

7 The European Union and Ukraine

Real partners or relationship of convenience?

Paul J. Kubicek

Since gaining independence in 1991, Ukraine has been confronted with a variety of challenges on both domestic and international fronts. One primary task was state-building, as Ukrainians had to craft institutions befitting a sovereign state from the wreckage of the Soviet Union. Economic and political reforms were also top priorities, and Ukrainian leaders committed themselves, at least rhetorically, to construction of market and democratic institutions. Nation-building was also on the agenda, as there was a perceived need to form some sort of common Ukrainian identity among a populace that heretofore had not imagined themselves to be part of a meaningful political community. Obviously, meeting all the requirements of this “quad-ruple transition” would be difficult, and much remains to be done on all fronts.¹

The foreign policy challenges were no less daunting. Ukraine had to secure its independence vis-à-vis a Russia with uncertain imperial ambitions. Separatist threats in Crimea, backed by numerous Russian political actors, would have to be managed. Ukraine would have to find a way to negotiate the division of spoils from the USSR with Russia (e.g. the Black Sea Fleet), while trying to overcome dependence on Russia in critical areas such as energy.² Meanwhile, Ukraine would also need to look westward for crucial political and economic support, both for domestic development and for international security. Overarching these specific concerns and policies was the question of Ukraine’s international affiliation: was it part of the East, the West, or a bridge between the two, an actor that would pursue “active neutrality”? Reflecting in part this ambiguity in the country’s basic foreign policy orientation, Ukraine developed a “multi-vector” foreign policy, directed chiefly toward Moscow, Brussels, Warsaw, and Washington.

By 1998, however, one vector – Europe – had superceded all others, as Ukraine’s “European choice” was announced as a necessary decision, a reflection of strategic realities, and the country’s desire to “return to Europe.” Chief among Ukraine’s foreign policy goals is eventual ascension to the EU, a move towards integration that stands in stark contrast to its reticence to participate in the Russian-led Commonwealth of Independent States (CIS). For its part, after some hesitation, the EU has become the largest bilateral

provider of technical and financial assistance to Ukraine. Ukraine and the EU have signed a Partnership and Cooperation Agreement (PCA) and the EU announced in 1999 a Common Strategy on Ukraine that acknowledged Ukraine's "European aspirations."³

While Ukraine can count some successes in the past decade, suffice to say that the country still has a ways to go before it can hope to join the family of consolidated democratic states in the EU. Ukraine and Moldova are the only states that have formally expressed a desire to join the EU that are not in the current membership queue, as no invitation has been extended from Brussels. Surely, part of the reason is economic, as the Ukrainian economy is nothing short of a disaster. However, well-documented failures on the political front, particularly in pushing ahead with democratization, are also important, and have become more apparent since 1999. Sherman Garnett suggests that the foreign policy aspirations of joining with the West and the domestic reality of political and economic stagnation mix like "oil and water."⁴ In our terms, Ukraine surely ranks among the most reluctant of the "reluctant democratizers" in Europe.

This chapter seeks to understand the interplay between the EU and Ukraine's domestic political agenda. Clearly, Ukraine's "European choice" has not been accompanied by a similar "democratic choice" at home. Why is there such a disjuncture? Can the EU do anything to blend together the "oil and water"? With membership off the table at present, does the EU hold a strong enough hand to encourage political change? Does it really care? These are some of the questions that this chapter hopes to answer.

Ukraine the reluctant democratizer

In the decade since independence, Ukraine can list some noteworthy accomplishments: the country's independence is secure; it has concluded important treaties with Russia and its other neighbors; after signing the Non-Proliferation Treaty (NPT), it became a major recipient of Western aid; Crimean separatism is no longer a major threat; unlike in Russia, disagreements between the President and the Parliament (*Verkhovna Rada*) have been handled peacefully; there is a new Constitution; regional and/or ethnic divisions have not led to chaos or civil war; and the worst period of hyperinflation and economic decline (1992–1994) appears to be over. One author even went so far as to claim Ukraine as a "relative success."⁵

That being said, it is clear that all is not right with the country, a fact acknowledged by Ukrainians themselves. When asked in June 2001, only 11 percent of respondents in one survey thought the country was headed in the right direction.⁶ It is not hard to ascertain why. Despite recording 6 percent economic growth in 2000 (the first year of positive growth since independence), the economy remains in shambles. The GNP per capita is a paltry \$840,⁷ and 70 percent of workers have wages below the government-established living minimum.⁸ Hundreds of thousands of workers suffer from

wage arrears and “hidden unemployment.” Total foreign investment from 1991 to 2000 has been a measly \$75 per person.⁹ Privatization has benefited the few, and corruption is rampant.¹⁰

These serious problems are compounded by and perhaps caused by incomplete democratization in the country. True, elections are held, there are numerous parties, voters have choices, and the results of the vote have been respected by political actors. Ukraine even has seen the electoral defeat of a sitting president, a relatively rare event in the post-Soviet space. However, these merely add up to “electoral democracy,”¹¹ and the real practice of the country is better described as that of “super-presidentialism” or “delegative democracy,”¹² as there is little to check the power of an executive branch that has catered to the oligarchic elements often referred to as the “party of power.”

This is really nothing new. Ukraine’s first president, Leonid Kravchuk (1991–1994), made every effort to concentrate executive power in his hands. He would impugn his critics by questioning their patriotism and justify his political moves as acts of Ukrainian state-building. He ran roughshod over parliament, using his power to issue executive decrees. Parties and non-governmental organizations that might transmit citizens’ demands and force political accountability remained weak, shut out by state corporatist structures that favored the former communist political and economic elite.¹³ Meanwhile, the economy tanked and corruption flourished. His play toward *derzhavnist*” (statehood) won him some support among nationalists, but even the leader of the national democratic Rukh party acknowledged that the country was run by leaders who were indifferent or hostile to democratic ideals.¹⁴

The election of Leonid Kuchma as President in 1994 brought some grounds for hope. There was a peaceful transfer of power, Kuchma spoke in favor of radical economic reform, and he pushed forward a pro-Western foreign policy. In 1995–1996, however, efforts to write a new constitution for the country degenerated into a power struggle between Kuchma and a more leftward-leaning *Verkhovna Rada*. The impasse was settled peacefully (with Kuchma threatening to call a referendum on the issue), but the constitution did confirm a strong presidential system. With Parliament defeated, the emergence of various regional “clans” has become a theme in Ukrainian politics, with Kuchma being the ultimate arbiter and often backing the “Dnieprpetrovsk” clan from his hometown. His pick for Prime Minister, Pavlo Lazarenko (1996–1997), was eventually arrested in Switzerland for money laundering, as he and his cronies had pillaged the state’s energy sector. Parliamentary elections in 1998 did meet international democratic standards, but results failed to produce any coalition to challenge the President. In any event, one should not have expected these or any elections to engender much change. Oleksandr Pavliuk notes:

Ukraine’s political process is not transparent: politics are defined not by the competition between ideologies and party programmes, but by behind-the-scenes squabbling of powerful financial and political groups

or clans. Ukraine has yet to establish the vibrant rule of law and strengthen its civil society. Major components – political parties, NGOs, independent media, etc. – remain weak, have little influence on the domestic political process, and are often controlled and dominated by vested shadow interests or – as they are often referred to – oligarchs.¹⁵

Matters would get worse. The 1999 presidential elections, which Kuchma won, were marred by a host of problems, including a clampdown on independent media, financial irregularities, pressure on state employees to campaign for Kuchma and on local officials to deliver him the vote, and vote-rigging. The Council of Europe called the campaign “a disgrace,” and the election itself failed to receive a passing grade from international observers.¹⁶ Serhei Holovaty, a Kuchma critic on the right, noted that the elections signaled a “creeping coup” and that people are now more “cynical” and “hopeless” and “don’t feel that their voting makes any difference anymore.”¹⁷ An April 2000 referendum, designed to increase presidential powers vis-à-vis Parliament even further,¹⁸ passed, albeit amid widespread allegations of fraud from international and Ukrainian observers and the fact that its legal standing was at best dubious.

The most debilitating event for democracy and for the country overall, however, would be the scandal of “Kuchmagate,” which broke in November 2000. The general story is rather well known: a member of the presidential security service, Mykola Melnychenko, taped alleged conversations involving Kuchma, in which, among other things, he acknowledges money laundering and other financial shenanigans, implicates himself in the grenade attack on an opponent in the 1999 campaign, and, most notoriously, suggests presidential involvement in the murder of an outspoken journalist, Georgii Gongadze.¹⁹ The tapes were broadcast in Parliament, and Melnychenko went into hiding abroad. In the words of one journalist, this “makes Watergate look pretty harmless.”²⁰ Kuchma at first denied the voice was his, then acknowledged that it was his voice but it had been spliced together on the digital tape. Some independent analysts assert the tape has not been doctored, and one Ukraine watcher from Freedom House acknowledges that “the sheer volume of data suggest that the source is authentic.”²¹ However, rather than try to prove his innocence, Kuchma has shut down parliamentary investigations while blaming the incident on those foreign and domestic elements that seek to undermine Ukraine’s sovereignty.²²

The revelations on the tapes led to an effort in the *Verkhovna Rada* to impeach Kuchma, protests by a “Ukraine Without Kuchma” movement, and a signature campaign to force a referendum to remove the President. None of this went anywhere, as the protesters were forcibly dispersed by the police, “Ukraine Without Kuchma” leaders were intimidated by security officials, and the requisite votes and signatures failed to materialize. Notably, polls reveal an overwhelming majority of Ukrainians – 86 percent in one October 2001 query – believe the tapes to be authentic.²³ The fact that they are still

saddled with Kuchma – whereas Serbs got rid of Milošević – speaks volumes about the weaknesses of civil society and on going regional schisms in the country that make it difficult for any one leader or movement to unite Ukrainians.²⁴ Ukraine now is on the brink of “Belarusification” – open authoritarian rule by a President shown to be willing to use violence to maintain his hold on power.

Ironically, the largest casualty was the popular and reformist Prime Minister Viktor Yushchenko, who was appointed by Kuchma at the end of 1999 and was generally credited for Ukraine’s economic recovery in 2000. By 2001, however, he was seen by Kuchma (and his opponents on the left) as dispensable and was voted out in April. Meanwhile, Kuchma has blocked foreign radio broadcasts of additional Melnychenko tapes, issued a decree to strengthen his control over the Cabinet of Ministers, approved state security oversight of the .ua domain on the Internet, and has appointed an old ally in the oligarchic mold, Anatoliy Kinakh, former head of the Union of Industrialists and Entrepreneurs, as new Prime Minister. He and his allies spearheaded creation of a new electoral bloc, an oligarch-dominated “For United Ukraine,” for the 2002 parliamentary elections. Many believe he is even thinking about running for a third term, something prohibited by the current constitution.²⁵ He is secure, having cowed the press and his political opponents and taking advantage of a “passive Ukrainian public largely resigned to being ruled by corrupt politicians.”²⁶

Many still hoped for the best, however. By 2002, attention turned to parliamentary elections and the return to politics of Yushchenko, who launched the pro-reform “Our Ukraine” bloc, considered the primary democratic force in the country and the best chance to reinvigorate a perpetually stalled reform process. Yushchenko, however, has refused to adopt a strident anti-Kuchma position, and has eschewed an open alliance with Yulia Tymoshenko or Oleksandr Moroz, Kuchma’s most vociferous opponents. Moreover, over a month before the election, observers noted that Kuchma and his allies among the oligarchs and regional leaders were busy applying “administrative measures” (a euphemism for fraud) to ensure a compliant media.²⁷

The results of the March 31, 2002 vote were equivocal. Yushchenko’s “Our Ukraine” did win more votes than any other party (24 percent), but Kuchma’s bloc did better in the single member districts, so that it ultimately won more seats (182 of 450) than “Our Ukraine” (117).²⁸ Many Ukrainian and international observers alleged electoral irregularities, ranging from dirty tricks and restrictions on the opposition (Tymoshenko, after surviving a car crash, was restricted by authorities to campaigning only in Kyiv), inaccurate lists of voters, limited media access to the opposition, and state-led efforts to wring pro-Kuchma votes out of prisons, the armed forces, the civil service, and state-owned factories. Yushchenko himself contended, “Democracy is the loser. That is the main defeat of these elections.”²⁹ While it remains to be seen if the new *Verkhovna Rada* will be able to challenge

Kuchma (many parties, including the Communists, claim to support impeachment, and new tapes allege Kuchma's involvement in arms smuggling to Iraq), some are already sounding alarmist bells, noting that "gloom prevails," that Ukraine "may slip closer to becoming an international pariah state," and, in Tymoshenko's words, Ukraine will "no longer be a viable partner for Europe."³⁰ One poor sign is that the head of the presidential administration was appointed parliamentary speaker, giving Kuchma additional leverage over the legislature. Kuchma himself, however, continues to insist that the victors in the election will help chart "the European choice of Ukraine, whose components are further market and democratic transformations."³¹ Rhetoric of this sort aside, disappointment reigns among reformers, who are left hoping for better results in 2004 presidential elections.

Ukraine's European choice

Despite Kuchma's political shenanigans at home, he is credited by many with steering Ukraine away from Russia and toward the West. He inherited a state that was nearly an international pariah because it continued to hold nuclear weapons inherited from the Soviet Union and had delayed rudimentary elements of economic reform. Russian pressure – particularly on energy deliveries – also threatened Ukrainian independence. Thus, Kuchma quickly embarked upon a "multi-vector" foreign policy, aiming to gain Western support by announcing "radical" economic reforms in October 1994 and pushing ratification of the NPT through the *Verkhovna Rada* later that fall.

Casting himself as the "reformer," Kuchma was thus able to win political and economic support for Ukraine from the West, which in turn strengthened his hand in dealing with Moscow. Ukraine has been an enthusiastic member of NATO's Partnership for Peace (PfP), joined the Council of Europe in 1995, has a "strategic partnership with the US," supported NATO expansion, enjoys (along with Russia) a Charter of Distinctive Partnership with NATO, and has spearheaded the GUUAM group (i.e. Georgia, Ukraine, Uzbekistan, Azerbaijan, Moldova) that seeks to balance Russian dominance in the post-Soviet space.³² Ukraine's strategic position as a bridge between West and East has also helped win backing from the West, with one analyst famously dubbing the country the "keystone in the arch" of European security.³³ Events in 2000–2001 have tested Ukraine's overall relationship with the West, but both sides appear to be committed to strengthening ties for the long term. Chief among Ukrainian priorities at present is its relationship with the European Union.

The foundation for Kyiv's current relationship with the EU dates from 1994. In June 1994, Ukraine concluded a Partnership and Cooperation Agreement (PCA) with the EU, the first CIS state to do so. This agreement, however, fully came into force only in March 1998 due to ratification problems in EU member countries. The PCA establishes an institutional framework for relations, including an annual Ukraine–EU summit, ministerial

level meetings, and exchanges between the *Verkhovna Rada* and the European Parliament. Working committees have been established to tackle issues such as trade and investment, customs, energy, nuclear issues, crime, technology, education, and economic development. The PCA includes a provision allowing for a free trade area in the future, and includes a number of specific provisions regulating trade. The PCA helped open the door further to EU assistance through the TACIS (Technical Assistance to CIS) program, which will be discussed below.

The PCA, however, is essentially an arrangement to facilitate trade by helping to bring Ukraine up to World Trade Organization (WTO) standards. While it does specify twenty-seven areas of cooperation, it is best viewed as a “roadmap” to assist in the economic reform process, particularly on opening the Ukrainian economy to the world.³⁴ Technical economic questions are pre-eminent among its provisions, and while it does allow for the relationship between the two parties to evolve to a more advanced stage, it falls far short of the Association Agreements concluded with states in the queue for EU membership. Moreover, many of its provisions have yet to be implemented, with both sides accusing the other of not sticking to the Agreement, particularly on trade and investment barriers. One official with the European Commission lamented that Ukraine’s compliance was “at most hesitant and at times even ebbing,” as Ukraine was “in breach of virtually all key provisions on trade in goods.”³⁵ Examples include preferential treatment of the Ukrainian auto industry, fees for imports of medicine, and export restrictions on scrap metal. Ukrainians, for their part, felt that restrictions on the importation of Ukrainian steel and textile products (which are covered under special protocols), undermined the notions of fairness and partnership in the PCA.

Frustration with the PCA, however, did not lead either side to abandon the relationship. On the Ukrainian side, despite the admission that much needed to be done to fulfill the PCA, the rhetoric vis-à-vis Europe began to be ratcheted up by 1996. It was during this time that the “European choice” became a cornerstone of policy. In February of that year, Kuchma sought to link his country with Europe, claiming that “the cradle of Ukrainian culture is European Christian civilization. That is why our home is, above all, Europe.”³⁶ In April, in front of the Parliamentary Assembly of the Council of Europe, Kuchma announced that its strategic goal was integration in European structures, with priority on full membership in the EU.³⁷ Despite the fact that the EU did not even entertain the prospect of Ukrainian membership, a European and Transatlantic Integration Department was set up in the Ministry of Foreign Affairs, and the National Agency of Ukraine for Reconstruction and Development became the National Agency for Development and European Integration.³⁸ In 1998, prior presidential statements became manifest in state policy with the issuance of the presidential decree “Strategy of Ukraine’s Integration in the European Union.” In August 2000, another presidential decree created a National Council on the

Issues of Adapting Ukraine's Legislation to the Legislation of the European Union, a body to be chaired by Kuchma himself.

Ukrainian officials are emphatic today about the importance of the European vector in Ukrainian foreign policy. The head of the Presidential Administration opined that there is a "clear consensus in Ukraine today that our development must be linked to European structures. No other alternative is being considered."³⁹ Then-Foreign Minister Borys Tarasiuk proclaimed in 1999 that the "European idea has become Ukraine's national idea and a consolidating factor for its society."⁴⁰ Ukrainians also began to classify their country as "Central European," suggesting its similarity with countries such as Poland and leaving the moniker "Eastern Europe" (with its various negative connotations) to Russia.

The motives behind this "European Choice" are fairly easy to discern. The EU is seen as a guarantor of political stability and economic prosperity, and membership in this exclusive "club" would be proof of Ukrainian success in the post-Soviet period. Moroney notes that "in 'choosing' the European path Ukraine is opting for a proven way to modernize the country, bridge existing technological gaps, create new jobs, attract foreign investment, and improve domestic producer's [*sic*] competitiveness in EU and global markets."⁴¹ The EU would also be a source of aid, and membership in the EU would prevent a new "Eurocurtain" being drawn along the Polish-Ukrainian frontier, a fear of many Ukrainians today. Ties to the EU may also provide additional security against possible Russian threats to Ukrainian independence. Many might note that closer ties with the EU would promote democracy and the rule of law, but given the actions of state authorities, one must wonder if this is an important goal for the current cast of Ukrainian political leaders.

While Ukraine's "European Choice" is prominent in the rhetoric of state officials, what can one say about the views of the public? The evidence on this score is mixed. True, surveys do indicate that the idea of entering the EU is supported by the majority of the population.⁴² In fact, according to these sources, pro-integration opinions in Ukraine are currently higher than they are in several Central European countries.⁴³ However, this does not mean that Ukrainians are unequivocally pro-Western: Eurobarometer surveys from throughout the 1990s found more Ukrainians thinking ties with Russia or the CIS are more important than ties to Europe or the USA.⁴⁴ An April 2001 survey found similar results, with over 60 percent of respondents endorsing closer ties to Russia or the CIS, whereas 25 percent put priority on developing ties with Western states.⁴⁵ Fraser Cameron of the European Commission reports other surveys noting that a Western/EU orientation is favored by only 15 percent of the population, and that Kuchma's victory in 1999 should not be interpreted as a popular endorsement for the "European Choice."⁴⁶ Most important, perhaps, is the fact that the mass public and organized interests appear to know little about the EU and do not constitute an active force in Ukrainian foreign policy.⁴⁷ This point will be developed further in the chapter, but for now suffice to say that the "European Choice" has been more

a reflection of a segment of the Ukrainian political elite, driven to the West in part, at least, due to an uncertain geopolitical environment.

Moreover, one should stress that the “multi-vector” approach of Ukrainian foreign policy has not given way to a uni-directional focus on Brussels. Russia remains very important for Ukraine: it is still its largest trading partner (despite a 50 percent fall in the volume of trade from 1996 to 1999), it is the source of most Ukrainian energy, and for cultural and historical reasons a source of attraction to many in Ukraine. While pursuing ties with Europe, Kyiv has tried to improve relations with Moscow as well, concluding a treaty on friendship and cooperation in 1997. The fact that the EU has yet to open the door of membership to Ukraine is also making some question the wisdom of putting most energies and hopes in the EU, and many Ukrainian officials are not happy with what they see as the EU’s “throwing European CIS countries out of the framework of integration processes in Europe.”⁴⁸ In September 2000, Tarasiuk, who was unabashedly pro-European and a symbol of the country’s Western orientation, was sacked. This was interpreted by some as a “major concession to Russia and a slap to the West.”⁴⁹ More recently, in wake of the Gongadze affair, the ouster of Yushchenko, and the granting of political asylum in the USA to Mykola Melnychenko, Kuchma has noticeably turned toward Moscow, since Putin does not treat him as a pariah or criminal.⁵⁰ Viktor Chernomyrdin, named ambassador to Kyiv in May 2001, also promises to bring greater prospects of Russian–Ukrainian economic integration (especially in energy), and Kuchma in turn has let Putin know that Russia will be the “top priority,” even as his foreign minister assures Brussels that Ukraine will “stick to a European course.”⁵¹ Many are concerned that Western pressure on Ukraine would do little but drive the country further into the embrace of Russia, although some do question the extent of Moscow’s interest in Ukraine.⁵² The EU, as well as other Western actors, has thus been put in a difficult position about how to respond to Ukraine’s democratic shortcomings. It is to EU policy toward Ukraine that we now turn.

Europe’s response

Although the stated European concerns in Ukraine – implementation of meaningful economic reform, political and economic transparency, and creation of democracy and the rule of law – have been a constant since Ukraine gained independence, European policy has evolved over time. Pavliuk divides the policies into four phases: neglect (1991–1993); support (1994–1996); frustration and fatigue (1997–1999); and disengagement (2000–present).⁵³ At present, the questions are if and how the West (and the EU more specifically) can re-engage with Ukraine and further processes of political and economic reform.

From 1991 to 1993, Ukraine received scant attention from Western capitals. Some were skeptical about the viability of the Ukrainian state, but the bigger

problem was that Western policy was focused on Russia and Ukraine was viewed as uncooperative on nuclear disarmament issues. Kuchma, then Prime Minister, suggested, "On the map of world leaders, Ukraine does not even exist. They are indifferent to whether Ukraine is independent or not."⁵⁴

Instability in Russia in 1993 and a change in leadership in Kyiv in 1994 helped break Ukraine's isolation. As mentioned, Ukraine joined the PfP and eventually signed the NPT, and Kuchma announced a package of "radical" economic reforms and won support from international financial institutions. The PCA represented a marked strengthening of the European "vector" in Ukrainian foreign policy, and over the years this has been supplemented by other agreements, notably a Common Strategy on Ukraine, announced in December 1999.

The EU's motives for engaging Ukraine are also not hard to identify. Instability or protracted economic difficulties in Ukraine – a state that will border the EU with Polish accession – would be a threat to the EU. Ukraine is also a large potential market for European trade and investment. Ukraine independence is also seen by some as a guarantor against a revival of Russian imperialism, although Moroney notes that US policymakers have been quicker to recognize Ukraine's strategic importance than their European counterparts.⁵⁵ However, since Ukraine is not in queue for membership, the European investment in Ukraine is not nearly the same as in Poland, Hungary, or other candidates for membership. As Pavliuk notes, "The EU's stake in Ukraine is certainly not as high as Ukraine's stake in the EU," as well as the fact that relations with Ukraine are not a "self-sufficient goal" for the West but instead a means for pursuing other goals: nuclear disarmament, NATO enlargement, good relations with Russia, and the closure of Chernobyl.⁵⁶ This fact does much to explain shortcomings in EU policy.

What have been the general results of EU engagement with Ukraine? Aid has been dispersed primarily through the TACIS program. From 1991 to 1999 (with most of this after 1994), total EU assistance to Ukraine totaled €4 billion, 1.5 billion from the EU itself and 2.5 billion from member states.⁵⁷ This includes technical, macroeconomic, and humanitarian assistance, and considerable emphasis has been given to nuclear safety and assistance to Ukraine in the closing of the Chernobyl power station. As a whole, TACIS in Ukraine manages nearly sixty programs, many of which are designed to enhance transportation, border control, the natural environment, legal reform, and education.⁵⁸ While much of the money is dispersed to the government, there are some programs that seek to foster non-governmental organizations, and of late there has been an emphasis on using TACIS to help Ukraine fulfill its commitments under the PCA. Of the many TACIS programs, some are more relevant to our concerns of democratization. One is the Democratizing Society by Improving the Professionalism of Journalists and Media Project. This is listed as a three-year project, with funding of €209,000. The project aims to improve training of journalists and an independent media center backed by TACIS has also set up a website to

track censorship and violence against journalists.⁵⁹ Taking note of problems in this area, the EU has also sponsored a seminar on the media. This is all fine, but does it get to the problem of blatant state interference in the media? Does training of journalists overcome this problem? Is the website really reaching the people and making a difference? While one should not be overly pessimistic and conclude that nothing can be done and therefore nothing should be done, one might wonder how effective programs like this can be. One could mention others as well – for example a TACIS project to foster civic education in grades 9–11 – that may make a difference over the long term, but hardly meets criteria of a hard-nosed program of conditionality.

What has been the general assessment of the TACIS programs? Fraser Cameron of the European Commission contends that the results have been “mixed.” While praising efforts in the financial and energy sectors, he is less impressed with progress on enterprise development and legal and administrative reform. Part of the problem, he asserts, is that resources have been spread too thin in a variety of sectors.⁶⁰ Moreover, one could add that many of TACIS’s aims and tactics – particularly in Western-style education, professional training, and NGO development – will take time to pay off and can reach only a small fraction of Ukrainian society. Moreover, studies have shown that foreign assistance in the post-Soviet region has had mixed results, as NGOs gear their programs more toward donor needs than the needs of their constituents and can become “ghettoized” in their own little world, detached from their own societies.⁶¹ Suffice to say that civil society in Ukraine today remains very marginalized.

Obviously, TACIS programs need not fall into these sort of problems and can be re-targeted to emphasize certain areas – the legal sector appears to be the top priority at present – but their ability to address the most politically sensitive questions (as opposed to ensuring compliance with technical elements of the PCA) may be limited. More to the point, perhaps, the EU has a limited capability to change the general structure of the overall political economy of the state. That is, one does not have to be an orthodox Marxist to argue that as long as the economy is dominated by an oligarchy that the odds are against a genuine democratic breakthrough or a shift in behavior of the existing elite. TACIS and other programs may be able to provide some basic training or rudimentary institutions, but they may have only marginal impact on how the Ukrainian polity really operates. Finally, one should note that the TACIS program does not operate under conditions of conditionality or with well-defined incentives for the Ukrainian state. Programs that are judged a failure are unlikely to be renewed, but the overall consequences to the state are not clearly laid out. Thus, unlike in Central Europe, where the Copenhagen Criteria and adoption of the *acquis communautaire* provide an easy scorecard for progress with high incentives for compliance, aid to Ukraine operates within a far more ambiguous environment. This may limit the effectiveness of EU engagement with Ukraine.

On another front, there has been growth in EU–Ukraine trade, with the EU being Ukraine’s main trading partner outside of the CIS, accounting for 22.5 percent of Ukraine’s total trade flows. From 1994 to 1998, the total volume of trade nearly doubled (reaching about €5.75 billion in 1998), but EU exports have fallen in the wake of the 1998 fallout from the Russian crisis and increasing protectionist measures. Still, the EU has managed to enjoy a trade surplus with Ukraine, a fact well recognized by Ukrainian critics of engagement with the West.⁶² However, trade with Ukraine represents under 1 percent of total EU trade and is far less than trade with Central European countries, yet another indication that ties with Ukraine are on an entirely different level than the EU’s ties with its immediate eastern neighbors.

Perhaps sensitive to some Ukrainian concerns and looking to push reforms ahead in Ukraine, Brussels upgraded its relationship with Kyiv in 1999 by promulgating a Common Strategy on Ukraine in December 1999. Notably, this was a “consolation prize,” given in lieu of offering membership to Ukraine, whose candidacy had not been entertained in either EU decisions on enlargement in 1997 in Luxemburg or in December 1999 at the Helsinki Summit. This document also falls short of offering Ukraine Associate Membership, a halfway-house measure that Kyiv considered a realistic alternative to an invitation to full membership. Overall, the Common Strategy pays homage to the “shared values and common interests” of the EU and Ukraine while outlining several broad goals for the EU (e.g. furtherance of democratic and economic transition, ensuring peace and stability). It “acknowledges Ukraine’s European aspirations and welcomes Ukraine’s pro-European choice,” while noting that full implementation of the PCA is a “prerequisite for Ukraine’s successful integration into the European economy.”⁶³ For our purposes, one should note that the Strategy (in addition to a host of economic, environmental, and security concerns) specifically notes EU support for the “consolidation of democracy and good governance.” While the document is often high on rhetoric and short on detail, it does list some specific democratization efforts, including supporting Ukraine’s efforts to sign and observe international human rights obligations, encouraging an ombudsman institution in Ukraine, and contributing to the development of free media in the country. However, the Strategy duly notes “the main responsibility for Ukraine’s future lies with Ukraine itself.”

What have been the results of this Strategy? Are there signs of progress? While a typical scholarly assessment is that “internal stagnation threatens to unravel the hard-fought gains of Ukrainian foreign policy,”⁶⁴ some official EU statements present a far brighter picture. Javier Solana, the EU’s High Representative for its Common Foreign and Security Policy, wrote in a Ukrainian paper in 2000 – just before the Kuchmagate scandal broke – that “over the years, Ukraine has committed itself to moving towards a fully functioning democracy, and the results are already very clear to see.” Furthermore, he looked forward to “the results of the recent referendum

being implemented,” despite the widely documented evidence of fraud associated with the referendum.⁶⁵ A joint statement from the EU–Ukraine Summit in September 2001 did not mention Gongadze by name, while noting Kuchma’s own commitments to the rule of law, human rights, and democracy.⁶⁶ A report from the Council of the EU in December 2001 was worded a bit stronger, with the EU emphasizing “profound concerns” about violence against journalists, and noted that Ukraine also needed to make more efforts to ensure judicial independence. However, the EU also noted it was “encouraged by Ukraine’s resolve to pursue its policy of reform and to comply with European standards.”⁶⁷

This is not to say that the EU has refused to criticize Ukraine in more specific ways. In 2001, the EU issued two declarations that revealed clear concerns. One was on the Gongadze case and other was on Yushchenko’s dismissal. The statement on Gongadze expressed concern about the media environment, called for a full investigation into Gongadze’s disappearance and an independent analysis of the tapes, and reminded Ukraine of its commitment to broader democratic freedoms. There was, however, no implicit or explicit threat of sanctions if the case was not resolved to the EU’s satisfaction. The statement on Yushchenko was a bit stronger, as the EU stressed that progress with the reforms adopted by the Yushchenko government are “a prerequisite for a deeper relationship with the EU.”⁶⁸ Chris Patten, the EU Commissioner for External Relations, also noted in March 2001 that

Ukraine wants to draw closer to the EU and its neighbours. We welcome that. But for that to happen, Ukraine must be able to demonstrate its willingness and ability to live up to basic values, European values, values which are also set out in our Partnership and Co-operation Agreement. That means strengthening the rule of law, making progress in the fight against corruption and adopting market-oriented legislation . . . [However] Ukraine has lost a lot of time.⁶⁹

Actions, of course, may speak louder than highfalutin diplomatese, and it is no doubt true that many European states view Ukraine as a state on the fringe of Europe (like Turkey, at least prior to 1999), with little or no chance of really joining Europe. Garnett opines, “In the chancelleries of Europe, little thought is given to Ukraine, except perhaps in regards to Chernobyl.”⁷⁰ In 2000, in a move that some considered quite ominous for Ukraine, Germany, Italy, and France began discussions with Russia on a gas pipeline that would bypass Ukraine (the Russians are upset at apparent siphoning of gas from the existing pipelines that traverse Ukraine). One author insisted, “Western Europe has handed an old hegemonic power a hammer, and stood by as Moscow announced that it would bring down that hammer.”⁷¹ The fact that the IMF has been withholding credits from Ukraine, as well as the general Western embrace of Russia after September 11, 2001, also may signal in general Western disengagement from Ukraine.

Despite tensions in the relationship, however, the EU seems eager not to alienate Ukraine and continues to stress the importance of “strategic partnership.” Notably, a recommendation by the Parliamentary Assembly of the Council of Europe to expel Ukraine from the Council of Europe – adopted in April 2001 in the wake of Kuchmagate – was never adopted. Instead, in 2001 at its Gothenburg Summit, the EU offered to include Ukraine in the European Conference, an informal gathering of European states. While one cannot say for sure what was discussed behind the scenes, members of the EU delegation in Kyiv informed me in the summer of 2001 that there had been no discussion of a cut-off or curtailment in aid to Ukraine. Moreover, they noted one should not look only at the most public or visible programs, pointing to progress on a host of technical issues relating to the PCA that had been made by the Yushchenko government. Trying to put a good face on what they acknowledge can be a trying environment, they stated that they were cautiously optimistic about prospects for reform after the 2002 elections.

Thinking theoretically about EU–Ukrainian relations

What is to be made of EU–Ukrainian relations? Despite words on both sides to turn rhetoric of cooperation into concrete steps, skeptics suggest that little has been accomplished. One Ukrainian report noted that the European idea has become “mythologized in the Ukrainian political discourse and turned into a substitute of the late communist myth, with no firm connection with the reality [*sic*].”⁷² Another observer went further, noting not only that Western influence “does not go very far,” but also that “Ukraine’s previous talk about integrating with the West was never matched by real action. Kiev has been happy to take Western money, but it was equally happy to take free Russian gas. Beyond that, it has never had much of a foreign policy.”⁷³

This is not say that nothing has been accomplished. In 1997, Ukraine adopted a moratorium on the death penalty – a requirement for membership in the Council of Europe – and finally banned it in May 2001. Checkel notes how the Council of Europe and other external actors were instrumental in encouraging Ukraine to adopt an inclusive, non-ethnic definition of citizenship, a decision that contributed to relative inter-ethnic harmony in the country.⁷⁴ Due in part to EU pressure and promises of compensation, Ukraine closed the reactors at Chernobyl at the end of 2000.

However, disappointment has been marked on both sides. Ukraine has not been invited to join the European club, and the EU, despite using strained language not to sound too harsh, sees precious little progress on basic elements of political and economic reform. By 2002, eight years after the signing of the PCA, EU–Ukrainian relations are ambiguous as ever, and Ukraine continues to muddle along, still proclaiming its “European choice” but with more real action occurring on the Russian vector of its foreign policy.

Why have relations with Europe reached this point? Obviously, one can point fingers to Kuchma and his entourage, and no doubt the tape scandal has been a serious disappointment to foreign friends of Ukraine. Problems in EU–Ukraine ties, however, were evident before November 2000. Some can be attributed to unrealistic expectations and simple misunderstandings. Writing in 1999, Pavliuk noted the “frustration” on the Ukrainian side and “fatigue” on the part of Europe. He notes

much misunderstanding, disappointment, and even frustration overshadow the EU–Ukraine relationship at present. Despite several years of political dialogue and cooperation, each side still has little knowledge of the other, and the two see the future of their relationship quite differently. While Ukraine has declared its intention to become a EU associate member and its ambition to attain full EU membership in the future, the EU does not include it in either the “fast track” or “slow track” group of future members.⁷⁵

In particular, one might note that Ukraine’s elites have yet to understand that the EU is much more interested in democratic development and economic performance than Ukraine’s geopolitical significance or its “European” heritage and that membership in the EU is qualitatively different from membership in the OSCE or Council of Europe. Moreover, one is often struck by the fact that while the mantra “return to Europe” flows freely from the lips of Ukrainian policymakers and academics, there is little recognition that the Europe of today is far different than the one when Ukraine supposedly established its “European roots.”

Certainly, by 2001–2002, the situation was made even worse. While much of the blame is commonly put on Kuchma and the “Party of Power” in Ukraine that has dragged its feet on fundamental reforms, Ukrainians point to a lack of clear and inclusive strategy and perhaps even discriminatory treatment by Brussels. While the EU has provided much technical assistance to the country, one wonders – the Common Strategy notwithstanding – if there really is a sound strategy behind EU efforts. Chris Patten, pointing to both inherent EU limitations and mistakes in actual policy conceded, “we cannot supply the clear, unambiguous political will that is needed [to push forward reform in Ukraine]. There has been too much insistence in the past on the forms of our partnership, and too little on the groundwork to make that partnership a reality.”⁷⁶

In order to understand better why EU–Ukrainian relations have reached a sort of impasse, and, in particular, why Ukraine remains a “reluctant democratizer,” let us examine the hypotheses put forward in Chapter 1 concerning convergence and conditionality. Some undoubtedly “fit” better than others. Let us examine each in turn.

Six notions were proffered regarding the likelihood of democratic convergence. The first was that of “cultural match,” the idea that the norms

being promoted by external agents must resonate with some domestic norms. While this hypothesis can run close to being a tautology (democratic norms will take hold in countries with democratic norms), one can better understand how it would function in cases of cultural disjuncture (e.g. think of debates over “Western” versus “Asian” or “Islamic” values). While Ukrainian leaders certainly give lip-service to democracy and its component parts (openness, rule of law, competition), declarations ring hollow when the practice has become increasingly authoritarian. The key point is that democratic norms have at best shallow roots and are being germinated in post-communist soil. In other words, much of the Ukrainian elite was, until recently, part of the Soviet/communist elite, and “Soviet” values and practice still reign. Whether or not one chooses to classify this as a “cultural disjuncture,” I would venture to say that when European leaders sit down to talk with Kuchma and his appointees they recognize they are not talking to “one of their own.” Taking this argument beyond Ukraine, the implication would be that old communists (at least in the Soviet Union) cannot be turned into liberal democrats, a proposition that appears to ring true in a variety of countries.

The second set of hypotheses concern the novelty of the environment, meaning new states or new elites. Checkel, who examined the Ukrainian decision to adopt inclusive citizenship laws, supports the notion that “novelty” matters; that is, new elites or those in an entirely new setting will be more willing to consider outside ideas and advice. His evidence on this particular issue is compelling, but that does not mean the argument applies across the board and on the wider issue of political liberalization. Moreover, it ignores the fact that no setting is really “new.” Ukraine is a new state, but its elite has a distinctly non-democratic past. Since Ukraine has yet to have a “democratic breakthrough,” this communist past continues to exist as a “residue” in the post-communist period.⁷⁷

What of the counter-hypothesis, which argues that the need to foster nationalism in new states will work against outside efforts to shape domestic political decisions? While it can hold in some cases (as Stephen M. Tull suggests with respect to Croatia in Chapter 6), it does not work very well in the Ukrainian case. While there are some extreme nationalist groups that are resistant to any effort to usurp Ukrainian sovereignty, the more mainstream national democrats, represented in the Rukh party and the former *Derzhavnist* faction in the *Verkhovna Rada*, tend to be pro-Western, not only viewing the West as a source of security against Russia but also because they largely endorse a liberal political and economic system for Ukraine. Indeed, it is the Communists, not the nationalists, who are the most anti-Western group in the country, but even they have yet to issue an objection to the idea that Ukraine should seek EU membership.

As for the status of the persuader, one can only note that most important political players in Ukraine hold the EU in very high esteem. There is, of course, criticism of the EU, but mostly on the grounds that the EU is not

doing all it should for Europe or moving fast enough to facilitate Ukraine's ambitions to join Europe. Few would argue that the EU represents a "bad" role model or that the EU has no moral authority. One may wonder then how come Ukraine has not hurried to fulfill EU demands, but no doubt the general unwillingness of the EU to bear down harshly on Ukraine is a factor. EU "permissiveness" thus may undermine some of its authority.

Another hypothesis was that of how rhetoric or lip-service to norms is important and can potentially "spill over," leading to real policy changes. Obviously, Ukrainian leaders have been willing to repeat the rhetoric coming from Europe, and every EU-Ukraine joint declaration dutifully notes the commitment of each to "common values." This, however, continues to ring a bit hollow. One reason there has yet to be any spillover is the relative weakness of domestic actors seeking a genuine reform agenda. Not being in a strong position to "use" the rhetoric of the elite against the elite, would-be Ukrainian democrats have not been able to produce pressure for change. Coupled with the lack of firm pressure from the EU (which will be addressed more below), the incentive or need to move beyond rhetoric has been low.

This same idea bears on the notion of the role of transnational networks in generating real activity beyond just rhetoric. In other words, the EU must engage more than just governments by working with actors in civil society. In Ukraine, this is problematic because civil society is so weak. Political parties are poorly organized, trade unions are crippled, professional organizations play a limited role, and small business organizations have failed to grow in the shadow of government-oligarch networks. Although Rukh and some other national democratic forces are unequivocally pro-EU, they have never constituted anywhere near a majority in the Parliament. Pavliuk notes that the problem is that "real power" in the country is held by economic pressure groups that "have so far dictated the need for protectionism and preservation of the existing political and economic systems in Ukraine rather than their adaptation to European norms and principles." He adds that "no large Ukrainian businesses have a strong stake in the EU market,"⁷⁸ which further limits the ability of the EU to team up with agents "from below" to pressure the government to change course. This is not to say that the EU has no cards at all to play. However, it plays them very conservatively, backing away from supporting the "Ukraine without Kuchma" movement and other opposition groups. As for the current elite, it is hard to pinpoint how they would benefit from making reforms (e.g. economic transparency) sought by the EU. As a consequence, the government machinery "on the whole is largely ambivalent or even suspicious of the country's European integration."⁷⁹ The result has been rhetoric with the hope of receiving some type of assistance, but foot-dragging on many basic political and economic issues.

Finally, we come to the hypothesis on convergence: that soft tactics (e.g. persuasion, engagement) will bring more results than hard tactics (e.g. threat of sanctions). To date the EU has relied upon softer tactics, and has yet to

apply conditionality in an explicit manner. For example rather than demand full implementation of the PCA before moving EU–Ukrainian relations to a higher level, the EU instead put forth its Common Strategy. True, the Strategy does note the need to fulfill the PCA, but this is an obvious effort to lay out a new framework to allay some Ukrainian concerns and give the appearance that relations are moving forward. In discussions with EU officials in Kyiv, they put much more stock in engagement, dialogue, and policy change in small, incremental steps than in pushing a policy of “take it or leave it” conditionality (e.g. fulfill the PCA now or else face this punishment). Their reasoning was that EU–Ukrainian relations had to be handled gingerly, and that Ukraine was, in essence, not far enough down the path to membership for the EU to make strong demands. Of course, one might wonder if current policy holds enough promise to get Ukraine moving down that path. Off the record, they conceded not only frustration with Ukraine but also a recognition that the hopes behind current policy may have been too high. While advocates of the current policy can point to progress in some more technical, “low politics” areas, there is scant evidence that soft tactics have helped push forward democratization.

Turning now to the hypotheses on conditionality, one factor stands out: conditionality has yet to be applied rigorously to Ukraine. The carrot of membership – the variable that has been assumed to help push reforms through potential bottlenecks in Central Europe – is not on the table. In 1999, when the EU announced its list of candidates for membership, Ukraine was not among the “Helsinki 13,” although some of the other candidates, notably Turkey, significantly fell short of the Copenhagen Criteria. Without an endpoint, a target with clear rewards, the incentive to follow EU dictates or preferences may be low. This is already a problem for some countries farther down the membership queue, who may question when (if ever) the EU will expand to include them. Obviously, with Ukraine not even in the queue, the question of “What do we get out of this?” may have more resonance.

This problem is compounded by the lack of sticks employed by the EU. Sanctions have not been employed or considered by the EU. Declarations are made on some issues, but these are not followed up by any actions. For example it is been almost two years since the tape scandal broke, and there has yet to be a full, impartial investigation demanded by the EU. Nonetheless, there were no consequences. Ukraine is not a pariah, and since November 2000 Kuchma has welcomed leading EU political figures in Kyiv. Even the Council of Europe backed away from a recommendation to expel Ukraine for its failures to respect basic elements of democracy. Ukraine may be experiencing political “Belarusification,” but one would not know this from EU policy.

Of course, this begs the question of why Ukraine has been treated so gingerly, in contrast to Belarus. One possible reason, as Pavliuk has suggested, is that the EU really does not care that much or have a really large

stake in Ukraine, so it is willing to turn a blind eye to some developments and is reticent to risk conflict. Another reason is that the EU (and the West more generally) does not want to risk “losing” Ukraine. True, Ukrainian leaders will argue that the country has no other choice but Europe, but they do not always act as if this is the case. Russia remains by far a more important economic partner, and Kuchma, after directing some accusatory barbs at Moscow in the wake of the tape scandal, quickly made overtures to bolster Ukrainian–Russian cooperation. This is done not only for its own merits, but also with an eye to the West, playing a “Russia” card to extract concessions and aid from the West, where acolytes of geopolitics fret about a possible Russia–Ukraine reunion. Cynics might therefore suggest that the billions in aid from the USA and the EU is used more to buy off Ukrainian elites than to promote political or economic change. The point is thus not that the West cares nothing for Ukraine, but cares only that it remain outside Russia’s sphere of control. Ukraine’s “exit” option thus gives it the capacity to escape harsh demands of conditionality and, knowing this, the West chooses to “ride softly” with Kyiv while forgetting about any “big stick.”

Much of the preceding points to a final problem: the ambiguous nature of “gray zone” democracies as identified by Pridham. The truth is that Ukraine is no Belarus, meaning that it suffers from a “soft” authoritarianism rather than outright repression. Elections are held; competition is allowed; civic freedoms do exist and are respected at least part of the time. True, there are significant lapses, but EU leaders can draft documents noting Ukraine’s “democratic progress,” something impossible in the case of Belarus. Moreover, Kuchma at least continues to invoke the rhetoric of reform and moving towards Europe, thus making it harder perhaps for the EU to pull away entirely. In short, I would suggest that the quasi-democratic nature of the Ukrainian state allows each side to play a game. The EU (and other actors, to be sure), not willing to throw in the towel and admit, among other things, that years of effort and billions in aid have done little to produce democracy, can cling to the notion that Ukraine possesses some democratic elements, is not as bad as some of its neighbors, and could, with new elections, make a real breakthrough. Ukrainian elites, for their part, are able to present a democratic face to the world, while engaging in manipulation and behind the scenes maneuvers (occasionally not well hidden) to ensure they remain in power. It is better for both sides to act as if the emperor has clothes.

This argument is meant to be provocative and would be criticized by those who point to Ukraine’s accomplishments. I have acknowledged a number of them, but it does appear that from 1999 to 2002 democracy has regressed, not progressed. At the same time, the EU (and other actors who are looking to encourage democracy in Ukraine) has stuck with previous policies that have paid limited dividends. If and how the EU can help transform Ukraine’s “gray zone” democracy are questions without any clear answer, although one imagines that Brussels may be tired of asking them.

Envisioning progress in the EU–Ukrainian relationship

There is ample reason to be pessimistic, not only about Ukraine but about EU policy. True, the EU could turn away from Ukraine, cut off aid and suspend agreements pending progress toward democracy, but this would be highly risky and may jeopardize some hard-won agreements on some issues. Some would argue that the EU should not employ sticks but instead add to its pile of carrots for Ukraine. Kuzio, for example, asks how the stated EU desire “to help Ukraine achieve its goals of consolidating democracy, protection of human rights, reform of the economy, and full integration into the international community can be fulfilled by excluding Ukraine from EU membership.”⁸⁰ To date, membership has been offered only to those well on the path to meeting its criteria. One wonders if dangling such a carrot in front of a state with so far to go would bring any result.

In all likelihood, the EU will avoid any radical change in approach. It does not honestly know if it would even want Ukraine as a member, but knows that it does not want to risk antagonism. Current policy, while not producing immediate results, does at least aspire to deepen the EU–Ukrainian relationship and allow the EU to exercise some influence in some issue areas. Many Ukrainians will be disappointed with only “partnership” or a “common strategy” that falls short of membership. One might also ask how long European officials can come to Kyiv with “empty hands” repeating the same messages on human and civil rights and economic reform?⁸¹

While some may clamor for a shift in EU policy, one might note that the current, limited approach does bow to one inescapable reality: the impetus for change will have to come from within Ukraine itself. Ukraine’s European prospects hinge less upon what Brussels offers than on what Kyiv actually does. Obviously, much remains to be done on the democratization front, and only the most intrusive (and therefore impolitic and unworkable) outside intervention could hope to dismantle the oligarchic political and economic structure of the state that is the prime obstacle to democracy. However, this need not mean that the EU give up and simply wait. As one EU official argued with a note of hope, pushing issues such as economic transparency, legal training, civic education, and product standardization is not going to bring about wholesale political change overnight.⁸² However, if the EU stays committed to a process that will be inevitably rather bumpy, it can make a difference over the long term. Engagement with non-governmental actors will be ever more important, as they are likely to be the source for positive change. Over time, European standards, not Soviet ones, will become the norm, at least the norm to which one aspires, even if in practice matters fall short. Looking down the road, “convergence” is still possible, even if one cannot see much tangible progress at present.

This conclusion, in contrast to some of what was argued above, will strike some as far too optimistic. However, it is very much the case that Ukraine is a “work in progress.” Both sides do have much to learn from the shortcomings of current approaches. The EU may have to offer greater incentives as well as

prod more with deft uses of some sticks, and the Ukrainian elite could undertake a number of moves to smooth relations with Europe. It will take work on both sides, and progress may not be immediately obvious. Both sides have the rhetoric down fairly well. Europe cannot force change in Ukraine, but it can offer support to those elements in Ukraine eager for change and working to turn the discourse of “European choice” into real and lasting reforms.

Notes

- 1 Good general sources on post-Soviet Ukrainian domestic politics include A. Wilson, *Ukrainian Nationalism in the 1990s: A Minority Faith*, Cambridge: Cambridge University Press, 1997; T. Kuzio, *State and Nation Building in Ukraine*, London: Routledge, 1998; Kuzio, P. D’Anieri, and R. Kravchuk, eds, *State and Institution Building in Ukraine*, New York: St. Martin’s, 1999; and M. Dyczok, *Ukraine: Movement without Change, Change without Movement*, Reading: Harwood Academic, 2000.
- 2 Works on Ukrainian–Russian relations include R. Solchanyk, *Ukraine and Russia: The Post-Soviet Transition*, Latham, MD: Rowman & Littlefield, 2001, and P. D’Anieri, *Economic Interdependence in Ukrainian–Russian Relations*, New York: SUNY Press, 1999.
- 3 O. Pavliuk, “Ukraine and the EU: The Risk of Being Excluded,” in I. Kempe, ed., *Beyond EU Enlargement*, Gutersloh: Bertelsmann Foundation, 2001, p. 69.
- 4 S. Garnett, “Like Oil and Water: Ukraine’s External Westernization and Internal Stagnation,” in T. Kuzio *et al.*, op. cit., pp. 107–133.
- 5 Solchanyk, op. cit., p. 81.
- 6 Survey of 1,200 Ukrainians conducted by Democratic Initiatives. The work of this organization, which is regularly updated with new material, can be found at <http://www.dif.com.ua> (accessed July 17, 2001).
- 7 *Zerkalo nedeli* (Kyiv), July 4, 2001.
- 8 Oleksandr Stoian, head of the Ukrainian Federation of Trade Unions, in *Profspilkovy visti* (Kyiv), April 13, 2001.
- 9 *Kyiv Post*, June 29, 2001.
- 10 Transparency International ranked Ukraine 83 out of 91 countries surveyed in 2000. Only Azerbaijan among ex-Soviet states ranked lower. From *Kyiv Post*, July 5, 2001.
- 11 P. Kubicek, “The Limits of Electoral Democracy in Ukraine,” *Democratization* 8, Summer 2001, 117–139.
- 12 N. Diuk, “Sovereignty and Uncertainty in Ukraine,” *Journal of Democracy* 12, October 2001, 57–64, and Kubicek, “Delegative Democracy in Russia and Ukraine,” *Communist and Post-Communist Studies* 27, December 1994, 443–461.
- 13 Kubicek, *Unbroken Ties: The State, Interest Associations, and Corporatism in Post-Soviet Ukraine*, Ann Arbor, MI: University of Michigan Press, 2000.
- 14 Viadcheslav Chornovil in *Vysoky Zamok* (Lviv), December 8, 1992.
- 15 Pavliuk, op. cit., p. 74.
- 16 Report of Commission for Security and Cooperation in Europe (CSCE), “Ukraine’s Presidential Elections,” December 1999, at <http://www.house.gov/csce/UkraineElections1999.pdf> (accessed August 3, 2002).

- 17 *Toronto Globe and Mail*, July 12, 2000.
- 18 The measures would strip parliamentarians of immunity and allow the President to dismiss Parliament if the body failed to establish a parliamentary majority or pass the budget in a specified time.
- 19 A voice resembling Kuchma's is heard to suggest handing him over to the Chechens and "grab him, strip him, leave him without his pants, let him sit there." Gongadze's headless corpse was found in September 2001. The best source of materials is *Ukrainska Pravda*, Gongadze's former employer. It can be found at <http://www.pravda.com.ua>
- 20 J. Steele, "Kuchmagate," *The Guardian*, February 27, 2001.
- 21 Adrian Karatnycky, President of Freedom House, testimony at US House Hearing, "Ukraine at the Crossroads," May 2, 2001, found at <http://www.brama.com/survey/11567.html> (accessed February 1, 2002). A Ukrainian parliamentary commission in February 2002 also concluded that the tapes were unedited. See *Kyiv Post*, February 14, 2002. However, one "independent" investigation by Kroll Associates, undertaken at the bequest of the pro-presidential party Labour Ukraine exonerated Kuchma in the case, but few observers in Ukraine put much stock in its findings.
- 22 See Kuchma's letter to the *Financial Times*, February 27, 2001.
- 23 Kuzio, "Ukraine One Year After 'Kuchmagate'," *RFE/RL Newslines*, November 28, 2001, available at <http://www.rferl.org/newline/2001/11/281101.asp> (accessed August 3, 2002).
- 24 T. Kuzio, "National Identity and Civil Society in Ukraine: Explaining the Yushchenko Phenomenon," *RFE/RL Newslines*, January 30, 2002, available at <http://www.rferl.org/newline/2002/01/300102.asp> (accessed August 3, 2002).
- 25 Since the constitution came into effect in 1996, Kuchma could claim that the two-term limit does not apply to him since he was first elected in 1994, but the constitution clearly states that no person shall be president for more than two terms in a row, which he will have served by 2004.
- 26 I. Lozowy, "Kuchma's Comeback," *Ukraine Insider* 1, September 20, 2001.
- 27 Tammy Lynch, "Getting the Media Ready," *NIS Observed* 7, February 13, 2002.
- 28 Electoral results from *The Economist*, April 6, 2002. Half the seats are determined by party-list proportional representation and half are from a single member district plurality system. The figures above may include some "independents" who are in fact allied with one or another electoral bloc.
- 29 *New York Times*, April 2, 2002.
- 30 *The Economist*, op. cit., and *The Times* (London), April 1, 2002.
- 31 *New York Times*, op. cit.
- 32 The best overall view on Ukrainian foreign policy is Solchanyk, op. cit.
- 33 S. Garnett, *Keystone in the Arch: Ukraine in the Emerging Security Environment of Central and Eastern Europe*, Washington, DC: Carnegie Endowment, 1997.
- 34 J. P. Moroney, "Ukraine's European Choice," in T. Kis, I. Makaryk, and R. Weretelnik, eds, *Towards a New Ukraine III: Geopolitical Imperatives of Ukraine: Regional Contexts*, Ottawa: Ottawa University Ukrainian Studies, 2001.
- 35 K. Schneider, "The Partnership and Co-operation Agreement (PCA) between Ukraine and the EU – Idea and Reality," in L. Hoffman and F. Mollers, *Ukraine on the Road to Europe*, Heidelberg: Physica-Verlag, 2001, p. 71. See also F. Cameron, "Relations between the European Union and Ukraine," in J. Clem and N. Popson, eds, *Ukraine and Its Western Neighbors*, Washington, DC: Woodrow Wilson Center, 2000, pp. 80–81.

- 36 Quoted in Solchanyk, op. cit., p. 92.
- 37 Pavliuk, op. cit., p. 66.
- 38 Solchanyk, op. cit., p. 93.
- 39 Volodymyr Lytvyn in the *Washington Times*, June 19, 2001.
- 40 Quoted in Solchanyk, op. cit., p. 94.
- 41 Moroney, op. cit., p. 2 of manuscript.
- 42 Pavliuk, op. cit., p. 71, cites an April 2000 poll that put support for joining the EU at 57 percent, with only 20 percent opposed.
- 43 See figures in H. Grabbe and K. Hughes, "Central and East European Views on EU Enlargement: Political Debates and Public Opinion," in K. Henderson, ed., *Back to Europe: Central and Eastern Europe and the European Union*, London: UCL Press, 1999, pp. 186–187.
- 44 Kubicek, "Regional Polarisation in Ukraine: Public Opinion, Voting, and Legislative Behavior Over Time," *Europe-Asia Studies* 52, March 2000, 273–294. See also Garnett, 1999, op. cit., pp. 120–122.
- 45 Poll by SOCIS Center of 1,200 Ukrainians, reported in Center for Peace, Conversion, and Foreign Policy of Ukraine, *Monitoring Foreign and Security Policy of Ukraine*, April–June 2001, p. 76.
- 46 Cameron, op. cit., p. 88.
- 47 Garnett, 1999, op. cit., and Pavliuk, op. cit.
- 48 Borys Tarasiuk in *Uriadovyi Kur'ier*, April 18, 1998.
- 49 J. Sherr, "The Dismissal of Borys Tarasyuk," Occasional Brief 79, Conflict Studies Research Centre, RMA Sandhurst, October 6, 2000.
- 50 Although Kuchma has met with some Western officials, and John Paul II, since November 2000, Putin was the most prominent and honored guest at the celebration of ten years of Ukrainian independence in August 2001, a proposition that would have been unthinkable ten years ago. For more on Kuchma's turn to Russia, see D. Arel, "Kuchmagate and the Demise of Ukraine's 'Geopolitical Bluff'," *East European Constitutional Review* 10, Spring/Summer 2001, 54–59.
- 51 For these contrasting reports, see the *Financial Times*, June 1, 2001, and *Agence France Presse*, May 30, 2001.
- 52 T. Bukkvoll, "Off the Cuff Politics: Explaining Russia's Lack of a Ukraine Strategy," *Europe-Asia Studies* 53, December 2001, 1,141–1,157.
- 53 Pavliuk, "Unfulfilling Partnership: Ukraine and the West, 1991–2001," unpublished manuscript, Kyiv, East-West Institute, 2001.
- 54 *The Economist*, May 15, 1993.
- 55 Moroney, op. cit.
- 56 Pavliuk, "Ukraine and the EU," p. 81, and "Unfulfilling Partnership," p. 15.
- 57 The European Commission, "The EU and Ukraine," at http://europa.eu.int/comm/external_relations/Ukraine/intro/index.htm (accessed July 11, 2001). From 1991 to 1998, approximately 60 percent of the EU assistance was grants through TACIS for various projects, with most of the remaining aid in the form of loans for macroeconomic stabilization and development. See Cameron, op. cit., p. 82.
- 58 For more on TACIS and other EU activities, see data from the EU Delegation in Kyiv at http://www.delukr.cec.eu.int/en/eu_and_country/data.htm (accessed February 14, 2002).
- 59 See the website of the institute of Mass Information at <http://www.imi.org.ua> (accessed August 3, 2002).
- 60 Cameron, op. cit., p. 83.

- 61 S. Mendelson and J. Glenn, eds, *The Power and Limits of NGOs*, New York: Columbia University Press, 2002.
- 62 Website "The EU and Ukraine," op. cit.
- 63 European Council Common Strategy of December 11, 1999 on Ukraine, Document 1999/877/CFSP, found in *Official Journal of the European Communities*, December 23, 1999.
- 64 Garnett, 1999, op. cit., p. 124.
- 65 *Zerkalo nedeli*, September 19, 2000.
- 66 Joint Statement of EU–Ukraine Summit, 11 September 2001, obtained from <http://www.europexxi.ua/english/index.html> (accessed February 14, 2002).
- 67 Council Report to the European Council on the Implementation of the Common Strategy of the European Union on Ukraine, 15195/01, December 11, 2001.
- 68 See Declarations of the EU presidency, "About Working Conditions for Media and to Remind About Concerns Regarding the Gongadze Case," 5922/01, February 5, 2001, and "On Developments in Ukraine," 8082/1/01, April 27, 2001, available at <http://europa.eu.int/abc/doc/off/bull/en/200101/p106046.htm> and <http://europa.eu.int/abc/doc/off/bull/en/200104/p106023.htm> (accessed August 3, 2002).
- 69 Speech at the European Parliament, March 14, 2001, found at http://europa.eu.int/comm/external_relations/news/patten/speech_01_121.htm (accessed July 11, 2001).
- 70 Garnett, 1999, op. cit., p. 128.
- 71 T. Lynch, "Ukraine: A New Territorial Pact for Europe?" *NIS Observed* 5, October 25, 2000.
- 72 "The Problem of Changing the Non-Integration Status of Ukraine in its Relations with the European Union," Occasional Report No. 31, Center for Peace, Conversion, and Foreign Policy of Ukraine (Kyiv), September 2001.
- 73 J. Bush, "Whither Ukraine?" *Business Central Europe Magazine*, June 2001, available at <http://www.artukraine.com/buildukraine/whitherukr.htm> (accessed August 3, 2002).
- 74 J. Checkel, "Why Comply? Social Learning and European Identity Change," *International Organization* 55, Summer 2001, 553–588.
- 75 Pavliuk, *The European Union and Ukraine: The Need for New Vision*, Kyiv, East-West Institute, 1999, p. 4.
- 76 Patten, op. cit.
- 77 For more on this notion that borrows from the idea of "path dependency," see Kubicek, *Unbroken Ties*, op. cit.
- 78 Pavliuk, "Ukraine and the EU," op. cit., p. 72.
- 79 *Ibid.*, p. 73.
- 80 Kuzio, "The EU and Ukraine: A Troubled Relationship," in J. Gower and J. Redmond, eds, *Enlarging the European Union*, Aldershot: Ashgate, 2000, p. 156.
- 81 A. Lobjakas, "Ukraine: European Union Expected to Keep Kyiv on Hold," *RFE/RL Newslines*, February 13, 2001, online at <http://www.rferl.org.nca/features/2001/02/13022001105430.asp> (accessed August 3, 2002).
- 82 Off-the-record discussion with official in Kyiv, July 2001.