

## The European Union in the Mirror of the Ukrainian Crisis (2013–2014)<sup>1</sup>

Andrzej Szeptycki

*Uniwersytet Warszawski*

In November 2013, largely under the pressure of Russia, the Ukrainian authorities decided not to sign the association agreement with the European Union (EU). Such decision led to massive social protests in Ukraine, and ultimately to a major political crisis. In February the president Victor Yanukovich was overthrown. In counter-reaction the Russian Federation invaded the Ukrainian Crimea and launched a proxy war in the Eastern Ukraine.

If the strength of the pro-European protests was an opportunity for the European Union, the recent developments in Ukraine has also pointed out some weaknesses of the EU policy towards its Eastern neighbourhood. First, EU has been unable to present an association offer which would be truly attractive and reliable for the post-Soviet Ukraine in the period of deep economic crisis. Second, the Ukrainian crisis has shown that EU is unable to react quickly and decisively to challenges rising in its neighbourhood. Third, the European Union remains unwilling to engage into open confrontation with the Russian Federation over the common neighbourhood, which is due both to the role of Russia as EU political and economic partner and the specificity of the EU power in international relations. Within this context the EU diplomacy was replaced by the most influent member states, which are highly interested in the EU cooperation with Russia and/or Ukraine.

*Keywords:* Ukraine, European Union, association agreement, Euromaidan, annexation of Crimea, war in Donbas

Ukraine is an important European country and a major challenge for European Union (EU) diplomacy. Like Turkey, it aspires to the membership in the EU, but its politico-cultural specificity, borderland, ‘in-between’ position and size considerably impede its integration with the Union and contribute to the instability of the region.

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**Andrzej Szeptycki** – Doctor of Letters, Institute of International Relations, Faculty of Journalism and Political Science, University of Warsaw.

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This has become particularly true since the beginning of the politico-military crisis in Ukraine (2013–2014), dubbed during its first phase as ‘Euromaidan’.

The Ukrainian crisis, ignited by the decision of the country’s authorities to refrain from signing the association agreement with the EU (November 2013), led to massive social protests, which left 100 people dead, toppled down the pro-Russian president Victor Yanukovich (February 2014) and, in consequence, provoked the Russian aggression against Ukraine; the Russian Federation annexed the Ukrainian Crimea and launched an undeclared war against the new Ukrainian authorities in the eastern part of the country through the proxy separatist groups and later the Russian military forces.<sup>2</sup>

The ‘Euromaidan’ has become a major crisis in the EU’s neighbourhood, comparable only to the Yugoslav Wars in the 1990s or the ‘Arab Spring’. The events in Ukraine have proved that despite internal problems, the European Union still disposes of considerable soft power, especially in the eastern neighbourhood. However, it has also exposed considerable weaknesses of the EU’s policy towards the region, such as limited attractiveness of its politico-economic offer, excessive length and rigidity of decision making procedures, inability to effectively oppose the Russian expansion in the region. These deficiencies were partially compensated by the activities of the most important EU states, which directly engaged in the resolution of the Ukrainian crisis.

## 1. EU soft power

While the eurosceptical political forces are growing in force in the Member States, as proved by the elections to the European Parliament in 2014,<sup>3</sup> in Ukraine the population was ready to engage in open and, as it turned out, bloody confrontation with the authoritarian leadership to defend the European choice.

Since the beginning of the protests in Kyiv and in other Ukrainian cities, the European Union or Europe became one of the main notions uniting the protesters, and it is not a coincidence that the protest movement was called the ‘Euromaidan’. The EU flag together with the Ukrainian national blue-and-yellow banner was the symbol of the pro-European revolution and different variants of a ‘Euro-Ukrainian’ flag were spontaneously created: the trident (the Ukrainian national symbol) or the map of Ukraine surrounded by the 12 EU stars, two flags – the Ukrainian and the European – sewn together, etc. Both flags use approximately the same colours – blue and yellow – which made different collages easier.<sup>4</sup> As the Lenin statue was toppled

<sup>2</sup> See for example: K. Bachmann, I. Lyubashenko (eds), *The Maidan Uprising, Separatism and Foreign Intervention. Ukraine’s Complex Transition*, Frankfurt am Main: Peter Lang Edition, 2014.

<sup>3</sup> P. Taylor, R. Emmott, *Euroskeptic Election Surge Gives EU a Headache*, Brussels, 26 May 2014, <http://www.reuters.com/article/2014/05/26/us-eu-election-idUSBREA4N0DK20140526> (accessed on 22 July 2014).

<sup>4</sup> The images from the ‘Euromaidan’ are available on the Internet, in particular on the Facebook and Twitter profiles of ‘Euromaidan’. See for example: [https://www.facebook.com/emauidanua/photos\\_stream](https://www.facebook.com/emauidanua/photos_stream), <https://twitter.com/euromaidan/media> (accessed on 22 July 2014).

in Kyiv in December, it was replaced by the flag of the Ukrainian Insurgent Army – a nationalist, anti-Soviet guerrilla from the period of World War II – and that of the European Union. Social media abounded in photos, drawings and collages promoting the EU. ‘You want to be listened to? Come to the Maidan! You believe in the future of your kids? Come to the Maidan! Think about your parents when they get old. Come to the Maidan!’, said one of them.<sup>5</sup> On another, a dog sleeps next to the EU flag; next to it its owner has written in Ukrainian on a piece of paper: ‘Even the dog is pro-EU’.<sup>6</sup>

The Ukrainian elites and opposition adopted a similar approach. A few Ukrainian universities that were still largely independent from the political power, in particular the best private one – the National University of Kyiv-Mohyla Academy (NaUKMA), as well as the Ukrainian Catholic University in Lviv (UKU), critically assessed both the government’s decision concerning the association agreement and its policy during the crisis and supported the protesters. On 23 November, the NaUKMA declared: ‘Cancelling the European integration policy contradicts the will of most Ukrainians associating their future with democracy, rule of law, human rights, economic effectiveness, prosperity, social security, and any other fundamental humanistic values affirmed by the European community of free nations’.<sup>7</sup> The UKU adopted a similar approach: ‘The national interests of Ukraine are in its entry into the European space, where there is rule of law, respect for human dignity and human rights, civil, religious, and academic freedom, free enterprise, social justice, accountability of government before the people, respect for private property, etc. Instead, Ukraine’s entry into superstate formations, which are united on diametrically opposite values, contradicts its national interests’;<sup>8</sup> ‘The boundless cynicism and duplicity of the government is shocking. For some time the president of Ukraine and the highest governmental structures tirelessly convinced the citizens of Ukraine that the European choice of our country is natural, essential, and inevitable. The European vector of Ukraine gained the force of the law. By abruptly changing the course to the opposite direction, the government violated the established law and its promises and now conceals its crimes with lies and violence.’<sup>9</sup>

The leaders of the opposition, especially Arseniy Yatsenyuk, Vitali Klitschko, and to a lesser extent the leader of the nationalistic Svoboda Oleh Tyahnybok, also used

<sup>5</sup> Original in Ukrainian at: [https://www.facebook.com/photo.php?fbid=755494954464243&set=a.234502503230160.77892.100000112372547&type=1&relevant\\_count=1](https://www.facebook.com/photo.php?fbid=755494954464243&set=a.234502503230160.77892.100000112372547&type=1&relevant_count=1) (accessed on 22 July 2014).

<sup>6</sup> Original in Ukrainian at: [https://www.facebook.com/EuroMaydan/photos/a.523254484437560.1073741828.523004674462541/525853214177687/?type=1&relevant\\_count=1](https://www.facebook.com/EuroMaydan/photos/a.523254484437560.1073741828.523004674462541/525853214177687/?type=1&relevant_count=1) (accessed on 22 July 2014).

<sup>7</sup> S.M. Kvit et al., ‘Supporting Ukraine’s Eurointegration’, Kyiv, 23 November 2013, <http://www.ukma.edu.ua/eng/index.php/news/471-supporting-ukraine-s-eurointegration> (accessed on 22 July 2014).

<sup>8</sup> Ukrainian Catholic University, ‘Statement of the Ukrainian Catholic University in Response to the Government of Ukraine Suspending the European Integration Process’, Lviv, 22 November 2013, <http://ucu.edu.ua/eng/news/1709/> (accessed on 22 July 2014).

<sup>9</sup> Ukrainian Catholic University, ‘Statement of the Ukrainian Catholic University on the Violent Suppression of the EuroMaidan in Kyiv’, Lviv, 30 November 2013, <http://ucu.edu.ua/eng/news/1712/> (accessed on 22 July 2014).

the European discourse but in a simpler form. At the end of November, Yatsenyuk declared that ‘EU has opened the door and we [Ukraine] should cross it. (...) This is the family which waits for us. This is our family – the European Union. And we will be there.’<sup>10</sup> Klitschko and his party members adopted red blouses with the slogan ‘Ukraine is Europe’. The former boxer champion promised: ‘We will change this country. This country will become European’; however, he added that if the situation was to improve, Ukrainians would have to act by themselves.<sup>11</sup>

The EU was aware of the strength of the pro-European sentiments in Ukraine and its importance for the Union. In January 2014, Jose Manuel Barroso said that the pro-European protests in Kyiv had demonstrated the importance of the European Union as ‘a beacon of hope and values’. ‘To see young people – and sometimes not so young – in the freezing nights of Kyiv, waving so high the flags of the European Union, I think that confirms how important the European Union and its values are. (...) Not only for us here in our Member States but also for the rest of the world’, declared the president of the European Commission.<sup>12</sup>

After the fall of Yanukovich, the new Ukrainian authorities clearly confirmed the importance of the European choice for Ukraine. When asking the parliament to approve him as prime minister, Yatseniuk declared that European integration was the key task of the government. ‘The future of Ukraine lies in Europe and Ukraine will become a part the European Union.’ He also promised that candidates to some key posts would be selected on the basis of their ‘Western, European position, their ability to introduce order’.<sup>13</sup> President Poroshenko also started his inaugural speech with a reference to Europe: ‘We, Ukrainians, “are a living spark in the family of European nations and active members of European civilizational work”.’ Later he made reference to ‘European democracy’, ‘European modernisation’ and ‘European prosperity’, ‘European homeland’, and ‘European future of Ukraine’.<sup>14</sup> After having signed the economic part of the association agreement, he declared: ‘It is one of the most important days since independence of Ukraine. We must use this opportunity to modernise the country.’<sup>15</sup> ‘By signing this Agreement, Ukraine takes enormous

<sup>10</sup> Арсеній Яценюк на Євромайдані: Наша вимога до президента Януковича – Вільнюс, ручка і підпис під Угодою з ЄС, 26 November 2013, <http://yatsenyuk.org.ua/ua/news/open/217> (accessed on 22 July 2014).

<sup>11</sup> ‘Кличко: Ми змінимо Україну і вона буде європейською’, 26 November 2013, <http://klichko.org/news/?id=20420> (accessed on 22 July 2014).

<sup>12</sup> ‘Euromaidan in Kyiv Confirms EU’s Importance and Values, Says Barroso’, 14 January 2014, <http://en.interfax.com.ua/news/general/185735.html> (accessed on 22 July 2014).

<sup>13</sup> Арсеній Яценюк, ‘Виступ кандидата на пост Прем’єр-міністра Арсенія Яценюка у Верховній Раді України’, Київ, 21 February 2014, [http://www.kmu.gov.ua/control/publish/article?art\\_id=247059694](http://www.kmu.gov.ua/control/publish/article?art_id=247059694) (accessed on 22 July 2014).

<sup>14</sup> P. Poroshenko, ‘Address of the President of Ukraine During the Ceremony of Inauguration’, 7 June 2014, <http://president.gov.ua/en/news/30488.html> (accessed on 22 July 2014).

<sup>15</sup> ‘Ukraine Has Signed the Association Agreement with the EU’, 27 June 2014, <http://president.gov.ua/en/news/30619.html> (accessed on 22 July 2014).

commitment in terms of reforms. The path of reforms will be difficult and painful but it is a basis of further successful development of Ukraine.<sup>16</sup>

The revolution in Ukraine brought a clear rise of social support for European integration. In 2011–2013, support for EU membership was around 41–43 per cent. In June 2014, it rose to more than 60 per cent among the respondents of the poll.<sup>17</sup> Support for the European option had never before been so high, even after the ‘Orange Revolution’. The problem is that Ukrainians have quite a simplistic, idealistic approach towards the EU – more than 50 per cent of surveyed Ukrainians believed that association with the EU would bring economic development, consolidate democracy and strengthen the education, research and technology sectors. Only 25–30 per cent understand that it may lead to an increase in prices and social discontent.<sup>18</sup>

## 2. Limited attractiveness of the EU’s offer

The European Union considered the association agreement to be a generous offer to Ukraine. In October 2013, the European Commissioner for Enlargement and Neighbourhood Policy Štefan Füle described it as ‘the most ambitious agreement the European Union has ever offered to a partner country’.<sup>19</sup> In his opinion, the agreement was to bring immediate benefits to Ukraine, in addition to the longer-term transformative impact of the reforms, in particular owing to the removal of the vast majority of customs duties on goods and ‘generous’ transition periods for sensitive sectors (agriculture). The EU, said Füle, was ready to continue its support to Ukraine. In the 2013 Annual Action Programme for Ukraine some EUR 186 million were prepared to directly support the implementation of the Association Agreement. Some 610 million were to be offered to Ukraine under macro-financial assistance once the conditions were in place. Ukraine needed, however, ‘to show ‘determined action’ and ‘tangible progress’ on all EU benchmarks.<sup>20</sup>

The modernisation (or the ‘Europeanisation’) of Ukraine certainly requires considerable efforts on political, legal and social levels and cannot be achieved without the determination of Ukrainians themselves – regardless of whether it is to be realised within the partial integration with the European Union or not. Major reforms, however, require also major financial means, and in this case the situation is more complex as

<sup>16</sup> ‘Petro Poroshenko: Signature of the Association Agreement with the EU Will Facilitate the Reformation of Ukraine’, 27 June 2014, <http://president.gov.ua/en/news/30622.html> (accessed on 22 July 2014).

<sup>17</sup> ‘Українці готові підтримати вступ країни до ЄС і НАТО’, 26 June 2014, <http://www.unian.ua/society/933230-ukrajintsi-gotovi-pidtrimati-vstup-krajini-do-es-i-nato.html> (accessed on 22 July 2014).

<sup>18</sup> ‘Очікування впливу від Угоди про асоціацію з ЄС та приєднання до митного союзу Білорусі, Казахстану та Росії на різні аспекти життя (багатовимірний графік)’, [http://www.razumkov.org.ua/ukr/poll.php?poll\\_id=892](http://www.razumkov.org.ua/ukr/poll.php?poll_id=892) (accessed on 22 July 2014).

<sup>19</sup> Š. Füle, ‘Speech at the National Round Table on European Integration’, 11 October 2013, [http://europa.eu/rapid/press-release\\_SPEECH-13-810\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-13-810_en.htm) (accessed on 22 July 2014).

<sup>20</sup> *Ibidem*.

Ukraine – being a relatively poor country – is simply unable to finance these reforms by itself.

In 2006, the World Bank estimated that in order to be ready to join the European Union, Ukraine should spend some USD 100 billion within the next decade: 30 billion on the energy sector, 15 billion on environment, 14 billion on housing and communal services.<sup>21</sup> These estimations, however, may be inaccurate – for example Poland, which is smaller than Ukraine, spent some USD 30 billion to reform its environment. The general conclusion is clear – Ukrainian GDP in 2012 was some USD 176 billion,<sup>22</sup> which confirms that Ukraine would be unable to finance the reforms by itself.<sup>23</sup>

Neither before nor after the Ukrainian revolution did the European Union propose a viable package of financial assistance which would facilitate the implementation of reforms. It is difficult to assess precisely the scope of EU aid as it is realised through various EU related institutions and programs. However, it is certain that it is considerably below the Ukrainian needs. In 2006, Ukraine received some EUR 100 million from the EU program Technical Assistance for the Commonwealth of Independent States (TACIS). In 2007–2013, it was to receive almost EUR 1 billion from the European Neighbourhood and Partnership Instrument (ENPI). To this funds from the ENPI ‘Governance Facility’, ‘Cross-border Cooperation Programme’ and ‘Multi-country Programmes’ may be added.<sup>24</sup> The inauguration of the Eastern Partnership did not originally change the situation very much as the EU assigned only EUR 600 million to it. In 2011 it was increased by EUR 150 million.<sup>25</sup>

The scope of EU financial help became an argument against the adoption of the association agreement for the Ukrainian authorities in autumn 2013. Already before the adoption of a formal decision on that issue, the Ukrainian prime minister Mykola Azarov had warned that ‘the adaptation of the Ukrainian technical regulations for 10 years would require about 165 billion euros’.<sup>26</sup> After the rejection of the agreement, he became even more critical, predicting that the association with the EU would quickly lead Ukraine to bankruptcy.<sup>27</sup>

<sup>21</sup> World Bank, ‘Ukraine. Creating Fiscal Space for Growth: A Public Finance Review’, 14 September 2006, p. ii, <http://siteresources.worldbank.org/INT/THSD/Resources/topics/415176-1255443724448/WorldBankUkraineCreatingFiscalSpaceforGrowthAPublicFinanceReview2006.pdf> (accessed on 22 July 2014).

<sup>22</sup> <http://data.worldbank.org/indicator/NY.GDP.MKTP.CD> (accessed on 22 July 2014).

<sup>23</sup> A. Mayhew, *Ukraine and the European Union: Financing Accelerating Integration*, Warszawa: Urząd Komitetu Integracji Europejskiej, 2008, p. 49.

<sup>24</sup> *Ibidem*, p. 54.

<sup>25</sup> ‘Eastern Partnership Funds’, <http://www.easternpartnership.org/content/eastern-partnership-funds> (accessed on 22 July 2014).

<sup>26</sup> ‘Azarov: Adaptation of Technical Regulations to EU Requirements Will Cost €165 Billion’, 3 October 2013, <http://en.for-ua.com/news/2013/10/03/144139.html> (accessed on 22 July 2014).

<sup>27</sup> ‘Azarov: If Ukraine Signed Association Agreement with EU, it Would Have Faced Collapse Within Months’, 18 December 2013, <http://www.kyivpost.com/content/ukraine/azarov-if-ukraine-signed-association-agreement-with-eu-it-would-have-faced-collapse-within-months-333940.html> (accessed on 22 July 2014).

The EU rejected these claims as untrue.<sup>28</sup> After the Ukrainian revolution, the EU considerably augmented its economic help for Ukraine. In 2014–2020 it will receive in total some EUR 11 million from the European Commission, the European Investment Bank and the European Bank for Reconstruction and Development.<sup>29</sup> This sum remains below the Ukrainian needs. Moreover, it will be spent at least partially to cope with the effects of the current economic crisis.

One can also legitimately ask why the EU would have to finance the economic reforms in a third country if they are to be profitable mainly for the latter. The main problem however – how to support financially the reforms in Ukraine – remains unsolved.

On the political level, two questions are of importance to Ukraine – the timid support of the EU against Russia (which will be addressed elsewhere in this paper) and the lack of prospects of EU membership for Ukraine. According to the Treaty on the European Union, ‘Any European State which respects the values referred to in Article 2 [respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities] and is committed to promoting them, may apply to become a member of the Union.’<sup>30</sup>

Recognition of the membership perspective of Ukraine by the EU would be a wise move. On the one hand, such a declaration would not prejudice about the possible future developments – neither the opening of the accession negotiations nor their results. The European Union recognised as candidates or potential candidates all the Balkan states, including Kosovo, despite the fact that the latter remains unrecognised by some Member States; Turkey was recognised as a candidate in 1999, but the perspective of its accession to the EU remains uncertain. On the other hand, the membership perspective may be a stimulus, a modernisation factor for Ukraine, like for the Central European countries in the nineties. It is undoubtedly easier to implement difficult economic, political and legal reforms if they are to bring such a tangible profit as membership in the EU.

In fact, the EU never recognised Ukraine as a (potential) candidate to the Union. This position is determined by three main factors: the weakness of Ukraine, internal problems of the EU (enlargement fatigue, difficult institutional reforms, economic crisis), anxiety about irritating Russia.

Under Kuchma, Ukraine was a semi-authoritarian state which led a ‘multi-vector policy’, balancing between Russia and the EU. The sceptical approach of the European Union towards Ukraine was somehow understandable, although the Ukrainian authorities did use the question of the membership perspective in the internal forum,

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<sup>28</sup> ‘Fule Sees Ukraine’s Claims of Costs of Switching to DCFTA as Disproportionate’, 28 November 2013, <http://www.interfax.com/newsinf.asp?id=462862> (accessed on 22 July 2014).

<sup>29</sup> European Commission, ‘European Commission’s support to Ukraine. Memo’, 05 March 2014, [http://europa.eu/rapid/press-release\\_MEMO-14-159\\_en.htm](http://europa.eu/rapid/press-release_MEMO-14-159_en.htm) (accessed on 22 July 2014).

<sup>30</sup> *Consolidated Version of the Treaty on European Union*, OJ C 83, 30 March 2010, pp. 17, 43.

presenting it as the litmus test of the EU's credibility.<sup>31</sup> The situation did change after the 'Orange Revolution'. Ukraine became a democratic country,<sup>32</sup> while its new authorities opted – at least declaratively – for integration with the European Union. The latter, however, did not change its stance on the membership perspective for Ukraine. In the negotiation mandate for the Commission on the negotiations of the future association agreement, the Council of the EU declared that 'European Union aims (...) at gradual economic integration and deepening of political co-operation; [but] a new enhanced Agreement shall not prejudice any possible future developments in EU – Ukraine relations'.<sup>33</sup> Only the European Parliament asked more than once to recognise the membership perspective of the EU.<sup>34</sup>

The question of the membership perspective was debated for a long time during the negotiations on the association agreement. Since at this stage the European Union is not ready to provide Ukraine with a membership perspective, it was decided that the parties recognise the 'European identity of Ukraine'.<sup>35</sup> For Ukraine, this formula serves as indirect proof of the country's European perspective, while the EU does not face the obligations that the recognition of membership perspective bears.<sup>36</sup>

With the pro-Russian authoritarian turn of the Yanukovich regime, especially the rejection of the association treaty, the chances of the recognition of the membership perspective faded. However, the Ukrainian regime presented the lack of the membership perspective as one of the reasons why the agreement was not signed by Ukraine.<sup>37</sup>

The post-revolutionary Ukrainian authorities clearly count on the recognition of the membership perspective of Ukraine. In his inaugural speech, President Poroshenko clearly said that Ukraine considered the association agreement 'as the first step towards full membership in the EU'.<sup>38</sup> Ukrainian diplomats believe that as Ukraine 'paid by blood' to conclude the association agreement, the people of Ukraine

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<sup>31</sup> K. Wolczuk, 'Adjectival Europeanisation? The Impact of EU Conditionality on Ukraine under the European Neighbourhood Policy', *European Research Working Paper Series*, 2007, No. 18, p. 20.

<sup>32</sup> See: Freedom House, 'Freedom in the World Country Ratings by Region', <http://www.freedomhouse.org/sites/default/files/Country%20Status%20and%20Ratings%20By%20Region%2C%201973-2014.xls> (accessed on 12 July 2014).

<sup>33</sup> Council of the European Union, *Council Conclusions Concerning the Negotiation of a New Enhanced Agreement between the EU and Ukraine*, 22 January 2007, <http://www.consilium.europa.eu/uedocs/cmsUpload/EU-Ukraine-22.01.07.pdf> (accessed on 12 July 2014).

<sup>34</sup> See for example: European Parliament, *European Parliament Resolution on the Results of the Ukraine Elections*, 13 January 2005, <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-2005-0009+0+DOC+XML+V0//EN> (accessed on 12 July 2014).

<sup>35</sup> *Association Agreement between the European Union and Its Member States, of the One Part, and Ukraine, of the Other Part*, OJ L161, 29 May 2014.

<sup>36</sup> *The Association Agreement: A Pearl of Great Value at Risk of Loss*, Kyiv, 2012, p. 8, [http://www.kas.de/wf/doc/kas\\_30051-1522-1-30.pdf](http://www.kas.de/wf/doc/kas_30051-1522-1-30.pdf) (accessed on 12 July 2014).

<sup>37</sup> 'No One Offers Ukraine to Join EU – PM Azarov', 27 December 2013, [http://voiceofrussia.com/2013\\_12\\_27/No-one-offers-Ukraine-to-join-EU-PM-Azarov-7795/](http://voiceofrussia.com/2013_12_27/No-one-offers-Ukraine-to-join-EU-PM-Azarov-7795/) (accessed on 12 July 2014).

<sup>38</sup> P. Poroshenko, 'Address of the President of Ukraine During the Ceremony of Inauguration', 7 June 2014, <http://president.gov.ua/en/news/30488.html> (accessed on 12 July 2014).

deserved a membership perspective. Some EU representatives support these demands, although the official position of the European Union remains unchanged.<sup>39</sup>

### 3. The length and rigidity of decision making procedures

The rejection of the association treaty, the escalation of the political crisis in Ukraine, the annexation of Crimea, and the creeping conflict in Eastern Ukraine were largely unpredicted challenges the EU had to face.

After the decision of the Ukrainian administration not to sign the agreement, the EU remained largely passive. High Representative Catherine Ashton expressed ‘disappointment’, reminded that the agreement ‘would have further enhanced the reform course of Ukraine’ and declared that ‘the future for Ukraine lies in a strong relationship with the EU’.<sup>40</sup> The EU did not go beyond the affirmation that the offer of the association agreement ‘was still on the table’.<sup>41</sup> This approach stemmed from the positive assessment of the association agreement described above, but not only that. The EU-negotiated agreements are hardly renegotiated. Due to the complexity of the negotiated issues (more than 2100 pages including all the annexes and protocols to the associated agreement) and the need to seek compromise between all the involved parties (28 Member States and Ukraine in that case) once finalised, the document is considered definitive as the reopening of negotiations on one issue would easily lead to the reopening of negotiations on all the issues. Norway rejected the membership in EC/EU twice in referendums of 1972 and 1994, which took the issue off the agenda for many years. Switzerland rejected the participation in the European Economic Area (EEA) in 1992, which led to the adoption of a series of bilateral arrangements on mutual relations between Switzerland and the EU outside the EEA framework.<sup>42</sup> Only in the case of the EU amending treaties (Maastricht, Nice and in a different way the Constitutional Treaty) did the EU Member States enter a difficult process of what was in fact a renegotiation after the rejection of these treaties in some Member States.

After the beginning of the political crisis in Ukraine, the EU ‘strongly condemned the excessive use of force (...) by the police in Kyiv to disperse peaceful protesters’, but did not go much beyond that.<sup>43</sup> Only on 10–11 December did High Representative

<sup>39</sup> ‘Diplomats Polemicise over Ukraine’s EU Membership Perspective’, 3 June 2014, <http://www.euractiv.com/sections/europes-east/diplomats-polemicise-over-ukraines-eu-membership-perspective-302549> (accessed on 22 July 2014).

<sup>40</sup> ‘Statement by EU High Representative Catherine Ashton on Ukraine’, 21 November 2013, [http://www.eeas.europa.eu/statements/docs/2013/131121\\_04\\_en.pdf](http://www.eeas.europa.eu/statements/docs/2013/131121_04_en.pdf) (accessed on 22 July 2014).

<sup>41</sup> ‘EU–Ukraine: Association Agreement Is an Offer to the Country and Its People. Memo’, 12 December 2013, [http://europa.eu/rapid/press-release\\_MEMO-13-1146\\_en.htm](http://europa.eu/rapid/press-release_MEMO-13-1146_en.htm) (accessed on 22 July 2014).

<sup>42</sup> See for example: S. Gstöhl, ‘Scandinavia and Switzerland: Small, Successful and Stubborn Towards the EU’, *Journal of European Public Policy*, 2002, Vol. 4, pp. 529–549.

<sup>43</sup> ‘Joint Statement by EU High Representative Catherine Ashton and Commissioner Štefan Füle on Last Night’s Events in Ukraine’, 30 November 2013, [http://www.eeas.europa.eu/statements/docs/2013/131130\\_02\\_en.pdf](http://www.eeas.europa.eu/statements/docs/2013/131130_02_en.pdf) (accessed on 22 July 2014).

Catherine Ashton visit the Ukrainian capital. During her visit, the Ukrainian police forces tried for the second time to expel the protesters from the Maidan Nezalezhnosti. Ashton expressed her ‘deep concern’ and ‘called for utmost restraint’.<sup>44</sup> The attitude of the EU did not fundamentally change during most of the crisis in Ukraine, even in January–February 2014, when some hundred people died in Kyiv. This attitude was strongly criticised by the Ukrainian civil society engaged in the protests. In February 2014, former Ukrainian dissident Myroslav Marynovych published an article titled *What Can Ukraine Expect from the West Now?*, in which he wrote ‘stop “expressing deep concern”. All protesters on the Maidan have an allergy to this senseless phrase by now in these circumstances, while all gangsters in the Ukrainian governmental gang enjoy mocking the helplessness of the EU. Take sanctions. Don’t waste time in searching for their Achilles’ heel; it has already been identified. It is the money deposited in your banks. (...) Also, cancel Western visas for all governmental gangsters and their families. (...) Do not listen to Yanukovych and Putin’s propagandistic sirens. (...) Instead, listen to the Ukrainian media sacrificing its journalists’ lives to get truthful information.’<sup>45</sup> The EU did listen to these appeals – it introduced visa sanctions and freeze of assets against the representatives of the Yanukovych regime (including the Ukrainian president), but only in March–April.<sup>46</sup> that is after the Ukrainian revolution. This decision had a largely symbolic sense, although it could be argued that Yanukovych and his cronies supported the destabilisation of Eastern Ukraine, so the restrictive measures against them were politically justified.

The attitude of the EU during the ‘Euromaidan’ protests can be explained by a very realistic order of priorities during that crisis. First, the EU invested too much in the Yanukovych regime, especially concerning the association agreement, and it wanted neither to lose the Ukrainian partner by breaking ties with the Ukrainian authorities nor to recognise their miscomprehension of the political situation in Ukraine. Second, the EU wanted to prevent the escalation of the conflict, which could lead to a civil war in Ukraine and to massive migration of refugees to the EU Member States, as well as force the European Union to a more considerable engagement in Ukraine. That is why the EU was reluctant to unanimously support the protesters against the president of Ukraine.

The annexation of Crimea and the war in Eastern Ukraine only partially changed the situation. The European Union gave up the heavily criticised policy of ‘expressing deep concern’; together with the US, it quickly undertook unsuccessful efforts

<sup>44</sup> ‘Statement by EU High Representative Catherine Ashton on Recent Events in Ukraine on Kiev’s Maidan Square’, 11 December 2013, [http://www.eeas.europa.eu/statements/docs/2013/131211\\_02\\_en.pdf](http://www.eeas.europa.eu/statements/docs/2013/131211_02_en.pdf) (accessed on 22 July 2014).

<sup>45</sup> M. Marynovych, ‘What Can Ukraine Expect from the West Now?’, 20 February 2014, <http://new-easterneurope.eu/articles-and-commentary/1103-what-can-ukraine-expect-from-the-west-now> (accessed on 22 July 2014).

<sup>46</sup> *Official Journal of the European Union*, OJ L 66, 6 March 2014, pp. 1–10, 26–30; OJ L 111, 15 April 2014, pp. 33–35, 91–93.

to end the conflict in Eastern Ukraine by diplomatic means (Geneva agreement, 17 April 2014<sup>47</sup>) and quickly elaborated a ‘road map’ of sanctions against the Russian Federation. It was, however, slow to implement it because of its unwillingness to enter into open conflict with Russia.

#### 4. Unwilling competition with Russia

The Russian Federation considers most of the post-Soviet space as its zone of influence – for both historical, cultural, strategic, and economic reasons.<sup>48</sup> For this reason, the growing engagement of the external powers, in particular the United States and the EU, in the region is considered a threat to Russian interests. It does not reject a priori any form of cooperation between the post-Soviet states and the West, but it wants their contacts to rather follow than overtake the Russian–Western relations. The ‘Strategy of development of relations between the Russian Federation and the European Union in the middle-time perspective (2000–2010)’, adopted in 1999, clearly stated that Russia aimed at coordinating the policies of the Commonwealth of Independent States (CIS) countries towards the EU and would oppose the EU’s efforts to impede the integration within the CIS against Russian interests.<sup>49</sup>

Since 2010, the orientation of Ukrainian foreign policy became the main subject of discord between the EU and Russia. As the negotiations on the association progressed, the Russian Federation undertook considerable efforts to derail this project. It tried to influence the Ukrainian authorities through pro-Russian politicians and media, threatened to limit the bilateral economic cooperation, tried to convince Ukraine of the benefits of the Russia-promoted customs union. The latter project was incompatible with the association with the EU: it is impossible to be member of a customs union and of another free trade area at the same time, as within the customs union members can no longer freely shape their external trade policy.

By the end of 2013, it seemed that Russia won – Ukrainian authorities decided not to sign the association agreement. In exchange, they obtained the highly needed economic aid from Russia (December agreements on the reduction of gas price for Ukraine plus the commitment that Russia would buy the Ukrainian Eurobonds<sup>50</sup>). The Ukrainian revolution in February 2014 reversed the situation and led to the adoption of the association agreement with the EU.

<sup>47</sup> ‘Geneva Statement on Ukraine’, 17 April 2014, <http://www.state.gov/r/pa/prs/ps/2014/04/224957.htm> (accessed on 22 July 2014).

<sup>48</sup> See for example: N. Jackson, *Russian Foreign Policy and the CIS: Theories, Debates and Actions*, New York: Routledge, 2003.

<sup>49</sup> ‘Стратегия развития отношений Российской Федерации с Европейским Союзом на среднесрочную перспективу (2000–2010)’, 22 October 1999, [http://www.mid.ru/bdomp/dip\\_vest.nsf/99b2d-dc4f717c733c32567370042ee43/e94c2359350e2df3c32568860050d965](http://www.mid.ru/bdomp/dip_vest.nsf/99b2d-dc4f717c733c32567370042ee43/e94c2359350e2df3c32568860050d965) (accessed on 22 July 2014).

<sup>50</sup> A. Wierzbowska-Miazga, A. Sarna, ‘The Moscow Deals: Russia Offers Yanukovich Conditional Support’, *Analyses*, 18 December 2013, <http://www.osw.waw.pl/en/publikacje/analyses/2013-12-18/moscow-deals-russia-offers-yanukovich-conditional-support> (accessed on 22 July 2014).

Russia decisively engaged in competition over Ukraine, although its actions were directed rather towards (against) the latter state, that is directly against Ukraine (a trade embargo in summer 2013, a massive information campaign against the EU–Ukraine association treaty, the already mentioned December agreements, and finally, the military intervention in Ukraine). In particular, Russia defended the Yanukovich regime’s thesis that the association agreement did not correspond to the national interests of Ukraine and accused the West of being co-responsible for the destabilisation of Ukraine.<sup>51</sup> Such an attitude was understandable as Ukraine is a key-element of Russia’s desired zone of influence. Moreover, because of the proximity between the two countries, a politico-economic transformation of Ukraine might have a considerable impact on Russia itself, which would go against the interests of the Russian ruling class.

The EU was unwilling to engage in competition with Russia. Before the rejection of the association agreement by the Ukrainian authorities, the EU tried to convince both its Ukrainian and Russian partners that ‘the Association Agreement will not be at the expense of Ukraine’s relations with Russia or other neighbours. And (...) it would bring benefit to all.’<sup>52</sup> ‘This is not a choice between Moscow and Brussels. We want our partners to have good relations and cooperation with Russia. We are striving to have the same good relations with Russia. It is a special and strategic partner for us.’<sup>53</sup> The EU noticed ‘a more assertive Russian policy’<sup>54</sup> towards Ukraine but hardly took any steps to dissuade Russia from such actions or support Ukraine. At the Vilnius summit, Yanukovich would say – considerably exaggerating and rejecting his own responsibility for the existing situation – that he had been ‘alone for three and half years’ – on very unequal terms, he had had to face Russia one-to-one.<sup>55</sup>

The EU maintained the same discourse after the Ukrainian revolution. ‘The Association Agreement and the Deep and Comprehensive Free Trade Agreement (DCFTA) are not directed towards or against Russia. (...) Technically, the DCFTA is not compatible with Ukraine becoming a member of the customs union between Russia, Belarus and Kazakhstan, but Ukraine is not. Apart from that, we even applaud that Ukraine would have closer economic relations with Russia. (...) For us, Russia is not an opponent – I think we better should be partners with respect to Ukraine.’<sup>56</sup>

<sup>51</sup> ‘Vladimir Putin Answered Journalists’ Questions on the Situation in Ukraine’, 4 March 2014, <http://eng.news.kremlin.ru/news/6763> (accessed on 22 July 2014).

<sup>52</sup> ‘EU–Ukraine: Statement by Commissioner Štefan Füle Following the Meeting with Andriy Klyuyev About the Road to Signing the Association Agreement’, 27 August 2013, [http://europa.eu/rapid/press-release\\_MEMO-13-754\\_en.htm](http://europa.eu/rapid/press-release_MEMO-13-754_en.htm) (accessed on 22 July 2014).

<sup>53</sup> Š. Füle, ‘EU–Ukraine: In Yalta About Progress Towards Signing the Association Agreement’, 20 September 2013, [http://europa.eu/rapid/press-release\\_SPEECH-13-727\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-13-727_en.htm) (accessed on 22 July 2014).

<sup>54</sup> ‘EU–Ukraine: Statement by Commissioner Štefan Füle ...’.

<sup>55</sup> ‘Янукович розповів Меркель та Грібаускайте, як йому складно’, 29 November 2013 <http://www.pravda.com.ua/news/2013/11/29/7003498/> (accessed on 22 July 2014).

<sup>56</sup> ‘The EU Is Ready When Ukraine Is Ready: Statement by EU Trade Commissioner Karel De Gucht on Ukraine’, 28 February 2014, [http://europa.eu/rapid/press-release\\_STATEMENT-14-35\\_en.htm](http://europa.eu/rapid/press-release_STATEMENT-14-35_en.htm) (accessed on 22 July 2014).

The Russian aggression against Ukraine, in particular the annexation of Crimea, changed the situation. The EU Council ‘strongly condemned the clear violation of Ukrainian sovereignty and territorial integrity by acts of aggression by the Russian armed forces’ and ‘called on Russia to immediately withdraw its armed forces to the areas of their permanent stationing’.<sup>57</sup> It also criticised ‘the holding of an illegal referendum in Crimea on joining the Russian Federation’.<sup>58</sup> However, it stressed that ‘The European Union has important relations with Ukraine and the Russian Federation and stands ready to engage in a frank and open dialogue with them’, hoping it was possible to maintain good relations in the EU–Ukraine–Russia triangle. The crisis was to be solved ‘through negotiations between the Governments of Ukraine and the Russian Federation, including through potential multilateral mechanisms’.<sup>59</sup> As the president of the European Commission explained, ‘We are not asking, not even suggesting to our partners from the Eastern Neighbourhood, to turn their backs on Russia. On the contrary, we encourage them to have good neighbourly relations, to enhance their traditional trade ties. But at the same time Russia needs to accept fully the right of these countries to decide their own future and the nature of relations they chose to have with Russia.’<sup>60</sup>

The European Union quickly devised a three-stage sanctions process. The first step consisted of the suspension of talks on visa matters and the new EU–Russia agreement. The second step was a progressive imposition of travel bans and asset freezes on a number of individuals. In September 2014, this list included 119 persons and 23 entities.<sup>61</sup> The first target of the EU sanctions were individuals from Ukraine, mainly members of the pro-Russian administration of Crimea, as well as separatist leaders of the Donetsk and Luhansk ‘People’s Republics’. The second target were Russian citizens as well. Currently, they include some 60 Russian citizens (some of whom are very close to president Putin) and 60 from Ukraine. The 23 entities covered by the sanctions can be divided into two main groups: economic entities confiscated by Russia after the annexation of Crimea and paramilitary terrorists involved in the war in Eastern Ukraine.

For some months the EU was reluctant to introduce ‘level 3’ sanctions, which would target entire sectors of the Russian economy, even though the European

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<sup>57</sup> Council of the European Union, ‘Council Conclusions on Ukraine’, 3 March 2014, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/141291.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/141291.pdf) (accessed on 22 July 2014).

<sup>58</sup> Council of the European Union, ‘Council Conclusions on Ukraine’, 17 March 2014, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/141601.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/141601.pdf) (accessed on 22 July 2014).

<sup>59</sup> European Council, ‘Statement of the Heads of State or Government on Ukraine’, 6 March 2014, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/141372.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/141372.pdf) (accessed on 22 July 2014).

<sup>60</sup> ‘Introductory Statement by President Barroso on Ukraine. European Parliament Plenary Debate’, 12 March 2014, [http://europa.eu/rapid/press-release\\_SPEECH-14-212\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-14-212_en.htm) (accessed on 22 July 2014).

<sup>61</sup> ‘List of Persons and Entities under EU Restrictive Measures over the Territorial Integrity of Ukraine’, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/145571.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/145571.pdf) (accessed on 21 November 2014).

Parliament pushed for the introduction of targeted economic sanctions since April 2014.<sup>62</sup> The Council assumed that after the introduction of the first sanctions, the Russian Federation would act in favour of de-escalation of the Ukrainian crisis and warned that it would limit the economic cooperation with Russia if it was not the case.<sup>63</sup> It also abstained from sanctioning Russian businessmen affiliated with Kremlin, as well as major Russian companies (only two confiscated entities in Crimea had their assets frozen); both groups were largely targeted by the restrictions imposed by the United States and Canada.<sup>64</sup> Such an attitude of the EU was probably interpreted as weakness by Russia.<sup>65</sup> Only in July did the European Council decide to considerably limit the EU-funded programs for Russia.<sup>66</sup> The attitude of the Member States changed after the Malaysian airliner travelling from Amsterdam to Kuala Lumpur was shot down over Eastern Ukraine by pro-Russian separatists. Some 298 people including 211 from EU countries perished in that catastrophe. At the end of July, the EU introduced targeted economic sanctions against Russia. EU nationals and companies were no longer able to buy or sell middle- and long-term financial instruments issued by major state-owned Russian banks, energy companies and defence companies and to provide loans to the above mentioned banks. An embargo on the import and export of arms and related material from/to Russia was also introduced. Russian energy companies could no more rely on the European services necessary for deep water oil exploration and production, arctic oil exploration or production and shale oil projects.<sup>67</sup>

The attitude of the EU can be explained by two main factors. First, the EU largely relies on its economic and legal instruments, as well as on its soft power. It is not used to reasoning in terms of geopolitics and zones of influence because it started, in the time of the European Communities, as an economic project. Security issues were at the time handled by the North Atlantic Alliance and the EC could focus on economic growth and prosperity. The creation of the Common Foreign and Security Policy and European (later Common) Security and Defence Policy only partially changed the situation. The Treaty on European Union in its post-Lisbon version defines eight aims of the EU external action: the first one is to ‘safeguard its values,

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<sup>62</sup> European Parliament, ‘Resolution of 17 April 2014 on Russian Pressure on Eastern Partnership Countries and in Particular Destabilisation of Eastern Ukraine’, 17 April 2014, <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2014-0457&language=EN&ring=P7-RC-2014-0436> (accessed on 12 July 2014).

<sup>63</sup> Council of the European Union, ‘Council Conclusions on Ukraine’, 17 March 2014, op.cit.

<sup>64</sup> See: ‘Consolidated list of Ukraine-related Sanctions’, 22 October 2014, [http://www.riskadvisory.net/pdfrepository/Sanctions\\_individuals\\_Russia\\_Ukraine\\_YS.pdf](http://www.riskadvisory.net/pdfrepository/Sanctions_individuals_Russia_Ukraine_YS.pdf) (accessed on 21 November 2014).

<sup>65</sup> ‘The Ukrainian Crisis Reaches a New Level’, *New York Times*, 1 July 2014.

<sup>66</sup> ‘European Council Conclusions on External Relations (Ukraine and Gaza)’, 16 July 2014, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/143990.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/143990.pdf) (accessed on 22 July 2014).

<sup>67</sup> ‘Adoption of Agreed Restrictive Measures in View of Russia’s Role in Eastern Ukraine’, 31 July 2014, [http://consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/144205.pdf](http://consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/144205.pdf) (accessed on 22 July 2014).

fundamental interests, security, independence and integrity’ and the seven other are largely cooperative, not to say altruistic (support for democracy, preservation of international peace and security, development of developing countries, etc.).<sup>68</sup> This value-oriented, post-modern, civil approach is not compatible with the geopolitics logic adopted by the Russian Federation.<sup>69</sup>

Second, the Member States are unable to define a coherent policy towards the Russian Federation as their interests and positions towards the Eastern neighbour differ significantly. In 2007, the European Council of Foreign Relations published a policy paper titled *A Power Audit of EU–Russia relations*, dividing the then EU members into five groups: ‘Russian Trojan horses’ (Greece, Cyprus), ‘strategic partners’ (France, Germany, Italy, Spain), ‘friendly pragmatists’ (Austria, Belgium, Bulgaria, Finland, Hungary, Luxembourg, Malta, Portugal, Slovakia, Slovenia), ‘frosty pragmatists’ (Czech Republic, Denmark, Estonia, Ireland, Latvia, Netherlands, Sweden, Romania, United Kingdom), ‘new Cold-War warriors’ (Lithuania, Poland). Russia used several instruments to get the support of some EU states: diplomatic pressure, trade embargos, energy cooperation, etc. In consequence, the EU’s policy towards Russia drifted between the paradigm of ‘creeping integration’ and ‘soft containment’, impeding its effectiveness. Unsurprisingly, Russia tried to exploit these differences.<sup>70</sup> Despite the fact seven years have passed since then, the situation did not fundamentally change. The official position of the EU towards the Russian aggression against Ukraine – harsh in words, but mild in action – reflects the divisions between the Member States. Some of them, in particular Poland, the Scandinavian and the Baltic states, condemned the policy of Russia and asked for decisive reaction of the EU. Some other, like Hungary or Austria, clearly opted for bilateral cooperation with Russia: in the case of the former difficult relations of Prime Minister Victor Orban seem to have played to major role; in the case of the latter the main factor was economy, in particular the gas cooperation. The ‘strategic partners’, in particular France and Germany, adopted a declaratively tough position but were careful about not breaking ties with Russia (the sale of the French Mistral amphibious assault ships being a good example).<sup>71</sup>

<sup>68</sup> *Consolidated Version of the Treaty on European Union*, op.cit, pp. 28–29.

<sup>69</sup> ‘Rotfeld: Unia nie nadaje się do geopolityki’ [‘The EU Shouldn’t Be Doing Geopolitics’], 12 December 2013’, <http://www.rp.pl/artykul/10,1071913-Rotfeld--Unia-nie-nadaje-sie-do-geopolityki.html> (accessed on 22 July 2014).

<sup>70</sup> M. Leonard, N. Popescu, *A Power Audit of EU–Russia relations*, London: European Council on Foreign Relations, 2007.

<sup>71</sup> The same division appeared within NATO. See: J. Vinocour, ‘A Tale of Two NATOs’, 7 July 2014, <http://online.wsj.com/articles/natos-divided-alliance-1404762166> (accessed on 22 July 2014).

## 5. EU external action versus the Member States' diplomacies

The Treaty on European Union stipulates that the Member States coordinate their foreign policies on the questions of common interest and support the EU external action in the spirit of loyalty and solidarity.<sup>72</sup> In case of the Ukrainian crisis, the reality has been more complex, however. Apart from the understandable differences of interests mentioned above, the EU diplomacy and the Member States often act in parallel, with no clear division of tasks or coordination of mutual efforts.

Since the beginning of the political crisis in Ukraine, both the EU and some Member States undertook political efforts to solve it. On 1 December 2013, the ministers of foreign affairs of Poland and Sweden, Radek Sikorski and Carl Bildt, published a joint statement on the situation in Kyiv remarking that 'European Union remains prepared to sign the agreement' and 'urging all to keep protests in Kiev peaceful'.<sup>73</sup> Similar statements were issued by other Member States. Together with EU High Representative Catherine Ashton and EU Commissioner for Enlargement and European Neighbourhood Policy Štefan Füle, several representatives of the EU Member States visited Kyiv between December 2013 and February 2014 with the hope of finding a political solution to the crisis.

In February 2014, as the situation in Ukraine deteriorated, Catherine Ashton asked the ministers of foreign affairs of Germany, France and Poland to go to Kyiv. The three diplomats, working on the behalf of the High Representative,<sup>74</sup> brokered an arrangement between Yanukovych and the Ukrainian opposition. This was therefore an example of a well-coordinated but fruitless action – the arrangement reached by the three envoys of the EU was rejected by the protesters in Ukraine and in consequence was not implemented. The day after the adoption of the agreement, Yanukovych fled the country.

The policy of the EU and its Member States became less coherent after the beginning of the Russian aggression against Ukraine. In April 2014, the EU and the United States, together with Ukraine and Russia, elaborated the so called 'Geneva agreement'. This road map proposed concrete steps to de-escalate tensions and restore security in Eastern Ukraine, including an end to violence, disarmament of all illegal armed groups, vacation of illegally occupied buildings and other public places, amnesty to the protesters not guilty of capital crimes, and establishment of an Organization for Security and Co-operation in Europe (OSCE) Special Monitoring Mission which would assist Ukrainian authorities and local communities in the implementation of

<sup>72</sup> *Consolidated version of the Treaty on European Union*, op.cit., pp. 30, 34.

<sup>73</sup> 'Joint Statement by Foreign Ministers Radek Sikorski and Carl Bildt of Poland and Sweden', 1 December 2013, [http://www.msz.gov.pl/en/news/joint\\_statement\\_by\\_foreign\\_ministers\\_radek\\_sikorski\\_and\\_carl\\_bildt\\_of\\_poland\\_and\\_sweden](http://www.msz.gov.pl/en/news/joint_statement_by_foreign_ministers_radek_sikorski_and_carl_bildt_of_poland_and_sweden) (accessed on 22 July 2014).

<sup>74</sup> 'Statement by EU High Representative Catherine Ashton on Agreement Reached Between President and 3 Opposition Leaders in Ukraine', 21 February 2014, [http://www.eeas.europa.eu/statements/docs/2014/140221\\_05\\_en.pdf](http://www.eeas.europa.eu/statements/docs/2014/140221_05_en.pdf) (accessed on 22 July 2014).

this plan.<sup>75</sup> The Geneva agreement remained largely unrealised as it was rejected by the pro-Russian separatists.<sup>76</sup>

Since June, France and Germany started to play the leading role in the still unsuccessful resolution of the conflict. On 14 and 19 June, Chancellor Angela Merkel and President François Hollande held telephone conversations with Russian President Vladimir Putin, urging him in particular to convince the separatists to lay down arms.<sup>77</sup> These were followed by two quadrilateral phone talks – involving the leaders of the two EU powers, as well as Putin and Poroshenko – which focused on the ceasefire announced by the Ukrainian president on 20 June. On 2 July, the ministers of foreign affairs of Germany, France, Russia, and Ukraine met in Berlin to discuss the situation in Eastern Ukraine.<sup>78</sup> This was followed by talks of Merkel and Hollande with either Putin or Poroshenko.

The Franco-German involvement in the resolution of the military conflict in Ukraine was largely independent from the EU mechanisms; it does not seem it has been officially consulted with the EU diplomacy either. It seems that the agreement on the format of quadrilateral talks might have been reached during the celebrations of the 70<sup>th</sup> anniversary of the D-Day in Normandy, where Putin and Poroshenko met for the first time after the revolution in Ukraine. Some journalists called even the four countries ‘the Norman quartet’.<sup>79</sup> It should be noted that the format of the informal ‘EU delegation for Ukraine’ changed since the fall of Yanukovich as in February the Union was represented in Kyiv by Germany, France and Poland. It may be assumed that this change was related to the unanimous pro-Ukrainian and anti-Russian stance of the Polish authorities, which did not suit either the West European or the Russian leaders.<sup>80</sup> One way or the other, the establishment of the ‘Norman quartet’ seems to

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<sup>75</sup> ‘Geneva Statement on Ukraine’, 17 April 2014, <http://www.state.gov/r/pa/prs/ps/2014/04/224957.htm> (accessed on 22 July 2014).

<sup>76</sup> T. Grove, A. Vasovic, ‘Ukraine Separatists Reject Diplomatic Deal to Disarm’, 18 April 2014, <http://in.reuters.com/article/2014/04/18/uk-ukraine-crisis-idINKBN0D40C220140418> (accessed on 22 July 2014).

<sup>77</sup> ‘Entretien avec Angela Merkel et Vladimir Poutine au sujet de l’Ukraine’, 14 June 2014, <http://www.elysee.fr/communiqués-de-presse/article/entretien-avec-angela-merkel-et-vladimir-poutine-au-sujet-de-l-ukraine/> (accessed on 22 July 2014); ‘Entretien téléphonique entre le Président de la République, la Chancelière allemande et le Président russe’, <http://www.elysee.fr/communiqués-de-presse/article/entretien-telephonique-entre-le-president-de-la-republique-la-chanceliere-allemande-et-le-president-russe/> (accessed on 22 July 2014).

<sup>78</sup> ‘Russian, German, French, Ukrainian FMs Meet in Berlin for Talks’, 2 July 2014, <http://en.itar-tass.com/world/738729> (accessed on 22 July 2014).

<sup>79</sup> See : ‘Ukraine – Déclarations du porte-parole du Ministère des Affaires étrangères’, 9 July 2014, <http://www.ambafrance-ua.org/Ukraine-Declarations-du-porte-parole,3098> (accessed on 22 July 2014).

<sup>80</sup> P. Osiński, ‘Polska odstawiona na bok ws. Ukrainy? Poseł PiS: Niemcy i Francja traktują nas jak przeszkodę. Poseł PO: To raczej Rosja nas nie chce’ [‘Poland Put Aside in the Ukrainian Issue? PiS Delegate: Germany and France Treat Us Like an Obstacle. PO Delegate: It Is Rather Russia That Doesn’t Want Us’], 4 July 2014, [http://www.tokfm.pl/Tokfm/1,103086,16271824,Polska\\_odstawiona\\_na\\_bok\\_ws\\_Ukrainy\\_\\_Poseł\\_PiS\\_\\_Niemcy.html](http://www.tokfm.pl/Tokfm/1,103086,16271824,Polska_odstawiona_na_bok_ws_Ukrainy__Poseł_PiS__Niemcy.html) (accessed on 22 July 2014).

prove both the influence Russia has on the EU Member States and the inability of the Union to coordinate their foreign policies and balance their interests.

Neither the involvement of the EU (April) nor of its biggest members (June–July) led to the resolution of the conflict in Eastern Ukraine. In August, as the Ukrainian army progressively regained control of the separatist-controlled territory, Russian military forces massively engaged in the conflict, which forced Ukraine to negotiate with the separatists. On 5 September in Minsk the members of the so-called trilateral contact group (Ukraine, Russia, the OSCE) and representatives of the separatists signed a protocol on a ceasefire in eastern Ukraine.<sup>81</sup> The EU and its Member States were absent from the agreement. As the conflict continues, however, this still leaves space for EU diplomatic action.

## 6. Conclusions

In November 2013, largely under the pressure of Russia, Ukrainian authorities decided not to sign the association agreement with the European Union. This decision led to massive social protests in Ukraine and ultimately to a major political crisis which left some hundred people dead. In February, President Victor Yanukovich was overthrown and replaced by a pro-Western regime. In counter-reaction, the Russian Federation invaded the Ukrainian Crimea and launched a proxy war in Eastern Ukraine in order to destabilise the situation in that state and impede its partial integration with the EU.

If the strength of the pro-European protests was an opportunity for the European Union, the recent developments in Ukraine have also revealed some weaknesses of the EU's policy towards its Eastern neighbourhood. First, the EU has been unable to present an association offer which would be truly attractive and reliable for the post-Soviet Ukraine in the period of deep economic crisis. The association agreement is supposed to lead to the development of political cooperation between Ukraine and the EU and a partial integration of the former with the Single Market within the Deep and Comprehensive Free Trade Area. The creation of the DCFTA will hopefully stimulate the modernisation of the Ukrainian economy and help Ukraine cope with its main economic problems, such as corruption, oligarchisation, etc. However, the adaptation to the EU *acquis communautaire* will also require important financial expenses that Ukraine could not afford and the EU was not willing to cover. After the Ukrainian revolution of early 2014, the European Union partially recognised the weakness of its offer, enlarging the scope of its financial aid for Ukraine. Nevertheless, it has continued to refuse Ukraine the perspective of membership, which could be a stimulus for Ukrainian reforms.

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<sup>81</sup> R. Sadowski, A. Wierzbowska-Miazga, 'The Ceasefire in Eastern Ukraine', *Analyses*, 10 September 2014, <http://www.osw.waw.pl/en/publikacje/analyses/2014-09-10/ceasefire-eastern-ukraine> (accessed on 22 July 2014).

Second, the Ukrainian crisis has shown that the EU is unable to react quickly and decisively to challenges arising in its neighbourhood. The cooperative approach to international environment, the civil character of the EU's power and the consensual decision making system make it difficult for the Union to take the sharp decisions – potentially controversial among the Member States and unpopular among the population – that are often necessary in times of politico-military conflicts in the neighbouring states.

Third, the European Union was unwilling to engage into open confrontation with the Russian Federation over the common neighbourhood, which is due both to the role of Russia as the EU's political and economic partner and the specificity of the EU power in international relations. After the invasion of Crimea, the Union still believed it was possible to maintain a dialogue with Russia. It adopted a 'road map' of the sanctions against the Russian Federation. The 'level 1' sanctions (suspension of talks on the new agreement and visas) were quickly put in place, the 'level 2' sanctions (visa bans and freeze of assets) were implemented within some months, and the 'level 3' sanctions (economic) were adopted only after the Malaysian airliner was shot down by the separatists over Eastern Ukraine.

Within this context, the EU diplomacy was replaced by the most influent Member States, which are highly interested in the EU's cooperation with Russia and/or Ukraine. During the 'Euromaidan', the engagement of the Member States in Ukraine was coordinated by the EU (unrealised February agreements between Yanukovich and the Ukrainian opposition). After the beginning of the Ukrainian–Russian conflict, the great EU powers Germany and France took more liberty and started to deal directly with Russia and Ukraine, probably at the expense of the cohesion of the EU policy and to the benefit of the Russian Federation. The involvement of both the EU and its members in the resolution of the conflict proved, however, to be unsuccessful.