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Communist and
Post-Communist
Studies

Communist and Post-Communist Studies 38 (2005) 269–292

www.elsevier.com/locate/postcomstud

The European Union and democratization in Ukraine

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Abstract

The European Union (EU) has encouraged democratic development in a number of post-communist states. This article examines the extent of EU involvement in Ukraine and its results. It notes that there has been a substantial disconnect between the rhetoric of Ukraine's "European Choice" and authoritarian trends in the country. Ukraine signed a series of agreements with the EU, but membership in the organization was never offered. The EU's interest in Ukraine, however, was rather meager and it never gained means to have much leverage. As authoritarianism became more pronounced, the EU began to disengage from the country. The article argues that part of the problem was that the EU never applied political conditionality to Ukraine as it had with other states. The "Orange Revolution" opens up new possibilities and challenges, and the EU now must come to grips with a more democratically and Western-oriented leadership.

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Keywords: European Union; Conditionality; Convergence; Democratic norms; Europeanization

Ukraine merited scant attention from the European Union (EU) when the latter added ten new members in May 2004. If anything, that expansion led many to believe that the EU had cemented its eastern border, and that Ukraine, despite its

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once-ballyhooed “European choice,” was destined to be left out of the organization. By the end of 2004, however, as the “Orange Revolution” swept Kyiv, Ukraine was at the center of the EU’s concerns, and the denouement of the crisis surrounding the Ukrainian presidential elections would prove to be a success both for nascent Ukrainian democracy and for European diplomacy. With Ukrainians now asserting their newfound European credentials, the prospect of eventual Ukrainian membership in the EU may yet appear on the table. Before reaching that stage, however, there is much work to be done to further and consolidate political and economic reforms in Ukraine. More than ever Europe has a stake in them and seems poised to redouble efforts to have a positive effect on their outcome.

This article examines the role of the EU as an external agent for democratization in Ukraine. Obviously, the events of 2004 have given new urgency and salience to this issue, but one should also remember that the EU has been engaged as a “partner” with Ukraine for over a decade, albeit, heretofore, with only modest success. Drawing upon that experience as well as on the broader literature on democratization, this article will assess the various tools at the disposal of the EU, their use and shortcomings in the past decade, and prospects for EU influence under the presidency of newly elected Viktor Yushchenko. Drawing in part upon the EU’s experience in east–central Europe, it argues that the EU could and should do more to encourage reforms in Ukraine.

The EU and democracy promotion

The EU’s interest in democratization is hardly confined to Ukraine. Indeed, the EU’s efforts to promote democracy in Europe and beyond is a prominent feature in European foreign policy. Recently, EU expansion has been touted as not only offering economic benefits to new members but also as a means to promote and safeguard democracy in states that have had limited experience with liberal, participatory political systems. In the words of one writer, the EU can act as a “powerful catalyst” for change by providing “an elaborate structure of economic and social incentives” so that the strategies of political elites are “strongly shaped by the pressure of externally designed rules and structures.” (Whitehead, 1996, p. 261).

However, despite the obvious policy appeal of the link between EU expansion and democratization, this nexus is, in the words of some observers, “undertheorized” and “more assumed than proven.” (Whitehead, 2001, p. 415; Pridham, 1994, p. 7). Indeed, despite the correlation between EU expansion and democratization in Southern Europe (Spain, Portugal, and Greece) in the 1980s and in Central Europe (Poland, Czech Republic, Hungary, and Slovenia) in the 1990s, one could argue that these cases of successful democratization were over-determined and that these states were well on their way to democracy before the EU offered membership as a carrot for political liberalization. More interesting have been the cases of what might be labeled “reluctant democratizers,” (Kubicek, 2003a) the states with leaders, structures, and/or cultural traditions that did not eagerly embrace democracy and in which EU policies to promote democracy, at least initially, produced minimal or

mixed results. Among all the states of Eastern Europe, Ukraine, for well-known reasons elaborated in other articles in this volume, must rank as one of the most “reluctant” democratizers. Suffice to note that when queried in September 2003, only 22% of Ukrainian respondents in a national survey stated that they considered their country a democracy—a figure lower than that of surveys reported in previous years (IFES, 2003).¹

The EU, of course is not the only international actor that seeks to influence Ukrainian domestic politics. One might include discussion of NATO and the US, not to mention Russia. But the EU is, arguably, the one with the most explicit priority for democratization.² The question, however, is: what can the EU do to promote democracy in Ukraine?

Before venturing into the specifics of the Ukrainian case, it might be useful to review briefly theories and perspectives on democracy promotion by external actors and the spread of international norms. This is an issue of great importance in contemporary international relations theory, and several propositions have been put forward to explain when and how external actors can shape outcomes in target states. A partial list of approaches would mention numerous terms and factors: contagion, sometimes called diffusion or a demonstration effect, incorporation, consent, adaptation, complex interdependence, international *zeitgeist*, convergence, socialization, learning, and conditionality.³

Among competing theories, several could have relevance to the Ukrainian case. These would include the following.

Contagion

One notion that is widespread in much of the literature on democratization is democratic contagion. The essence of this idea is that events or systems in one country or group of countries, to the extent that they are seen to be attractive or achievable, can spread across borders. This is captured by the language of a democratic wave (Huntington, 1991). Since democracy has spread to Ukraine’s western neighbors—in part, perhaps, due to EU efforts—one might contend that Ukraine will become “infected” with democracy from sheer proximity and

¹ This was a survey of 1200 individuals. Notably, 30% in a similar survey in September 2001 considered Ukraine a democracy. Moreover, in 2003 over 70% expressed not much or no confidence in the president and legislature and only 14% thought people could influence the government.

² As stated in the 1993 Copenhagen Criteria, democracy, rule of law, and respect for human rights are explicit conditions of membership in the EU. On the other hand, the US, while giving rhetorical support to democracy and backing the call for new elections in 2004, has also had other strategic goals vis-à-vis Ukraine and NATO, as a military bloc, has other concerns besides democracy and has not always abided by its professed commitment to democracy for its members (see Reiter, 2001). Russia, one might note, makes no claim of preference to work with or aid democracies, and, as is now well known, has aided Ukrainian politicians implicated in electoral corruption and criminal activity.

³ Some useful sources are Whitehead (1996, 2001), Cortell and Davis (1996, 2000), Crawford (1997), Smith (1998), Risse et al. (1999), Grugel (1999), Checkel (1999, 2001), Pridham (2000, 2001), Cooley (2003), and Kubicek (2003a).

interaction with these states or as part of a plan to emulate their (and the other EU member states') perceived success (Kopstein and Reilly, 2000).

While this notion may have a certain logic, it is apparent that it has had real difficulties working in the Ukrainian case. While democracy was consolidated in the 1990s in countries such as Poland and Hungary, Ukraine slid further and further into an authoritarian morass. The problem with contagion and its various correlates is that it is a supply-side theory and overlooks the demands/preferences of human agency (especially those of elites who may have no interest in democracy), aside perhaps from a simple psychological drive to copy a successful neighbor. It also ignores the role of historical memory or how local conditions may filter foreign influences, and it neglects the agency and intent of international actors, which can vary from case to case. Thus, it would be a mistake to assume that international factors act uniformly through some sort of contagion effect. Instead, we need to look more closely at actor-based theories to determine under what conditions democratic norms might spread.

Convergence of norms

The idea of convergence can be viewed as a refinement on the more simple notions of contagion. Pridham (2000, p. 296) offers that it is “gradual movement in system conformity based upon established democracies with power to attract and assist regimes in transition,” and that the EU may be the “most ambitious example” of convergence. Democratic principles may converge due to socialization through the growth of transnational networks, involvement of EU agencies in political, legal, and economic reform efforts, and more impersonal changes fostered by globalization. Unlike conditionality, discussed below, convergence is more a constructivist idea, predicated above all else on the internalization of democratic norms by elites and publics in targeted states. Unlike contagion, it suggests that norms are spread through the activities of a democracy “promoter” such as the EU. Evidence of its presence—insofar as it tries to ascertain the internal motives of actors—is often hard to find, but one can put forward a few notions of when democratic convergence is more likely.

One common-sense principle would be that the salience and attractiveness of the norm will affect the status of the state or organization trying to promote the norm. In other words, to the extent that the EU is seen as an authoritative and successful actor by Ukrainians, the more likely that EU norms of democracy will take hold. On a somewhat related note, one might also argue that the norm must have some sort of cultural resonance in the target state—in other words, the acceptance of externally promoted norms depends upon their interaction and compatibility with local norms and practices, at both the mass and elite level (Mendelson and Glenn, 2002). Regarding the EU, one might note that on the broadest level the EU is more likely to be successful if the target state claims to be “European.”

A competing set of hypotheses concerns special circumstances in new states or states with new elites, what Checkel (2001) calls “novice agents.” One argument would be that new states and elites—to the extent that they may be less burdened

with legacies of the past or ingrained beliefs—would be more susceptible to outside influence. This could clearly apply—at least in theory—to Ukraine, where there was the potential to chart a new course with new ideas after its separation from the Soviet Union. The counter-hypothesis, however, would be that new states, in need to foster nationalism to establish the state’s legitimacy and establish claims for the state’s uniqueness, may be less likely to accede to demands—particularly those with an integrative logic—from outside actors. Nationalism can therefore be invoked to defend the state from foreign influence and deny the legitimacy of “foreign” norms.

Two other notions capture some aspects of the dynamics of norm adoption. One set of arguments focuses on what might be called rhetorical spillover, meaning that repeated invocation of the norm, even if it is just lip-service, will boost the norm’s resonance and lead to greater chances for norm internalization. Risse and Sikkink (1999, p. 16) suggest that the more elites “talk the talk” the more they “entangle themselves in a moral discourse which they cannot escape in the long run.” An important corollary to this argument is that external agents need to find allies within the state (groups of state elites, political parties, non-governmental organizations) and form “transnational networks” to transmit the norm and spread its acceptance. Risse and Sikkink (1999) suggest that norm promotion works best in a “spiral model” with a “boomerang effect” in which external agents join together with domestic opponents of the status quo, whose very ties to foreign actors help empower them domestically and help them press for concessions from the established authorities. Of course, the success of these networks will be conditioned on a number of factors enumerated above (for example, status of the external actor, cultural resonance), as well as the resources—political and financial—that the external actor is willing to devote to its agenda.

Conditionality

This is perhaps the most developed of all approaches relating to international aspects of democratization and can also be considered the most visible and pro-active of policies explicitly designed to promote democratic convergence. By conditionality, one refers to the linking of perceived benefits (political support, economic aid, membership in an organization) to the fulfillment of a certain program, in this case the advancement of democratic principles and institutions in a “target” state. Conditionality is most clearly enshrined in the EU’s Copenhagen Criteria for membership, but one can point to a number of EU foreign policies built around the notion of democratic conditionality, particularly observance of human rights (Smith, 1998). Conditionality is used to exert direct leverage on others, and “carrots” and “sticks” are employed to persuade, induce, and at times coerce states into adopting the desired policy. Conditionality thus works on a cost/benefit analysis, and democracy results from a rational calculation; it is apt to produce, at least initially, instrumental adaptation of policy and not (as in the case of convergence) an internalization of norms.

Under what circumstances might conditionality succeed? A couple of obvious points are that the carrots must be viewed as valuable enough for elites in the target

state to embark upon a potentially risky change in policy and that the sticks must be real enough that the elites know that there will be sizeable costs if they do not change course. Moreover, the target state should not have an alternative source of carrots or means to avoid the punishment of the sticks. In the case of Ukraine, this is very relevant to the extent that some Ukrainian leaders believe that they can always ally with Russia and then play Russia and the West off of each other in order to avoid real punishment and extract maximum concessions from each. Conditionality is also more likely to work if there are transnational networks that provide a domestic source of pressure on existing authorities and defuse any claims that outside demands are illegitimate or run against the interests of the country.

A final issue with applicability to Ukraine, especially under President Leonid Kuchma (1994–2004) is what Pridham (2000) calls the problem of “grey zone” democracies. By this, he means that states that are partially democratic may be able to avoid sanctions because external actors might not want to make matters worse and risk the limited democratic gains or wholly alienate the regime. This would be especially true in cases where the regime can plausibly claim some degree of democratic progress from a wholly authoritarian regime.⁴ Ukraine—which had competitive elections and thereby qualified as an “electoral democracy”—had clear shortcomings on wider questions of liberal or substantive democracy, clearly fit in this “grey zone.” To the extent that one can argue that the glass is “half-full” as opposed to “half-empty,” Ukrainian leaders may have felt less pressured to push through more reforms to consolidate democracy. The issue, at least until 2004, was how far can conditionality be pushed against a state like Ukraine that is partially democratic and whose leaders profess to be (in rhetoric at least) generally supportive of democratic ideas.

Ukraine’s European choice

In the first years of its independence, Ukraine was treated almost as an international pariah, due to its possession of Soviet-era nuclear weapons, slow progress in political and economic reform, and international support given to Boris Yeltsin in Moscow. This would begin to change in 1994 with the election of Leonid Kuchma as President of Ukraine. Breaking with some expectations, Kuchma quickly positioned himself as a champion of reform and of a “multi-vector” foreign policy and won Western support by pushing ratification of the Non-Proliferation Treaty through the *Verkhovna Rada* in the fall of 1994. As Ukraine expressed greater interest in trans-Atlantic and European structures—actively participating in NATO’s Partnership for Peace, joining the Council of Europe, signing a Charter with NATO in 1997, concluding agreements with the EU—its stock rose in Western capitals. It assumed a new geopolitical importance, with one analyst famously dubbing the country the “keystone in the arch” of European security (Garnett, 1997).

⁴ Levitsky and Way (2002) label this system “competitive authoritarianism,” and they include Ukraine as an example. See also Way’s article in this volume for more as applied to Ukraine.

Early on, however, it was clear that the European Union had a special priority for Kyiv. The foundation for Ukraine's current relationship with the EU dates from the June 1994 Partnership and Cooperation Agreement (PCA), the first such accord signed with any CIS country. The PCA established an institutional framework for relations, including an annual Ukraine–EU summit, ministerial level meetings, and exchanges between the *Verkhovna Rada* and the European Parliament. Working committees were established to tackle issues such as trade and investment, customs, energy, nuclear issues, crime, technology, education, and economic development. The PCA also included a provision allowing for a free trade area in the future. The PCA helped open the door further to EU assistance through the TACIS (Technical Assistance to CIS) program, which will be discussed below.

While one could have seen the PCA as a means to promote Ukrainian–EU contact and thus convergence of democratic norms, in practice the PCA focused on efforts to facilitate trade by helping to bring Ukraine up to WTO standards. While it does specify 27 areas of cooperation, it is best viewed as a roadmap to assist in the economic reform process. Technical economic questions are pre-eminent among its provisions, and while it does allow for the relationship between the two parties to evolve to a more advanced stage, it falls far short of the Association Agreements concluded with states in the queue for EU membership. Moreover, a decade after its signing and 6 years after being ratified, many of its provisions have yet to be implemented, with both sides accusing the other of not sticking to the Agreement, particularly on trade and investment barriers (Wolczuk, 2003). One official with the European Commission lamented that Ukraine's compliance was "at most hesitant and at times even ebbing," as Ukraine was "in breach of virtually all key provisions on trade in goods." (Schneider, 2001, p. 71) Ukrainians, for their part, felt that restrictions on the importation of Ukrainian steel and textile products (which are covered under special protocols), undermined the notions of fairness and partnership in the PCA.

Frustration with the PCA, however, did not lead either side to abandon the relationship. On the Ukrainian side, despite the admission that much needed to be done to fulfill the PCA, the rhetoric vis-à-vis Europe began to be ratcheted up by 1996. In February of that year, Kuchma sought to link his country with Europe, claiming that "the cradle of Ukrainian culture is European Christian civilization. That is why our home is, above all, Europe." (Solchanyk, 2001, p. 92) In April, in front of the Parliamentary Assembly of the Council of Europe, Kuchma announced that its strategic goal was integration into European structures, with priority on full membership in the EU. Despite the fact that the EU did not even entertain the prospect of Ukrainian membership, a European and Transatlantic Integration Department was set up in the Ministry of Foreign Affairs, and the National Agency of Ukraine for Reconstruction and Development became the National Agency for Development and European Integration. In 1998, prior presidential statements became manifest in state policy with the issuance of the presidential decree "Strategy of Ukraine's Integration in the European Union." In August 2000, another presidential decree created a National Council on the Issues of Adapting Ukraine's Legislation to the Legislation of the European Union, a body chaired by Kuchma

himself. Ukrainian officials were emphatic about the importance of the European vector in Ukrainian foreign policy. Then-Foreign Minister Boris Tarasiuk proclaimed in 1999 that the “European idea has become Ukraine’s national idea and a consolidating factor for its society” (Solchanyk, 2001, p. 94).

The motives behind this “European Choice” are fairly easy to discern. The EU is seen as a guarantor of political stability and economic prosperity, and membership, if obtained, would be proof of Ukrainian success in the post-Soviet period. The EU would also be a source of aid, and membership would prevent a new “Eurocurtain” being drawn along the Polish–Ukrainian frontier, a fear of many Ukrainians today. Ties to the EU may also provide additional security against possible Russian threats to Ukrainian independence.

While Ukraine’s “European Choice” was prominent in the rhetoric of state officials, what can one say about the views of the public? The evidence on this score is generally supportive of EU membership. When queried in 2002, for example, 57% of Ukrainians supported the goal of EU membership for Ukraine, and only 16% were opposed.⁵ (Wolczuk, 2003, p. 6) Pro-integration opinions in Ukraine were thus higher than they were in the 1990s in several Central European countries (Grabbe and Hughes, 1999). However, at least until 2004, this did not mean that there was substantial movement “from below” to integrate Ukraine with the EU. Mass public and organized interests appeared to know little about the EU and did not constitute an active force in Ukrainian foreign policy (Pavliuk, 2001a; Wolczuk, 2003). Indeed, one pair of authors suggested, in a statement that may need some revision, that on foreign policy questions public opinion has little importance since “passivity is the essential characteristic of the Ukrainian public.” (Chudowsky and Kuzio, 2003, p. 276).

Moreover, one should stress that the “multi-vector” approach of Ukrainian foreign policy did not give way to a singular focus on Brussels. Russia remained very important for Ukraine, the largest single trading partner,⁶ it is the source of most Ukrainian energy, and for cultural and historical reasons a source of attraction to many in Ukraine. Indeed, surveys have consistently shown strong support for better ties with Russia—especially in the more Russophone southern and eastern regions of Ukraine—and obviously Prime Minister Viktor Yanukovych believed that playing the “Russian card” (dual citizenship, making Russian a state language, campaigning with Russian President Vladimir Putin) would be a winning strategy in the 2004 elections. This should not, however, mean that Ukrainians are unequivocally pro-Russian, only that many apparently believe that Ukraine can and should integrate with both the EU and the CIS (Wolczuk, 2003). However, the fact that the EU has yet to open the door of membership to Ukraine also made some question the wisdom of putting most energies and hopes in the EU, and many Ukrainian officials were not

⁵ One might note as well that, according to Wolczuk (2003) EU membership is much more supported in Western Ukraine (75%), than in Southern Ukraine (47%), and that these regional differences do much to color Ukrainian policy on a number of questions.

⁶ In 2003, for example, 18.7% of Ukrainian exports went to Russia and Russia was the source of 37.6% of its imports, mostly energy. Russia is also the largest investor in a number of key industries (e.g. energy) in Ukraine. Data from report of Vienna Institute for International Economic Studies, 6 December 2004, at <http://www.wiiv.ac.at>.

happy with what they saw as the EU's "throwing European CIS countries out of the framework of integration processes in Europe." (*Uriadovyi Kur'ier* (Kyiv), 1998).

After 2000, as Kuchma's various political shenanigans provoked criticism in the West, he noticeably turned toward Moscow, since Putin did not treat him as a pariah or criminal (Arel, 2001). Viktor Chernomyrdin, named ambassador to Kyiv in May 2001, also promised to bring greater prospects of Russian–Ukrainian economic integration (especially in energy), and Kuchma in turn let Putin know that Russia would be the top priority. In 2003 Kuchma controversially agreed to a Russian demand to reverse the Odessa–Brody oil pipeline for Russia's benefit and, in an even more dramatic development, Ukraine joined with Russia, Belarus, and Kazakhstan in a "Single Economic Space" in fall 2003. Some were concerned, at least before the 2004 elections, that Western pressure on Ukraine would do little but drive the country further into the embrace of Russia. The EU, as well as other Western actors, was thus been put in a difficult position about how to respond to Ukraine's democratic shortcomings.

Europe's response

Although the stated European concerns in Ukraine—implementation of meaningful economic reform, political and economic transparency, and creation of democracy and the rule of law—have been a constant since Ukraine gained independence, European policy has evolved over time. Pavliuk (2001b) divided the policies into four phases: neglect (1991–1993); support (1994–1996); frustration and fatigue (1997–1999); and disengagement (2000–2004?).

From 1991 to 1993, Ukraine received scant attention from Western capitals. Kuchma, then Prime Minister, suggested, "On the map of world leaders, Ukraine does not even exist. They are indifferent to whether Ukraine is independent or not" (*The Economist*, 1993).

As noted, this would change in 1994. The EU's motives for engaging Ukraine are not hard to identify. Instability or protracted economic difficulties in Ukraine—a state that by 2004 would border the EU itself—would be a threat to the EU. Ukraine is also a large potential market for European trade and investment. Ukraine independence is also seen by some as a guarantor against a revival of Russian imperialism, although US policymakers have been quicker to recognize Ukraine's strategic importance than their European counterparts (Moroney, 2001). However, since Ukraine was not in queue for membership, the European investment in Ukraine was not nearly the same as in Poland, Hungary, or other candidates for membership. As Pavliuk (2001a, p. 81; 2001b, p. 15) noted, "The EU's stake in Ukraine is certainly not as high as Ukraine's stake in the EU," as well as the fact that relations with Ukraine were not a "self-sufficient goal" for the West but instead a means for pursuing other goals: nuclear disarmament, NATO enlargement, good relations with Russia, and the closure of Chernobyl. This fact does much to explain shortcomings in EU policy.

What have been the general results of EU engagement with Ukraine? Aid has been dispersed primarily through the TACIS program. From 1991 to 2002 (with

most of this after 1994), total TACIS assistance to Ukraine totaled almost €600 million, and total EU assistance in these years topped €1 billion (http://www.europa.eu.int/comm./external_relations/Ukraine/intro/gac.htm). This aid includes technical, macroeconomic, and humanitarian assistance, and considerable emphasis has been given to nuclear safety and assistance to Ukraine in the closing of the Chernobyl power station. As a whole, TACIS in Ukraine manages nearly 60 programs, many of which are designed to enhance transportation, border control, the natural environment, legal reform, and education.⁷ While much of the money is dispersed to the government, there are some programs that seek to foster non-governmental organizations. Assessment of TACIS's impact is, in the words of one EU official, "mixed," in part because resources have been spread too thin in a variety of sectors (Cameron, 2000, p. 83). Moreover, one could add that many of TACIS's aims and tactics—particularly in Western-style education, professional training, and NGO development—will take time to pay off and can reach only a small fraction of Ukrainian society. Moreover, TACIS's ability to address the most politically sensitive questions (as opposed to ensuring compliance with technical elements of the PCA) may be limited and it can also do little to restructure the overall oligarch-dominated political economy of the state. Finally, one should note that the TACIS program does not operate under conditions of conditionality or with well-defined incentives for the Ukrainian state. Programs that are judged a failure are unlikely to be renewed, but the overall consequences to the state are not clearly laid out. Thus, unlike in Central Europe, where the Copenhagen Criteria and adoption of the *acquis communautaire* provide an easy scorecard for progress with high incentives for compliance, aid to Ukraine operated with far more ambiguous environment. This limited the effectiveness of EU engagement with Ukraine.

As for trade, there has been growth in EU–Ukraine trade—the overall volume of exports and imports has risen from €3.79 billion in 1995 to €9.67 billion in 2002.⁸ While trade with the EU is now 20% of Ukrainian trade, trade with Ukraine is only 0.3% of total EU trade and is far less than trade with Central European countries. This is yet another indication that ties with Ukraine are on an entirely different level than the EU's ties with its immediate eastern neighbors.

Perhaps sensitive to some Ukrainian concerns and looking to push reforms ahead in Ukraine, Brussels upgraded its relationship with Kyiv by promulgating a Common Strategy on Ukraine in December 1999. Notably, this was a "consolation prize," given in lieu of offering potential membership to Ukraine, whose candidacy had been not been entertained in any prior EU decision. This document also fell short of offering Ukraine Associate Membership, a halfway-house measure that Kyiv considered a realistic alternative to an invitation to full membership. Overall, the Common Strategy pays homage to the "shared values and common interests" of the EU and Ukraine while outlining several broad goals for the EU (furtherance of democratic and economic transition, ensuring peace and stability). It "acknowledges

⁷ For more on TACIS and other EU activities, see data from the EU Delegation in Kyiv at http://www.delukr.cec.eu.int/en/eu_and_country/data.htm.

⁸ From European Union website, http://www.delukr.cec.eu.int/en/eu_and_country/data.htm.

Ukraine's European aspirations and welcomes Ukraine's pro-European choice," while noting that full implementation of the PCA is a "prerequisite for Ukraine's successful integration into the European economy."⁹ For our purposes, one should note that the Strategy, in addition to a host of economic, environmental, and security concerns, specifically notes EU support for the "consolidation of democracy and good governance." While the document is often high on rhetoric and short on detail, it does list some specific democratization efforts, including supporting Ukraine's efforts to sign and observe international human rights obligations, encouraging an ombudsman-institution in Ukraine, and contributing to the development of free media in the country. However, the Strategy duly notes "the main responsibility for Ukraine's future lies with Ukraine itself."

What have been the results of this Strategy? While a typical scholarly assessment is that "internal stagnation threatens to unravel the hard-fought gains of Ukrainian foreign policy" (Garnett, 1999, p. 124) some official EU statements presented a far brighter picture. Javier Solana, the EU's High Representative for its Common Foreign and Security Policy, wrote in a Ukrainian paper in 2000—just before the Kuchmagate scandal broke—that "over the years, Ukraine has committed itself to moving towards a fully functioning democracy, and the results are already very clear to see" (*Zerkalo nedeli* (Kyiv), 2000). A joint statement from the EU–Ukraine Summit in September 2001 did not mention the murdered journalist Georgii Gongadze by name, while noting Kuchma's own commitments to the rule of law, human rights, and democracy.¹⁰ A report from the Council of the EU in December 2001 was worded a bit stronger, with the EU emphasizing "profound concerns" about violence against journalists, and noted that Ukraine also needed to make more efforts to ensure judicial independence. However, the EU also noted it was "encouraged by Ukraine's resolve to pursue its policy of reform and to comply with European standards."¹¹ Notably, a recommendation by the Parliamentary Assembly of the Council of Europe to expel Ukraine from the Council of Europe—adopted in April 2001 in the wake of Kuchmagate—was never adopted. Instead, in 2001 at its Gothenburg Summit, the EU offered to include Ukraine in the European Conference, an informal gathering of European states. While one cannot say for sure what was discussed behind the scenes, members of the EU delegation in Kyiv informed me in the summer of 2001 that there had been no discussion of a cut-off or curtailment in aid to Ukraine.

This is not to say that the EU has refused to criticize Ukraine in more specific ways. In 2001, the EU issued two declarations that revealed clear concerns. One was on Gongadze case and other was on reformist Prime Minister Viktor Yushchenko's dismissal. The statement on Gongadze expressed concern about the media environment, called for a full investigation into Gongadze's disappearance and an

⁹ European Council Common Strategy of 11 December 1999 on Ukraine, Document 1999/877/CFSP, found in *Official Journal of the European Communities*, 23 December 1999.

¹⁰ Joint Statement of EU–Ukraine Summit, 11 September 2001, available from <http://www.europexxi.ua/english/index.html>.

¹¹ Council Report to the European Council on the Implementation of the Common Strategy of the European Union on Ukraine, 15195/01, 11 December 2001.

independent analysis of the tapes, and reminded Ukraine of its commitment to broader democratic freedoms. There was, however, no implicit or explicit threat of sanctions if the case was not resolved to the EU's satisfaction. The statement on Yushchenko was a bit stronger, as the EU stressed that progress with the reforms adopted by the Yushchenko government was "a pre-requisite for a deeper relationship with the EU."¹² In September 2003, the EU issued a stronger statement on the third anniversary of Gongadze's murder, noting its concern over lack of progress in the case and the deaths of other journalists in Ukraine, but, rather surprisingly, also expressed "satisfaction" with the willingness of Ukrainian authorities "to allow mass media in Ukraine to work according to European standards." (*Kyiv Post*, 2003).

Actions, of course, may speak louder than highfalutin diplomatese, and it is no doubt true that many European states saw Ukraine as a state on the fringe of Europe (like Turkey, at least prior to 1999), with little or no chance of really joining Europe. Garnett (1999, p. 128) opined, "In the chancelleries of Europe, little thought is given to Ukraine, except perhaps in regards to Chernobyl." In 2002, allegations over the sale of an advanced radar system to Iraq provoked the wrath of the Bush administration, a (temporary) suspension of US assistance to Kyiv, and risked turning Ukraine—again—into an international pariah (Kubicek, 2003b). As part of the fallout of this scandal, Kuchma was pointedly not invited to the 2002 NATO summit in Prague (he went anyway, much to the consternation of the US and UK). Ukraine tried to make up to the US by supporting US intervention in Iraq and sending a contingent of troops there, but, clearly, Ukraine did not repair the damage. Significantly, during the military standoff between Russia and Ukraine over the island of Tuzla and the Kerch Strait in the fall of 2003—an event that precipitated one Russian official to suggest (jokingly, he said) that if Russia bombs Ukraine—NATO refused to intervene, noting it was a bi-lateral problem between Russia and Ukraine (*Nezavisimaia gazeta*, 2003).

As for the EU, during the 2003 EU–Ukraine summit in Yalta, it again refused to approve Ukrainian Associate Membership and offered no timelines or clear indication that EU membership would ever be a possibility for Ukraine. Romano Prodi, then chair of the European Commission, suggested that Ukraine was as plausible a candidate for EU membership as New Zealand and put forward a "Neighborhood Policy" that grouped Ukraine with countries such as Morocco and Tunisia that were considered geographically unqualified for EU membership. Ukrainians lamented that the EU kept Ukraine waiting on the doorstep, but one might better suggest that Ukraine was sitting on the *unwelcome* mat.

In turn, with the still unexplained events surrounding Tuzla aside,¹³ Ukraine drew closer to Russia. In February 2003, Kuchma, a former critic of the CIS, became the

¹² See Declarations of the EU presidency, About working conditions for media and to remind about concerns regarding the Gongadze case, 5922/01, 5 February 2001, and On developments in Ukraine, 8082/1/01, 27 April 2001, available at <http://europa.eu.int/abc/doc/off/bull/en/200101/p106046.htm> and <http://europa.eu.int/abc/doc/off/bull/en/200104/p106023.htm>.

¹³ There is much speculation that the incident was staged by Putin and Kuchma to bolster their political standings.

first non-Russian head of the CIS Council of State, despite the fact that *de jure* Ukraine is not even a member of the CIS. The aforementioned agreement on a Single Economic Space was met with great surprise in European quarters, with the German Ambassador to Ukraine noting, “We have no clear-cut idea of Ukraine’s purposes concerning the EU,” and Ukraine was told by numerous actors that if the Single Economic Space does evolve into a customs union that it could seriously jeopardize its integration with both the World Trade Organization and the EU (Selyuk, 2003). For Ukraine’s part, Kuchma suggested, “... with the European markets closed to us ... it’s better to have a real bird in hand than two in the bush” (Maksymiuk, 2003). Notably, this rather unexpected move provoked indignation among many in Ukraine—not just opposition leaders such as Yushchenko but also the Foreign Minister, Economy Minister, and Justice Minister. By 2003, it became clear that the EU expected little progress in its relations with Ukraine as long as Kuchma was in power, as he personally was seen as the main obstacle to democratization and in July 2004 even suggested that the ultimate goal of joining both NATO and the EU should be dropped from Ukraine’s defense doctrine. Nonetheless there was some hope that the presidential elections in 2004 might produce change for the better. Of course, few expected events to turn out as they did, and certainly the election of the openly pro-EU Yushchenko as a president, together with the assertion of Ukrainian “people power,” should bode well both for democratization and improved relations with Europe.

Lessons from the Kuchma years

What is to be made of EU–Ukrainian relations? Obviously, as of this writing, much is in flux, and there are good reasons to be quite hopeful for improvement. Before discussing the fallout from the recent Ukrainian elections, it would be useful to review some of the “lessons” that can be learned from the previous decade, as Yushchenko will not inherit a *tabula rasa* in terms of either domestic or foreign policy.

Until very recently, it was apparent that despite words from both Kyiv and Brussels to turn rhetoric of cooperation into concrete steps, little was accomplished. One Ukrainian report noted that the European idea became “mythologized in the Ukrainian political discourse and turned into a substitute of the late communist myth, with no firm connection with the reality (*sic*)” (Center for Peace, Conversion, and Foreign Policy, 2001, p. 2). Another observer went further, noting not only that Western influence “does not go very far,” but also that:

Ukraine’s previous talk about integrating with the West was never matched by real action. Kiev has been happy to take Western money, but it was equally happy to take free Russian gas. Beyond that, it has never had much of a foreign policy (Bush, 2001).

This is not to say that nothing was done. In 1997, Ukraine adopted a moratorium on the death penalty—a requirement for membership in the Council of Europe—and finally banned it in May 2001. Checkel (2001) noted how the Council of Europe and other external actors were instrumental in encouraging Ukraine to adopt an

inclusive, non-ethnic definition of citizenship, a decision that contributed to relative inter-ethnic harmony in the country. Due in part to EU pressure and promises of compensation, Ukraine closed the reactors at Chernobyl at the end of 2000.

However, disappointment has been marked on both sides, especially on the vexed question of democratization. Ukraine was not invited to join the European club, and the EU, despite using strained language not to sound too harsh, saw precious little progress on basic elements of political and economic reform. By 2004, a decade after the signing of the PCA, EU–Ukrainian relations were as ambiguous as ever, and Ukraine muddled along, with its “European choice” flagging as more action occurred on the Russian vector of its foreign policy. True, the OSCE and others sent observers for the 2004 elections, but with the levers of power and the media firmly in control of the existing elites, few believed the possibility of regime change in Kyiv. As the EU turned attention to the thorny issue of expansion to Turkey, few (aside from the Poles) were devoting much attention to Ukraine.

Why did relations with Europe reach this point? Why did the EU’s democratization agenda have such clear shortcomings? Obviously, one can point fingers to Kuchma and his entourage, and no doubt the Gongadze and radar system scandals were a serious disappointment to foreign friends of Ukraine. Problems in EU–Ukraine ties, however, were evident before November 2000, when the first revelations of the tape scandals came to light. Some can be attributed to unrealistic or inflated expectations and simple misunderstandings. Pavliuk (1999, p. 4) noted the “frustration” on the Ukrainian side and “fatigue” on the part of Europe. He added:

Despite several years of political dialogue and cooperation, each side still has little knowledge of the other, and the two see the future of their relationship quite differently. While Ukraine has declared its intention to become a EU associate member and its ambition to attain full EU membership in the future, the EU does not include it in either the ‘fast track’ or ‘slow track’ group of future members.

In particular, one might note that Ukraine’s elites did not understand that the EU is much more interested in democratic development and economic performance than Ukraine’s geo-political significance or its European heritage and that membership in the EU is qualitatively different from membership in the OSCE or Council of Europe. Moreover, one was often struck by the fact that while the mantra “return to Europe” flowed freely from the lips of Ukrainian policymakers and academics, there was little recognition that the Europe of today is far different than the one when Ukraine established its European roots. In other words, one witnessed merely “declarative Europeanization” (Wolczuk, 2003), or, to put it in Garnett’s terms, the lofty rhetoric of Ukraine’s “European choice” mixes with its troubled domestic politics like “oil and water” (Garnett, 1999).

Certainly, by 2001–2004, the situation was made even worse. While much of the blame is commonly put on Kuchma and the “party of power” in Ukraine that has dragged its feet on fundamental reforms, Ukrainians point to a lack of clear and inclusive strategy and perhaps even discriminatory treatment by Brussels, as the

countries of the Western Balkans have the door of membership open to them whereas Ukraine, with clear claims to be a European state, has been denied the possibility of admission. In 2000, a joint statement by the French and German Foreign Ministries noted that “it is sufficient [for the EU] to content oneself with close cooperation with Kiev” and that the EU’s mission was “not to unite the entire continent.” Romano Prodi was equally dismissive, saying, “[membership for] Morocco, Ukraine, or Moldova? I see no reason for that.” (Kuzio, 2003, pp. 10–11) The EU’s “Wider Europe” Communication of 2003, which emphasized “integration, not accession” and was part of what Kuzio (2003) called the EU’s “virtual policy” towards Ukraine, did little to assuage Ukrainians’ concerns that they are doomed to be left outside of the EU and that a “Eurocurtain” designed to keep them out of Europe is descending on their western border. Even Chris Patten, Commissioner for Foreign Relations of the EU, acknowledged the weaknesses in the EU approach, noting “... we cannot supply the clear, unambiguous political will that is needed [to push forward reform in Ukraine]. There has been too much insistence in the past on the forms of our partnership, and too little on the groundwork to make that partnership a reality” (Patten, 2001).

These are crucial points, and help us to address many of the issues raised by the concepts and hypotheses put forward at the beginning of this piece. As noted, contagion has not occurred—Ukraine’s western neighbors have made good progress, whereas Ukraine’s has been patchy at best. As for convergence, we can note that there are few problems regarding the status of the EU, which is generally respected at both the mass and elite level, or “cultural match,” to the extent that Ukraine aspires to be a European country and no leader—at least rhetorically—rejects democracy or Western political norms as incompatible with Ukrainian culture. Few, until recently, perhaps, would argue that the EU represents a “bad” role model or that the EU has no moral authority. In other words, the voice of the EU was not dismissed out of hand by Ukrainians. Indeed, the position of the EU received a lot of rhetorical support from many important Ukrainian political actors, and most of the main parties in Ukraine back eventual membership. However, EU norms—at least on important political questions—have yet to take hold, at least among the upper echelons of the elite. Superficial “declarative Europeanization” undermined any proposition of a rhetorical “spillover.” By 2004, the abyss between the rhetoric of Ukraine’s “European choice” and its domestic politics had become so wide that the European Parliament even referred to a “lack of shared common values” between the EU and the political establishment in Kyiv (*Ukrainska Pravda*, 2004).

Why then did convergence not occur? In order to answer this we should look at the hypotheses regarding new states and those on transnational networks. As for Ukraine being a new state, one might think this would make it more receptive to outside influence. On key questions of democratization, of course, this was not the case, at least for those holding power. The reason, however, was *not* Ukrainian nationalism. Indeed, the parties that are most associated with the so-called “nationalist” position in Ukraine—Rukh and Yushchenko’s Our Ukraine—are the most pro-EU, and voters in Western Ukraine, often regarded as the center of the Ukrainian nationalism, are solidly pro-EU. Moreover, one hears little—with

possible exceptions on economic protection of certain industries—to suggest that nationalism in any significant way is standing in the way of EU–Ukraine relations.

The point that is missed by hypotheses on the “newness” of states is that Ukraine, although a new state, was run by old leaders from the Soviet era that retained a “neo-Soviet political culture” (Kuzio, 2003, p. 10). In part, this contributed to a cultural disjuncture, since these elites, as opposed to Ukrainians as a whole, had little experience with or affinity for democracy. More to the point was the fact that since Ukraine did not have a “democratic breakthrough” until 2004, this communist past existed as a “residue” in the post-communist period. EU influence, such as it was, could not overcome the legacy of the past, and, with low levels of incentive for change (something addressed below), there was little reason to expect the leadership to suddenly become committed “democrats.”

In addition, the EU was not very successful in creating transnational networks within Ukraine. In part this was because civil society in Ukraine remained rather weak. Although Rukh, Our Ukraine, and some other national-democratic forces were unequivocally pro-EU, they never constituted anywhere near a majority in the parliament. Pavliuk (2001a, p. 72) noted that the problem was that “real power” in the country was held by economic pressure groups that “have so far dictated the need for protectionism and preservation of the existing political and economic systems in Ukraine rather than their adaptation to European norms and principles.” He added that “no large Ukrainian businesses have a strong stake in the EU market,” which further limited the ability of the EU to team up with agents “from below” to pressure the government to change course.

This is not to say that the EU had no cards at all to play. However, it played them very conservatively, backing away, at least until the 2004 elections, from openly supporting opposition groups. As for the elite under Kuchma, it is hard to pinpoint how they would have benefited from making the reforms (for example, economic transparency) sought by the EU. As a consequence, the government machinery—contrary to the rhetoric of state officials—was “on the whole is largely ambivalent or even suspicious of the country’s European integration” (Pavliuk, 2001a, p. 73). The result was rhetoric with the hope of receiving some type of assistance, but foot-dragging on many basic political and economic issues. The EU faced similar circumstances in other “reluctant democratizers” (Slovakia under Meciar), and progress was made only after the hard-line elites were ousted from office. The key point, again, was that the EU could not persuade obdurate anti-democrats, such as Kuchma, to change course, and consequently it would have to wait until there was some sort of regime change.

If there has not been convergence of norms—which might have been too much to expect—why has conditionality, implying a cost/benefit acceptance of norms, not worked? The simplest answer is that it has not really been tried. The carrot of membership—the crucial variable that has been assumed to help push reforms through potential bottlenecks in East Central Europe (Kubicek, 2003a)—was not on the table. Ukrainian membership, at best, was on the very distant horizon, and, as noted, some European leaders even dismissed this possibility. Ukraine and Moldova are the only two countries that expressed an interest in joining that are not in the

membership queue, and Ukraine even lacks an Associate Membership, something granted with ease to Central European states in the early 1990s. While one can understand European reluctance to accept Ukraine under Kuchma, one can argue that without an endpoint, a target with clear and significant rewards, the incentive to follow EU dictates or preferences was low and that the EU did not have sufficient leverage to affect Ukrainian politics. Indeed, Cooley (2003), reviewing EU policy in a number of states, notes that EU aid only is “trivial” compared to the benefits of actual membership and that such assistance alone will have little impact in countries where elites do not have willingness to reform.

This problem was compounded by the lack of sticks. Sanctions were not employed or considered by the EU. Declarations were made on some issues, but these were not followed up by any actions. For example, it has been over four years since the tape scandal broke, and there has yet to be a full, impartial investigation demanded by the EU. Nonetheless, there were few consequences. Ukraine was not a pariah, and since November 2000 Kuchma has even welcomed leading EU political figures (and the Pope!) to Ukraine. Even the Council of Europe backed away from a recommendation to expel Ukraine for its failures to respect basic elements of democracy. In off-the-record discussions with EU officials in Kyiv in 2001, they told me that they put much more stock in engagement, dialogue, and policy change in small, incremental steps than in pushing a policy of “take it or leave it” conditionality (for example, fulfill the PCA now or else face this punishment). Their reasoning was that EU–Ukrainian relations had to be handled gingerly, and that Ukraine was, in essence, not far enough down the path to membership for the EU to make strong demands.

Of course, this begs the question of why Ukraine was treated so gingerly. One possible reason, as Pavliuk (2001a,b) suggested, was that the EU really did not care that much or have a really large stake in Ukraine, so it was willing to turn a blind eye to some developments and was reticent to risk conflict. Another reason was that the EU (and the West more generally) did not want to risk “losing” Ukraine. True, Ukrainian leaders argued that the country has no other choice but Europe, but they did not always act if this was the case. Russia lurked in the background, and Kuchma, after directing some accusatory barbs at Moscow in the wake of the tape scandal, made a number of significant overtures to bolster Ukrainian–Russian cooperation. This was done not only for its own merits, but also with an eye to the West, playing a Russia card to extract concessions and aid from the West, where acolytes of geo-politics fretted about a possible Russia–Ukraine re-union. Cynics might therefore suggest that the billions in aid from the US and the EU was used more to buy off Ukrainian elites than to promote political or economic change. The point is thus not that the West cared nothing for Ukraine, but cared only that it remain outside of Russia’s sphere of control. Ukraine’s “exit” option thus gave it the capacity to escape harsh demands of conditionality and, knowing this, the West chose to “ride softly” with Kyiv while forgetting about any “big stick.”

Some of the preceding points to a final problem: the ambiguous nature of the previously mentioned “grey zone.” Ukraine under Kuchma suffered from “competitive authoritarianism” (Levitsky and Way, 2002). Elections were held; competition

was allowed; civic freedoms existed and were respected at least part of the time. True, there were significant lapses, but EU leaders could draft documents noting Ukraine's "democratic progress," something impossible in the case of other countries such as Belarus. Moreover, Kuchma would often invoke the rhetoric of reform and moving towards Europe, thus making it harder for the EU to pull away entirely. In short, one could suggest that the quasi-democratic nature of the Ukrainian state allowed each side to play a game. The EU (and other actors, to be sure), not willing to throw in the towel and admit, among other things, that years of effort and billions in aid did little to produce democracy, clung to the notion that Ukraine possessed some democratic elements, was not as bad as some of its neighbors, and could, with new elections, make a real breakthrough. Ukrainian elites, for their part, were able to present a democratic face to the world, while engaging in manipulation and behind the scenes maneuvers (occasionally not well hidden) to ensure they remain in power. It was better for both sides to act as if the emperor had clothes.

New leadership, new possibilities?

The momentous events in November–December 2004 brought significant changes to Ukraine and in all likelihood suggest that the EU will be more intimately involved with Ukraine than ever before. The main events surrounding the elections are generally well known and are covered elsewhere in this issue, most explicitly by Paul D'Anieri. While one cannot downplay the courage of the demonstrators in Kyiv and other cities who protested for free and fair elections, the EU and its supporting organizations played an important role. Europe had its eyes on these elections throughout 2004, and the OSCE (among other groups) sent thousands of observers to all three rounds of elections. The fact that these outside observers immediately called the first two rounds fraudulent and stated their refusal to recognize Yanukovich's "victory" was a crucial factor that bolstered the claims of Ukrainians who maintained the election had been stolen. After the crowds emerged, European officials, among them Javier Solana of the EU, Alexander Kwasniewski and Lech Walesa of Poland, and Valdas Adamkus of Lithuania played an important role in the mediation of the dispute. Although no one may be entirely happy with the final compromise that was reached, the fact that power was transferred from Kuchma to Yushchenko peacefully and with a stamp of democratic legitimacy ranks as Ukraine's most important achievement since the country gained independence.

The dispute over the election, of course, was often portrayed as a struggle between East and West Ukraine and, by extension, a struggle between Russia and the West over influence in the country. Of course, there was a discernable East/West divide in the election results, but, for many Ukrainians, the issue hinged less on regionalism or foreign policy than on democracy, the end of corruption, economic improvement, and establishing themselves as active, empowered citizens as opposed to subjects easily manipulated by the Soviet-style elite. With the new president proudly proclaiming that Ukraine is a European country—a statement that pays homage not

only to geography or history but also of shared values of democracy, a crucial component that was missing under the previous administration—one should expect more overtures from Kyiv to Brussels, and, presumably, more attention from Brussels to Kyiv.

There are many reasons for renewed European interest in Ukraine. Most obviously, with the expansion of 2004, Ukraine now borders three EU members. Problems in Ukraine are thus not far away, and Ukraine's immediate neighbors, especially Poland, are prodding Brussels to engage more actively with Kyiv. Some in Europe fear the consequences of “losing” Ukraine to a more authoritarian and assertive Russia. Lech Walesa warned that either Ukraine becomes a democracy or “Russia will absorb it, as it has done with Belarus, and we will have the Soviet Union again, more dangerous this time.” (*The Economist*, 2004). Obviously, the prospect of separatism and civil war in a major European country on Europe's doorstep pushed the EU to do what it could to promote a peaceful transfer of power to a new president.

Geo-political concerns aside, however, there is also a new feeling about Ukraine. It is, in the words of one observer, no longer “hopeless” and as such has been “discovered” by Europe (Lukyanov, 2004). Although Yushchenko will have a host of difficulties and Ukraine has much work to do to catch up with its western neighbors, there is a real prospect of both internal democratization and broader engagement with the Western world. Democratic convergence, which was a chimera under the Kuchma regime, is more of a possibility, and one would expect Western “transnational networks” to be encouraged rather than treated with suspicion. As one European observer noted, events in Ukraine may herald the “hour of Europe” and that a nation has arrived “gift-wrapped on our doorstep” (Stephen, 2004). Without question, one can expect more political, economic, and security assistance from Europe to Ukraine in coming years.

Clearly, there is cause for celebration. The “Orange Revolution” may be a case of democratic contagion, albeit one that was 13 years late. One might argue that the “idea” of Europe played a crucial role in motivating Ukrainians to act for democracy, not just in an abstract way but also in the fact that Europe was expanding and they did not want it to end at the Polish–Ukrainian border. Credit can be given as well to notions of convergence, as many of the protestors, especially the student core of the *Pora* movement, had benefited from contact with European colleagues, especially *Otpor* in Serbia.¹⁴ Acceptance of democratic, “European” norms, fostered in part through diffuse socialization, as well as EU flags, were clearly on display in *Maidan Nezalezhnosti* and elsewhere in Ukraine. It is no coincidence that Viktor Yushchenko would announce that the world has seen a “genuinely different Ukraine ... a noble European nation, one that embraces genuine democratic values” (Yushchenko, 2004).

Obviously, one can consider the election of Yushchenko a “victory” for Europe—not only because he will preside over a more pro-European foreign policy

¹⁴ One allegation was that *Pora* was financed by the CIA. If true, this may also qualify as a “transnational network,” albeit not the type usually conceived by theorists of democratization.

than his erstwhile opponent, but also because his elevation to the presidency is a vindication of sorts to European diplomacy, norms, and the sheer attractive pull of the EU. However, the larger issue—Ukraine’s place in Europe—is far from settled.

Many in Ukraine believe the time is ripe to offer Ukraine prospective membership in the EU. After all, if Turkey can qualify as a European country, they ask, why not Ukraine? If the EU is serious about partnership with Ukraine, why leave it outside the membership queue? After the momentous events at the end of 2004, many would assert that the refusal of the EU to reconsider membership for Ukraine and at least open the door to prospective membership would be a slap in the face to the millions of Ukrainians inspired by the values of Europe.

Indeed, it is a bit ironic that, given results in 2004 that far exceeded outside expectations, the debate on EU membership for Ukraine may move nowhere. Yes, Kuchma is gone, but, one could add, Ukraine is still far from meeting EU criteria: average monthly income is under \$100; life expectancy of a Ukrainian male born today is 62 years; it is a conduit for drugs and illegal arms shipments; women destined for involuntary servitude are a big export; and the cost of modernizing its economy would be staggering. Tony Judt, recognizing that “This [Ukraine] is Europe,” quickly adds, “Nonetheless, Ukraine is not part of the European Union, and it is not going to be” (Judt, 2004). Even before the crisis was finally resolved, EU officials were backing away from any pledge to put membership on the table, suggesting that “Membership is not our only resource.” (*Wall Street Journal*, 2004). Part of European reticence can be explained by enlargement fatigue and that the EU already has Turkish accession on its agenda. Moreover, Yushchenko will have much to do to unite the country and to root out the corruption that was endemic during the Kuchma years. His success is far from assured. Ukraine is also a big, relatively poor country, and its historical ties to Moscow may also make Brussels reluctant to offer it membership. Many of these issues, of course, are unaffected by the “Orange Revolution.” Timothy Garton Ash suggests that there is a rather ugly subtext to some European reservations and even criticism of developments in Kyiv: “Why won’t all these bloody, semi-barbarian, East Europeans leave us alone, to go on living happily ever after in our right, tight, little West European [or merely British] paradise?” (Ash, 2004).

Obviously, Ukrainian membership would have costs, and, coupled with possible Turkish accession in the coming decade, one might fairly conclude that the bold vision of an “ever closer union” of European states would be jeopardized by including more countries. Of course, this did not prevent the 2004 expansion, and one could argue that if Europe’s core identity is evolving into a “rights-based” community with universalistic appeal, then expansion to all geographically qualified candidates is required (Sjursen, 2002). Even granting the probable costs of expansion, however, one should add that Ukrainians are not asking for membership today—only the admission that Ukraine could be eligible for membership and will be treated like an aspiring member Turkey, Croatia, not Morocco or Algeria.

From the perspective of democratization and reform in Ukraine, such a development should be welcomed. First, the *status quo* is untenable. This was true before November 2004 and is even truer today. European officials cannot come to

Kyiv repeating the same messages on human and civil rights, democracy, European values, and economic reform without offering Ukrainians something substantial. True, the EU can help Ukraine gain WTO membership, declare Ukraine a market economy (thus removing some trade barriers), and conclude an Association Agreement. However, expectations in Kyiv are much higher—anything less than the prospect of membership, which has been granted to Turkey, would be a disappointment. Second, Europe must recognize the changes ushered in by the 2004 elections. If, in the summer of 2004 at the EU–Ukraine Summit, observers could speak of a “clash of civilizations” between the two sides and that Ukrainian integration into EU structures was at a “dead end” (Kuzio, 2004), the EU must do something substantial to acknowledge the new situation and revive the integration process. Third, and most importantly, one must recognize that the success of democratization in Ukraine is far from assured. Parliamentary elections in 2006 will be important, all the more so in light of constitutional changes, and the expectations on Yushchenko and his allies are high. The country is very divided, and many Yanukovych voters believe their candidate was robbed of victory. Yushchenko must tread carefully and will face strong opposition, and outside support will be crucial, particularly on economic and legal reforms. As in other cases in Southern and Eastern Europe, the impetus for reform and change must come from within, but the EU can play an important role acting as a guardrail to insure that the reforms stay on track (Kubicek, 2003a). The fact that the EU Parliament voted 467–19 in January 2005 to give Ukraine a “clear, European perspective, possibly leading to EU membership” is a good first start, although the European Commission and Council of Ministers have to date been reluctant to make any similar statement.

This is where conditionality comes into play, a strategy that has worked elsewhere but has not been employed with respect to Ukraine. True, circumstances were hardly auspicious with Kuchma, but, under Yushchenko, presumably one has a leader with whom Europe “can do business.” “Declarative Europeanization” was a constant in Ukrainian policy for nearly a decade, and now there is a new elite that promises to make Europeanization a reality. In order for Yushchenko and company to be successful, Europe must help. Conditionality, in addition to providing a benchmark for reforms, offers the prospects of substantial rewards for embarking on a program that will be lengthy and difficult. To prevent backsliding, it is important that the EU—through use of conditionality—support reform efforts and offer tangible, material inducement for change.

At present, one witnesses a profound and rather disturbing paradox. On the one hand, the prospect of joining the EU has proven to be one of the most effective tools in persuading regimes to change institutions, laws, and even, perhaps, values. One has seen “reluctant democratizers” in Latvia, Slovakia, Romania, Croatia, and Turkey accede to EU demands if the stakes were high enough, which, typically, meant membership in the EU itself (Kubicek, 2003a). The change of leadership in Ukraine fits into the mold of these earlier cases. In other words, a regime that truly was “hopeless” and impervious to persuasion and blandishments is gone, and expectations of the new regime are quite, perhaps unrealistically, high. It will need help and incentives, ones that are easily understood and visible to voters. Yet, there

are concerns that Ukraine will “lapse back into being a faraway country of which they [Westerners] know little” (*The Economist*, 2005). Perhaps it would be too much to hope for that Europe would immediately open the door to Ukraine when, for instance, it took several iterations to do the same for Turkey. In the midst of the “Orange Revolution,” the European Commission stressed that membership was not to be on the agenda for Ukraine.

However, the EU needs to recognize that Yushchenko’s victory is less the ending and more the beginning for democratization in Ukraine. While Europe can congratulate itself on the outcome to date, the “hour of Europe” is not over. Europe has strong cards to play to help further democracy in Ukraine. It largely neglected Ukraine before. As recent events demonstrate, this is a country that Europe can neglect and exclude only at its own risk.

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