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The formal rapprochement of Ukraine to the European Union started in 1994. The Partnership and Cooperation Agreement (PCA) was signed\(^1\), which took effect only on 01.03.1998 due to the long process of the ratification by the EU Member States. On the eve of the occasion, it was declared by the Ukrainian side that “the perspective goal of Ukrainian foreign policy is the membership in the European Communities...” These words matched fully with the earlier expressed national strategic goal “to assure integration of Ukraine into the European political, economic, legal space in order to acquire the membership in the European Union”\(^2\). Initially the goal was announced in the Resolution of the Verkhovna Rada (Parliament) of Ukraine “On the main directions of the external policy of Ukraine” as early as July 1993. Moreover, the first ever tentative announcement of being interested in joining the future EU could be found in the para X (International relations) of the Declaration on State sovereignty of Ukraine\(^3\), a year before the Independence of Ukraine.

Still, Ukraine is not a member neither a candidate to the EU, and the Association Agreement signed in June 2014 does not include any hints or provisions of the possibility. Few took notice of a vague formula pronounced at the ceremony by the President of the European Commission J. M. Barroso “We are well aware of our partners' aspirations to go further; and we acknowledge their European choice. As we have stated before, these agreements do not constitute the endpoint of the EU's cooperation with its partners. Quite the opposite. Signing these Association Agreements with Deep and Comprehensive Free Trade Areas should not be seen as the end of the road, but as the beginning of a journey on which the European Union and these three partner countries are embarking together today.”\(^4\) Answering him from the Ukrainian side President P. Poroshenko did go much further. “During today’s signing ceremony I’d like to make a unilateral statement — when signing the Agreement on Association with the EU

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\(^1\) Partnership And Co-Operation Agreement Between The European Communities And Their Member States, And Ukraine, 1994 http://trade.ec.europa.eu/doclib/docs/2003/october/tradoc_111612.pdf

\(^2\) Закон України «Про засади внутрішньої і зовнішньої політики» (Відомості Верховної Ради України (ВВР), 2010, № 40, ст.527) http://zakon5.rada.gov.ua/laws/show/2411-17

\(^3\) Декларація про державний суверенітет України / Верховна Рада УРСР, Декларація від 16.07.1990 № 55-XII.

\(^4\) Three partners meant Georgia, Moldova, Ukraine.
Ukraine, as a European Nation, sharing the same values as a rule of law and freedom, stressing on the future membership of Ukraine in the EU. The Association Agreement is but a tool to prepare us for the future accession”.

Why is it that 25 years after declaring the goal, Ukraine remains at the same starting point of a neighbour? Why even in 2014, after the annexation of Crimea and Russian aggression in Donbas the most “pro-Ukrainian” ever commissioner Stefan Füle had to announce dryly that the “Association Agreement is an agreement about reforms. It is a proposal of the way, how the EU partners can get closer to the EU and become a part of the EU in an economic sense — after implementing a considerable part of the EU’s know-how”. What are the reasons for the EU frigidity towards Ukraine if not repulsion?

Many answers have been given and many have been extensive. The simple one would be as follows: Ukraine never applied to the EU. Some Ukrainians say they could submit a formal application, but it would be rejected according to the Copenhagen criteria of 1993 (we come to this subject below), and they knew that. That is why the Ukrainian case was not on the table of the historic December 1997 European Council in Luxembourg, which adopted the main lines of the Central Eastern Europe + Cyprus enlargement. Still the answer is not fully fair. The real problem was to take a bold decision and to convert it into a policy, in spite of the rejections. Neither Bulgaria nor Romania were officially subjects of the December 1997 Council, and their fate was decided two years later in Helsinki. Similarly, Ukraine could study properly the Luxembourg documents and then prepare papers and speed up reforms. Wasn’t the second EU-Ukraine Summit of 1998 in Vienna a step in the right direction and why didn’t it grow into a firm walk? Could Ukraine try to convert its PCA into a “European Association Agreement” or at least “Stabilization & Association Agreement”?

We are neither willing to contest others’ conclusions nor comment on the details. Instead, we are pointing at the time-factors and personal factors, which contributed to the non-success story of the EU-UA relations. The study will be limited by the first two Ukrainian presidencies period and the executive branch only. Within this time limit the negative internal developments in Ukraine, as it will be shown, coincided with the periods of the EU’s concentration on non-Ukrainian issues, while the pro-Ukrainian tendencies in the EU institutions had been ruined by Ukrainian political strife and so on. A look at the history of the bilateral relations through this optic may help to avoid mistakes in the future.

In spite of the formal success of installing contractual relations with the united Europe, the PCA was quite a shallow document. There was no vision of Ukraine as a part of the future Union in it. There were no such important words to Ukraine as “association” in the sense of the commitments given to the Central and Eastern Europe states — today’s EU Members, or “candidacy”, “membership prerequisites” and so on. The PCA was a framework document and its only excellence was being the first ever PCA with the post-Soviet country, save the Baltic ones.

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5 Füle: Bulgaria and Romania’s accession questioned the credibility of EU enlargement, 26 June 2014

6 Luxembourg European Council 12 And 13 December 1997 Presidency Conclusions
The very fact of negotiating and signing of the PCA did not sound loudly in the Ukrainian media and the nascent civil society. The citizens had been preparing for the early presidential election in a less than a month time, in July 1994. A former secretary of the Central Committee of the Communist Party of Ukraine and a member of its Politburo President Leonid Kravchuk lost the elections to Leonid Kuchma, a former secretary of the Communist party committee of the world’s biggest rocket-building plant. Mentioning the Party ranks is intentional. The same intention concerns the biographies of other actors of a 25-years long story of EU-Ukrainian relations. The personal factor plays a sizeable role in the relations between the EU and post-Soviet countries, comparing to those between the states of the Central and Eastern Europe, or Baltic, where institutions damped personal grievances.

Due to the absence of “de-communisation” process in Ukraine similar to the one in the Baltic States in 1991-1994, the post-Soviet mentality and oligarchic capitalism took effect. The active civil society, which embodied the movement to the independence initially through the political party “People’s Movement of Ukraine” (the” Ruh”) and large layers of citizens supporting it, viewed the EU implicitly as a guarantee of their well-being, stability and, sic!, justice and wanted to join the European Community. The Ukrainian authorities felt perfectly well the pressure of electorate and the pro-European slogans were, as it would be in the future, an inalienable part of their rhetoric, independently of the real state of play. President L. Kravchuk, representing Ukrainian side in the PCA, paid special attention to the topic of the European choice in his campaign for 1994 elections, representing himself as a guarantor of the European future of Ukraine vis-à-vis the “red director and old guard chap” L. Kuchma, who was campaigning under the banners of “restoring ties with Russia”.

The public polls in 1992-1998 demonstrated a steady growth of support for the integration by all groups of the population, varying from 28 to 39%. It will be relevant to stress that both presidents were exploiting the EU integration topic in their political activity. One shouldn’t go as far as to simplify Ukrainian politics of the time as an activity of the presidents and their cronies only. Other actors manifested themselves in the European discourse as well. Those were Parliaments, Governments, including the foreign ministers, and the party structures. Starting from 1986-87 there had always been the so-called pro-European tune in the Ukrainian civil society coupled with the anti-Chornobyl protest activity. The tune presented itself through its convergence towards NATO and rapprochement/accession to the EU. The tune has never matured into a single ideologically motivated political party but its slogans were borrowed later by different parties and political projects.

7 Although the Single European Act, which designed the prospects of the European Integration took effect on 01.07.1987, the Maastricht Treaty enabling the European Union as such was signed in February 1992 and became valid by the end of 1993 only. The membership consisted of 12 States compared to today’s 28.

8 One good example would be the “Our Ukraine” opposition party founded on 26.07.2001 as the basis of the opposition “Viktor Yuschenko Block Nasha Ukraina”, which documents proclaimed European integration to be the national goal. Just at that time, the party of power under V. Pustovoitenko “For the single Ukraine” preached for the same goal.
After the first tumultuous Ukrainian Presidency (Leonid Kravchuk, 1991-1994), a more organized and strong Presidency of Leonid Kuchma (1994-2004) was, at the beginning, interpreted in the EU institutions and Member States as a window of opportunity to close the gap between Ukrainian and the European societies, economies, and legislations. It didn’t happen as a result of the deviation of the Ukrainian government from the policy of democratic transformation, return to the post-Soviet practices of cronism, paternalism, and creeping “oligarchization” of the national economy. Hasty and sometimes controversial decisions to “activate” the integration process did not mask the obvious degradation of the rule of law and market economy standards in the country. The deviation cost a lot to Ukraine: Brussels dropped the idea to discuss a possibility of its inclusion to the Bulgaria-Romania accession package of 2002-2007 and brought the country into the European Neighbourhood Policy group together with the Mediterranean Arab States, Belarus and Moldova. In that sense, it would be possible to designate the period of 1991-1998 as a romantic negligence by Ukraine of the nascent European Union and lost opportunities to join the first wave of the Eastern Enlargement.

After coming to power in 1994 and designating a new foreign minister, not only did president L.Kuchma fully embrace the European speeches of the predecessor but he was able, during the first tenure, to use EU and NATO interest towards Ukraine for the sake of modernizing the system of state power (Constitution), beefing up the economy and finance (national currency) and strengthening national security. The new foreign minister H. Udovenko was building steadily the basis for the diplomatic service of Ukraine, cemented the role of the MFA as the centre for formulating foreign policy and managing international relations, gained incredible influence in the countries of Central-Eastern Europe, especially Poland, where he used to be an ambassador, as well as in the Baltics, on the Caucasus, the Balkans and the Middle East. Deputy Minister B.Tarasiuk was responsible for and served as a true engine of the European and Euro-Atlantic integration, to build on during his first tenure as a foreign minister (1998-2000).

Within this period, another visible pro-integration act happened with founding in October 1997 a special international political format, soon to become the “Organization for Democracy and Economic Development – GUAM” of Georgia, Ukraine, Azerbaijan and Moldova. In the Kyiv Declaration on establishing the “ODED – GUAM” in 2006 it was said that their cooperation was founded on the “common aspiration to expedite advancement toward European integration”, and that in their activities the GUAM States would “strive to deepen European integration and enhance relations with the European Union and NATO”.

It is important to underline that the relatively warm climate of this period found reflection both in the parliamentary sphere and on the bilateral level between Ukraine and the EU member-states. Appreciation of a state of play was duly expressed in the EU-Ukraine Summit Statements, which were largely crafted by the presiding EU State. At the third

9 Ukraine at any rate was not prepared to join the EU in 2004 together with 4 CEE, 3 Baltic States and Slovenia. Still, the fact of being chasing the goal and competing with the successful neighbors would possibly allow doing it within the Black Sea Enlargement of Bulgaria and Romania.

10 Kyiv Declaration on establishment of the Organization for democracy and economic development — GUAM, 2006 http://guam-organization.org/en/node/468
Ukraine-EU Summit in 1999 several months before the presidential elections, the EU confirmed its willingness to support Ukraine in joining the WTO and proceeding with the reforms. The fourth Summit of 2000 dubbed as a “reverence diplomatique”, held in Paris, was known for the rumours about preparing the association agreement with Ukraine. The level of frankness of the parties could not have been reflected better than in two paras in the joint communiqué: “We also discussed Russia as an issue of common interest. We welcomed the expressed willingness of the new Russian leadership towards modernization and reform and underlined that it was in the interests of the EU as well as Ukraine to maintain a strong and healthy partnership with Russia based on common values, notably on the respect of human rights and fundamental freedoms” (para 20), and “We concluded that developing our strategic partnership will contribute substantially to peace, stability and economic prosperity in Europe as a whole and will help us meet our common challenges” (para 22)\(^{11,12}\).

That was the context of the Ukrainian European integration during the first seven years of independence, which looked quite hectic, not well established and, still promising. It changed for the worse a year after the re-election of the president L. Kuchma in November 1999.

One important detail is worth mentioning. At that very moment, Russian President Yeltsin resigned and gave way to the youngish President Putin. Within the EU, it was a period of active, hectic and swift institutional changes, membership growing and general restructuring. It was then when the European Economic Community transformed into the European Community (1993), the Maastricht Treaty was signed and took effect, the EU citizens received the right to vote and run for office in local and the EU Parliament elections in their country of residence regardless of national citizenship. In these very days, the basic Copenhagen criteria for the membership was adopted, representing together with the article 49 of the Lisbon treaty conditions for newcomers.

Hans van den Broek, EU Commissioner for External Relations and CEE (1993-95) was the last with overall functions\(^{13}\) and his successor Gunter Verheugen was the first EU Commissioner for Enlargement. The decision, to our mind, made a big blow to the idea of Ukrainian integration. The questions of the external relations (where the neighbours were in focus) and of the enlargement process were bureaucratically separated. Ukraine was cut out of the latter to be placed in the former for years. Minding the role and attractiveness of Ukraine, High Commissioner J. Solana applied incredible efforts to cover both issues and narrow the split. He was admitting, privately, that the geography could be amended. His good offices were ruined by the intransigence of the rivalling leaders of Ukraine, non-interference of the second commissioners and stubbornness of the third commissioners on enlargement.

It was G. Verheugen who was the first among the top EU officials to publicly admit that Ukraine could become the EU member: “European perspective for Ukraine doesn't imply membership for the next 10-20 years although it is possible”. His political background explains why


\(^{12}\) Chris Patten. https://en.wikipedia.org/wiki/Chris_Patten

\(^{13}\) Commissioner L. Brittan (195-99) and Broek’s successor was in fact European Commissioner for Trade and European Commissioner for External Affairs and cared less about the latter.
it was him, who apparently broke the ranks. An active member of the German FDP (liberals), he left the party together with many left-liberal party members and later joined the SPD (social democrats) to become the minister of State in the MFA in 1998-1999. He was an active supporter of the SPD government of Chancellor Helmut Schmidt, a proponent of the Eastern German Policy of rapprochement with the Soviet Union, German Democratic Republic and Poland.

G. Verheugen became a good interlocutor to the Ukrainian officials who trusted him. It is not accidental that in 2015 G. Verheugen was visible in installing the Agency for modernization of Ukraine, headed the European integration work stream there, concentrating on the institutional reforms recommendations aimed at the integration of Ukraine into the EU. Together with a team of professionals, G. Verheugen was engaged in the programme development for the Ukrainian economy as well as in the evaluation of the relevant amount of funding (dubbed Marshall Plan for Ukraine). One would draw from the words of G. Verheugen that the left European politicians, who were coming to the European institutions, looked more positively at the European aspirations of Ukraine than an independent genuine European power. Hence, the mechanical linkage of Ukraine’s European future with the position of Russia was implied.

The second stage of the EU-Ukraine relations started in 2000, when the oligarchic system of power was established in Ukraine. The second term of President L. Kucma developed into purging the so-called pro-European ministers and fully transferring the process of conceiving and implementing foreign policy from the MFA to the Administration of the President. The former deputy foreign minister A. Orel (1999-2000) became the deputy head of the Administration — Director General of Main Directorate for foreign policy in 2001-2005 and Secretary of the State Council on European and Euroatlantic integration (2003-2005).

The man played an unprecedented role in the decision-making at the Administration, especially taking into account his background as a student and later on a lecturer at the Military Institute of the Ministry of Defence of the USSR, than a desk officer in the International Department of the Communist Party Central Committee of the USSR, and the Counsellor at the Soviet Embassy in Rome. Under his instructions, a special presidential Decree was prepared in 2003, depriving the Ministry of Foreign Affairs of Ukraine of the right to nominate diplomats without his consent. No written document or statement could appear from the Ministry without Orel’s agreement. All pro-EU tendencies vanished and pro-NATO words disappeared, and their authors quitted.

14 The Agency for modernization of Ukraine with G. Verheugen at the banner was nothing but the artificial institution to clean the public profile of one of the biggest Ukrainian oligarchs D. Firtash living temporarily in Austria under the threat to be brought to justice by the American court for fraud and corruption. To present himself as a Ukraine’s benefactor he created the above-mentioned Agency and announced his aim to invest billions to the national economy. It is a known fact that the billions of D. Firtash were made through criminal contracts with Gazprom company of Russia. This made him wanted by the American Justice and his billions by the Ukrainian budget.

15 The role of the Institute was (and still is) to form officers for the Main Intelligence Directorate (GRU) and its functioning was depicted in details in the famous “Aquarium” novel by the Soviet author and defector Viktor Suvorov.
The “late Kuchma” or “Kuchma-2” phenomenon appeared after the presidential elections of 1999. It was a case of political corruption of the leader keeping him dependent in case of his “wrong behaviour”. It also allowed arranging ruining political scandals and making him weak and always worried of further revelations. This was exactly what happened in 2000-2003 through the Kolchuga story and Gongadze killing cases. The people of Ukraine gathered quickly around the opposition in the parliament and the two-year long action “Ukraine without Kuchma” invaded the country and the capital.

Both cases were crafted to demise Ukraine’s European and Euroatlantic efforts. As a way to bring Kuchma out of the deep political isolation his team pushed him to spur the economic relations with the Russian Federation and their “common economic space” and mend the spat with the EU by creating fake integrationist’ institutions. Thus, the State Council on European and Euroatlantic integration was installed “to coordinate the governmental bodies’ activity on the matter”. The State Council was tasked to reactivate the Strategy of the European Integration of Ukraine, started on paper already in 1999 to usher the Program of the Integration of Ukraine to the EU. As a result, no major goals were reached. The judicial reform went slowly and halted because of the political climate in the country. The economic reforms could not cross the barriers put by the oligarchs, the Anti-Monopoly agency was closing eyes to grotesque concentration of wealth and major industries in few hands. The autocratic and greedy clan of Yanukovych was looming on the horizon. The nation was heading towards the uprising called the Orange Revolution, admired in the EU member States and in Brussels and wasted in Kyiv.

Change of guards happened in Brussels, too. President J. Santer stepped down because of the corruption scandal and the Italian R. Prodi stepped in. Prodi was the Prime Minister and the leader of the Italian left party, who supported Russia concerning the EU enlargement (no invitation to post-Soviet States). The former ambassador of Ukraine in Italy A. Orel (1993-97) had access to the chancery of Prodi. It resulted in a decrease of support of the European integration as a “strategic national choice” in Ukraine. The large part of the civil society had to accept as inevitable the Brussels European geography, which excluded the post-Soviet states, except of the Baltic ones.

It was R. Prodi, who shaped the policy of enlargement of the EU for years to come, and he who declared that Ukraine and Moldova (and Israel) would never be EU members.16 When coming to power in 1999, he proposed “negotiating with them (Ukraine and Russia in particular) real association agreements which lead to joint decision-making”17. Two years later, he was stating that Ukraine or Georgia, or Moldova would never be in the club. Thus, the positions of Prodi and Verheugen were identical, in spite of some differing accents. Speaking at the joint press-conference with the then prime-minister (later President) V. Yanukovych in 2003 in Brussels, Prodi underlined the EU’s readiness to share with Ukraine “everything but institutions”. “Ukrainian membership is not on today’s EU agenda,— he said,— but the EU will do everything to be open and step up the rapprochement”. Yanukovych accepted

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16 Speech by Mr Romano Prodi, President of the European Commission on enlargement. European Parliament, Brus-


17 Ibid.
the stance. Prodi has never changed his approach towards Ukraine. He was saying in April 2013 to an American paper that the "Western interests and values are best served by engaging Ukraine as a solid European partner, as a source of economic growth and energy security, as well as a bridge to Russia", not as a member.\(^{18}\)

Ukraine was not successful with the next commissioner on enlargement O. Rehn (2004-2009) from Finland. In view of the decisions taken earlier on the admission of two countries of the South-Eastern Europe into the EU by 2007 (Bulgaria and Romania) and simultaneous preparation for the accession of Croatia and other Balkan States, the role of the commissioner was reduced to constant shepherding and corralling the group and controlling the complicated process of fulfilling the candidates promises. The commissioner literally lived in the plane and didn’t stop 24-hour negotiation rounds with the future EU members separately and jointly. Ukraine under President Kuchma had been provoking nausea and worry because of the daily scandals and political killings

The enlargement portfolio was of a big interest to the Ukrainian pro-European forces, still formally the topic of Ukraine belonged to a sphere of the Commissioner on External Relations. The man to hold the portfolio was C. Patten, one of the leaders of the conservative party, who was privately inclined to see Ukraine in the candidates group. By the efforts of R. Prodi his role was reduced to the responsibility of working on the Union’s development and co-operation programmes, as well as liaison with Javier Solana, the High Representative of the Common Foreign and Security Policy\(^ {19}\). His keen interest towards the post-Soviet States as well as his tough view on Putin’s Russia cost him the commissioner’s seat and precluded, by the efforts of Germany and France from any international carrier in the future.

The successor of C. Patten was an Austrian social-democrat B. Ferrero-Waldner, who understood from the very beginning which proposals are not welcome by certain member States. She was particularly precise in repeating time and again that Ukraine belonged to the European Neighbourhood Policy and stressed on that publicly and privately. During the early days of the presidency of V. Yuschenko she was feeling side-lined from commanding her domain of responsibility and later, when Ukraine’s image tarnished because of internal strife, she was using every opportunity to remind of the fiasco of democracy and internal reforms. She was at odds with the Ukrainian Prime Minister Y. Tymoshenko and did not approve the attention towards Ukraine by the High Representative of the Common Foreign and Security Policy Dr. J. Solana.

Both J. Solana and the President of the European Commission Jose Manuel Barroso (2004-2014) had less restrictive views on the European geography than Prodi. The reasons could have been different, but the fact is that both men came from the former dictatorship states (Spain and Portugal) having a good understanding of the problems of the post-Soviet States. It was J. Solana, who, according to the American general Wesley Clark, “on 21 January 2005 invited Ukraine’s new President Viktor Yushchenko to discuss future EU membership”.\(^ {20}\) It was Barroso, who, in his famous interview to Financial Times,\(^ {21}\) stated the following: “We were perfectly

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19 Chris Patten. https://en.wikipedia.org/wiki/Chris_Patten
The next and most controversial (so far) Ukrainian Presidency of Viktor Yanukovych began with an unexpected decision to make his first foreign visit to Brussels instead of Moscow. The visit was successful and the EU leaders made themselves ready to deal with the authoritarian but responsible partner. That was the mood at the beginning of 2010, and the designation of the English-fluent S. Liiovochkin as a head of staff and refined K. Hryschenko as a Minister of Foreign Affairs added certainty to their hopes. President Yanukovych called for a special gathering of his political party bosses and MPs to declare his decision to keep the talks on the Association Agreement and to sign it as soon as possible. The story would not be complete without mentioning that the representative of Ukraine to the EU was immediately recalled and the new one has been designated. The formally pro-integration position of Yanukovych corresponded to the appetites of the most educated western-minded groups from his party wary of the steady move of the Russian business circles to Ukraine. “Later Yanukovych”, as “later Kuchma” 13 years earlier, was stopped and reversed by the concerted Russian economic, media and political actions and by Putin personally, which led to halting the already arranged AA signing ceremony in Vilnius on November 23, 2013, and to his demise and shameful escape to Russia.

The puzzle of Ukrainian integration could not have been resolved without any of the named elements: Russia’s neutrality, Ukraine’s zeal, EU’s consent.

The Presidency of Victor Yuschenko (2005-2010) started from the highest “European” expectations both within the country and in Europe. It is worth reminding that the members of the Bundestag met the Ukrainian head of state with the oranges installed on their desks in support of the Orange revolution and the ideals of the Maidan (December 2004 — January 2005). The enthusiasm of the kind spread throughout Europe and very much alarmed the neighbouring Russian Federation with the autocratic Vladimir Putin. Due to the cunning Moscow policy and Ukrainian leaders’ selfishness, coupled with personal rivalries inside the Ukraine’s government, the NATO and the EU aspirations were shelved into the (indefinite) future.

The puzzle of Ukrainian integration could not have been resolved without any of the named elements: Russia’s neutrality, Ukraine’s zeal, EU’s consent.

The situation is different nowadays. Ukraine is largely embracing the integration and necessary reforms start, unevenly. Most of the foreign agents fled or got irrelevant.

José Manuel Barroso: ‘Not everything I did was right’ / Financial Times, 4 November 2014 http://www.ft.com/intl/cms/s/0/4624563a-640b-11e4-8ade-00144feabdc0.html#slide0
Russia is isolated and cannot stop Ukraine economically (the trade leverage practically lost), politically, and, hopefully, militarily. Big EU Member States cannot allow themselves to say “NIET” to Ukraine as before, and the EU gradually digests the Balkan enlargement, migration wave and Greek crisis. Turkey’s on the horizon only, which makes the issue of UA/MD integration opening possible. As in 1992-1993, or in 1995-1997 the fate of the European integration is in Kyiv’s hands. If the mistakes of the internal political fights are not repeated, the attempt might prove successful.

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