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Ukraine and the European Union: a Perennial Neighbour?

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ABSTRACT As ten new states are integrated into a family of democratic European nations, Ukraine, the second largest post-Soviet state, is dismayed with the lack of progress in its own movement toward EU membership. While Kiev clamours to join the EU for both security and economic reasons, the Ukrainian government shies away from real reform at home. The paper examines dilemmas of Ukraine's 'European choice', focusing on the history of EU-Ukraine relations, Kiev's strategy, mass perceptions, and the reasons behind the EU's unwillingness to start pre-accession negotiations with the country. It concludes that the key obstacles in the way of Ukraine's Euro-Atlantic integration are of Ukraine's own making and have to be addressed domestically. Ukraine's application for EU membership will not be favourably received until the country proves itself a democracy and reaches a higher level of economic development.

KEY WORDS: European Union, Ukraine, Partnership and Cooperation Agreement, bilateral relations, public opinion

Where does Ukraine Belong?

The eastward expansion of the European Union brings it right to the Ukrainian borders. By 2007, most East European countries will have become members of the EU. Ukraine is one of the few remaining outsiders, a designated 'new neighbour' for at least ten years more, according to recently unveiled EU policy. More importantly, it is not even being considered for membership. The most Brussels has to offer is the continuation of the present Partnership and Cooperation Agreement (PCA), which falls drastically short

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of an Association Agreement, the usual first step toward the opening of membership negotiations with a candidate country.

While Ukraine's right to become an EU member state in the future has been acknowledged by the European Parliament, the executive bodies of the EU stopped short of opening membership negotiations, offering a 'wider Europe' policy instead. Will Ukraine, a country of some fifty million people, located on the intersection of strategic transportation routes that connect Europe to Eurasia, be relegated to the status of a perennial 'neighbour'? Why was it not encouraged to apply for EU membership? Geographically, there is no question that Ukraine belongs with Europe. Politically, it is an important ally, the fourth largest partner in the Coalition forces in Iraq (after Great Britain, Poland and Italy). Culturally, it is a Christian nation with fairly strong Western leanings. If economic development is an issue, Ukraine is broadly comparable to such countries as Romania or Bulgaria. On numerous occasions, Western leaders, including US Presidents Bill Clinton and George W. Bush, have suggested that the eastern borders of Europe should not run along Ukraine's western borders. The President of NATO's Parliamentary Assembly, Doug Bereuter, has recently observed that "the door to the West is open for Ukraine."¹

Why, then, has it not been considered with the latest group of applicants for 2007 entry? One possible answer relates to the EU's relations with Russia. If Ukraine is accepted, and Russia is not, these relations will undoubtedly deteriorate. Ukraine is tied to Russia in so many ways that no prudent politician would separate the two by the Schengen border. Another plausible answer is that Ukraine is not ready yet. Notwithstanding all the rhetoric of Ukraine's 'European choice', the country's elite still has to deliver policies supportive of the actual movement toward liberal democracy and the functioning market economy.

Ukraine's bid to join the EU is driven by both national interest and national identity considerations. However, post-Soviet rulers by and large failed to initiate, let alone implement, policies in support of the Copenhagen criteria of membership. Economic reform was subverted by the state-sponsored rents that created an oligarchy dependent on its political connections to a much larger degree than on business prowess or the market fortunes. Democracy degenerated into the *de facto* presidential authoritarianism, characterised by increased capriciousness and disdain for the powers of the parliament. The judiciary remained a pocket tool of the executive. Freedom of the press suffered with a series of killings of investigative journalists and the systemic assault on independent media. The parliament considered evidence that implicated President Kuchma in the unresolved murder of the Internet journalist Georgy Gongadze. The state revenue flows were parcelled into private fiefdoms controlled by presidential cronies. Provincial politics was often determined by murky business deals and the relative power of the respective rival gangs with intimate connections to the crime underworld. In short, Kiev's 'return to Europe' rhetoric was almost completely defeated by domestic policies that spoke louder than words.

Nonetheless, the European Union maintained its interest in Ukraine, and has consistently tried to engage Ukraine in the ongoing dialogue. Recently,

the EU's focus has been on human rights and the freedom of the media in particular. When assessing the situation in Ukraine in late 2001, the UN Human Rights Committee singled out threats to freedom of expression. It recommended that the government ensure that language rights of national minorities be honoured. The European Union's 2002–03 National Indicative Programme for Ukraine highlighted the need to strengthen independent media, the judiciary and public administration. The European Initiative for Democracy and Human Rights identified Ukraine as a focus country for 2002–04. The Committee on the Elimination of Racial Discrimination criticised Ukraine for racial profiling, particularly with regard to the Romany population, and called for the development of effective disciplinary measures for officials committing human rights violations. The Council of Europe stressed the lack of an independent judiciary and the lack of progress in resolving cases of murdered journalists.²

Given that the EU does recognise Ukraine's European aspirations and, therefore, does not close the door to prospective membership, Kiev met with dismay the EU decision to formally separate the 2003 'Wider Europe — Neighbourhood' initiative from the question of possible future accession. "We don't ask much from the European Union, we only want to find out whether the European Union wants to see Ukraine among its member-countries or not", stressed Ukrainian President Leonid Kuchma when speaking to the European Economic Forum in Warsaw in April 2004.³ On another occasion, Mr Kuchma expressed his frustration with the EU's unwillingness to extend an associate membership to Ukraine, in spite of the country's repeated requests to do so. "Not one of the [EU] officials has ever stated that he wants to see Ukraine in the EU," noted the Ukrainian President, citing EU concerns over potential Russian reaction as the key obstacle to Ukraine's European integration.⁴ In Ukraine's official documents, European integration has been advanced as the "core of the strategy of economic and social development of the country for the next ten years and in the long run."⁵

Official declarations leave little doubt as to the sincerity of Ukraine's European aspirations. Existing studies of EU enlargement see it as fully beneficial for new members. In a typical account, "the CEECs' [Central and Eastern European countries] desire the join the EU appears largely uncontroversial, as it conforms with both constructivist and rationalist expectations."⁶ In other words, be it material cost/benefit calculations — a staple in liberal institutionalist and rationalist explanations of politics of alliances — or considerations of identity and normative affinity that the constructivist school in international relations (IR) theory advances, a newly admitted country stands to benefit from the expected membership. What neither explanation covers, however, is the discrepancy between the membership bid and the failure to live up to the pre-accession requirements. If everything is so uncontroversial, why has Ukraine failed to move beyond its present, rather strongly resented status of a 'neighbour' to the status of an associate member? Why is the country lagging behind in implementation of its PCA, which the fifth EU–Ukraine summit in July 2002 called the basis for further development of EU–Ukraine relations?

If a bilateral relationship does not work, the root cause of the problem may lie with either side, both sides, or the circumstances beyond their control. Ukraine objectively ‘belongs’ to Europe. It does not suffer from any *force majeure* circumstances, which, had they been a factor, would have presented a temporary condition anyway. Hence, either the EU does not want Ukraine to join or Ukraine is not really ready for membership, or both. It may be the curse of a long Russian shadow as alleged by the Ukrainian President, or the country’s inability to embark on the course of genuine political and economic reforms that must be well under way to make pre-accession talks possible. Domestic analysts argue that proclamations on foreign policy “have so far been used by the government as a means to affect the public opinion and exert pressure on the electorate, especially to split voters in the eastern and western regions [of Ukraine].”⁷ This article suggests that Ukraine’s lack of success in moving closer to Europe is best explained by the domestic factors, specifically by the contradiction between the national interest and the group interests of the intrinsically undemocratic rent-seeking elite.

Ukrainian ‘oligarchs,’ or politically empowered tycoons, though few in number, represent a major force behind most policy decisions. These people’s fortunes were created in shadowy privatisation deals after the break-up of the Soviet Union. They further benefited from government largesse and corruption, which these ‘new rich’ led and institutionalised as a distinctive feature of the post-Soviet political economy. Ukraine’s ex-premier Pavlo Lazarenko, indicted in the USA on money laundering charges, is but one example. These people abhor public scrutiny and transparency that will ensue, should genuine approximation of Ukrainian law to European standards take place. They are not used to making money in the legally bound market economy. They stall democratic process, because democracy brings rule of law and, hence, their personal accountability for crimes past and present. These tycoons need the European Union for its developmental aid and financial credits, and not for its laws and regulations, advocacy of human rights and transparent business practices.

In the absence of genuine movement toward implementation of the Copenhagen criteria of membership, the ‘European choice’ rhetoric helps to achieve symbolic regime legitimisation, thus compensating for failures of domestic reform. Postcommunist governments in most CEECs had successfully used similar rhetoric to rally domestic constituencies behind the flag. As studies of eastern enlargement reveal, postcommunist regimes have championed the goal of EU membership to buttress their own democratic legitimacy via what had effectively become a “national plebiscite against state socialism.”⁸ European orientation in such countries as Poland or Hungary became an inalienable component of the three-pronged strategy of the postcommunist transition, which centred on democratisation, market liberalisation, and the revival of civil society.⁹ Europe had it all; hence, ‘returning to Europe’ meant nothing less than irrevocably leaving the state’s socialist past behind.

In Ukraine, too, the legitimacy of the postcommunist regime hinges on its ability to resuscitate development and anchor it in the images of the desired

future that can be sufficiently attractive to the people to secure their compliance, if not unreserved support. However, democratic transition in Ukraine has been noticeably less successful than in the CEECs. After observing Ukraine's 1999 presidential elections, the Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe (OSCE) had found "the widespread, systematic, and coordinated campaign by state institutions at all levels to unduly influence voters to support the incumbent President in violation of the electoral laws of Ukraine and OSCE commitments."¹⁰ Parliamentary elections in March 2002 were noted for "abuse of administrative resources" and systematic manifestations of a "political tradition that fails to adequately distinguish between State and party activities, and uses incumbency to gain undue campaign advantage."¹¹ In a recent resolution, the Parliamentary Assembly of the Council of Europe suggested that, "with regard to the forthcoming Presidential elections [in Ukraine] in October 2004, the Assembly shares the concern of many Ukrainian citizens that the election may not be truly free, fair, open and transparent."¹²

Findings like these have led a number of analysts to argue that, while there are no sharp cultural cleavages between the established EU member states and the new members from East Central Europe, profound differences in political culture on the European continent do exist and separate both East and West of Europe from the Slav successor states of the former Soviet Union, the "quasi-democracies" of Russia, Ukraine, Belarus and Moldova.¹³ Unfortunately, Ukraine's postcommunist history so far has seemingly corroborated this pessimistic assessment.

The foreign policy activism of the second Kuchma administration was called upon to compensate for institutional decay at home. As tendencies toward authoritarianism and institutionalised corruption grew, Ukraine's allegedly pivotal role for European security was 'sold' to Western donors in an increasingly feverish quest for developmental assistance. Meanwhile, economic reforms were put on the back burner. The democratic process stalled. The President manipulated a weak and divided parliament and pliant Constitutional Court to position himself to win his third term of office in contravention of the existing Constitution. Ukraine drifted further apart from Europe, even as the rhetoric of 'European choice' intensified. The European Union was faced with the uneasy task of responding to the membership overtures from an underdeveloped country with poor liberal-democratic credentials.

Limited Cooperation

The European Union's relations with Ukraine got off to a slow start. When the end of the Cold War confronted the European Union with the question of a potential expansion, a decision was made to develop a new kind of cooperation document that bore only formal resemblance to the Europe Agreement offered to prospective applicants for membership. Partnership and

Cooperation Agreements (PCA), extended to Ukraine and some other post-Soviet states, did not address the issue of future membership, carried no formal obligations and were largely advisory in nature. Meanwhile, Europe Agreements were offered to the CEECs with similar state-socialist backgrounds.

It has been a point of some debate whether the EU's original disinclination to treat the post-Soviet states' requests of association with the same promptness and on the same footing as those of the CEECs was prompted by considerations of identity, geopolitical reasoning, or organisational expediency. Perhaps it was a lack of confidence in the ability of the former core Soviet republics to reform, or, perhaps, a need to keep the EU manageable and avoid potentially destructive consequences of an institutional overstretch. Straightforward rejection on the grounds of identity is particularly noteworthy, as pundits occasionally refuse to entertain even the remotest possibility that some of these countries might have a legitimate claim to membership of the EU: "Consider the case of Russia: who wants Russia to share the values (and benefits) of EU membership? Who believes that Russia can share the values of NATO?"¹⁴ It is no accident that the EU's celebrated PHARE aid programme for economic restructuring, which was originally designed as a pre-accession instrument, initially targeted only Poland and Hungary, and indeed carried the two countries' names in the acronym. Meanwhile, the TACIS programme, more limited in scope, was extended to the post-Soviet states.¹⁵

If Ukraine truly is a country in Russia's shadow (although, one might ask, is Lithuania not?), negotiating a Europe Agreement with Ukraine could have been ruled out from the start, thus nullifying the country's efforts to prove itself worthy of formal association. Perceptions of the 'Russian curse' over Ukraine may well be fed by a Western complex that Henry Kissinger describes as the "vague dread of Russia's vastness and inscrutability."¹⁶ According to this train of thought, the EU's decision to accommodate Russian foreign policy, which, it is believed, 'historically' seeks "to dominate neighbors where they cannot be subjugated," resulted in abandoning Ukraine to the Russian sphere of influence.¹⁷ Those who subscribe to this idea see Ukraine as little more than Russia's satellite or a potential *cordon sanitaire* separating Russia from Europe. Either way, discussion of Ukraine's potential membership of the EU becomes a footnote to a larger debate on the so-called 'Russian issue.'

Be it for these or some other reasons, the decision to extend previously unheard-of PCAs, rather than the regular Europe Agreements, to the post-Soviet states resulted in Europe's factual division into three parts: present EU members, candidates for membership, and non-candidate 'partners.' Ukraine was left with an impression that European leaders were not prepared to entertain the possibility of Ukraine becoming a full-fledged member of the European Union. This was a hard blow for Ukrainians who, together with former Foreign Minister and staunch Westerniser Borys Tarasyuk, believed that they were no different from "Eastern Germans and other former Warsaw Pact countries ... separated from the

European mainstream for decades.”¹⁸ To catch up with East Central Europeans, Ukrainian leaders decided to jump on the bandwagon by joining the Central European Initiative and launching, together with other countries of the region, the Organisation of Black Sea Economic Cooperation. Kiev had also been a driving force behind the Baltic-Black Sea cooperation initiatives, including the September 1999 summit in Yalta, where Leonid Kuchma pleaded with prospective members of the European Union over the question of potential visa barriers to Ukrainian citizens.

In spite of all the fervour on the part of the Ukrainian government, neither EU member states nor the CEEC candidates have shown much support to the idea of Ukraine’s prospective membership. In 1991–92, Europe looked at Ukraine as a Soviet heir *par excellence*. This was evident in Europe’s preoccupation with Ukraine’s nuclear weapons — the question that the Trilateral Agreement with the USA and Russia had finally put to rest on 14 January 1994 — and in the predominant concern over Chernobyl’s closure until the end of 2000. The EU’s technical assistance to Ukraine was concentrated primarily in the energy sector, and the main concern was with Ukraine’s readiness to carry out those Soviet obligations that could reasonably be seen as falling into its sphere of competence.

Internally, Europe’s first priority through the early to mid 1990s was to deepen integration on the basis of existing membership. Externally, the Balkans, the evolving transatlantic relations, and the uncertain fate of Russian reforms presented more pressing challenges. The issue of prospective eastern enlargement was debated primarily with the Visegrad countries in mind. The western periphery of the former Soviet Union, with the exception of the three Baltic states, had simply never entered the picture. This apparent lack of interest on the part of the European Community had arguably contributed to the decline of reform spirit in such countries as Belarus and Ukraine.

Europe was slow to start judging Ukraine on its own merits. In early 1992, a decision to launch Programmes of Technical Assistance to Ukraine was adopted. The September 1992 meeting between Leonid Kravchuk and the President of the EC Commission, Jacques Delors, had paved the way to formal negotiations on the Partnership and Cooperation Agreement. On 14 June 1994, Ukraine became the first among the newly independent states of the former Soviet Union to sign such an Agreement, and progressed toward a rather speedy parliamentary ratification by the *Verkhovna Rada* in November same year. At the time, the event passed largely unnoticed by the Ukrainian public, which was more preoccupied with triple-digit inflation. For the EU, the Agreement was mostly ceremonial in nature. Institutional consequences included the reciprocal opening of diplomatic representations, the creation of the Joint Ukraine-EU Committee, and regular bi-annual Ukraine-EU meetings at the level of Ministers of Foreign Affairs. At the same time as the EU bureaucrats worked closely with the CEECs at closing one after another chapter of pre-accession negotiations, their interest in all affairs Ukrainian, save the closure of the Chernobyl power plant, remained minimal and mostly symbolic in nature.

Trade and Finance

This mostly symbolic ‘partnership’ started gaining some substance thanks to an increase in bilateral trade. By 1997, bilateral relations were dominated by the European concerns over Ukraine’s alleged ‘dumping’ of textiles, coal and steel products on European markets. Since the economy of the Soviet Ukraine was largely structured by the demands of the former Soviet military-industrial complex, the newly independent Ukrainian state could not but inherit production capacities well fit to equip the army, but poorly adjusted for modern civilian consumer tastes. As a result, Ukraine became a rather successful exporter of tanks and military equipment but could not offer automobiles, consumer electronics or other high value-added goods for mass consumption. What it could offer to Europe was staple goods, metals, textiles, agricultural produce and chemicals, all exports of the so-called ‘sensitive’ group, judging by the EU protectionist yardstick. These ‘sensitive’ goods account for more than two-thirds of Ukraine’s exports to Europe, and for about one-third of those of neighbouring Russia and Belarus.¹⁹ When the EU decided to ‘regularise’ the issue, it could mean but one thing: restrictions on trade with Ukraine.

The Agreement between the European Communities and Ukraine on Trade in Textile Products was signed in May 1993, and renewed in December 2000. An agreement between the ECSC and Ukraine for bilateral trade in steel expired on 31 December 2001 and was replaced by a system of autonomous import quotas to the EU. A temporary Agreement on Trade and Issues Related to Trade between Ukraine and the EU was concluded on 1 June 1995. Also in 1995, the Joint Ukraine-EU Committee held its first session, which was fully devoted to discussion of economic matters.

It took some time before the EU had finally granted Ukraine the status of a transitional economy, which somewhat improved Ukraine’s terms of trade with European countries. In 1995, Ukraine received 110 million dollars in credits from the European Union, and an additional 34.7 million dollars in credits from the European Bank for Reconstruction and Development. The following year, the EU had followed with the TACIS indicative programme of assistance to Ukraine for 1996–99. The EU/G7 joint action plan on restructuring Ukraine’s energy debts bought the country some time for its sorely delayed reforms. Finally, over the course of ten years in 1992–2002, the EU has become Ukraine’s largest donor, contributing 1.072 billion euros total from EU funds, and an additional 157 million euros from the member states in 1996–1999 alone.²⁰

Political and Legal Matters

By the late 1990s, the focus of European concerns had shifted back from mostly economic and environmental issues to a political and legal agenda. If, at the beginning of the decade, Europe could actually buy the idea, oft-cited in Ukraine, of the country’s “natural place in the European family among other European nations,”²¹ as the turn of the century approached, it became

obvious that Ukraine's 'natural' birthright had to be supplemented with more tangible signs of seriousness about integration. Such indications could only be obtained in the demonstrable approximation of legislation and the ability to meet political and economic criteria for membership.

The question of approximation of the legislation of Ukraine to that of the European Union dominated the agenda of the Copenhagen summit between the EU and Ukraine on 4 July 2002 and, even more so, of the Yalta summit on 7 October 2003. By that time, Ukraine had made some progress in institutionalising its intentions with the creation, by the Decree of the President of Ukraine of 30 August 2000, of the National Council for Approximation of the Legislation of Ukraine to that of the European Union. After the Copenhagen summit, another institution, namely the State Council on European and Euro-Atlantic Integration of Ukraine, had entered into existence, coordinating its activities with the Committee for European Integration of the *Verkhovna Rada* (parliament) of Ukraine. Finally, on 18 March 2003, the National Programme for Approximation of the Legislation of Ukraine to that of the European Union passed into law, provisioning review of draft laws of Ukraine for conformity with the European *acquis* and creation of the Coordination Council, headed by the Prime Minister and charged with the task to oversee all technical aspects of implementation of the programme.

Admittedly, Ukrainians did not excel in moving beyond rhetorical declarations of the government, now supplemented with some comparative legal research and translation of the European law acts into Ukrainian language. Whereas transitions in East Central Europe had by and large achieved their interim goals of democratic consolidation and economic growth by the mid to late 1990s, the same goals remain very much on the agenda of the present-day Ukraine. It is no accident, therefore, that Ukraine's Partnership and Cooperation Agreement did not come into force until March 1998. In 1995, Ukraine was also among the first Commonwealth of Independent States (CIS) states to be admitted to the Council of Europe. Yet, soon enough it teetered on the edge of expulsion over numerous human rights violations, the death penalty being just one of them. The country's grave problems with freedom of speech had put its President on the list of the worst enemies of freedom of the press in the world in 1999, 2001 and 2003. Independent observers maintain that both presidential elections in 1999 and parliamentary elections in 2002 were rigged. The abuse of the so-called 'administrative resources,' or outright pressure by the government, to secure the compliant vote is freely admitted by the country's policy makers. Market reforms have been sluggish, and the changes actually implemented succeeded in pushing the country away from the mainstream of legally bound, transparent market practices that the EU seeks to uphold.

Preparations for the 2004 presidential elections in Ukraine have demonstrated the weakness of the ruling regime's commitment to the principles of democracy. The 13 December 2003 resolution of the European Commission for Democracy through Law (Venice Commission), though noting the approximation efforts to get closer to the standards of the European law, has warned Kiev that "the precise solutions chosen in the various drafts do not

yet seem to have attained that aim and introduce other amendments to the constitution that would appear to be a step backwards.”²² The Parliamentary Assembly of the Council of Europe (PACE) expressed its concern over the attempts by the President of Ukraine to amend the country’s Constitution to secure a third term in the office for himself. PACE noted that “any decision reforming the constitutional election rules taken on the eve of presidential elections is likely to be biased and divisive” and urged the pro-presidential majority in the *Verkhovna Rada* to reconsider a number of proposed amendments to the Constitution, “all of which conflict with the principles of democracy and the rule of law.”²³

Back to Europe?

Any unbiased observer of Ukraine’s foreign policy orientations sees a double-headed Janus. The government traditionally specialises in wearing a Europe-friendly face, while the people exhibit an aloof, largely disinterested, sceptical or, at best, marginally pro-Western countenance. On the one hand, Ukraine’s determination to apply for EU membership dates back to the 1993 ‘Main Directions of Ukraine’s Foreign Policy’. In 1994, the country’s first post-Soviet President, Leonid Kravchuk and, in 1996, Leonid Kuchma declared joining the European Union to be a key foreign policy priority. On the other hand, sociological polls demonstrate that European identity remains alien or, at best, peripheral to the majority of the population. A deeper look reveals that support of Ukraine’s European integration efforts is thin, even inside the government. Spokespersons for the elite cannot help but complain that, “at the moment, it is hardly possible to assert that integration with the EU has already taken its due place among priorities of the central government and local administrations.”²⁴

Ratification of the Partnership and Cooperation Agreement has added some speed to Ukraine’s European integration efforts. On 11 June 1998, a presidential Decree on Strategy for Ukraine’s Integration into the EU was adopted. The Decree vested Ukraine’s government and public administration officials with the task to meet all preconditions for EU membership by 2007. Ukraine’s government departments and individual ministries started drafting sectoral programmes of Ukraine’s integration with the European Union. The Strategy’s aims, in its own words, are to “ensure involvement of Ukraine into the European political, economic, and legal space and acquiring on this basis of a status of the EU associated member.”

After the presidential elections of 1999, when Kuchma tried to don the image of a vigorous Westerniser, Ukraine’s ‘European choice’ was elevated to the status of an *ersatz* state ideology. Associated membership of the EU has been officially proclaimed as “the main foreign policy priority of Ukraine in the middle-term perspective.”²⁵ All government departments are now offered ‘guidelines to the integration process’ which cover such areas as approximation of legislation to the EU standards, liberalisation of trade and limitation of protectionist measures, cooperation in foreign policy and security, democratic consolidation, reform of social policy, regional and sectoral

cooperation, and protection of the environment. European integration is assertively articulated as a mainstream strategy for the country's political, social, and economic development.

However, both domestic and foreign observers have raised concerns over the fact that there has been no tangible advancement towards Ukraine's meeting any of the Copenhagen criteria for membership. On the contrary, as Ukrainian experts acknowledge, there is a growing feeling of the increasing distance between Ukraine and an integrated Europe. This feeling intensifies as "the region of the Central and Eastern Europe, in which Ukraine has traditionally attempted to play a noticeable role, is undergoing stratification into those for whom European integration has become an item of the current political agenda and those for whom it exists only as an abstract ideologem. Ukraine belongs to the latter group."²⁶

Why does Ukraine Lag Behind?

The openly sceptical treatment of Ukraine was best demonstrated by the pressure that the EU applied to the CEECs over the question of strengthening border controls with Ukraine, once the Schengen system applies. The more Kiev insisted on wiping out the last of the dividing lines in Europe, the more convinced the EU grew of the necessity to do just that. The country's dismal economic performance has transformed it into a huge source of would-be immigrants that western Europe is not quite prepared to embrace. The elite's unwillingness to reform the economy, which follows 'neo-feudal' patterns of redistribution to a much greater extent than market principles, has resulted in the 60 per cent downturn of industrial capacity since 1989. Economic migrants, including seasonal labour migrants to Russia and the CEECs, number in millions. The last few years of growth (2001–04) were not enough to bring Ukraine's gross domestic product back to the level of Soviet times.

The Schengen line is also a boundary that separates countries that conform to the norms of justice and home affairs prevalent across Europe from the countries that are guided by a quite different set of domestic legal and para-legal rules. Ukraine, like the 'neo-sultanistic' Belarus it neighbours in the north, does not fit well into the European common zone of justice. Apart from the more arcane issues of adoption and implementation of the *acquis communautaire*, Europeans have grown tired of admonishing Kiev about its continuing attacks on basic human rights and freedoms, freedom of the media being but one, though a prominent, example. Respect of human rights further translates into such issues as crime control and prevention. In a politically oppressed, economically devastated, poor and mismanaged country the crime rate is bound to go up, which creates yet another reason why the EU would prefer to keep Ukraine on the other side of the Schengen border.

The prevalent vision in the EU at the moment is that Ukraine, although an unquestionably European country from historical and geographical points of view, still has a long way to go before it is considered for an associate membership. The September 2001 Yalta summit between the European Union and Ukraine revealed open scepticism regarding Ukraine's European

prospects on the part of the EU leaders. While they acknowledged that Ukraine was moving along in economic development, it was impossible to mute criticism with respect to the lack of progress in economic reform. Moreover, at the time of the summit, Ukraine remained wide open to the rampant corruption of government officials and their close associates, the notorious ‘oligarchs.’ The EU also acknowledged that the government in Kiev failed to guarantee conditions for a free and open press. As the EU spokesperson Rejo Kempinen said, “Of these issues, I would say that politically for us the most important thing is that we wish to deliver across a strong message to the leadership of Ukraine that if they are serious about the country’s European choice and about putting the recent scandals behind them, they must demonstrate their readiness to do so.”²⁷

In spite of its European rhetoric, the political system in Ukraine exhibits features that cannot but evoke reminiscences of corrupt authoritarian regimes in less developed regions of the world. The executive’s dominance over the country’s politics, revealed in presidential manipulations of the parliament and regional subservience to the centre, is the key issue. The suppressed and intimidated judiciary can not stand up to the President. Only servile media exists; dissidents lose their licences and are forced to close. Against this background, it seems almost a subordinate issue that the present state of Ukraine’s legal system disallows concrete ‘chapter’ negotiations on various aspects of the *acquis communautaire*. As the Deutsche Bank researchers noted, “the ‘numbers game’, i.e. a purely quantitative view on how many chapters (topics) have been dealt with, does not reflect the substance. Real advancement depends more on the quality of progress each applicant has made in the critical areas than on the number of chapters opened or provisionally closed.”²⁸ The adoption of the *acquis communautaire* requires not only legal, but also institutional change of a great magnitude, the creation and/or in-depth transformation of administrative or judicial bodies which oversee the legislation. Ukraine is presently ill-prepared for such a change.

This adds to a feeling of exclusion that the country’s elite shares with the population at large. As Kuchma said, “there is a real fear [in Ukraine] that the old Iron Curtain can be replaced with a different, more humane but no less dangerous Paper Curtain. Ukraine is disturbed about this.”²⁹ Even so, Kuchma’s own behaviour in numerous circumstances, from the obstruction of parliamentary investigation into the murder of investigative journalist Georgy Gongadze to the alleged approval of the clandestine arms sales to Saddam’s Iraq, to the rigging of elections and silencing of the media, does not promote a positive external image of the country. As Ukrainian experts put it, in the EU “perception of Ukraine has been reduced to perception of one person, who ... is personally interested that the West does not disturb him by reminding about democracy and some standards of the rule of law state, and who ... is defending his own power, naturally in a company of very specific forces grouped around him.”³⁰ In this environment, lofty foreign policy declarations may serve but one purpose: to cover domestic cynicism and brutality.

The Arguments of the Elite

The Ukrainian elite sees European integration as a key to successful capitalist development. There is an almost universal consent that membership of the EU must be a sure road to prosperity. Meanwhile, the country's related political, economic and legal obligations are poorly understood and, judging by the tantalisingly slow pace of institutional reform, have not yet been seriously embraced. Ukraine's ruling class members approach the whole issue in a consciously self-indulgent manner, negotiating admittance to the EU almost as an occupational or club privilege. There is an equally sincere appreciation of membership as a magic key opening floodgates of international aid and investment. Massive financial injections are needed to mend the economy devastated by more than a decade of plunder by the postcommunist rulers. Close association between the originators of Ukraine's European quest, political and business figures affiliated with the President, and the 'oligarchs' created in the regime-sponsored pillage of the economy does not help the country's image abroad.

The arguments of the elite in favour of Ukraine's integration with Europe are mostly uncontroversial. However, they may sound a bit distant from the day-to-day problems of common people. First, it is said that Ukraine needs to cooperate with European institutions to promote democracy and market economy. While few would dispute that democracy and market economy are generally good things and, in the long run, might serve the population well, what is not uncommonly taken as 'market economy' in all post-Soviet states, save the Baltics, has so far caused them more harm than good. As far as democracy goes, multi-party elections, preferable though they might be to one-party rule, do not bring much genuine political pluralism to the people who lack the financial and organisational resources required for meaningful participation in political life. Add to this the numerous 'irregularities' of the post-Soviet elections, the blatant use of the 'administrative resources,' that is, outright pressure of the powers-that-be on local authorities and the electorate, the sorry situation regarding the freedom of the press and other distortions of the democratic process, and Ukraine's democracy for the powerful becomes a sad caricature of democracy for the rest of the nation.

Second, the European Union is perceived as potentially a strong trading partner. Ukraine is well aware that common European export and import markets are among the largest in the world. These markets are also among the most coveted by all developing economies. With its population of more than 370 million people, the European Union currently accounts for roughly 18 per cent of world imports and 19 per cent of world exports, compared to, respectively, 21 and 16 per cent for the US markets.³¹ As Ukrainian liberal analysts assert, "for any country, cooperation with the EU can provide considerable economic dividends, which in turn promote higher living standards for the bulk of that country's populace."³² In Ukrainian business circles, there is a widespread consensus that trade with the European Union is bound to grow. It is less clear, however, whether symmetry in Ukraine's

trade with the EU can be achieved in the foreseeable future, or indeed whether trading with Europe can, in the short run, be equally beneficial to both sides, as liberal theorists tend to believe.

Indeed, by the start of the twenty-first century, the European Union became Ukraine's second largest trading partner, yielding only to Russia and the CIS in importance. The relationship is far from symmetrical, however. While approximately 22 per cent of Ukraine's foreign trade is generated on the EU markets, EU trade with Ukraine, currently at 0.4 per cent of its total foreign trade, is negligible.³³ Russia and other CIS countries remain Ukraine's largest foreign trade partners, taking in 35 per cent of Ukraine's exports and accounting for 60 per cent of its imports in 2000.³⁴ In 1999–2001, EU-Ukraine trade fell sharply as a result of the 1998 economic crisis in Russia and the CIS. Even so, the EU maintains trade surplus with Ukraine, and the structure of trade, still dominated by raw materials and commodities on the Ukrainian side, versus manufactured goods on the side of the EU, clearly does not favour Ukraine, should the plans of a free trade zone with the EU come to fruition. Only increased foreign direct investment (FDI) and thorough modernisation of the Ukrainian economy can remedy the problem, as both Ukrainian and European economists acknowledge. Ukrainians lament, however, that the EU's decision to "help Ukraine advance the process of economic reform by enhancing the impact of economic policy advice"³⁵ does not go far enough to facilitate FDI at a level that would launch that much-needed breakthrough in bilateral economic relations.

Ukrainians believe that associate membership of the EU will automatically guarantee increased levels of financial sponsorship and support to the failing Ukrainian economy. It is true that the economic assistance of the EU and its member states to Ukraine is significant. However, the EU is not a panacea to Ukraine's economic problems. Only domestic reform can solve the issues that hamper Ukraine's economic development. For a short-term perspective, gaining an entry into the World Trade Organisation can be a more important and more realistic goal for the struggling country.

The sixth annual EU-Ukraine summit on 8 October 2003 saw President Kuchma acknowledging that Ukraine is not yet ready to join the EU:

I can say completely openly that at present, by any standards, Ukraine is not ready to be a full-blooded member of the European Union. But we are setting ourselves a task, as ambitious as it is, to achieve those standards. Therefore, we're going to stop making declarations about a timetable to become part of the European Union and [instead] we will convince our politicians and society that to be there we need to merit [the right to be in the EU].³⁶

Rhetorical flourishes aside, there is a growing understanding in Ukraine that international alliances, however powerful, can only achieve a limited amount in addressing the most burning issues of economic development, democratic reform and domestic governance in their aspirant nations. There is also an avid desire to develop new instruments of regional integration in the post-Soviet space: a recent conclusion of the agreement on the creation of a single economic space with Russia, Belarus, and Kazakhstan has demonstrated

Ukraine's willingness to use all forms of regional cooperation for the purposes of national development.

Public Opinion

Among broader segments of the Ukrainian population, there is still an apparent lack of understanding of what exactly the country's 'European choice' means and how the proclaimed goal of integration with Europe is to be achieved. Even though 57–60 per cent of Ukrainians support the country's membership of the European Union, near one third remain undecided. One in two can not imagine himself or herself a citizen of a united Europe. Only slightly more than one third (37 per cent) can.³⁷ Time and again, surveys show that the European identity of the Ukrainian population remains less than fully developed and often loses out in comparison to the post-Soviet, Eastern Slavic, ethnic, national and local identities.

The Ukrainian public is concerned about the potential cost of EU integration. Almost half believe that the European Union treats Ukraine unfairly. Close to half of the population fear financial or economic dependence on the EU. Prospective imposition of foreign values worries 12–13 per cent of the population. An equal number detest seeing Ukraine in the role of a supplicant, an apprentice or a 'junior brother' of more advanced European countries.³⁸ A number of people perceive Ukraine's integration into the EU as a "difficult and tedious process" and associate necessary reforms primarily with further economic hardships.³⁹ These factors have contributed to the 10 per cent decline in support of EU integration in less than one year. By the time of the 2002 survey, only 47 per cent remained in favour of Ukraine's full membership of the EU, while 23 per cent turned against the idea. As noted by a leading pollster, a quarter of the population "does not have a clear attitude" on the issue.⁴⁰

The hesitance of the people is echoed in the politics and policies of the government. More than one observer of Ukraine's European integration efforts has lamented the lack of enthusiasm that various departments and levels of the government exhibit when it comes to implementing changes necessary to move the European agenda forward. Domestic analysts note the virtual absence of a "sharp but informed debate on the question of European integration, which would be based on a comprehensive analysis of the benefits and burdens, the pluses and minuses ... the pros and cons" of such an integration.⁴¹ On a more basic level, it is not entirely clear how integration itself is understood — on the level of a process and especially on the level of anticipated outcomes.

The government does understand that mass emigration to the West will be one of the immediate consequences of Ukraine's inclusion in the Schengen zone. In 1999, the year when the economy hit the bottom after near ten years of constant fall, as many as one third of respondents were ready to leave Ukraine for another country of permanent residence, should an opportunity present itself. This proportion increased in parallel to the educational attainment level: from 38 per cent among those with complete secondary education

to 46 per cent among professionally qualified specialists. The desire to emigrate was highest among students, 65 per cent of whom expressed their willingness to leave Ukraine permanently.⁴²

Unsurprisingly, the young and better-educated are among the strongest proponents of Ukraine's Western orientation. In 2001–2003 surveys, these people rallied behind the 'western vector' of foreign policy, while the 'vector' toward closer cooperation with Russia was supported mostly by older respondents, residents of Ukraine's eastern and southern regions, and supporters of the parties on the left: the Communists and the Socialists.⁴³ Looking beyond Russia *per se*, Ukrainians are focused mostly on the East European, or even more narrowly, the Eastern Slavic field of interaction. With the exception of pro-Western pundits and residents of the westernmost borderlands, the majority of the population exhibits little, even if slowly growing, enthusiasm with the pro-western course of the government (see Table 1).

Table 1. Foreign Policy orientations of the Ukrainian population (%)

What is your preferred vision of Ukraine's political development?	1994	1995	1996	1997	1998	1999	2000	2001
Closer ties with members of the Commonwealth of Independent States (CIS)	41	39	32	24	23	19	15	16
Cooperate with Russia; strengthen East Slavic bloc	18	15	14	29	23	29	27	36
Develop the Baltic-Black Sea Alliance	2	0.8	0.9	0.8	–	1	–	–
First of all, develop relations with western countries	13	14	16	14	15	16	17	13
Self-reliance; strengthen independence	13	14	19	16	29	20	26	21
Different regions of Ukraine should choose their own ways	4	4	5	4	–	4	4	3
Don't know, no answer, other	12	13	14	13	11	12	12	10

Sources: Politychnyi portret Ukrainy 20 (1998): 6; survey data of the research centre Democratic Initiatives (Kyiv, Ukraine), representative national polls, 1200 <N< 1810, $p < 0.05$. See also O. Stegnyy (2002).

Table 2. Regional preferences in Ukraine's foreign policy orientations (%)

Region of residence	1 (relying on CIS)	2 (Russia priority)	3 (Russia- Belarus Union)	4 (with the West)	5 (domestic potential)	6 (priority to regions)
Kyiv	23	15	14	42	38	14
Northern	37	19	27	27	31	7
Central	18	19	27	17	24	10
Northeast	25	17	42	19	25	8
Northwest	26	12	9	43	59	8
Southeast	31	26	29	22	19	9
Western	16	7	2	50	43	14
Southwest	19	21	2	33	48	27
Southern	32	29	37	16	11	13
Eastern	24	34	47	14	13	14
Crimea	28	26	44	11	11	8

Source: April 2001 nation-wide poll, conducted by the SOCIS research centre, N = 1200. Center for Peace, Conversion and Foreign Policy of Ukraine (2000b).

The second most popular choice in foreign policy orientations is self-reliance, or more or less clearly pronounced isolationism and parochialism. In 2001, the inward-looking choices of "relying on domestic potential" and "development of Ukraine's regions as priority" trounced the western 'vector' in aggregate. Preferences for an isolationist course in foreign policy and demands for more attention to domestic and regional problems were registered across Ukraine's regional spectrum from the West to the East, with the exception of the south-eastern regions and the Crimea, where this attitude, though present, was less accentuated (Table 2).

Table 3. Attitudes toward Ukraine's potential membership of international alliances.
Should, in Your Opinion, Ukraine Seek Accession to ...? (%)

Alliance	Definitely so	Rather yes than no	Rather no than yes	Definitely no	Difficult to say
NATO	11	20	18	22	30
EU	20	36	9	8	28
Russia-Belarus Union	31	21	14	14	20
It should continue to be a neutral country	15	17	20	19	28

Sources: SOCIS Center for Social and Marketing Research, Kiev, November 2000 nation-wide poll, N=1200, via <http://www.uamission.org/pres-rel/2000/pr-r-0112.htm> (accessed 3 January 2002).

The November 2000 survey showed that more than half of the polled backed Ukraine's membership of the EU.⁴⁴ Only 17 per cent in the aggregate opposed it. However, as sociologists noted, some people supported Ukraine's membership of both the EU and the Union of Russia and Belarus (see Table 3).

Ukrainians are realists and know who their friends and allies are. The fact that leaders of the European Union give Ukrainian aspirations of membership short shrift has not passed unnoticed by the populace. The EU's response to Ukraine's European campaign has been frigid from the start, and could only go from bad to worse once facts on corruption and power abuse in Kiev became known through numerous reports by local journalists. Meanwhile, Ukrainian-Russian relations have actually improved since the conclusion of the 'big' treaty in 1997. Ukrainians welcome improvements in bilateral trade, stronger and mutually beneficial cross-border ties, and Russia's help in solving Ukraine's energy problems. These facts find their reflection in the mass consciousness and the political preferences of the population.

Conclusion

While Kiev believes that the declaration of Ukraine's intent to join the EU is enough to merit reciprocity, more tangible signs of the acceptance of Western values are needed. A steady movement toward implementation of at least some of the Copenhagen criteria of membership would be a welcome indication of Ukraine's real, and not only rhetorical, progress on its way 'back to Europe.' In 2002, NATO leaders declared Ukraine's goal of full integration into Euro-Atlantic security structures contingent on "respect for human rights, the principle of separation of powers and judicial independence, democratic elections in accordance with Organisation for Security and Cooperation in Europe (OSCE) norms, political pluralism, freedom of speech and press, respect for the rights of national and ethnic minorities, and non-discrimination on political, religious or ethnic grounds." To demonstrate its progress along these lines, Ukraine would have to start by adopting "all relevant legislation in pursuit of these policies."⁴⁵ Ukraine's clamour for associate membership of the European Union is unsustainable without clear evidence of the country's progress in systematic adoption (and implementation) of the *acquis communautaire*. For the moment, this evidence is sorely lacking.

And yet, the EU has no other choice but to take Ukraine's aspirations of membership seriously. Ukraine is important strategically and economically. For the EU, the only viable policy is therefore to intensify its attempts at engaging Kiev on the whole gamut of issues indicative of the country's progress toward self-differentiation in preparation for prospective associate membership. The 'wider neighbourhood' policy must not become a way toward creation of Europe's permanent ghetto of undesirables.

The importance of Ukraine for international security is not determined by its role of a *cordon sanitaire* separating Europe from the potentially

'unstable' Russia. The opposite is true: should an acute ethno-political or economic crisis occur, Ukraine might become a source of instability itself, spewing millions of refugees and economic migrants across the Schengen border. Economically, Ukraine's significance as the transportation corridor for the exports of Russian gas in Europe is well established, as has been the fact of Ukraine's siphoning off some of this gas in transit. After the accession of Poland, Hungary and Slovakia — all nations to which Ukraine is connected by thousands of ties — the country now sits on the borders of the expanded European Union, while contemplating annual losses of 250–350 million dollars in 'neighbourhood' trade alone.⁴⁶ Ukraine's recent agreement to form a free economic zone with Russia, Belarus and Kazakhstan is an obvious solution to this predicament. Once again, the country's stability can only be guaranteed by its political and economic development, and Ukraine's development can only succeed if the country is on good terms with both Russia and the European Union.

That is why, at the September 2001 summit in Yalta, the EU had reconfirmed its "commitment to continue support of democratic development, human rights, the rule of law and market oriented economic reforms" in Ukraine, with a view to "strengthening Ukraine's European orientation."⁴⁷ The March 2003 Joint Report, although raising concerns over judicial reform and the implementation of legislation, media freedom and the rights of journalists in Ukraine, proclaimed an "intention to consider a new proximity policy" toward Ukraine in the context of the Wider Europe initiative.⁴⁸ The European Union has also called on Canada and the USA to take part in a joint effort to help Ukraine with its economic and political reforms.

When all is said and done, the question remains whether this generous assessment of Ukraine's readiness to join with the West is not overtly optimistic. What does Ukraine's 'European choice' mean for Ukrainians themselves? Does it mean fine-tuning the country's foreign policy to rhetorically rally behind the Western flags? Or does it mean embarking on a much more difficult path of genuine reforms at home? If Ukraine is finally ready to embrace Western values in practice, and not only in shallow declarations of the government, what domestic social and political forces are capable of achieving this?

Ukraine's present administration is ill-suited to lead the country's European integration project. Ukraine's hopes therefore hinge on the results of its presidential elections. Pending the hoped-for change in the composition of the country's ruling class, precious little can be accomplished in regard to the issues that matter most: from transparency in economic and fiscal policies to the real separation of powers and independence of the judiciary, to human rights and freedom of the media. Without real advance along these lines, even the best and most elaborate action plans will fail to move integration forward an inch.

While Ukrainians wait, and hope for the best, getting a Schengen visa is not a life priority for the vast majority of citizens. They know that the country's most pressing problems — corruption, poverty and the decade-long slide toward authoritarianism modelled on the neighbouring Belarus — will

not be stopped by external interventions. They believe that matching Russia's current level of development should be Ukraine's first step on its way to Europe. For many, Ukraine's own version of an active regional policy is more important than largely ceremonial relations with the West.

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Notes

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