 2.

⁶¹ *Ibid*, 3.

In sum, quite often EU rules and regulations are adopted in Ukraine, but do not end up fully implemented. Even if they have been implemented, several of these laws have proven to have negative effects. Finally, even when the EU has seen success in rule adoption *and* implementation, Freyburg *et al.* include a further warning: these sectoral rules and regulations “...are only small drops in the ocean of institutional provisions constituting a democratic order.”⁶²

2.2.2 Democracy and Rule of Law

One of the EU’s core missions, stated in both the launching documents of the ENP and the EaP, as well as listed as one of the major priorities for action in the 2005 EU/Ukraine Action Plan,⁶³ is to strengthen and support democracy and the rule of law. As “democracy” and “rule of law” are both broad and complicated terms, Freedom House’s methodology and indicators from its yearly *Nations in Transit Report* will be used. Its indicators are measured on a scale of 1-7, with 1 showing the most amount of democratic progress and 7 showing the least.⁶⁴ This will allow us to make a preliminary assessment of whether or not the implementation of EU policies, programs, and diplomacy temporally correlate with an improvement in the overall situation and conditions in Ukraine. While this will not prove causation if a clear trend of progress can be seen over the years, a lack of progress would indicate that EU efforts were inadequate to bring about macro-level changes within the country.

In regard to the broad concept of “rule of law,” one indicator that can give us a partial idea of the circumstances in Ukraine is Freedom House’s measurement of “Judicial Framework and Independence.” Although this will only shed light on one aspect of the issue,

⁶² Freyberg *et al.*, 2011; 1029.

⁶³ European Union, *EU/Ukraine Action Plan*, 3-5, accessed May 9, 2012, http://ec.europa.eu/world/enp/pdf/action_plans/ukraine_enp_ap_final_en.pdf.

⁶⁴ Freedom House, “Ukraine,” in *Nations in Transit 2011*, Nations in Transit, 581, http://www.freedomhouse.org/sites/default/files/inline_images/NIT-2011-Ukraine.pdf.

it can perhaps serve as an example of broader trends in the country. As can be seen in Figure 1, while slight improvements can be seen in 2005 and 2006, brought about by the immediate impact of the Orange Revolution, by 2007 the Judicial Framework and Independence Score began to worsen. Despite EU funding mechanisms specifically targeting judicial reform like TAIEX⁶⁵ and the initiation of the Eastern Partnership in 2009, Ukraine's score has worsened from its 2008 level of 4.75 to 5.5 in 2011.⁶⁶

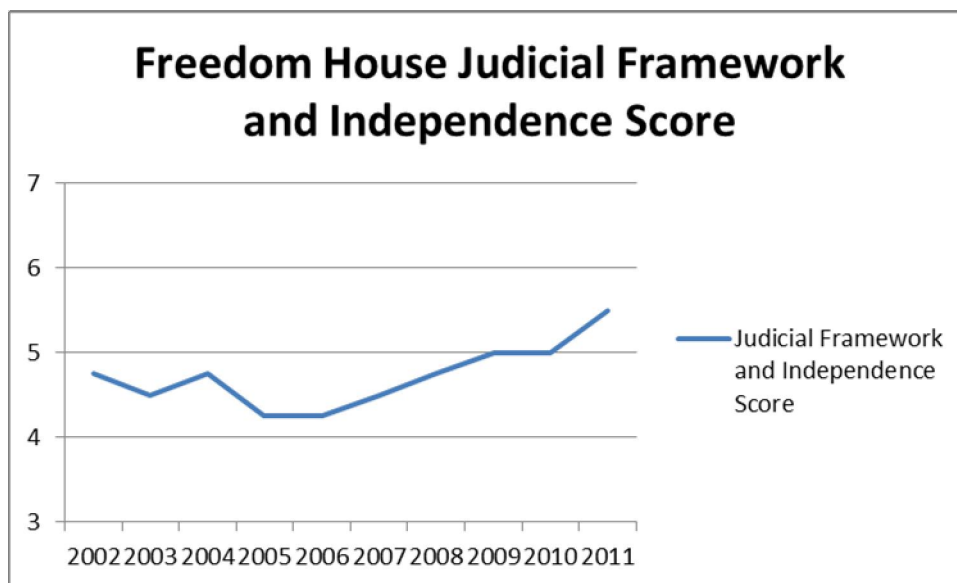


Figure 1: Freedom House Judicial Framework and Independence Score.⁶⁷

No progress can be seen in terms of Ukraine's overall democracy score, either. The yearly calculation of Freedom House's Democracy Score, a composite score that averages the yearly scores of six indicators during 2002-2004 and seven indicators from 2005 onward,⁶⁸ has shown a discouraging trend. As shown in Figure 2, although the overall score initially improved in 2005 and 2006 following the Orange Revolution, by 2007 the conditions had

⁶⁵ "Technical Assistance and Information Exchange Instrument (TAIEX)," 2007-2013.eu, accessed May 20, 2012, http://www.2007-2013.eu/by_scope_taiex.php.

⁶⁶ Freedom House, 2012; 581.

⁶⁷ Ibid.

⁶⁸ From 2002 to 2004, the averaged indicators that made up the Democracy Score were Electoral Process, Civil Society, Independent Media, Governance, Judicial Framework and Independence, and Corruption. From 2005 to present, the seven indicators that made up the Democracy Score were the same except for the Governance indicator, which was divided into National Democratic Governance and Local Democratic Governance. Freedom House, 2012; 581.

begun to decline. In 2011 the overall Democracy score was 4.61, the highest score measured in Ukraine since before the Orange Revolution.⁶⁹ The overall worsening of these two scores shows that EU policy and action since the Orange Revolution have not resulted in a more democratic Ukraine or overall strengthened rule of law in the country. While conditions in Ukraine have certainly not been favorable for democratic change, with a society wracked by corruption, weak political will, and other characteristics that classify it as an immobile state,⁷⁰ the EU has specifically targeted measures to try to correct for these problems. Despite these efforts, no signs of significant change in these indicators can be seen.

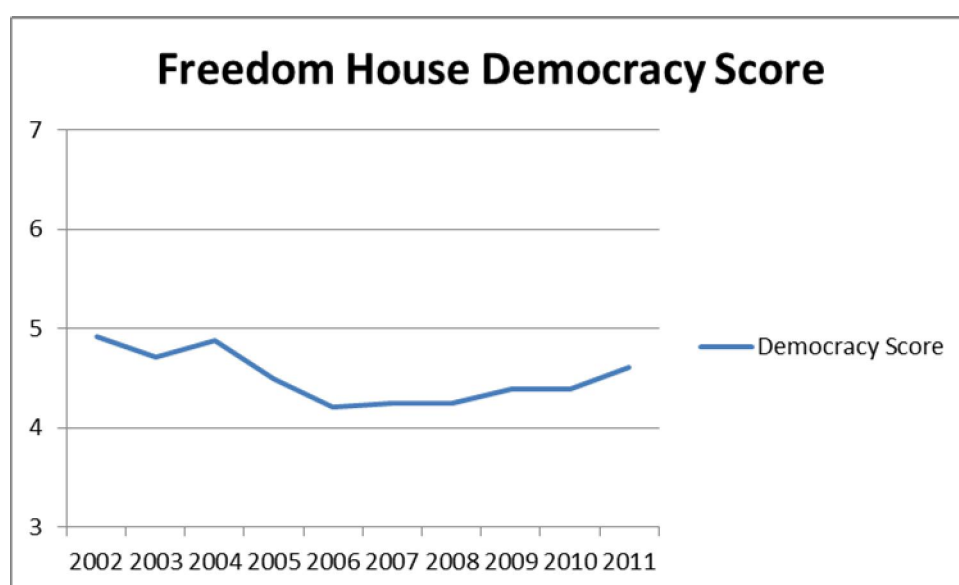


Figure 2: Freedom House Democracy Score in Ukraine.⁷¹

2.2.3 Support to Civil Society and Europeanization of the Population

Another one of the core missions of the EU is to promote people-to-people contacts between citizens of the EU and those of its neighboring countries. This goal was one of the main priorities of the 2005 EU/Ukraine Action plan, with ways of enhancing these

⁶⁹ Ibid.

⁷⁰ Kuzio, 2011; 95.

⁷¹ Ibid.

connections laid out for a number of sectors, ranging from science and technology to education to public health.⁷² Further, “contacts between people” was named as one of the four thematic platforms of the Eastern Partnership,⁷³ ranked on an equal level with economic integration, energy security, and democracy. Not stopping there, a Civil Society Forum was also launched under the EaP.

Under the “contacts between people” thematic platform, the working group focuses on the issues of education, visa facilitation, and youth and culture.⁷⁴ While these subject areas are broken down into many sub-priorities, one of the main goals of the Working Group on the 4th Thematic Platform is the aim to “promote and disseminate information on EU issues and the opportunities provided by the EU by developing an information society.”⁷⁵ In essence, through this thematic platform the EU hopes to increase both knowledge and support for itself among the Ukrainian population, increasing linkages to unite the EU with this Eastern partner.

The EU’s policies in this area seem to rely on the logic of appropriateness, drawing on mechanisms of socialization and lesson-drawing as described by Schimmelfennig.⁷⁶ However, since these same types of socialization-based methods have been found by Kelley to be largely ineffective,⁷⁷ one must ask how successful these measures have been after several years of work and sums of money have been dedicated to the cause. As the EU’s programs promoting its goal of building people-to-people contacts are in effect tactics of positive PR for the EU in Ukraine, a direct indicator on how well these programs have permeated society would be population surveys that measure relative knowledge of EU

⁷² European Union, 2005; 38-42.

⁷³ Council of the European Union, "Joint Declaration of the Prague Eastern Partnership Summit," Europa, 9, last modified May 7, 2009, http://ec.europa.eu/europeaid/where/neighbourhood/eastern_partnership/documents/prague_summit_declaration_en.pdf.

⁷⁴ "Working Group 4: Contacts Between People," Eastern Partnership Civil Society Forum, accessed May 21, 2012, <http://www.eap-csf.eu/en/working-groups/wg4-contacts-between-people/>.

⁷⁵ Ibid.

⁷⁶ Schimmelfennig, 2009:10.

⁷⁷ Kelley, 2004; 435.

activities. In a 2008 survey, up to 80% of the Ukrainian population surveyed had received little information about the ENP and were uninformed about its purposes and methods. Critically, this dearth of information had led the general population to make their own inferences about the policy, leading them to evaluate the policy framework solely as a manifestation of the EU's values-driven foreign policy and security needs.⁷⁸ Another study found that only one-third of the general public is either "very familiar" or "quite familiar" with the EU,⁷⁹ a figure that is far too low given the EU's goals within the country.

Additionally, one could reasonably hope that if these programs have had their intended effect over the years, an upward trend in the positive perception of the EU would be visible. Thus, as an indirect way to evaluate the impact that these policies and programs have had on everyday Ukrainians, it is useful to look at overall trends of public opinion in Ukraine regarding topics such as European self-identity, the EU as a foreign policy orientation, and the level of support for EU membership.

To begin, the degree to which Ukrainians have identified as "European" has fluctuated over the years, and despite persistent efforts of the EU to "Europeanize" their neighborhood, the reported degree of European self-identity has actually shown a *downward* trend in Ukraine over the last several years. Comparing a series of public opinion surveys conducted in 2000, 2004, 2006, and 2007, White, McAllister, and Feklyunina found that the percentage of Ukrainians who identified as European "to a significant extent" was never very high, peaking at 8% in 2000 and dropping down to only 5% in 2007. In line with this, an easy majority of Ukrainians "seldom" or "never" felt themselves to be European, rising from 57%

⁷⁸ Oleksandr Stegnyy, "Ukraine and the Eastern Partnership: 'Lost in Translation,'" *Journal of Communist Studies and Transition Politics* 27, no. 1 (2011): 58, doi:10.1080/13523279.2011.544383.

⁷⁹ ENPI Info Centre, "Calm and Civilized, Like a Dog," ENPI Info, accessed December 22, 2011, http://www.enpi-info.eu/files/interview/a110070_ENPI_Ukraine%28EUprcptns%29EASTen.v.3.pdf.

in 2000 to 64% in 2007,⁸⁰ despite the implementation of many programs in the interim period under the framework of the ENP. The authors also found that while across time support for EU membership typically has exceeded 50% (although it dipped just below this threshold in 2006), this option has also been decreasing in popularity. Of their surveys, the highest level of support was shown in 2000, when 23% of survey respondents “strongly supported” EU membership and 34% “somewhat supported” membership. By 2007, the total level of support had slightly declined from its high of 57% in 2000 to 54%. Perhaps more tellingly, the percentage of those who “strongly opposed” EU membership doubled from its 2000 level of only 4% to 8% in 2007.⁸¹

More recently, the International Foundation for Electoral Systems (IFES) has conducted similar public opinion surveys in Ukraine with funding from the U.S. Agency for International Development (USAID). Their survey, conducted in November of 2009, was designed to capture public opinion in the lead-up to the 2010 Presidential elections. When respondents were questioned about support for the EU, the results paint a more pessimistic picture than White, McAllister, and Feklyunina’s surveys. The 2009 IFES survey finds that if it were put to a vote, only 40% of the Ukrainians surveyed would vote in favor of joining the EU, while 29% would vote against.⁸² Of most relevance for understanding where the EU has faltered in its efforts at external Europeanization and building an EU-friendly civil society in Ukraine are the reasons Ukrainians gave for *not* supporting membership in the EU. While a variety of responses were given, there were a number of important themes that were frequently referred to by respondents. While 23% of the respondents answered that “...the

⁸⁰ Stephen White, Ian McAllister, and Valentina Feklyunina, “Belarus, Ukraine and Russia: East or West?” *The British Journal of Politics and International Relations* 12, no. 3 (2010): 351, doi: 10.1111/j.1467-856X.2010.00410.x.

⁸¹ *Ibid.*, 354.

⁸² Rakesh Sharma and Lauren Serpe, *Change on the Horizon? Public Opinion in Ukraine before the 2010 Presidential Election: Findings from an IFES November 2009 Survey*, 21, accessed May 7, 2012, http://www.ifes.org/~media/Files/Publications/Reports/2009/1696/%20Ukraine_Survey_Report_IFES_2009.pdf.

country has not yet arrived at the European level,”⁸³ not ruling out membership in the future, many of the other responses were much less EU-friendly.

One common response, the reasons for which will be discussed in the following chapter, was the preference that Ukraine align with Russia and the CIS states rather than the EU. An additional 21% of respondents thought that Ukraine should pursue a more independent path and not rely on integration with the EU to build up its economy, and as much as 8% responded that they were against the EU because they believed, “...Ukraine and its products are not wanted in the EU.”⁸⁴ Another 7% believed that their labor market and resources would be exploited by the EU.⁸⁵ This disinterest or distrust of the EU and what it has to offer shows clear failings of the EU’s policies in Ukraine; despite pouring over €2.5 billion into Ukraine since its independence⁸⁶ and embarking on numerous programs to build ties with Ukrainian civil society, many still do not believe that the EU’s presence is either good or necessary.

2.3 Shortcomings of the ENP and EaP

These indicators show that there has been a failure of the ENP and EaP to bring about consistent and far-reaching improvements in legislative approximation, democracy, rule of law, and public perception of the EU. This has been due to a number of problems, which unless corrected, will continue to hamper the ability of the EU to encourage democratic change. The first of these systemic problems is the lack of a clear and coherent strategy,⁸⁷ which stems both from the disagreement on the side of the EU and a lack of understanding on the Ukrainian side on just what a “partnership” entails. The biggest question in this realm

⁸³ Ibid.

⁸⁴ Ibid.

⁸⁵ Ibid, 21.

⁸⁶ Delegation of the European Union to Ukraine, "Technical and Financial Cooperation," Europa, http://eeas.europa.eu/delegations/ukraine/eu_ukraine/tech_financial_cooperation/index_en.htm.

⁸⁷ Dimitar Bechev, "Of Power and Powerlessness: The EU and its Neighbours," *Comparative European Politics* 9, no. 4/5 (2011): 417, doi:10.1057/cep.2011.9.

involves the issue of eventual Ukrainian membership in the European Union. While many Ukrainian officials operate on the assumption that a membership perspective will eventually come one day in the future, in the September 2008 Joint Declaration on the EU-Ukraine Association Agreement from that year's Summit, the rhetoric used is particularly telling. In a very one-sided nod to Ukrainian ambitions, the text reads: "the EU acknowledges the European aspirations of Ukraine and welcomes its European choice."⁸⁸ While the Association Agreement and the development of the EaP certainly represent steps forward for EU-Ukrainian relations, the mere "acknowledgement" of Ukraine's desire for membership intentionally falls far short of any kind of commitment on the EU's end. When the viewpoints of individual member states are considered, it is clear to see why the stance on membership is so ambiguous: while Poland, Lithuania, Slovakia, and Hungary believed that a membership perspective should have been extended following the Orange Revolution to promote democratization, several states of Western Europe, including Germany, the Netherlands, Belgium, France, and Spain, rejected this proposal.⁸⁹

Further, EU policies tend to err on the side of being broad and unspecific.⁹⁰ This has led to differing expectations of the future of EU-Ukrainian relations, with Ukraine unclear on what exactly the possible rewards are in return for the country's compliance with EU policies.⁹¹ For example, in Ukraine's Country Report released in May of 2004 at the outset of the European Neighbourhood Policy, the EU lays out one of the main "carrots" to be "the prospect of a stake in its Internal Market and of further economic integration."⁹² Although so vague as to have little practical meaning, this statement is not elaborated on. According to

⁸⁸ Council of the European Union, "EU-Ukraine Summit," 3, Europa, last modified September 9, 2008, http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/er/102633.pdf.

⁸⁹ Richard Youngs, "'A Door Neither Closer nor Open': EU Policy towards Ukraine during and since the Orange Revolution," *International Politics* 46, no. 4 (2009): 367, doi:10.1057/ip.2009.10.

⁹⁰ Popescu and Wilson, 2011; 1

⁹¹ Tanya Radchuk, "Contested Neighbourhood, or How to Reconcile the Differences," *Journal of Communist Studies and Transition Politics* 27, no. 1 (2011): 35, <http://dx.doi.org/10.1080/13523279.2011.544382>.

⁹² European Commission, 2004.

Wolczuk's analysis of political conditionality, it is just this sort of ambiguity that prevents the EU's political conditionality from seeing results.⁹³

While part of the rationale given for the creation of the Eastern Partnership (EaP) was the need to deal with the ineffectiveness and ambiguity of the ENP, this problem has not been adequately corrected. In the Joint Declaration of the Prague Eastern Partnership Summit in May of 2009, the participants commit to "deeper bilateral engagement," a "focus on multilateral cooperation," and a "more ambitious partnership between the European Union and the partner countries."⁹⁴ Although these points are boasted to give a "clear political message,"⁹⁵ the grand political jargon hides the fact that just as in the ENP, the EU has failed to draft diversified policies that are suitable to each individual partner country in the EaP.⁹⁶ Korosteleva is in agreement, believing that the EaP does not do enough to correct for the "one-size-fits-all" framework of the ENP,⁹⁷ which has resulted in policies that are less tailor-made and inefficient for the specific Ukrainian domestic political context than there otherwise could be.

Further, despite the Commission identifying several of the problems in the ENP and pledging to correct them in its 'more for more' recast of the ENP announced in May 2011, this report is still vague on many issues. For example, the Joint Communication that was released following the review of the ENP endorses both the European Endowment for Democracy (EED), proposed by Poland, as well as the creation of a Civil Society Facility. However, as Emerson notes in his "Review of the Review," the document fails to indicate the structure or set-up of the EED, and this document and the Polish non-paper on the EED are

⁹³ Wolczuk, 2009; 208.

⁹⁴ Council of the European Union, 2009; 1.

⁹⁵ Ibid, 6.

⁹⁶ Radchuk, 2011; 35.

⁹⁷ Korosteleva, 2011; 11.

“empty of concrete ideas.”⁹⁸ Additionally, although the Commission introduces the term “deep democracy” and its intention to promote it, Emerson comments that “...new mechanisms to achieve this have not been defined in operationally meaningful terms, and the institutions seem unable to agree on what to do.”⁹⁹ Thus, despite the Commission’s efforts to correct the problems of the ENP, it seems that the issues of ambiguity and the lack of concrete goals remain, which calls into question how much this review will really improve the effectiveness of the ENP.

Another problem hindering the EU’s effectiveness in Ukraine is the reality that the EU’s position has been prone to inconsistencies.¹⁰⁰ This is problematic because the EU has struggled to “persuade” Ukraine to make changes and clean up its act at least in part because it lacks credibility when it threatens to withhold certain carrots from Ukraine, undermining any attempt to use political conditionality. A prime example of this came in December of 2011, during the 15th EU-Ukraine Summit. After five years of negotiating the Association Agreement between the two parties, and finalizing the content of the Agreement at the Summit, the document was not initialed at that time. In Van Rompuy’s statement following the Summit, he commented on this, declaring that, “we want to take steps to sign and ratify the Association Agreement as soon as we can, *but this will depend on political circumstances*.”¹⁰¹ He goes on to note that, “...our strong concern is primarily related to the risks of politically-motivated justice in Ukraine. The Tymoshenko trial is the most striking example.”¹⁰² At the time, this was seen as an effort by the EU to take a firm stance against the blatant injustices occurring in Ukraine, holding back progress on the Association Agreement

⁹⁸ Michael Emerson, "Review of the Review - of the European Neighbourhood Policy," Centre for European Policy Studies; 2, last modified June 8, 2011, http://aei.pitt.edu/32057/1/ME_Review_of_the_Neighbourhood_Policy_Review-1.pdf.

⁹⁹ Ibid, 4.

¹⁰⁰ Popescu and Wilson, 2011; 1

¹⁰¹ Herman Van Rompuy, "Remarks of President Herman Van Rompuy following the 15th EU-Ukraine Summit" (Speech, Kyiv, December 19, 2011), Consilium, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/127053.pdf.

¹⁰² Ibid.

in an attempt to convince Yanukovych to release Tymoshenko. However, just three months later, one of the aforementioned “steps” involved in the signing and ratification of the Association Agreement, the initialing of the Agreement by the negotiators on each side, was completed.¹⁰³ At this time, Tymoshenko is still in custody and suffering from health problems.¹⁰⁴

A third problem, namely the insufficient and inefficient allocation of funds to the EaP framework,¹⁰⁵ means that even the degree of effectiveness that these generalized and somewhat muddled policies could have had has been further lessened by economic constraints. Although it was announced at the September Eastern Partnership summit in Warsaw that an additional €150 million was to be allocated to the EaP for 2011-2013, increasing the amount from its initial €600 million,¹⁰⁶ this figure still seems small for the daunting task before it. When the fact that Armenia, Azerbaijan, Georgia, Moldova, and Ukraine are meant to be *sharing* these funds is taken into account, this small budget increase appears paltry, and certainly not commensurate with the EaP’s stated goals. A greater need has been expressed for a heavier emphasis on a projects-based approach, and a representative from the Ukrainian MFA has articulated the need for the creation of facilities designed to support the projects implemented within the framework of the EaP,¹⁰⁷ which corresponds with Wolczuk’s assessments on the shortcomings of EU political conditionality.¹⁰⁸ These demands mean that a more careful and targeted allocation of funds will take on a heightened

¹⁰³ "European Union and Ukrainian Negotiators initial Association Agreement, including Deep and Comprehensive Free Trade Area," Europa, last modified March 30, 2012, <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/12/238>.

¹⁰⁴ "Ukraine ex-PM Tymoshenko to Leave Prison for Treatment," *BBC*, April 2, 2012, <http://www.bbc.co.uk/news/world-europe-17587281>.

¹⁰⁵ Iryna Solonenko, "Added Value? Eastern Partnership and EU-Ukraine Bilateral Relations," *IPG* (March 2011): 121, http://www.irf.ua/files/ukr/programs/euro/solonenko_added-value.pdf.

¹⁰⁶ "Eastern Partnership Funds," EaP Community, last modified 2012, <http://www.easternpartnership.org/content/eastern-partnership-funds>.

¹⁰⁷ CENS, "Event Report: 'Improving Eastern Partnership,'" Center for EU Enlargement Studies, last modified April 22, 2011, <http://cens.ceu.hu/news/2011-04-22/event-report-improving-eastern-partnership>.

¹⁰⁸ Wolczuk, 2009; 194.

importance in the coming years if significant strides toward increased integration are to be expected.

Finally, the policies and programs that have been implemented within the framework of the Eastern Partnership have been undermined by the limited public knowledge or understanding of the EaP within Ukraine.¹⁰⁹ Public understanding and recognition of the EU's efforts within a country are critical for the desired "Europeanization" of the Ukrainian populace, and without renewed clarity of policy direction, a mutual understanding of what the ultimate goal of the EU-Ukrainian partnership will be, a more targeted allocation of funds, and knowledge of these efforts by the Ukrainian people, the EaP will continue to flounder just as its predecessor the ENP. Even if all of these problems are corrected, however, there is no guarantee that the ENP and EaP will prove influential and effective enough to override another dimension affecting the domestic and foreign policy developments in Ukraine: the presence and power of Russia. As will be discussed in the next chapter, Russian soft power, coupled with Russian language, ethnicity, and identity throughout the eastern half of Ukraine, has resulted in an entrenched social-political landscape that serves as a major obstacle to the EU's already weak policies.

¹⁰⁹ Korosteleva, 2011; 13.

Chapter 3 – Russia as a Countervailing Force to EU Action

All of the EU's policies, programs, and diplomatic maneuverings mentioned above do not take place in an EU-Ukraine vacuum. It is vital to remember that while much of the EU's influence over another country is determined by the extent to which their relationship is asymmetrical in the EU's favor, in accordance with the power-based approach, the relationship between the EU and third countries such as Ukraine is partly determined by the presence and power of other external actors.¹¹⁰ Because of this reality, any conclusion drawn about the power of the EU as an external actor in Ukraine cannot be determined without taking the role that Russia plays into account.

The connections between Russia and Ukraine are multifold, ranging from historical legacy to high interdependence in the gas and oil sectors, putting Russia in a unique position vis-à-vis Ukraine. In the words of White, McAllister, and Feklyunina, "...an 'eastern' choice reflects much more than economics; it also reflects the extent to which the Slavic and former Soviet republics were and still continue to represent a human community, with lengthy common frontiers, a common language, huge numbers of border crossings in both directions and family associations of all kinds."¹¹¹ All of these factors put together amount to closely intertwined societies whose loyalties on the personal level may manifest themselves as loyalties on a political and foreign policy level. Through its policies and actions Russia has been able to directly and indirectly undermine or counteract EU effort in Ukraine, and as can be seen in the gas sector, has even shaped EU policy toward Ukraine to some extent.¹¹²

¹¹⁰ Lavenex and Schimmelfennig, 2009: 792.

¹¹¹ White, McAllister, and Feklyunina, 2010; 356.

¹¹² Dimitrova and Dragneva, 2009: 854.

3.1 Trade

One of the most commonly referenced indicators of the power balance between two countries (or regional bloc, as in the case of the EU) is the nature of their trade relations. If one country is highly dependent on another in terms of exports and imports, it is often assumed that this trade imbalance would buy the stronger country influence and economic leverage in the weaker. Indeed, one of Lavenex and Schimmelfennig's three modes of external governance is market-based, whereby trade interdependence, market competition, and regulatory approximation theoretically garner the EU leverage in its neighborhood.¹¹³ A quick comparison of these statistics between the EU and Ukraine seems to paint exactly this picture of a starkly asymmetrical relationship. For example, while Ukraine only ranks as the EU's twenty-second most important trading partner, providing the EU with just 0.9% of its imports and absorbing 1.4% of the EU's total exports,¹¹⁴ in 2010 the EU provided a massive 31.3% of Ukraine's total imports (around €14.5 billion) and received 25.5% of its total exports (around €9.9 billion).¹¹⁵

However, the EU is only Ukraine's *second* most important trading partner, with the top spot, and thus arguably the most influence, currently going to Russia. About 36.2% of Ukraine's imports come from Russia, while about 26.2% of Ukraine's exports go there. Russia's active involvement means that the EU's influence is less than it would initially seem, as Ukrainian officials have more than one actor to take into account. Further, with a statement released in February of this year by Ukrainian National Security and Defense Council Secretary Andriy Kliuyev announcing that Russia-Ukraine bilateral trade had reached a 20 year high, with further progress expected in the realms of gas cooperation and

¹¹³ Lavenex and Schimmelfennig, 2009; 799.

¹¹⁴ European Commission, *Ukraine: Main Economic Indicators*, 5, http://trade.ec.europa.eu/doclib/docs/2006/september/tradoc_113459.pdf.

¹¹⁵ Ibid., 6.

the CIS free trade zone,¹¹⁶ Russian power and influence vis-à-vis Ukraine in the economic realm seems slated to grow in the near future. In this case, then, the potential for EU market-based external governance is severely undermined by the economic influence of Russia.

While some may argue that there is only a narrow margin between the EU and Russia, the importance of Russia as a trading partner is even more obvious when Ukraine's trade with the CIS states, of which Russia has the most influential voice, is considered. As the CIS states form the Eastern regional counterpart to the EU regional bloc, this comparison is perhaps more apt than Russia-EU. Around 43.8 % of Ukraine's imports in 2010 came from this region, while around 37.5% of Ukraine's exports went there.¹¹⁷ As shown in the diagrams below, which display information taken from the State Statistics Service of Ukraine's website, while EU and Russian trade levels have been relatively close over the past decade, trade with CIS as a regional bloc has consistently surpassed trade with the EU. Additionally, while the financial crisis took a toll on trade across the board, trade with the EU has rebounded less quickly than trade with the CIS states. While Ukrainian exports to the EU have not regained their pre-crisis levels, exports with the CIS states are at their highest level yet, surpassing \$26 billion in worth.¹¹⁸ With many Ukrainian companies sending their products eastward, and Ukrainian consumers using products hailing from the CIS states, for many in Ukraine the reality is that economic prospects are more closely tied to relations with the East than with the West.

¹¹⁶ Interfax-Ukraine, "Russia-Ukraine Trade Hits 20-year Record," *Kyiv Post*, February 20, 2012, <http://www.kyivpost.com/news/nation/detail/122784/>.

¹¹⁷ *Ibid.*, 6.

¹¹⁸ "External Economic Activity," State Statistics Service of Ukraine, last modified 2012, http://www.ukrstat.gov.ua/operativ/menu/menu_e/zed.htm.



Figure 3: Ukrainian Foreign Trade in Goods from Selected Trade Partners – Exports¹¹⁹



Figure 4: Ukrainian Foreign Trade in Goods from Selected Trade Partners – Imports¹²¹

¹¹⁹ Data from "External Economic Activity," State Statistics Service of Ukraine, last modified 2012, http://www.ukrstat.gov.ua/operativ/menu/menu_e/zed.htm.

¹²⁰ Note: For consistency, the EU data for each year includes data for all 27 current member states despite the differing entry dates for the new EU states.

This comparison shows that while the EU puts considerable emphasis on building trade relations with Ukraine as a key component of its foreign policy in this country, its import and export levels are closely matched by Russia and far surpassed when the CIS region as a whole is considered. Thus, while many scholars on EU conditionality, neighborhood Europeanization, and external governance consider the EU's economic power to be one of its strongest assets in promoting an EU-friendly neighborhood, in the case of Ukraine this factor cannot be determinative given the relative parity of Russia and advantage of the CIS region.

3.2 Ethnic and Linguistic Ties

Russia is also able to capitalize on ethnic and linguistic ties with Ukraine to obtain political and economic influence. For a large segment of the population, these social and cultural affinities make closer relations with Russia seem like the natural choice, putting the EU at an automatic disadvantage in its attempts to build ties with the civil society and "Europeanize" the Ukrainian population. One can see the extent to which the Ukrainian and Russian populations are connected just by considering the size of the Ukrainian diaspora in Russia. The most recent Russian census data available, the 2002 All-Russia Population Census, reported around three million ethnic Ukrainians in Russia.¹²² Many of these Ukrainians send money back to their families in Ukraine and maintain strong links to their home country and ethnic heritage, a heritage that was "primordialized and fixed" during the Soviet era.¹²³ Familial ties further link the two countries, as 47% of Ukrainian survey respondents have reported having one or more close relatives living in Russia.¹²⁴ A visa-free

¹²¹ Ibid.

¹²² "Dataset 4-1 National Composition of Population and Citizenship," 2002 All-Russia Population Census, last modified 2004, <http://www.perepis2002.ru/index.html?id=87>.

¹²³ Mark R. Beissinger, "Beyond the Nationalities Question?" *Problems of Post-Communism* 58, no. 4-5 (July-August 2011): 40, doi:10.2753/PPC1075-8216580403.

¹²⁴ White, McAllister, and Feklyunina, 2010; 356.

regime means that frequent cross-border travel, whether for business or pleasure, inextricably unites the two neighbors. In stark contrast to this, a November 2008 survey found that 83% of its Ukrainian respondents had never traveled to the EU, despite Ukraine's shared border with it.¹²⁵ According to Popescu and Wilson, "nothing undermines the EU's soft power in the neighbourhood more than the restrictive nature of its visa policies."¹²⁶

Just as Ukrainians form a sizable group in Russia, Russians represent a large portion of the population in Ukraine. According to the most recent census data available from Ukraine, that of the All-Ukrainian Population Census 2001, ethnic Russians in Ukraine numbered more than 8.3 million—a significant 17.3% of the total population of Ukraine.¹²⁷ This large population group, along with the similarities between the two languages and the Soviet legacy, has caused bilingualism to be common. Interestingly, even self-reported mother tongue does not necessarily correspond with ethnic group in Ukraine: the census found that Russian was reported as the mother tongue of 14.8% of ethnic Ukrainians.¹²⁸

In later public opinion surveys conducted by White, McAllister, and Feklyunina, they seek to update this information so that it is representative of Ukraine nearly a decade later. Although they find a slightly smaller proportion reporting themselves as Russian, dropping from 17.3% in the 2001 census to 14% in 2010, they find that the respondents are still sharply divided between Ukrainian and Russian as their mother tongue, with half of those surveyed saying that Ukrainian was their native language and 47% saying that Russian was.^{129 130}

¹²⁵ Stegnyy, 2011; 66.

¹²⁶ Nicu Popescu and Andrew Wilson, *The Limits of Enlargement-Lite: European and Russian Power in the Troubled Neighbourhood* (June 2009): 33, http://www.voltairenet.org/IMG/pdf/Europea_and_Russian_in_the_troubled_neighbourhood.pdf.

¹²⁷ State Statistics Committee of Ukraine, "The Distribution of the Population by Nationality and Mother Tongue," All-Ukrainian Population Census 2001, last modified 2004, http://2001.ukrcensus.gov.ua/eng/results/nationality_population/nationality_1/s5/?botton=cens_db&box=5.1W&k_t=00&p=80&rz=1_1&rz_b=2_1%20%20%20%20%20%20%20&n_page=5.

¹²⁸ Minority Rights Group International, World Directory of Minorities and Indigenous Peoples -Ukraine: Russians and Russian-speakers, last modified 2008, <http://www.unhcr.org/refworld/publisher,MRGI,,UKR,49749c91a,0.html>.

¹²⁹ White, McAllister and Feklyunina, 2010; 349.

Another factor that strengthens Russia's ties to Ukraine is the large number of Ukrainian labor migrants that seek employment across the border in Russia. With job and salary prospects limited, many Ukrainians believe they will have better luck abroad. In a report by the International Organization for Migration (IOM), they found that this belief of greener grass on the other side was well founded. While the average Ukrainian brought home a salary of just \$281, wages abroad are significantly higher.¹³¹ While the total number of Ukrainian migrant laborers is disputed due to poor self-reporting and government data collection, collectively they sent home around \$5.2 billion in remittances in 2010.¹³² A substantial portion of this comes from those working abroad in Russia, as the IOM's 2008 Country Profile puts the number of migrant workers there at around one million.¹³³ A September 2011 publication by the IOM Mission in Ukraine estimates that just under half of all of Ukraine's migrant workers can be found in Russia, while the top six recipient countries in the EU (Italy, the Czech Republic, Poland, Hungary, Spain, and Portugal) together account for around 40% of Ukrainian migrant workers.

While Ukrainians in the western areas of the country in close proximity to the border with the EU are tempted by the higher salaries and favorable workplace conditions in the EU,¹³⁴ many Ukrainians, especially in Eastern Ukraine, have Russian language skills or perhaps Russian heritage which make their transition to life and work abroad in Russia comparatively easy. Additionally, cross-border travel with Russia is much less restricted than that with the EU, where potential migrant workers face more obstacles and visa restrictions.

¹³⁰ Despite this, the language issue in Ukraine is not without controversy. On May 24, 2012, a bill that provides for the official use of Russian in institutions caused the Ukrainian Parliament to erupt into violent fistfights. Associated Press, "Fight Erupts over Language Bill in Ukraine's Tumultuous Parliament," *Washington Post*, May 24, 2012, http://www.washingtonpost.com/world/europe/fight-erupts-in-ukraine-parliament-over-language-bill/2012/05/24/gJQA44WcnU_story.html.

¹³¹ International Organization for Migration Mission in Ukraine, "Migration in Ukraine: Facts and Figures," IOM, last modified September 2011, <http://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/docs/Ukraine/Migration-in-Ukraine-Facts-and-Figures.pdf>.

¹³² Ibid., 4.

¹³³ International Organization for Migration, *Migration in Ukraine: A Country Profile 2008*, 23, accessed April 22, 2012, http://publications.iom.int/bookstore/free/Ukraine_Profile2008.pdf.

¹³⁴ Ibid., 23.

As industry in Eastern Ukraine was particularly hard-hit by the recent financial crisis, dismal economic circumstances have resulted in a heightened impetus for more Ukrainians to cross the border into Russia to seek employment.¹³⁵ For these million or more Ukrainians working abroad in Russia and their numerous family members benefitting from the money sent home, the welfare of Ukraine is closely connected to the welfare of Russia. This “what is good for Russia is good for Ukraine” mentality undoubtedly makes this segment of the population much less susceptible to EU overtures in the realm of democratization and civil society building, especially when foreign policy choices are presented in a binary fashion, where either one or the other must be chosen, but not both.

Just as with trade, Ukraine’s eastern affiliations are not limited to Russia. The Soviet legacy has forged strong bonds among the states of the post-Soviet space, and the many cultural and societal commonalities among these populations make inter-country movement feasible. Ukraine boasts high numbers of foreign citizens from the CIS states within its border, together comprising the majority of all foreign residents within the country.¹³⁶ In the 2001 Census, in addition to the 49,000 Russian citizens living in Ukraine, there were almost 21,000 Armenian citizens, 11,000 Moldovans, about 10,000 Azerbaijanis, and several thousand Georgian and Belarusian citizens who were living in Ukraine.¹³⁷ Additionally, circular migration between Ukraine, Belarus, Moldova, and Russia is quite common for labor purposes.¹³⁸ According to Kazmierkiewicz, these migrant flows can be attributed to migratory patterns that developed while all of these states were part of the Soviet Union.¹³⁹ Soviet legacy, closely linked to ethnic, cultural, and linguistic connections, has intertwined the Ukrainian population with that of its neighboring CIS states.

¹³⁵ David Stern, "Economic Crisis Sweeps Eastern Ukraine," *New York Times*, April 7, 2009, <http://www.nytimes.com/2009/04/08/world/europe/08ukraine.html>.

¹³⁶ Piotr Kazmierkiewicz, *Non-paper: Integration of Migrants in Ukraine 2011*, 5, <http://www.osce.org/odihr/81760>.

¹³⁷ *Ibid*, 22.

¹³⁸ *Ibid*, 23.

¹³⁹ *Ibid*, 24.

3.3 Opportunities for Political Integration

Although there have been repeated calls by Ukrainian politicians for both EU and NATO membership, Ukraine's eastern neighborhood has no shortage of regional groupings that have at times appealed to Ukrainian interests. While political integration to the extent that has occurred in the EU has failed to materialize, the idea of such integration is still popular with a large percentage of the population. The Commonwealth of Independent States (CIS), founded in 1991 upon the dissolution of the USSR, was the first regional grouping that was intended to reproduce the structure and cohesion of the Soviet Union and counterbalance the EU.¹⁴⁰ Although Beissinger notes that the CIS, "...has never really amounted to much of a community and plays little more than a symbolic role in the region,"¹⁴¹ this regional organization was originally envisioned to be much more.

The existence of many economic and political commonalities between Ukraine and the other CIS states—mostly vestiges of the Soviet system—would seem to make political and economic integration with the East an easier fit for Ukraine than integration with the West. For example, Ukraine, just as other former Soviet states, has an oligarchic economic system. Not only does this system link Ukraine to other CIS states, it also has impeded democratization, separating Ukraine from the West. In fact, Di Quirico attributes the relatively high level of political influence accrued by oligarchs following the collapse of the USSR as one of the factors that led to Ukraine initially becoming a competitive authoritarian system.¹⁴² Further, these oligarchies, in Ukraine and elsewhere, have prevented

¹⁴⁰ Currently comprised of Ukraine, Russia, Belarus, Turkmenistan, Azerbaijan, Georgia, Moldova, Uzbekistan, Armenia, Kyrgyzstan, Tajikistan, and Kazakhstan. For more information, see: Interstate Statistical Committee of the Commonwealth of Independent States, "About Commonwealth of Independent States," CIS Stat, accessed April 25, 2012, <http://www.cisstat.com/eng/cis.htm>.

¹⁴¹ Beissinger, 2011; 37.

¹⁴² Roberto Di Quirico, "The Prospects for Democratization in the European Union Post-Soviet Neighbours: An Overview," *Comparative European Politics* 9, no. 4/5 (2011): 436, doi:10.1057/cep.2011.10.

democratization by wielding tight control over media and some NGOs, hindering the development of civil society.¹⁴³

Despite the lofty and numerous political and economic goals of CIS, as well as the obvious political and economic commonalities between Ukraine and these states, Ukraine was a cautious participant of the Commonwealth from the beginning. For example, while Ukraine only joined as an Associate member of the Treaty on an Economic Union launched in 1993, it was ratified by all eleven other states.¹⁴⁴ Ukraine has been hesitant to sign on to other agreements as well, opting out of the 1992 Tashkent Treaty on Collective Security¹⁴⁵ and only maintaining observer status in the Eurasian Economic Community.¹⁴⁶ Most recently, Ukraine has again avoided committing itself to regional economic integration by declining Russia's invitation to join its Customs Union with Belarus and Kazakhstan. Despite notable Russian pressure, Ukraine is instead moving ahead with a Deep and Comprehensive Free Trade Area (DCFTA) with the EU, a move incompatible with the Customs Union.¹⁴⁷ This is a pragmatic move by Yanukovych, as experts such as Shumylo-Tapiola predict considerable benefits from the DCFTA (once it is signed and ratified), such as overall GDP growth, increased levels of FDI, and increased market access in the EU.¹⁴⁸ On the other hand, even putting aside its incompatibilities with the Ukrainian Constitution and WTO commitments,¹⁴⁹ the supposed benefits of the Customs Union are rooted in promises that Russia has made without concrete evidence to support its claims.¹⁵⁰ Thus, despite "promises of cheaper gas prices...coupled with threats and small trade wars...used to pull Ukraine away from her

¹⁴³ Ibid, 439.

¹⁴⁴ Paul Kubicek, "Commonwealth of Independent States," Encyclopedia of Russian History, last modified 2004, http://www.encyclopedia.com/topic/Commonwealth_of_Independent_States.aspx.

¹⁴⁵ Kubicek 2004.

¹⁴⁶ Interstate Statistical Committee of the Commonwealth of Independent States.

¹⁴⁷ Olga Shumylo-Tapiola, *Ukraine at the Crossroads: Between the EU DCFTA & Customs Union April 2012*, ed. Russia/NIS Center, *Russie.Nei.Reports* 11, 17, accessed May 2, 2012, <http://www.ifri.org/?page=contribution-detail&id=7104>.

¹⁴⁸ Ibid, 8-9.

¹⁴⁹ Ibid, 21-22.

¹⁵⁰ Ibid, 25.

European choice,”¹⁵¹ Ukraine has so far not taken Russia’s bait for the Customs Union and continues to pursue the DCFTA with the EU. However, it is also simultaneously trying to pursue closer ties with its Eastern neighborhood, albeit in a lesser-integrated form than a Customs Union.¹⁵² Ultimately, though, while the EU appears to be the winner of the two rival bids, the balancing act that the Ukrainian leadership must pursue between the two powers decreases the leverage and influence that the EU hopes to gain through this form of market-based external governance.

3.4 Russian Soft Power

While the Ukrainian government’s reluctance to lock itself into regional commitments has limited its integration with the region, many Ukrainian citizens continue to look toward integration with the East as the solution to their economic and political problems. Over half (53%) of those polled in 2007 desired closer cooperation with CIS, and almost a fifth of the respondents (18%) thought that CIS should join together as a single state.¹⁵³ While the appeal of this organization to the Ukrainian population may find much of its foundation in social and linguistic ties, it is short-sighted to attribute this solely to the passive workings of historical legacy or cultural connection, although this undoubtedly provides fertile ground for Russian policies. Russia has embarked on an active foreign policy targeting the population of Ukraine, and while it is customary to think of the EU as a projector of soft power, scholars have also begun to analyze Russia’s actions in the same way. As Tsygankov has found, after the dust began to settle from the tumultuous years of transition in the 1990s, Russian soft power began to increase such that it is now a significant three-pronged tool of Russian foreign policy, affecting cultural values, economic interdependence, and political

¹⁵¹ Ibid, 17.

¹⁵² Interfax-Ukraine, "Yanukovych: Ukraine to Search for Model of Cooperation with Customs Union, Studying EurAsEc," *Kyiv Post* (Moscow), May 15, 2012, <http://www.kyivpost.com/news/nation/detail/127637/>.

¹⁵³ White, McAllister, and Feklyunina, 2010; 358.

legitimacy.¹⁵⁴ This “Russian Neighborhood Policy,” as one could term it, directly counteracts the EU’s efforts through the ENP.¹⁵⁵ Compared by Wilson and Popescu, they aptly note that, “...whereas the EU pursues an underresourced technocratic neighbourhood policy, Russia pursues a well-resourced geopolitical neighbourhood policy that touches the core nerves of all the countries in the shared neighbourhood.”¹⁵⁶ As components of this strategy are specifically targeted at the populations of former Soviet republics, one of the aims of these policies is to gain more stability and influence through improving public perception of Russia as an external actor.¹⁵⁷

Through soft power, the Russian government seeks to promote an “Eastern” brand of democracy. This model, sovereign democracy, is meant to be an alternative to EU style democracy for countries in Russia’s neighborhood. Despite the name, according to Vladimir Ryzhkov (quoted by Popescu), sovereign democracy, “...implies just the opposite of democracy. It means limiting democracy and political competition and indulging the ruling elite’s desire to preserve its power by any means necessary.”¹⁵⁸ While this model clearly has a firm grip in Russia, it seems to have begun to catch hold in Yanukovych’s Ukraine as well, with the continued imprisonment of his main political opposition, Tymoshenko.

Tactics of Russian soft power became increasingly important after pro-Russia Kuchma was replaced by pro-West Yushchenko, thus making the central government less responsive to Russia’s political maneuvering.¹⁵⁹ The Russian government has employed a variety of methods to increase its soft power in the region, including granting Russian citizenship and passports, encouraging labor migration, and establishing a new governmental

¹⁵⁴ Andrei P. Tsygankov, "If Not by Tanks, then by Banks? The Role of Soft Power in Putin's Foreign Policy," *Europe-Asia Studies* 58, no. 7 (November 2006): 1081, <http://dx.doi.org/10.1080/09668130600926355>.

¹⁵⁵ Andrew Wilson and Nicu Popescu, "Russian and European Neighbourhood Policies Compared," *Southeast European and Black Sea Studies* 9, no. 3 (September 2009): 318, doi:10.1080/14683850902934317.

¹⁵⁶ Ibid.

¹⁵⁷ Ibid.

¹⁵⁸ Nicu Popescu, "Russia's Soft Power Ambitions," *Centre for European Policy Studies*, CEPS Policy Brief ser., 115 (October 2006): 2, <http://aei.pitt.edu/11715/>.

¹⁵⁹ Tsygankov, 2006; 1084.

department that deals specifically with interregional and cultural relations with foreign countries.¹⁶⁰ Additionally, following the abrupt wake-up call of the Orange Revolution, Russia began to understand the value and influence of NGOs, and now provides support to civil society organizations in line with its goals in other countries.¹⁶¹ Today, According to Varettoni, these tactics have seen considerable success in certain regions, most notably in the Crimea.¹⁶²

Russia has not shied away from using its soft power tactics in more direct and overt political action either. The 2004 Presidential elections are the perfect example of attempted external actor influence and manipulation of a neighbor's domestic affairs. In the run-up to the elections, Putin journeyed to Ukraine to campaign side by side with Yanukovich,¹⁶³ closely associating the latter with a "Russian choice." Additionally, the Russian government had encouraged its citizens to donate to Yanukovich's campaign, ultimately garnering an estimated \$300 million.¹⁶⁴ Unsurprisingly, during the initial outcry against the apparent fraud and clamor for the re-run of the second round of elections, Putin stated that this was not necessary, since an election monitoring group sponsored by Russia had declared the elections free and fair.¹⁶⁵ While the level to which an external power in this situation could affect the election outcome is inherently limited, in the assessment of current US Ambassador to Russia Michael McFaul, "...the Ukrainian regime would have looked less authoritarian and perhaps would have been even less tempted to steal the 2004 presidential election without Russian support."¹⁶⁶

¹⁶⁰ Ibid, 1983.

¹⁶¹ Popescu and Wilson, 2009; 29.

¹⁶² William Varettoni, "Crimea's Overlooked Instability," *Washington Quarterly* 34, no. 3 (Summer 2011): 88, doi:10.1080/0163660X.2011.588128.

¹⁶³ Michael McFaul, "Ukraine Imports Democracy: External Influences on the Orange Revolution," *International Security* 32, no. 2 (Fall 2007): 70, <http://www.mitpressjournals.org/doi/pdf/10.1162/isec.2007.32.2.45>.

¹⁶⁴ Ibid.

¹⁶⁵ Ibid.

¹⁶⁶ Ibid, 68.

3.5 Geographic, Linguistic, and Political Divides of Ukraine

These projections of soft power have resonated with ethnic Russians and Russian speakers in Ukraine, reinforcing the geographic and linguistic divide that already splits the country. While Russian speakers can be found throughout Ukraine, the survey data of White, McAllister, and Feklyunina revealed that Russian and Ukrainian speakers were heavily concentrated territorially. They found that 91% of the respondents who resided in the western part of the country reported their language as Ukrainian, 78% in the north reported the same, and just over three-quarters living in the eastern part of the country reported their language as Russian.¹⁶⁷ These findings are in line with the 2001 census data, which is broken down in Figure 5 below, showing the percentage of the population in each oblast that reported Ukrainian to be their mother tongue.

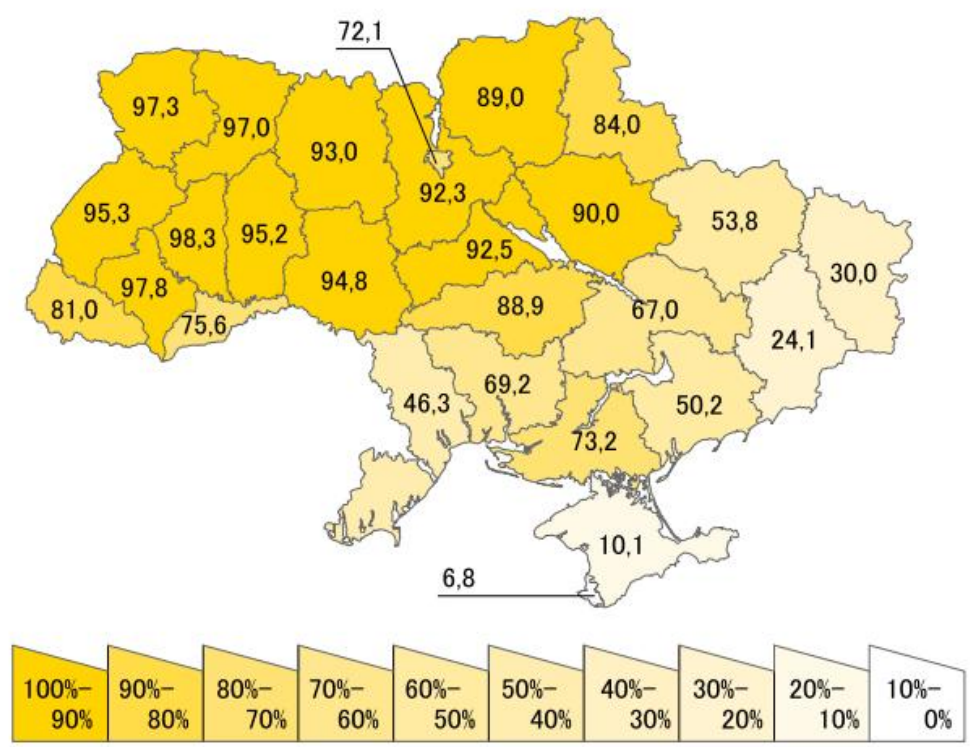


Figure 5: Percentage of Population with Ukrainian as Mother Tongue, by Oblast (2001)¹⁶⁸

¹⁶⁷ White, McAllister, and Feklyunina, 2010; 349.

¹⁶⁸ Alex Tora, "Population of Those Whose Mother Language is Ukrainian in Ukraine (2001)," map, Wikimedia Commons, accessed May 1, 2012, http://en.wikipedia.org/wiki/File:Ukraine_cencus_2001_Ukrainian.svg.

Just as Ukraine is linguistically and ethnically divided, so too is it politically divided. A comparison between the linguistic map in Figure 5 and the 2005 and 2010 Presidential election maps (Figures 6 and 7) shows a clear correlation between mother tongue and voter affiliations. In both elections, Russian speakers in the South and East of Ukraine overwhelmingly favored Yanukovych, while Ukrainian speakers in the North and West of the country tended to vote for the “Orange” candidate, whether Yushchenko or Tymoshenko. According to Prizel, much of this division can be attributed to nationalist rhetoric, which over the course of many years and several elections has polarized Ukrainian society and subsequently solidified these divisions.¹⁶⁹ This division also corresponds with the foreign policy preference of Ukrainians, as White, McAllister, and Feklyunina have found a similar polarization in this realm.¹⁷⁰

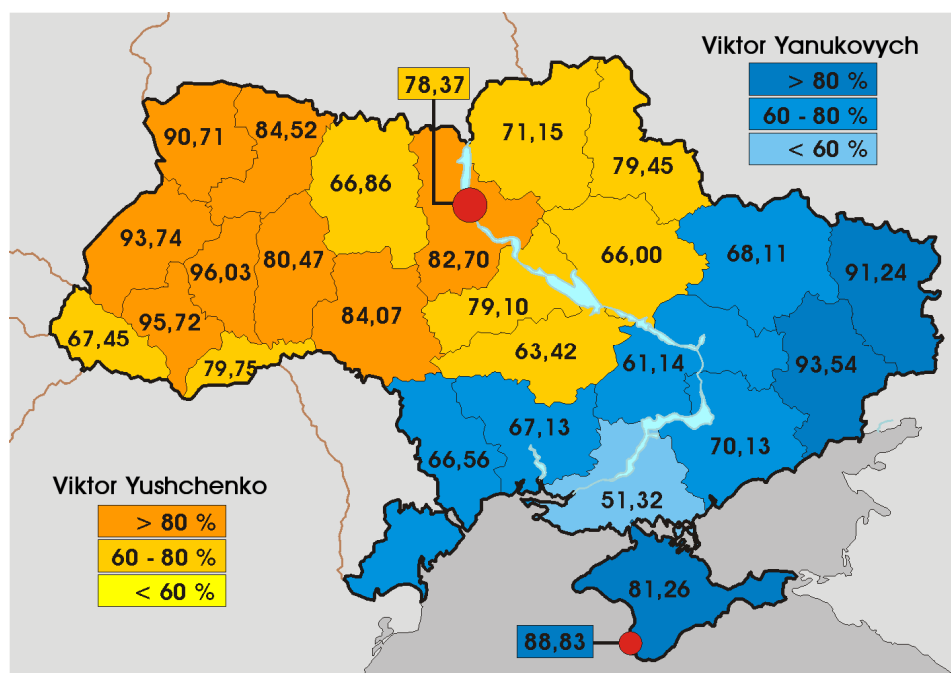


Figure 6: Percentage of Votes Obtained by the Two Presidential Candidates, Viktor Yushchenko and Viktor Yanukovych, in the Re-run Second Round of the 2004 Ukrainian Presidential Elections¹⁷¹

¹⁶⁹ Prizel, 1998; 373.

¹⁷⁰ White, McAllister, and Feklyunina, 2010; 361.

¹⁷¹ Sven Teschke, "Results of the Re-run Second Round of the Ukrainian Presidential Election, 2004," map, Wikimedia Commons, accessed May 1, 2012, http://commons.wikimedia.org/wiki/File:Ukraine_einfach_Wahlen_3WG_english.png.

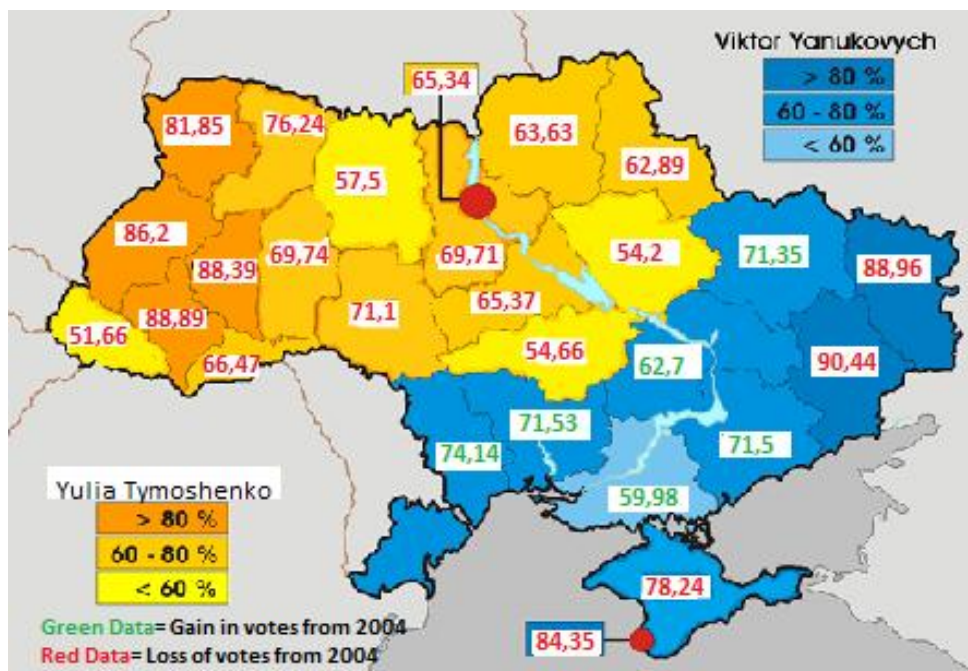


Figure 7: Percentage of Votes Obtained by the Two Presidential Candidates, Yulia Tymoshenko and Viktor Yanukovich, during the 2010 Ukrainian Presidential Elections¹⁷²

While common heritage, culture, language, and geographic proximity of course influence the choice of the electorate between Western- or Russian-leaning candidates, Russia has targeted its soft power tactics on the groups that it believes are the most susceptible, namely those in the South and East. An example of this can be seen in Russia's distribution of thousands of Russian passports specifically in the Crimea and Odessa, despite the fact that Ukrainian law does not permit dual citizenship.¹⁷³ Russian books, movies, and news markets also find a natural audience in these regions, surely magnifying the perceived gap between the two factions of the population.

¹⁷² Teschke, 2004, updated by author in a 2010 unpublished paper "Yanukovich and the Rotting Orange," with data from: Central Election Commission of Ukraine, "Second Round of Presidential Elections in Ukraine," Central Election Commission of Ukraine, last modified 2010, <http://www.cvk.gov.ua/pls/vp2010/WP0011>.

¹⁷³ Taras Kuzio, *The Crimea: Europe's Next Flashpoint? November 2010*, ed. The Jamestown Foundation, 24, http://www.taraskuzio.net/media13_files/30.pdf.

3.6 Energy Interdependence and the Black Sea Fleet

One particularly thorny issue in the EU's side when it comes to Ukraine is the latter's complicated relationship with Russia over the issue of natural gas. Having failed to modernize its energy infrastructure, Ukraine holds the dishonor of being Europe's least efficient energy consumer.¹⁷⁴ Between this reality, Ukraine's harsh winter months, its large population, and an industrial sector largely dependent on gas, Ukraine relies on massive imports of Russian gas, much of which it inevitably cannot pay for. In fact, Naftogaz, Ukraine's gas company, reportedly operates at a loss and would go belly-up if not for large-scale assistance from the Ukrainian government.¹⁷⁵ At the same time, however, Russia is also dependent on Ukraine as a transit country, sending about four-fifths of its exports heading to the EU through Ukraine's gas transit system.¹⁷⁶ These interdependencies have resulted in a perennial tug-of-war between the two countries over gas prices, with Russia using its energy reserves as both a stick and carrot, offering higher or lower prices as the situation merits.¹⁷⁷ While Russia relies on Ukraine so that it can maintain its image in Europe as a stable source of energy, Ukraine's economy requires the low fuel prices it has benefited from over the last several decades in order for its industrial sector to be able to compete within the market.¹⁷⁸

These issues have reached the boiling point in two separate "gas wars" between the two countries. With Russia using resource policies deemed "...by far the most brutal and explicit use of energy politics to deal with a recalcitrant neighbor,"¹⁷⁹ the first gas war erupted in January 2006. The origins of this dispute can be traced back to the Orange

¹⁷⁴ Olga Shumylo-Tapiola, "Ukraine and Russia: Another Gas War?" Carnegie Endowment for International Peace, last modified February 21, 2012, <http://m.ceip.org/2012/02/21/ukraine-and-russia-another-gas-war/9roh>.

¹⁷⁵ Richard B. Andres and Michael Kofman, "European Energy Security: Reducing Volatility of Ukraine-Russia Natural Gas Pricing Disputes," *Strategic Forum* 264 (February 2011): 5, <http://www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA545411>.

¹⁷⁶ Ibid.

¹⁷⁷ Bertil Nygren, "Russian Resource Policies towards the CIS Countries," in *Russia and Its Near Neighbours*, ed. Maria Raquel Freire and Roger E. Kanet (London: Palgrave Macmillan, 2012), 223.

¹⁷⁸ Andres and Kofman, 2011; 5.

¹⁷⁹ Nygren, 2012; 224.

Revolution, when pro-Russia candidate Yanukovych was disgraced while pro-West Yushchenko paraded into office. Soon after, Russia declared that it would be lowering the subsidies on Russian gas, in a move Andres and Kofman claim was meant to send a message to the newly Western-looking Ukraine.¹⁸⁰ When it was realized in 2005 that around 8 billion cubic meters of Russian gas in Ukrainian reservoirs had “disappeared,” and after subsequent negotiations failed to resolve the issue, Russia responded by halting the supply of gas meant for Ukraine. Although the gas flow was limited for just three days, panic reverberated throughout Europe as Russian gas supplies meant for the EU also dwindled. Although this episode was ultimately resolved when Russia and Ukraine agreed to create an intermediary to deal with these issues in the future, this agreement left a bitter taste in the mouths of many Ukrainians, whose vociferous outcry caused the government to fall soon after.¹⁸¹

This instance of Russian “sticks” was just a taste of what was to come. The second Russia-Ukraine gas war broke out on January 1, 2009, after a rocky year of negotiations between the two parties. As Ukraine had once again piled up massive debt, this time amounting to billions of dollars, Russia halted the transport of Ukraine’s would-be gas supply. When Ukraine responded by siphoning off gas that was meant for the EU to cover its own needs, Russia turned off the tap completely on January 7th so that Ukrainians and many in the EU alike went for another week without the necessary gas supply.¹⁸² The crisis was finally resolved when then-Prime Ministers Tymoshenko and Putin negotiated and finalized a ten-year deal, one that was ultimately extremely unfavorable for Ukraine. Whereas the price had been a low \$180 per 1000 cubic meters just months before, the deal set the price at a level *double* this amount.¹⁸³ Since Russian gas is used to heat the homes of the vast majority of the Ukrainian population, this deal obviously did not sit well with them. The deal also

¹⁸⁰ Andres and Kofman, 2011; 6

¹⁸¹ Nygren, 2012; 224.

¹⁸² Andres and Kofman, 2011: 6.

¹⁸³ Nygren, 2012; 226..

specifies the quantity of gas that Ukraine was to purchase each year—an amount estimated to far exceed the need.¹⁸⁴ While Ukraine clearly was the loser in the deal in terms of gas pricing, it also lost out when it came to pricing for the use of its gas transit system. The blow of higher than average gas prices was worsened by lower than average transit fees extracted from Russia, making this deal essentially a double whammy for the Ukrainian economy.¹⁸⁵

In fact, it is this same gas deal that has come back to haunt Ukrainian relations with both the West and Russia. After Yanukovich won the presidential election in 2010, he was clear in his intentions to rework this deal and obtain lower prices for Ukraine. Continuing in the grand Ukrainian-Russian tradition of mixing politics with economics, it appears that Yanukovich attempted to use the hot-button issue of the Russian Black Sea Fleet's main base in Sevastopol as leverage in achieving his goal.¹⁸⁶ Located in the Autonomous Republic of Crimea in the south of Ukraine, issues surrounding the Black Sea Fleet had plagued relations between Russia and Ukraine throughout Yushchenko's presidency. While Yushchenko had publicly made it clear that Ukraine would *not* be renewing the lease for the base after the agreement expired in 2017,¹⁸⁷ given both its aspirations for NATO membership and repeated conflicts ranging from control over lighthouses¹⁸⁸ to Ukraine's missile early warning systems,¹⁸⁹ Yanukovich immediately took the opposite stance.

However, Yanukovich may have too quickly given away one of the few carrots he had in his dealings with Russia. While the deal struck between Yanukovich and Medvedev in early 2010 did supposedly secure Ukraine somewhat lower gas prices, according to Varettoni,

¹⁸⁴ Shumylo-Tapiola, 2012a.

¹⁸⁵ Ibid.

¹⁸⁶ Ibid.

¹⁸⁷ Steven Eke, "Alarm Bells in Ukraine," *BBC News*, August 28, 2008, <http://news.bbc.co.uk/2/hi/europe/7584576.stm>.

¹⁸⁸ "Crimea Lighthouse Row Escalates," *BBC News*, September 12, 2006, <http://news.bbc.co.uk/2/hi/europe/5339570.stm>

¹⁸⁹ "Ukraine Offers West Radar Warning," *BBC News*, August 16, 2008, <http://news.bbc.co.uk/2/hi/europe/7566070.stm>.

“...if it works as advertised, Kyiv sold some of its sovereignty for a stronger economy.”¹⁹⁰

The agreement bought Russia a 25 year extension of their lease in the Crimea in return for an alleged discount of a little less than a third of the price of Russian gas imports over the next ten years.¹⁹¹ Just as all gas deals with Russia, this was highly controversial and met with substantial domestic opposition. Many believed that Russia’s price cuts were not commensurate with Ukraine’s end of the bargain, a belief that was reinforced by Ukrainian Prime Minister Mykola Azarov’s May 16th, 2012 statement where he confessed that, “...in reality, there was no reduction in price.”¹⁹² Even before this admission, the domestic political “victory” that Yanukovich had hoped to secure for himself by negotiating lower gas prices turned out to be more of a disappointment. According to Shumylo-Tapiola, this led to Yanukovich “publicly blackmailing” Russia by calling Tymoshenko’s gas agreement in 2009 illegal and subsequently imprisoning her. These domestic actions were coupled with threats that Ukraine would bring Gazprom before the Arbitration Institution of the Stockholm Chamber of Commerce.¹⁹³ Instead of winning Ukraine concessions, however, this political move has soured relations with the West as well as angered Russia.

3.7 How the Russian-Ukrainian Relationship Affects EU-Ukraine Relations

As Dimitrova and Dragneva have shown, the potential for EU impact and influence in Ukraine cannot be determined without first understanding how Russia changes Ukraine’s foreign and domestic calculus. With such strong cultural, social, economic, and political ties with Ukraine, Russian foreign policy both directly and indirectly affects EU policy. This is most obviously seen in situations where Russia proffers explicit alternatives to EU projects

¹⁹⁰ Varettoni, 2011; 87.

¹⁹¹ Ibid.

¹⁹² Dmytro Shurkhalo, "Ukrainian PM Admits No Discounts from 2010 Gas Deal with Moscow," *Radio Free Europe/Radio Liberty* (Kyiv), May 17, 2012, <http://www.rferl.org/content/ukraine-russia-gas-deal-no-discounts-tymoshenko/24584447.html>.

¹⁹³ Shumylo-Tapiola, 2012a.

and integration, such as its attempts to get Ukraine to join the Customs Union (which would make the DCFTA impossible). In cases such as these, Russia attempts to directly act as a countervailing force against EU influence.

More numerous, however, are the ways in which Russian policy *indirectly* affects the success of the EU's policies in Ukraine, primarily by building off of the entrenched social ties between Ukrainians and Russians. By seizing its many opportunities to bolster affinities with Russia in the east and south of Ukraine, Russia uses its soft power to engage with the Ukrainian population and build a Russia-friendly coterie. According to Wilson and Popescu, "...this policy might be moderately effective in reasserting a Russian sphere of influence in the region, but it is very effective in undermining the ENP's objectives."¹⁹⁴ In the face of this competing identity, EU attempts to foster links with civil society and to "Europeanize" the populace have fallen short.

Russia's actions further indirectly affect EU-Ukrainian relations when the EU suffers from the political games that the two are known to engage in. For example, for countries like Bulgaria, which imports 100% of its gas supply from Russia, the impact of the gas wars was large and immediate.¹⁹⁵ During the more serious 2009 gas war, the EU was once again reminded of its high level of dependency on both Russian resources and the Ukrainian transit system, and the issue of energy security quickly rose to the top of the agenda in European policy circles. Russian power over Ukraine in this sector has proven to be quite strong, strong enough that the EU remains a distant second who cannot expect its gas policy agenda to be accepted by Ukraine with a high degree of receptivity. Recognizing this, the EU responded to the gas wars by accelerating its planning for the construction of alternate transit systems bypassing Ukraine, with the Black Sea South Stream project pursued with renewed vigor and the Nabucco gas pipeline deal, which avoids Russia altogether, signed soon after the gas war

¹⁹⁴ Wilson and Popescu, 2009; 329.

¹⁹⁵ Andres and Kofman, 2011; 3.

in July 2009.¹⁹⁶ Although in this case Russian action only indirectly affected the EU, Russian-Ukrainian feuding had a clear effect on shaping EU policy in this sector.

Finally, despite the limited political integration that has occurred between Ukraine and its eastern neighbors, the existence of an alternative to the EU has at times implicitly been used as leverage in the political games between Ukraine and the West. Present in the background of EU negotiations with Ukraine, especially during Yanukovych's term, has been the hesitation to respond too harshly to Ukrainian misdeeds in the fear that it may drive its neighbor into the arms of Russia. Further complicating the issue, the energy and security concerns that tie states like France and Germany to Russia at times act to temper EU policy in Ukraine, as they are hesitant to anger Russia over closer EU-Ukraine ties.¹⁹⁷ The presence and power of Russia has thus not only directly and indirectly affected EU policy and success in Ukraine, it has also prompted a sort of self-constraint whereby the EU defines its own actions with respect to what it believes might be Russia's response.

¹⁹⁶ Nygren, 2012: 226.

¹⁹⁷ Youngs, 2009; 371.

Conclusion

Over the past twenty years, the EU has used a variety of tools and frameworks to try to strengthen political, economic, and social ties with Ukraine. Named and analyzed by scholars as methods of “neighborhood Europeanization,” “political conditionality,” or “European external governance,” these academics have sought to understand the mechanisms behind EU policies and to assess their likelihood of success. After analyzing public opinion polls, expert opinions, and major NGO reports, it is clear that Ukraine is, overall, no more democratic or EU-friendly today than it was before the Orange Revolution, the democratic opening that many thought was the EU’s opportunity to have a real and sustainable impact. In fact, after temporary improvements following Yushchenko’s election, political and social indicators have begun a multi-year period of worsening conditions, despite continued and even supposedly “enhanced” EU efforts in the country.

When examining the potential causes for the lack of success of the ENP and EaP, the EU’s main frameworks for dealing with Ukraine, scholars point to a number of economic or political factors and try to offer improvements in those realms. However, when the countervailing force that Russia provides in each of these dimensions is considered, it becomes clear that the picture is much more complicated. In the economic realm, the EU’s massive economic power is matched or even surpassed by Russia and the CIS region. Both regions, east and west, are of such great importance to Ukraine that neither side is likely to win a permanent and definitive advantage over the other in the economic realm. In the political realm as well, Ukraine is firmly divided between the EU and Russia. Because the EU refuses to extend a membership perspective to Ukraine, perhaps the one political carrot that could permanently alter Ukraine’s cost-benefit calculation in favor of the EU, both Russia and the EU are too evenly matched to give one a consistent advantage. As Ukraine

cannot afford to drive either actor too far away politically, it must carefully balance the two with its continued multi-vectored foreign policy.

While in the economic and political realms the EU and Russia are evenly matched, in the social realm it appears that Russia has the advantage. The EU has tried to win over the Ukrainian population with its emphasis on building “contacts between people,” promoting civil society, and creating social linkages between the EU and the Ukrainian population, but despite these efforts, EU policies have not managed to resonate with the populace in a meaningful way. This failure is demonstrated by numerous public opinion surveys, which show that while Ukraine is just as divided as ever, there is an overall preference for an eastern-looking foreign policy rather than for a western-oriented foreign policy.¹⁹⁸ None of the EU’s actions in the social, political, or economic realms have proven to be influential enough to change the underlying social landscape of the country or counterbalance the extremely salient social ties between many Ukrainians and Russians. Thus, despite the EU’s attempts at external governance or neighborhood Europeanization, one of the key problems at the root of the issue is that these theories do not account for Ukrainian identity divisions as identified by Prizel. Because of the extreme polarization of Ukraine, in Prizel’s concluding words, “...until a time when such basic issues of national identity will be settled, Ukraine’s political posture, both at home and abroad, will remain halting and uncertain.”¹⁹⁹

¹⁹⁸ White, McAllister, and Feklyunina, 2010; 361.

¹⁹⁹ Prizel, 1998; 371.

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