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## **The Role of Poland in Shaping the EU Policy towards Ukraine**

**Abstract:** *In the recent years there has been an evident growth of interest in Ukrainian problems in many European countries and organizations. Ukraine ceased to be perceived as another territory dependent upon the Russian Federation while Western European countries began to treat it as a partner worth entering into collaboration. Still, one of the most important phenomena characteristic of the Ukrainian foreign policy is the concept of “multi-vectoral orientation” – the name given to the efforts of Ukrainian authorities who continuously balance between the West and the East. Besides, the permanent state of indecision on the part of Ukraine seriously undermines its credibility and image in the international arena. Nevertheless, over the 16 years that passed since the country proclaimed independence many attempts have been undertaken to approach the European Union. An important role in the history of relations between Ukraine and the EU has been played by Poland which consistently favoured and promoted Ukrainian aspirations on the EU forum and acted as its’ advocate in European saloons. In the key moments of the Orange Revolution Poland made its name as the country which stimulated broader interest in the Ukrainian case, one that encouraged others to take more marked and specific measures to support that young, emerging democracy.*

In 1991 Ukraine re-emerged on the political map of Europe as an independent State.<sup>1</sup> Poland was the first country to acknowledge the fact, revealing thereby our Eastward policy’s priorities at that time.<sup>2</sup> Stable, democratic and sovereign Ukraine certainly features strongly among Poland’s

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<sup>1</sup> Ukraine proclaimed independence on 24 August 1991 (right after the fall of the Moscow *coup d’état*).

<sup>2</sup> Poland acknowledged the independence of Ukraine on 2 December 1991.

interests. Accordingly, the Republic of Poland (RP) has run multi-dimensional policy of supporting Ukraine's European aspirations, favouring its' integration with the European Union in the future. However, whilst the fact that Ukraine's foreign policy is clearly pro-European is now obvious, in the early Nineties it was not clear at all. Considering its historical background and ties, Ukraine could not afford to run anti-Russian policy and revealing its European inclinations during the early years of its independence would have been interpreted as anti-Russian attitude anyhow. Thus during that period Ukraine really had to take roundabout ways, issuing declarations not always consistent with one another, in which both Russia and USA, as well as Poland and Germany were described as its strategic allies. Moreover, in an attempt to reassure all the parties concerned, the country declared itself not involved in any political block. This confusion as regards actual directions chosen by Ukrainian diplomacy made it quite difficult for the EU to identify the country as one with clearly European aspirations.<sup>3</sup>

During the rule of President L.Kuchma Ukraine often declared its' willingness to become the EU Member State, but it was only after the Orange Revolution and after V.Yuschenko's election for the President that the country followed explicit pro-European path. One has to admit, however, that while Ukraine nowadays still declares that its strategic objectives are unambiguously pro-European, the EU's behaviour towards it has remained rather reserved. Nevertheless, there can be no doubt that fundamental qualitative change in mutual relations has already happened. The role played by Poland in development of mutual relations between Ukraine and the EU cannot be underestimated. Poland has consistently expressed support for Ukraine, promoted that country's aspirations on the EU's forum and acted as its advocate in European saloons. In the pivotal moments of the Orange Revolution Poland was responsible for stimulating broad, worldwide interest in what happened, as well as encouraging the other countries to undertake more determined and specific actions to help this young, emerging democracy.

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<sup>3</sup> The name "multi-vectoral orientation" given to a concept or a doctrine in Ukraine's foreign policy is often seen in literature: see, for example: P.Turczyński, *Polityka Unii Europejskiej wobec Ukrainy (The European Union's policy for Ukraine)*, "Sprawy Międzynarodowe" no. 2/2005, p.53 and B.Klich, *Poprawki do partytury (Corrections to the score)* "Unia & Polska", no. 1-2/2005, p.18.

## 1. The EU – Ukraine relations before the Orange Revolution

The beginning of official relations between Ukraine and Poland can be traced back to 1992 when, half a year after having proclaimed independence of Ukraine, President L.Kravchuk met the President of the European Commission J.Delors for the first time. Opening of the EC Commission's Representation in Kiev in 1993 was one of effects of that meeting.

In 1994 the EU Council, as part of its Common Foreign and Security policy, issued a position determining the objectives and priorities for collaboration with Ukraine emphasizing the need to respect human rights, build democratic institutions and market economy, as well as encouraging Ukraine to modernise its energy sector.<sup>4</sup>

Signing of the Agreement on Partnership and Cooperation between the European Communities and Ukraine in 1994 was another important event. The document, which entered into force on 1 March 1998<sup>5</sup>, provided legal fundamentals for furthering political, economic and trade relations between the European Union and Ukraine. It has been a typical economic agreement concluded by the EC and their Member States with the countries of ex-Soviet block. It is going to remain in force until 2008. While not foreseeing the Ukraine's accession to the EU as such, it opens up a possibility of creating free trade zone.

It has been thanks to this agreement that proper political dialogue between both parties started and formal framework of co-operation (economic in particular) was established. In line with the Agreement, in order to formalise mutual relations, Parliamentary Commission of EU-Ukraine Cooperation was created, composed of representatives of the European Parliament and of the Parliament of Ukraine.<sup>6</sup> Moreover, the Council for EU-Ukraine Cooperation was formed, to operate on ministerial level.<sup>7</sup>

During the European Council summit in Helsinki on 11 December 1999 the EU adopted the Common Strategy towards Ukraine for period of next four years, with a prolongation option.<sup>8</sup> In practice, in 2003 it was replaced with

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<sup>4</sup> 94/779/CFSP: Common Position of 28 November 1994 defined by the Council on the basis of Article J.2 of the Treaty on European Union on the objectives and priorities of the European Union towards Ukraine O.J., L 313, 6.12.1994, p.1.

<sup>5</sup> Partnership and Cooperation Agreement between the European Communities and their Member States and Ukraine, O.J., L 49, 19.02.1998.

<sup>6</sup> Ibidem, Art. 90.

<sup>7</sup> Ibidem, Art. 85.

<sup>8</sup> Common Strategy 1999/877/CFSP of the European Council of 11 December 1999 on Ukraine, O.J., L 331, 23.12.1999.

a new Common Strategy.<sup>9</sup> The Council adopted the strategy in order to consolidate – as was declared in the document – the strategic partnership between the EU and Ukraine, which was described as “*an important factor influencing consolidation of peace, stabilization and welfare in Europe*”.<sup>10</sup> It was emphasised that stable and democratic Ukraine presented considerable value for the EU, therefore the document underlined the necessity of developments furthering these goals.

The Strategy specified the EU objectives in relation to Ukraine as well as instruments and measures for their achievement. The following was mentioned among the principal objectives:

- support to be given to democratic and economic changes in Ukraine, aiming at development of democracy, including creation of citizen society, independent media, reform of the system of law and development of the rule of law. Support for economic reforms in order to establish viable and well-operating market economy was also provided for;
- cooperation with Ukraine for consolidation of stability and security in Europe;
- cooperation between the EU and Ukraine in the context of the EU enlargement, including support to be given to the country’s integration with both European and global economies.

However, despite the above-mentioned initiatives, meetings and strategies, Ukraine’s relations with the EU developed slowly. Paradoxically, Russia was a too important partner for either party, so neither Ukraine nor the EU wished to see their relations with Russia deteriorated.<sup>11</sup> Undisturbed supplies of energy constituted one of the fundamental issues at stake in this context for both Ukraine and the EU.<sup>12</sup> Furthermore, Ukraine economy was closely bound with Russia – for example, in 1998 Russia’s share in Ukrainian trade accounted for as much as 38%.<sup>13</sup>

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<sup>9</sup> Common Strategy 2003/897/CFSP of the European Council of 12 December 2003 amending Common Strategy 1999/877/CFSP on Ukraine in order to extend the period of its application, O.J., L 333, 20.12.2003.

<sup>10</sup> Ibidem.

<sup>11</sup> For details concerning an increase of Russia’s influence in Ukraine – see: P.Turczyński, op.cit., p.58-63.

<sup>12</sup> More on the same subject – see: M.Izydorzyczyk, *Kolejka do Europy (Waiting in line to Europe)*, “Unia & Polska” no. 18/2001, p.21.

<sup>13</sup> P.Turczyński, op.cit., p.58. It should be underlined, however, that this trend began to change. In 2004 the European Union was Ukraine’s principal partner both in terms of export and import (32.7% of trade volume). The EU’s total share in export from Ukraine was at approx. 28% and in import: 37%. On the other hand, estimates based upon economic models clearly suggest that the EU and Ukraine, its size and proximity to major sales markets taken

Since 2000 Ukraine experienced growing serious political crisis,<sup>14</sup> as exemplified, among other things, by the murder of journalist G.Gongadze (September 2000) and overthrowing of pro-European Prime Minister W.Yuschenko (April 2001). These events strained the relations between the parties, which was evident during the EU-Ukraine when Brussels pointed out deficits of Ukrainians democracy.<sup>15</sup>

The Ukrainian political system's steering away from democracy and the rule of law became more evident. Such a course of changes occurring in Ukraine, accompanied by a slower rate of transformation caused an increase of fears in the EU Member States about the future and effectiveness of reforms carried out there. Whilst some EU countries agreed it was necessary to establish some sort of institutional framework to try and improve the relations, the general restraint towards Ukraine became more apparent.

As an example of this trend, the New Neighbourhood Initiative, undertaken in the EU in 2002 may be listed. Whilst officially it was meant to contribute to improvement of relations with Ukraine, Belarus and Moldova, in reality it was initiated with mainly Ukraine in mind – the country regarded as the EU's most important neighbour, especially in the context of the 2004 round of enlargement. With the passage of time this measure came under more and more criticism of the EU Member States as it was increasingly believed that Ukraine, with its' regress of political reforms and increase of pro-Russian climate was an unstable and unpredictable partner. It was feared that the New Neighbourhood Initiative might be interpreted by Ukrainians as a starting point for potential future membership of their country in the EU and that it was too early at that stage to get involved in any closer form of cooperation.<sup>16</sup>

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into account, should be much more important trade partners to each other than it is in practice. Ukraine's another major trade partner is Russia, whose share in Ukraine's trade volume accounts for almost 25% (17.5% in export and 32% in import). See: A.Byrt, *Współpraca gospodarcza między Unią Europejską a Ukrainą (Economic cooperation between the European Union and Ukraine)* in: *Ukraina w drodze do Unii Europejskiej (Ukraine on its way to the European Union)*, The Office of the European Integration Committee, Stefan Batory Foundation, Warsaw 2005.

<sup>14</sup> More on the subject of situation in Ukraine at that time – see: *Ukraina: w poszukiwaniu straconego czasu (Ukraine: In Search of Lost Time)*, "Rocznik Strategiczny 2000/2001", p.206 ff. and "Unia & Polska" no. 6/2002, p.22 ff.

<sup>15</sup> Ibidem.

<sup>16</sup> It should be added, however, to be precise, that this was not the only reason behind EU's withdrawal from this initiative. There was a growing belief in the EU that it was a mistake not to take Russia into consideration in the EU Eastern policy. Moreover, it was observed that geographic coverage of the New Neighbourhood Initiative was insufficient. More of the same subject – see: G.Gromadzki, O.Suszko, M.Vahl, K.Wolczuk, R.Wolczuk, *Po rewolucji*

With these objections in mind the Wider Europe Initiative was developed (which replaced the New Neighbourhood Initiative) and the category of the EU neighbours was extended by inclusion of a number of countries, featuring much bigger differentiation. Geographic range of the initiative was extended to include countries situated at Southern coast of the Mediterranean as well as Russia. This meant that relatively privileged status Ukraine had under the previous initiative (which was only extended to three countries) was in fact reduced and Ukraine was treated in the Wider Europe Initiative as just one of many EU neighbours and found itself, with its plans of integration, among many non-European States which had no such aspirations.

## **2. The Orange revolution**

Poland's active support of Ukraine's European aspirations was most noticeable during the so-called Orange Revolution. Among the international actors an institution that was most active in promoting democratic Ukraine was the European Parliament, for which this event became an opportunity to assume a more determined position on the EU forum. Committed attitude of MEPs from new Member States (Poland in particular) became one of principal factors that stimulated interest in Ukrainian events in the Parliament and on the international scene.<sup>17</sup>

In September 2004 the European Parliament appointed a delegation to deal with the EU's relations with Ukraine and Belarus. Its first task was to send observers to presidential elections (the mission was headed by two Poles: Marek Siwiec and Bogdan Klich). Polish deputies to the European Parliament repeatedly argued that it was desirable to reinforce the EU's ties with Ukraine in order to stimulate pro-European attitudes in Ukrainian society. In effect, representing Ukraine in the EU forum began to be regarded as a somewhat specialty of Polish diplomacy. Poland was interested in driving the EU away from focusing excessively upon its Southern borders<sup>18</sup> – as was announced by the European Neighbourhood Policy.<sup>19</sup> It was Poland's aim to ensure Ukraine's membership in both NATO and the EU.<sup>20</sup>

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*pomarańczowej. Stosunki UE - Ukraina do wiosny 2006 roku (After the Orange Revolution. The EU-Ukraine relations until spring 2006)*, Stefan Batory Foundation, Warsaw 2005, p.10.

<sup>17</sup> More on the same subject in: M.Miedzianowski, *Rola Parlamentu Europejskiego w procesie zmian na Ukrainie (The Role of the European Parliament in the process of transformation in Ukraine)* in: *Ukraina w drodze do Unii... (Ukraine on its way...)*, op.cit.

<sup>18</sup> More on the subject of the European Neighbourhood Policy – see below in the text.

<sup>19</sup> The European Neighbourhood Policy is a long-term vision of the EU's relations with its Eastern neighbours. It was published by the European Commission on 12 May 2004 in the ENP

Under the Polish insistence collaboration was initiated between Germany and Poland regarding the EU's policy towards Ukraine. Ministers of both States jointly prepared "Draft elements regarding a European policy for Ukraine" presented on 12 October 2004.<sup>21</sup> And whilst Germany rejected Poland's efforts to intensify the debate on Ukraine's potential membership in the EU, it nevertheless became obvious that Poles, who promoted that idea so actively and consistently, would carry on with their involvement in favour of such a solution.

Before presidential elections in Ukraine, while evaluating the electoral campaign, the European Parliament adopted a resolution in which it expressed its disappointment with both the atmosphere in which the campaign was held and the manner in which it was carried out and appealed to Ukrainian authorities to ensure freedom of operation to candidates and to discontinue breaking democratic procedures preventing voters from making their free choice.<sup>22</sup> The resolution emphasised that truly free and fairly held elections should guarantee liberal access to media for all candidates and that it was unacceptable for just one of them being promoted by those in power.

Following the first round<sup>23</sup> of the presidential elections, the European Union still was reluctant to be involved in Ukrainian matters and the comments on the events were rather scarce.<sup>24</sup> In Poland, on the other hand, there was a wide consensus that leaving Ukraine to itself with its social discontent growing more and more serious would involve negative consequences in the long run. That's the reason behind Poland's intention to influence the arrangements made during the European Council summit in Brussels (4-5 November 2004) and to raise the interest in other Member States with the issue of unequal treatment of both candidates. On 17 November 2004 encouraged by the Polish deputies, the European Parliament adopted a resolution concerning the above-mentioned meeting of the European Council.<sup>25</sup> In the resolution it appealed for the second round of the

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Strategic Document that was approved by the Council in June 2004. Along with Eastern European countries, the ENP also covers Southern Caucasus and the Mediterranean.

<sup>20</sup> See the opinion of Janusz Onyszkiewicz, the Polish Member of the European Parliament, who emphasised that the EU should be convinced to choose this attitude in its Eastern policy. At that opportunity he observed that Belarus should take the same way – *Z Zachodu na Wschód* (*From the West Eastwards*), "Gazeta Wyborcza", 30.10–1.01.2004.

<sup>21</sup> G.Gromadzki, O.Suszko, M.Vahl, K.Wolczuk, R.Wolczuk, op.cit., p.13.

<sup>22</sup> See: Resolution of 28.10.2004 of the European Parliament concerning the forthcoming parliamentary elections in Ukraine – doc. no. P6\_TA(2004)0046.

<sup>23</sup> The first round of the parliamentary elections in Ukraine took place on 31 October 2004.

<sup>24</sup> See: R.Soltyk, *Kunktatorzy z Brukseli (Procrastinators from Brussels)*, "Gazeta Wyborcza", 24.11.2004.

<sup>25</sup> See: Resolution of the European Parliament P6\_TA(2004)0062.

presidential elections to be carried out fairly and reliably, confirmed that Ukraine was EU's key neighbour and partner and announced that an Action Plan for Ukraine would be implemented as soon as possible.<sup>26</sup> Simultaneously Poland also made decision to send a greater number of observers than it did during the first round of elections and encouraged other countries of the Visegrad Group to send their observers as well.

After the second round of the elections which took place on 21 November 2004 and were universally found to be forged – the EU still revealed no intent to declare itself in favor of V.Yuschenko. Good collaboration with Russia was considered much more important, as proven by the EU-Russia summit held on 25 November 2004, dedicated to the situation in Ukraine. The meeting occurred to be a success of the President of Russia V.Putin. The EU's reaction to "Ukrainian event" was in fact limited to vague declarations about the Ukrainian elections not having met international standards. In general, however, Western European countries were much more interested in smooth cooperation with Russia than they were with democratic standards in Ukraine.<sup>27</sup>

It was only under the influence of Polish deputies that the European Parliament declared the elections in Ukraine to have been manipulated and, in effect, non-reliable. As a result the European Union, following its early restrained reactions, finally decided – also under Polish and Lithuanian pressures – to become involved in the mediation process in Ukraine.<sup>28</sup> The President of RP A.Kwaśniewski was one of nine negotiators who sat at the round table in Kiev.<sup>29</sup>

In early December 2004, in reply to Polish initiative, the European Parliament held a special debate dedicated to the situation in Ukraine, during which J.Buzek presented the following four EP's conditions which should be met by the authorities in Kiev: solving the crisis without recourse to violence,

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<sup>26</sup> This regarded implementation of the EU-Ukraine Action Plan within the framework of the European Neighbourhood Policy.

<sup>27</sup> See: P.Kamiński, *Co tam Ukraina, liczy się Rosja (Hang Ukraine, it's Russia that counts!)*, "Gazeta Wyborcza", 1.12.2004; interview with Ch.Jenkins, *Unia nie chce prowokować Rosji (The EU prefers not to provoke Russia)*, "Gazeta Wyborcza", 27.11.2004.

<sup>28</sup> On 24 November 2004 a group of Polish diplomats came to Ukraine with a mission to prepare a visit of the President A.Kwaśniewski.

<sup>29</sup> Mediation was being held in a group of nine politicians. Ukraine was represented by: L.Kuchma – the retiring President, V.Janukowych and V.Yuschenko – candidates for the President office and V.Lytwyn – the head of the Ukrainian Parliament. The EU party was represented by: A.Kwaśniewski, the President of Poland, J.Solana, the High Representative for the Common Foreign and Security Policy and V.Adamkus, the President of Lithuania. The delegation of mediators also included J.Kubisz – General Secretary of OSCE and B.Gryzlov – the head of Russian Parliament.

maintenance of territorial integrity of Ukraine, repetition of the second round of the elections, ensuring equal access to media for both candidates.<sup>30</sup> This opportunity was also used to point out a rather conservative behaviour of the EU towards Ukraine and a postulate was made to change it. Apart from sending a signal that it noticed and supported Ukrainian efforts, in this way the EU wanted to motivate that country to assume more European attitudes.

As a result of the debate in the European Parliament another resolution was adopted, in which the elections were declared forged and Kiev authorities were called to declare the second round of the voting void and to repeat it with the participation of international observers.<sup>31</sup> Deputies also announced that in the case of a negative reaction the Partnership and Cooperation Agreement with Ukraine would be suspended and that sanctions would be applied. They also expressed their solidarity with Ukrainian nation, reckoned any separatist threats inadmissible and declared themselves in favour of territorial integrity of the country.<sup>32</sup>

Moreover, the European Parliament sent a delegation of its deputies headed by J.Saryusz-Wolski to Kiev with a task to provide support to the EU mediation before the repetition of second round of elections.

This way, thanks to efforts headed by Poles and directed by the general Polish policy towards Ukraine, the tone of EU politicians towards Ukraine began to change, as firmly underlined by B.Geremek who summed it up saying that “*The European Union has to open up to Ukraine*”.<sup>33</sup>

### **3. New perspectives of Ukraine – European Union relations**

Although one of direct effects of the Orange Revolution was the self-determination of Ukraine as a European country, this implied no prompt changes in relations with the EU. Newly-elected President V.Yuschenko said during his visit in Strasburg in January 2005 that “*it was Ukraine’s strategic aim to become an EU Member State. There will be no policies (...) going in all directions; just in one – namely, European*”.<sup>34</sup> V.Yuschenko was greeted by

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<sup>30</sup> R.Sołyk, *Parlament Europejski popiera Ukrainę (The European Parliament supports Ukraine)*, “Gazeta Wyborcza”, 2.12.2004.

<sup>31</sup> On 3 December 2004 the Ukrainian Supreme Court ordered to repeat the second round of the presidential elections on 26 December of the same year, which had been the principal postulate of the European Parliament’s resolution.

<sup>32</sup> See: the resolution of 2.12.2004. of the European Parliament concerning Ukraine – doc. no. 6\_TA(2004)0074.

<sup>33</sup> R.Sołyk, *Parlament Europejski popiera Ukrainę (The European Parliament supports Ukraine)*, op.cit.

<sup>34</sup> R.Sołyk, *Juszczenko w Europie (Yuschenko in Europe)*, “Gazeta Wyborcza”, 26.01.2005.

the EU party with ovations, but in fact he got no specific promises, obligations or at least a shade of hope for Ukraine's membership in the European Union. This in a way was confirmation that once again the EU did not intend to offer an association agreement to that country and that the formula of mutual approximation was to be implemented via a so-called Action Plan. Poles evaluated EU's behaviour towards Ukraine as tentative and ill-disposed – a declaration for which they were criticised by G.Verheugen, who went as far as admit that Ukraine's membership in the EU was not taken into consideration at all and that so far Poland was the only country interested in that.<sup>35</sup>

The only EU document to contain any qualitatively new statement regarding Ukraine's prospects for the EU membership was the EP's resolution of 13 January 2005.<sup>36</sup> In paragraph 12 the European Parliament: "*calls on the Council and the Commission to consider at the same time a revision of the European Neighbourhood Policy Action Plan, which must take account of the new situation, thus giving the new Ukrainian Government the opportunity to renegotiate the Plan in the light of its deep aspirations for European integration*".<sup>37</sup>

The resolution was very firm in emphasizing European ambitions of Ukraine. It postulated more resolute support to be provided to reforms introduced there, as well as offering explicit European prospects and other forms of association, reaching beyond a narrow framework of the Neighbourhood Policy.

However, beside that resolution, the importance of which in the EU was limited, the EU's official position, refraining from formulation of even very remote prospects for Ukrainian future membership, was not alleviated. What should be underlined, nevertheless, was that the adoption of the resolution in question was preceded by a debate in the European Parliament, during which most deputies favoured provision to Ukraine of broader possibilities of rapprochement to the EU. The European Commission's passive attitude was criticised as was behaviour of Luxembourg, at that time entrusted with the

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<sup>35</sup> J.Pawlicki, R.Soltyk, *Dajcie Ukrainie choć tyle, co Albanii! (Give Ukraine at least as much as you gave Albania!)*, "Gazeta Wyborcza", 10.12.2004.

<sup>36</sup> It should be observed that this resolution included more specific proposals for closer cooperation with Ukraine than those put forth by either the European Council or the European Commission. It enjoyed strong support from the European Parliament: 467 votes in favour, with just 7 withholding and 19 against. See: G.Gromadzki, O.Suszko, M.Vahl, K.Wolczuk, R.Wolczuk, op.cit., p.16.

<sup>37</sup> The Resolution of the European Parliament concerning the outcomes of elections in Ukraine – doc. no. P6\_TA(2005)0009.

role of the EU presidency, as there was not even a mention about Ukraine at the list of the presidency priorities.<sup>38</sup>

Hopes for any timeline of Ukraine's future integration with the EU being specified also remained unmet at the time of signing of the EU – Ukraine Action Plan in February 2005.<sup>39</sup> The Plan – covering a three years perspective – was an instrument of the European Neighbourhood Policy, addressed to countries which are not considered as future Member States of the EU. It provided no prospects of accession for Ukraine and as such was criticised by Euro-deputies as well. It had been negotiated earlier, at the time when L.Kuchma was Ukrainian President, so the President V.Yuschenko could really only either approve it in its entirety or reject it, without any opportunity to renegotiate it. The Plan was ill-adapted to the new situation that arose after the victory of the Orange Revolution, as it did not reflect the political changes in Ukraine. According to deputies of the European Parliament the triumph of Ukrainian democracy required a new strategy to be developed, a new quality in mutual relations and – in consequence – new instruments of action, quite different from and reaching further than the European Neighbourhood Policy.

The Plan specified areas in which particular transformation was required in order for Ukraine to be able to meet norms and standards adopted in the EU, both in terms of building a democratic State and in developing viable market economy. This, among other things, included a necessary reform of the system of justice, respect for the rule of law and carrying out economic reforms to enable the country to become a member of the WTO.

The EU - Ukraine Action Plan was a very prudent offer which – from the EU perspective – was meant to establish a safe distance. It actually contained no instrumental arrangements. What was itemised in much detail were changes that should take place in Ukraine, this however, was not counterbalanced by any specific obligations on the European part. The European Neighbourhood Policy provided a new formula of contacts with Ukraine, but with no promise for the accession. In effect, it can hardly be regarded as particularly stimulating an offer for Ukraine.

That's why the Ukrainian President assessed the Action Plan as an important stage of cooperation, but one that failed to reflect Ukraine's hopes about the European Union. V.Yuschenko also underlined that the Neighbourhood Policy was inadequate to Ukrainian expectations and aspirations and that its underlying

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<sup>38</sup> M.Miedzianowski, op.cit.

<sup>39</sup> See: K.Pelczyńska-Nałęcz, *EPS w praktyce – Unia Europejska wobec Rosji, Ukrainy, Białorusi i Moldawii rok po publikacji Dokumentu Strategicznego (ENP in practice – the European Union's attitude towards Russia, Ukraine, Belarus and Moldova one year after the publication of the Strategic Document)*, Warsaw 2005, p.8.

philosophy in fact depreciated Ukraine describing it as a neighbour of European countries whilst in fact Ukraine was a European country.

Poland expressly criticised this sort of the EU's tentative attitude. Our country's involvement in this respect are worth of emphasizing In view of this criticism one has to point out that Polish deputies have undertaken considerable efforts to distinguish Ukraine from a large group of countries-addressees of the Neighbourhood Policy. When the European Commission approved the EU - Ukraine Action Plan in December 2004 as part of the European Neighbourhood Policy, Polish Euro-deputies put forth an initiative of resolving a special declaration encouraging the Commission to start negotiations about entering into a stabilization and association agreement with Kiev, similar to that concluded with Macedonia and to another one, negotiated by the EU since 2000 with Albania.<sup>40</sup> Conclusion of such an agreement would at last present Ukraine with a prospect of future membership – even if a very remote one. However, Polish efforts in this respect were unanswered and finally, on 13 December, the EU Council adopted a declaration concerning Ukraine, rejecting Polish postulates.<sup>41</sup>

In January 2005 Poland and Lithuania undertook further attempts to extend collaboration with Ukraine beyond the Neighbourhood Policy as an answer to the efforts of the Orange Revolution and to Ukrainian aspirations being declared so explicitly. However, as a result of determined resistance on the part of some Member States, only an annex was added to the EU - Ukraine Action Plan (although it should be admitted that no other country covered by the ENP received such a favour). The document, prepared by the EU included ten paragraphs – a list of obligations undertaken by the EU in order to support reforms and to achieve Ukraine's close ties to the EU.<sup>42</sup> The European Union was obliged, among other things, to start consultation preceding a more advanced agreement intended to replace the Partnership and Cooperation Agreement due to expire in 2008 and to increase Ukraine's access to funds of the European Investment Bank.<sup>43</sup>

Whilst the annex included as least some issues addressed by the EP's Resolution of 13 January 2004, still it did not meet Ukraine's expectations and was received with bitterness as bringing cosmetic changes and opening no new stage in the mutual relations. The European Union's modest proposals were judged as conservative and vague as regarded the scope or details of aid

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<sup>40</sup> J.Pawlicki, R.Sołtyk, *Dajcie Ukrainie choć tyle, co Albanii! (Give Ukraine at least as much...)*, op.cit.

<sup>41</sup> [http://europa.eu.int/comm/external\\_relations/ukraine](http://europa.eu.int/comm/external_relations/ukraine)

<sup>42</sup> [http://ue.eu.int/uedocs/cms\\_Data/docs/pressdata/en/er/83804.pdf](http://ue.eu.int/uedocs/cms_Data/docs/pressdata/en/er/83804.pdf)

<sup>43</sup> K.Pełczyńska-Nałęcz, *EPS w praktyce... (ENP in practice...)*, op.cit., p.12.

proposed, although the document suggested a possibility of increasing dynamics of the EU – Ukraine relations in a number of areas.<sup>44</sup>

#### **4. Problems of promoting Ukraine in the European Union**

Since the presidential elections in 2004 EU's relations with Ukraine underwent a distinct change: contacts were intensified and gained new dynamics. Poles truly made their best to represent Ukraine's interests on the EU forum. However, according to its official position, the EU still refrains from formulating even very far prospects for Ukrainian membership.

It should be firmly underlined that Poland undertook many efforts to intensify the debate about a possibility of accession of Ukraine to the EU and attempted to stimulate active policy on the part of the EU towards that goal. Sometimes this activity proved irritating to our European partners, as evidenced, for example, by the reaction of J.Borrell, the President of the European Parliament, who rhetorically assessed Poland's activity in that field in the following way: "*It seems Poland feels closer to Ukraine than to the EU Member States*".<sup>45</sup>

Polish diplomacy revealed much courage and determination in promoting objectives which enjoyed no universal favour in the EU and in this respect contributed to development of the EU foreign policy as an independent party that stood apart. One has to admit that our country, while pressuring to raise interest in the Ukrainian matters, became participant of an even more important debate inside the EU. At the same time, relations with Ukraine became strained, since not all Member States approved recognizing it as potential candidate for accession in the future. In fact, most of them refused to adopt any statements which could even suggest promises given to Ukraine in that respect. The objection to excessive support to Ukraine was most explicitly expressed by France.<sup>46</sup> This, however, requires an explanation that French position has been an evidence of a far-reaching and serious difference regarding Member States' views upon broadly understood EU foreign policy. Different positions assumed towards Ukraine have been related with policy towards other EU Eastern neighbours, such as Russia. The EU, looking Eastwards, sees Russia as its primary partner. Most of the EU decision-

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<sup>44</sup> More about critical comments – see: G.Gromadzki, O.Suszko, M.Vahl, K.Wolczuk, R.Wolczuk, op.cit., p.17-18.

<sup>45</sup> S.Kamiński., R.Sołyk, *Borrell gani Polskę (Borrell reproaches Poland)*, "Gazeta Wyborcza", 5.01.2005; R.Rudnicki., *Kolejna wpadka Borrella (Another Borrell's setback)*, "Unia & Polska" no. 1-2/2005, p.12-13.

<sup>46</sup> R.Sołyk, *Na początek stowarzyszenie (Association as the first step)*, "Gazeta Wyborcza", 7.12.2004.

makers cannot imagine any solution of the issue of future relations with Ukraine without parallel progress being made in their relations with Russia. Seen this way, relations between the EU and Ukraine have been, to a certain degree, derivative of the EU-Russian relations.

French apprehensions should not only be seen as pro-Russian inclinations, typical to France (Frenchmen repeatedly pointed out that relations with Russia may deteriorate in effect of potential adoption of Ukraine to the EU), but as much more profound fears felt in other Member States as well. France was probably the most determined country in expressing its resistance against making any promises to Ukraine regarding the membership, underlining that the EU has got its own serious problems, such as negotiation on the budget for the years 2007-2013 or starting the accession debate with Turkey. There were evident fears of experiencing an escalation of claims from another large and poor country. It was also feared that any specific promises made to Ukraine regarding the accession could be disapproved by societies of present Member States who have already been quite annoyed with bearing the costs of the last massive enlargement. These feelings must have become even stronger following the most recent accession, that of Romania and Bulgaria in January 2007. Moreover, there has also been Turkey waiting in line for a number of years. Should the list be extended by inclusion of another country (in this case, extremely "aggravating" issue for Russia), voting on the Treaty of Constitution could in fact turn into voting over a row of consecutive enlargements. This in fact happened in France, as evidenced by negative outcome of a referendum held in May 2005, rejecting the Treaty of Constitution.

On the other hand, despite any such objections and controversies, dominant attitude assumed in Brussels towards Ukraine is much more positive than it used to be prior to the Orange Revolution. Probably the time of vivid interest in Ukraine is already over, days of revolution are past now as is most of the euphoria around it and what naturally follows is time for hard work. For the first time since regaining independence by that country in 1991 the political climate with regard to Ukraine is friendly. This, however, is not going to last long if Kiev fails to catch the opportunity and allows the EU to forget about Ukraine again. In order not to let it happen it is necessary to carry on political reforms, as well as social and economic transformation. The Ukraine-EU summit in December 2005 in Kiev was a good prognostic signal for the future of mutual relations. After several years of endeavours Brussels finally awarded Ukraine a status of a country having market economy, which gives Ukrainian exporters specific preferences in the Community markets. On the other hand, Ukrainian plans to become member of the World Trade Organization remain just plans and it certainly is in its interest to achieve this.

At present it is necessary for Ukraine to undertake active efforts in a number of areas, mainly as regards home policy. The EU – Ukraine Partnership and Cooperation Agreement is going to be replaced early in 2008 with another, extended document and it is very much up to Ukraine to influence possible range and character of that new agreement.

Processes of transformation in Ukraine have been a challenge for Poland too. This is one of Poland's closest neighbours and it is in common interest that Poland supports its independence. As Poles criticised the EU's recent policy concerning Ukraine, they also put forth a set of new, original proposals on the forum of the European Parliament. It was as an aftermath of Polish activity in the European Union that a debate started on modification of the attitude assumed until recently towards the Eastern neighbour. A certain degree of apprehension can still be observed on the EU party about irritating powerful Russia, which is at the same time accompanied by readiness to accept Russian zone of influence in Eastern Europe. From Polish point of view it is extremely important to apply a principle of balance in the EU's Eastward policy, according to which relations with Russia are as important (but not much more) as those with Ukraine, Belarus and Moldova.

Free and independent Ukraine has been a warranty of stability, security and peace in our region. However the country still faces many problems. It takes much determination, effort and time to build democracy and citizen society. Whether Ukraine is going to become Member State of the EU mainly depends on the country itself, on how persistent it will be in introducing social and economic reforms and in meeting political, economic and legal criteria of membership. If those tasks are achieved properly and reliably, the European Union cannot remain indifferent and it seems necessary for it to start an internal debate soon about its vision of future relations with Ukraine – relations going much farther than just prospects foreseen in the European Neighbourhood Policy.

The potential to become EU Member State is the strongest impulse giving motivation to undertake effort and transform Ukraine's political system and economy. The fact of accession to the EU, in 2007, of Bulgaria and in particular Romania which borders Ukraine, is probably going to shift the balance to the latter country's favour: perhaps this will encourage the EU to start treating Ukraine as potential candidate for accession.

At the same time Ukraine has to be aware that under the present conditions any country that aspires to the EU membership will be evaluated according to more demanding criteria than those expected from previous candidates. On the other hand, total consistence with both political and economic standards set by the EU is the best solution that can be proposed to

Ukraine in the long run. This makes Ukrainian authorities responsible for driving the country in consistent and dynamic manner towards Europe.

Unfortunately, events occurring during the recent months give no reason to optimism in this respect and steps taken by Ukrainian authorities seem to give evidence to quite an opposite priorities being set for the country's foreign policy. It was quite a surprise to enthusiasts of Ukraine's pro-European course to see all the chaos regarding the appointment of a new government after parliamentary elections in March 2006.<sup>47</sup>

Another major disappointment was an inability to form a government by those who had been allies in the days of the Orange Revolution not long ago: namely Julia Timoshenko's "Blok" and "Our Ukraine" party. A couple of months of their disagreements about who should be the Prime Minister revealed dominance of particular party interests and of personal ambitions of leaders. In consequence the person who headed the newly formed government was V. Yanukovych – the leader of "blue" Party of Regions and the rival of V. Yuschenko during previous notorious presidential campaign. The new Prime Minister, despite earlier announcement of European values being dear to Ukrainians, made no efforts at all for his country accession to NATO. Worse still, he could quote considerable social approval for his attitude as it occurred that as much as 60% of Ukrainians declared themselves against becoming NATO member.<sup>48</sup> Considering that the anti-NATO trend was dominant in this coalition, it could hardly be expected of that government to undertake broad awareness-raising and information campaigns to explain to the society benefits to stem from integration with both NATO and the European Union.

This is a very unfavourable situation from the point of view of Ukrainian chances for integration. Put simply, it is now Ukraine that gives Brussels arguments against itself. The lack of determination as regards integration (attitudes of government and the President being inconsistent with one another) should also be seen from perspective of dilemmas regarding the EU Eastern policy and directions of potential further enlargements existing in the EU. Ukraine which is volatile and undetermined whether it intends to participate in European integration structures or not is a partner which the united Europe is not going to treat seriously.

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<sup>47</sup> Situation in Ukrainian political arena following the parliamentary elections in March 2006 was presented by J. Wilczak in: *Rewanż niebieskich (The Revenge of the Blue)*, "Polityka", 29.07.2006.

<sup>48</sup> J. Wilczak, *Krok w bok (A step to the side)*, "Polityka", 30.09.2006.

It would be a shame to waste the political capital like the one Ukraine gained internationally during the “Orange Revolution”. In the present moment Poland cannot be but an advocate of Ukraine and favour any efforts that propagate the idea to include the country into integration structures. However, it is Ukrainians themselves that have to stabilise their political scene and specify clearly and precisely the objectives they want to achieve. The political situation in Ukraine is tense again; the most recent crisis that started in March 2007 with the Parliament being dissolved by the President and premature elections were planned for September 2007. These events were accompanied by social manifestations in Kiev.

The European Union, alarmed by the situation, called Ukrainian authorities to solve the crisis in peaceful manner. In June 2007 the Foreign Affairs Committee of the European Parliament adopted a report of Polish deputy Michał Kamiński in which the need was expressed to restart negotiation about reaching an agreement between the EU and Ukraine. The report mentions preparation of subsequent steps in order to meet European aspirations of Ukraine which ultimately aim at its membership in the EU. Unfortunately, in practice the value of the report is but symbolic because the mandate for negotiation about a new agreement between Brussels and Kiev, adopted in January 2007 makes no mention about potential accession of that country to the Community.<sup>49</sup>

Over the last 16 years Ukraine underwent fundamental systemic transformation coupled with total social revolution. The country ceased to be subject to the will of its Russian neighbour and started sovereign foreign policy in international arena. However, reforms made were insufficient for Ukraine to achieve the status of a fully democratic State of law. It seems it will take years of consistent and determined implementation of changes in economic, social and especially political fields before this is really achieved. Moreover, Ukraine will have in near future to face and make the final choice between the East and the West. Long period of indecision badly affects the way the country is perceived by its international partners. Additionally, the lack of consistence in action and of agreement between Ukrainian leaders undermines credibility of the State. An attitude represented by Ukrainian party may result in a loss of interest on the part of Western countries in development of far-reaching cooperation with their country, the more so that the recent parliamentary elections that took place in September 2007 were won by a pro-Russian Party of Regions, known of its little enthusiasm for European direction in Ukrainian foreign policy.

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<sup>49</sup> This agreement is intended to replace the Partnership and Cooperation Agreement between the European Communities and their Member States and Ukraine signed in 1994.