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Kiev's EU ambitions

Eberhard Schneider / Christoph Saurenbach

The adoption of the EU-Ukraine Action Plan and the changed rhetoric of the new leadership in Kiev suggest a paradigm shift in Ukrainian foreign policy. The new government—unlike its predecessor, which failed to back up its EU-friendly rhetoric with specific actions in the same vein—has announced radical internal reforms and the adaptation of Ukrainian legislation to EU standards. The country's new President, Victor Yushchenko, has made it absolutely clear that he sees a place for his country in the European Union. In 2006 Ukraine intends to submit an official application for EU membership and hopes that negotiations on its accession will begin in 2007.

Yushchenko's New European Policy

President Victor Yushchenko is drawing a line beneath Ukraine's previous vacillation between Moscow and Brussels and wants to break with his predecessor's practice of indicating a turn-off to Brussels, but actually following the signs leading to Moscow.

Yushchenko's short-term goals include seeing his country awarded market economy status by the EU, leading Ukraine into the WTO and launching negotiations with the EU on a free-trade agreement before the end of 2005. This would be followed up by talks about simplifying visa regulations for students, journalists and diplomats, by progress made in the energy dialogue and by the modernisation of Ukraine's borders with the EU's support. Furthermore, he would like to deliver on a previous promise made to the EU and use the 674-kilometer-long Odessa-Brody pipeline to transport oil from the Caspian Sea to Western Europe,

rather than use it for transporting Russian oil in the opposite direction, as Kuchma had promised Moscow.

The EU-Ukraine Action Plan signed on 21 February as part of the EU's Neighbourhood Policy calls upon Kiev, amongst other things, to ensure that the general election in 2006 is conducted in line with OSCE standards; to guarantee freedom of opinion, a free press, the stability and efficiency of democratic institutions and of the rule of law; and to improve the climate for investment. Moreover, Kiev is supposed to fight corruption, spend its public resources more efficiently and introduce social and health reforms. Where EU deliverables are concerned, the Action Plan holds out the prospect of closer cooperation in the context of the Common Foreign and Security Policy (CFSP), of more intensive police and judicial cooperation and of negotiations on a free-trade area.

The internal political prerequisites for the implementation of the EU-Ukraine Action Plan are in place, for polls suggest that a clear majority of the Ukrainian population backs the pro-European approach taken by the new government. In parliament too, which elected Yulia Tymoshenko prime minister on 4 February with a resounding majority of 373 votes (83%) as opposed to the required 226, hardly anyone apart from the Communist Party group is objecting to the pro-EU course steered by the government.

However, an analysis of the presidential election reveals that in eastern and southern Ukraine most of the electorate voted for the candidate leaning towards Moscow, Viktor Yanukovich. The political ideas of the people living in those parts of the country are shaped by regional oligarchs and are constantly reinforced in their regional media. Most members of these oligarchies are active in sectors that are directly dependent on Russia or on cooperation with Ukraine's giant neighbour. They conduct a dialectical policy towards Russia that entails cooperating, but also keeping the necessary distance. For their business dealings it is always better to maintain close relations with Ukraine's own government. What is more, they know full well that they need the huge EU market. For all these reasons it seems unlikely that there will be any opposition to Ukraine's rapprochement with the European Union.

Chances of Qualifying for EU membership

Whereas back in January Yushchenko announced that the government would be applying for EU membership within a few weeks, the official word now is that an official application will be submitted within the next six months. But maybe Kiev will even wait until early 2006, for the Austrian EU Presidency due to commence in January of that year appears more favourably disposed towards Ukraine's ambitions than the British EU Presidency which is due to

take up the baton in the latter half of 2005. Moreover, an application for membership of the Union would hold more water if the new government could show that it had already scored some tangible successes on the domestic policy reform front.

Initial signs of change are already being provided by the configuration of certain government posts. For instance, responsibility for European integration has been hived off from the Ministry of Economic Affairs, and the person in charge of the department has been elevated to the status of deputy head of government. The man picked by Yushchenko for this post is Oleg Rybachuk, who knows the West from his own experience there and speaks fluent English (having participated in an 8-month-long programme in the USA and Great Britain in the mid-1990s). He's responsible for coordinating the government's European policy. To this end, vice ministers for European affairs have been appointed in every ministry, and the incumbents of these posts report directly to Rybachuk. In addition, Rybachuk has announced the establishment of "Departments of European integration" in all ministries, whose job it will be to guarantee the implementation of the EU-Ukraine Action Plan in their respective areas of responsibility. The reappointment of Borys Tarasyuk—a man with known pro-EU leanings—to the post of foreign minister underlines the new government's ambitions regarding the European Union. Tarasyuk previously chaired the Ukrainian parliament's European Affairs Committee.

In her policy statement on 4 February, Prime Minister Tymoshenko said she intended to develop a new strategy underlying EU-Ukrainian relations together with the EU authorities in Brussels. She also made it clear that the prospect of Ukrainian EU membership belonged within such a strategy.

Before it can be deemed ready for the European Union, Ukraine must fulfil the criteria laid down in Copenhagen in 1993. The constitutional reform adopted on 8 December, which strengthens parliament

at the president's expense, should prevent any reversion to authoritarian rule. This reform could also help both to establish a party system that is democratic and based on social interests and to shore up parliament's role in the current system of checks and balances. However, in this connection, Yushchenko's attempts to go into the 2006 general election with a "party of power" organised by members of the executive instead of a party coalition are counter-productive. The new leadership must demonstrate that unlike its precursors it is withstanding the temptation to misuse administrative resources for electoral purposes and bring pressure to bear on opposition media. The elections scheduled for March 2006 will be the first major test of Ukraine's democratisation in accordance with the Copenhagen criteria.

The top priorities for the EU are Ukrainian reforms geared towards the rule of law and the reconfiguration of the country's public administration. Experience with the transition states in Central and Eastern Europe in the 1990s has shown that efficient institutions are a prerequisite for successful economic and social reforms. Moreover, the new government has to stem ubiquitous corruption by carrying out far-reaching reforms designed to shore up the rule of law and make the country more attractive to foreign investors. The main problem here is one of mentality. Most judges below the level of the highest courts in Kiev have never learnt how to dispense justice independently, and few of them are capable of doing so. The Soviet era was characterised by so-called "telephone justice": A call made to the regional party secretary or respective KGB chief would tell the judge which direction the verdict had to take. Since Ukraine's independence, in many cases either leading local politicians or prominent business figures have been voicing their expectations in a similar fashion, or the judges anticipate their wishes.

The weeks of protest by 100,000 demonstrators from many different parts of the country in Independence Square in Kiev

was a clear endorsement of the European values of freedom and democracy. However, Ukraine's road to Europe will be long and hard. Yushchenko's dream is to see his country's integration completed by the end of his second term in office, in 10 years' time. That is not impossible, as borne out by the examples of Romania and Bulgaria, which will join in 2007 after what turned out initially to be a highly problematic transformation.

The EU's Position

Ukraine's "Orange Revolution" and the new strategic thrust of its foreign policy brought the country back to the attention of countries in Europe and of the European Commission. The peaceful outcome to the revolution is not least down to the work done by the EU's High Representative for the Common Foreign and Security Policy, Javier Solana, Polish President Alexander Kwasniewski and Lithuanian President Valdas Adamkus, who twice mediated between Yanukovych, Kuchma and Yushchenko in late November and early December. For Poland's diplomats in particular, who have actively been lobbying for Ukraine's admission to the EU since their own country's accession to the Union, Yushchenko's election victory represents a major success. Kwasniewski has shown that Poland is an important actor in Eastern Europe and can bring its strong influence to bear within the CFSP to the EU's benefit. Besides Poland, the Baltic states and Scandinavian countries are pressing for Ukraine to be given a clear "European perspective" along the lines of EU membership. Another group, led by France and the United Kingdom, which are currently grappling with domestic policy wrangles over the European Constitution and Turkey's accession, believes it is premature to discuss Ukraine's membership ambitions for the time being. Meanwhile, the countries in southern Europe are not at all interested in seeing Ukraine join the Union, for Spain and Portugal are already feeling the negative

consequences of eastward enlargement. Germany is taking up a central position: Berlin would like to help Ukraine to become eligible to join the EU, but isn't making any promises as regards membership. When Yushchenko visited Germany on 8-9 March, Chancellor Gerhard Schröder promised the President that the German federal government would help with Ukraine's approximation to Euro-Atlantic structures. And the German opposition parties are offering Kiev, like Turkey, a "privileged partnership" with the EU.

At the very latest, the EU's policy on Ukraine really started shifting when the European Parliament passed a pro-Ukrainian resolution on 13 January. At the end of that same month External Affairs Commissioner Benita Ferrero-Waldner and Javier Solana unveiled a 10-point plan to speed up Ukraine's integration with the EU. That plan was adopted at the meeting of the EU-Ukraine Cooperation Council held in Brussels on 21 February, and contains the following new elements:

- ▶ The offer of a new "upgraded agreement" when the current Partnership and Cooperation Agreement (PCA) expires in 2008;
- ▶ the creation of a high-level energy dialogue forum;
- ▶ negotiations on a simplified visa system;
- ▶ the facilitation of Ukraine's access to European Investment Bank funding;
- ▶ the adaptation of the EU-Ukraine Action Plan by as soon as the beginning of 2006, provided that substantial headway can be shown to have been made in its implementation.

Recommendations

The EU-Ukraine Action Plan is a sensible document that points in the right direction, but its wording is both too general and not tight enough. Consequently, at the meeting between Commission President Barroso and Yushchenko in Brussels, the idea of a "road map" for implementing the Action Plan was discussed. Such a road map would pinpoint the immediate priorities

for reforms and already set specific targets for their implementation over the coming months. In particular, the EU should press for the reform of Ukraine's public administration and offer its expertise.

If Ukraine resolutely implements the Action Plan, the EU should hold out the prospect of the PCA being converted into an association agreement including a membership perspective. Offering the "perspective of such a perspective" would be the appropriate middle way between a premature discussion at this stage about the country's membership and a (barely reasoned) rejection, which would undermine the process of reform in Ukraine and play into the hands of those advocating integration with Russia.

Once Ukraine has met the EU's main demand that it hold fair and free elections and clearly subscribe to the Union's values, the EU should follow up its words with deeds and boost the aid awarded to support the country's transformation. Furthermore, the following steps could be taken in a European policy on Ukraine that goes beyond the EU-Ukraine Action Plan and the aforementioned 10-point plan:

- ▶ Step up cooperation in the second and third pillars. For instance, such cooperation could be institutionalised by creating a Ukraine-ESDP Council in which both sides would intensify their cooperation in a bid to resolve the Transnistria conflict. The settlement of that smouldering dispute, which could escalate at any moment, is in the interests of both the EU and Ukraine. In the context of police and judicial cooperation the EU should increase the aid it offers to deal with so-called "soft" security risks (e.g. arms or drug smuggling and human trafficking) and coordinate such aid closely with other donors such as NATO.
- ▶ Increase the staff and budget of the Delegation of the European Commission in Kiev and appoint a Permanent Representative of the Council for Ukraine to improve the coherence of EU policy towards that country.

- ▶ Extend the programme of scholarships for students and young scientists in the context of the TEMPUS programme and set up so-called “Jean-Monnet Professorships” at Ukraine’s universities.

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